



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.1
Application ID: LA09/2020/1409/F	Target Date: 22 December 2020
Proposal: Retrospective change of use from work shop to veterinary surgeons office, with proposed alterations	Location: 57B Station Road Clogher
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Farm Vet Services 50 Tullybroom Road Clogher BT76 0XS	Agent Name and Address: Quinn Design And Engineering Services 36 Carrogs Road Burren Warrenpoint BT34 3PY
Executive Summary: The agent has failed to provide the requested information from DfI Roads to demonstrate this proposal complies with AMP 2 & AMP 7 in PPS 3. Failure to submit the information requested by HED has resulted in Officers being unable to determine the proposal meets the requirements of Policies BH 7, BH 8 and BH 11 in PPS 6. This has also resulted in the proposal not complying with PED 9 in PPS 4, SPPS and Policy SETT 1 in the Dungannon and South Tyrone Area Plan.	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NI Water - Single Units West	Substantive: YResponseType: FR
	NI Water - Strategic Applications	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Historic Environment Division (HED)	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

This application site is located at No 57b Station Road, Clogher. It sits within the development limits of the northern portion of Clogher village and is whiteland in the Dungannon and South Tyrone Area Plan (DSTAP). The immediate area includes a mixture of uses, there are some residential properties close by and the popular Clogher Mart which operates a weekly cattle and sheep auction is located on the opposite side of the road 100 metres to the south west.

This site sits to the east of at a higher elevation above Station Road and is occupied by a stone building which is single story with metal sheeting roof. The front elevation which is north west facing has a canopy over the 3 window openings. The central window is small and arched with a red brick surround which contrasts from the natural stone facades. The same type of window is also located on each gable of the building. The rear of the building has 2 large, glazed openings which have grills over them. These are accessed by a double-sided ramp with a large red canopy overhang.

This building and the wider site was constructed as part of the Clogher Valley Railway Station which operated from 1887-1942 and it is of architectural and historical importance, originally being utilised to store railway goods. It is offered protection due to its status as a Grade B2 Listed Building. A small, grassed bank sits between this building and the road which defines the western boundary. The northern boundary of the site is a close board fence and a large wall with a gate connecting the two which allows access to the yard area beyond. A number of small out buildings sit outside of the north eastern boundary. No 47 which is a red brick building also known as the Clogher Railway Station House sits to the south of the site and is a Grade B2 listed building also. The southern boundary is black metal railing which continues to the roadside.

Planning History

Application M/2013/0264/F was granted planning permission for alterations and improvements to the listed railway house at No 47 Station Road, Clogher in July 2013. Listed Building Consent was also granted under application M/2013/0008/LBC. Application LA09/2021/0008/LBC for the change of use from work shop to veterinary surgeon's office includes the building subject of this application and will be determined concurrently.

Description of Proposal

This application seeks retrospective full planning permission for works which entails for the change of use to work shop to veterinary surgeon's office at No 57B Station Road, Clogher.

It proposes a number of elements externally;

- Replace the 3 small arched windows with new hardwood sliding sash windows painted white.
- Replace all remaining larger windows and doors with hardwood windows
- Install ventilation grills in the upper gables of the building walls

- Provide new steps, ramps and hand rails.

Internally the mezzanine floor is to be removed and some reconfiguration to provide for a sales counter.

Access to the inside of the property was not gained at the time of the site inspection to see if any changes have occurred. However, a notice on the door displayed the applicant's opening hours of 9 - 5 Monday to Saturday. This confirms the applicant currently utilises the building for the use this proposal is assessing and the agent was asked to amend the description of the proposal to include this retrospective element.

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 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.

Paragraph 6.12 of the SPPS states it is important that development proposals impacting upon Listed Buildings such and their settings must be assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses. It also states in Paragraph 6.13 that any development involving a change of use and or works of extension / alterations, may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired.

Policy DES 2 - Townscape in the Planning Strategy for Rural NI (PRSNI) requires development proposals in towns and villages to make a positive contribution to the townscape while being sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. Provided it is done in compliance with advice and guidance from Historic Environment Division (HED), the redevelopment of this old station building would bring back into use and revitalise a redundant building which played an important role in the history of the village.

The agent has stated the applicant provides a veterinary service which treats animals in situ which means there will be no animals coming to or from this application site. The building would be occupied during normal office hours by staff answering calls offering veterinary assistance, scheduling appointments, taking payment and selling a range of veterinary supplies. As this veterinary office is not classified as either a financial or professional service use as within Class A2, it is regarded as Class B1 (Business) use in Part B of the Use Classes Order 2015.

PPS 4 - Planning and Economic Development deals with economic development uses as defined in the Use Classes Order 2015. Policy PED 1 - Economic Development in Settlements allows for development proposals in town centres having regard to the local plan. In villages and smaller rural settlements, B1 business uses will be permitted where it can be demonstrated that the nature and design of the proposal are appropriate to the character of the settlement and it is centrally located. PPS 4 mentions restricting the floor space of such proposals to less than 200 metres squared in settlements where the population is less than 2250.

Para 6.86 in the SPPS when referring to economic development in villages and smaller settlements has replaced this quantifiable requirement with the wording "subject to meeting normal planning criteria", which takes precedence over this part of policy PED 1. Clogher would be regarded as a small settlement where the LDP will not normally zone land for economic development purposes, as this could inhibit flexibility. However, favourable consideration should be given to an economic development proposal where it is of a scale, nature and design appropriate to the character of the particular settlement. Due to the established Mart presence in the village since the 1950s, it is thought this veterinary office use would complement this while also providing a convenient and accessible service for farmers.

PED 9 - General Criteria for Economic Development states any proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

The section of the town where this site is located is slightly removed from the town centre and this is also reflected in the surrounding landuse. Although still within the settlement limits of Clogher the intervening open fields give it a rural appearance with a residential focus to the east of the site. Through discussion at Group it was concluded that this type of business, at this location opposite Clogher Market would make it convenient for both the applicant and potential customers.

(b) it does not harm the amenities of nearby residents;

I do not have any concerns regarding impacts on any residents and there were no

objections received from the neighbour notification or advertising in the local media.

(c) it does not adversely affect features of the natural or built heritage;

This change of use involves mostly internal works and a separate application seeking Listed Building Consent is being processed concurrently under LA09/2021/0008/LBC. However due to the absence of information as explained more in detail below, it has not demonstrated compliance with this criteria.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

The site is not located within any designated flood plain.

(e) it does not create a noise nuisance;

The office nature of this application is seeking to change to, by its nature should not create any noise nuisance and therefore it was not deemed necessary to consult the Environmental Health section.

(f) it is capable of dealing satisfactorily with any emission or effluent;

From the information submitted on the P1 form, this proposal states this will not change from what is currently on the site. NI Water were consulted and stated that although Clogher WWTW is operating above capacity, as it is for a change of use it is acceptable as a like for like development.

(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;

This is discussed in more detail below under the assessment for PPS 3.

(i) a movement pattern is provided that, insofar 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;

This site is along the main road network and town centre making it accessible for car users.

As the building subject of this application at No 57B Station Road, Clogher is a Grade B2 Listed Building, parts j-m of PED 9 are not really applicable due to the protection the curtilage surrounding this building is afforded by the status.

Due to the Listed Building status of the building subject of this application, a separate consent is required to undertake work to this protected buildings. This proposal has also been assessed in the application LA09/2021/0008/LBC for Listed Building Consent. Historic Environment Division - HED were consulted to assess if this development is in compliance with PPS 6 - Planning, Archaeology and the Built Heritage. Policy BH 7 - Change of Use of a Listed Building in PPS 6 states permission will normally be granted where it secures its upkeep and survival, and the character and architectural/historic interest of the building would be preserved or enhanced. Proposals should incorporate details of all intended alterations to the building and its curtilage, to demonstrate their effect on its appearance, character and setting.

Extensions or Alterations to a Listed Building are to be assessed under BH 8 where it is demonstrated;

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Policy BH 11 - Development affecting the Setting of a Listed Building says that development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

HED requested the submission of a Design and Access Statement which is a statutory requirement for any Listed Building Consent application and the agent submitted this. The Archaeology and Built Heritage section of HED having examined the information submitted were unable to give a final response on this proposal and additional information was requested as below;

- Survey of existing building including a detailed photographic survey showing all existing internal features.

- Drawings should clearly detail all

- i) Historic fabric to be retained

- ii) Historic fabric to be removed

- iii) New interventions and construction

- Indicate the position of all proposed drainage runs, SVPs, fan extraction points, M&E installations generally and the impact this has on the existing historic fabric.

- Justification and method statement for the replacement of the ground floor, including any proposals for the eradication of damp

- Detailed information on the Room Schedule - clearly identifying the extent of work to be undertaken for each element within the space (walls, joinery, ceilings etc.), highlighting its impact on the historic fabric.

- Confirmation if any work is proposed to the historic canopies.

- Show all existing PVC rain water goods to be replaced with aluminium or cast iron.

- HED note the proposed insertion of ventilation grilles on the gables and request that other options (locations) be explored for this.

- HED caution against dry lining of traditional walls, as this has associated risks in connection with the long-term health of the solid wall and the air quality and interferes with the intended building physics of the structure. The responsibility for outcomes associated with dry lining falls to the professional consultant, who should satisfy themselves that it will not have a detrimental effect

Amended drawings were submitted and HED were reconsulted. They commented that not all the information requested was received and they had been in direct contact with the agent providing clarification on what exactly was required as part of this application. They advised against a Vapour Barrier being installed across the entire face of the walls.

HED sent information to the agent regarding rising damp and energy efficiency in historic buildings and information was requested as below;

1. Information on how you will detail the dry lining and floor insulation we would not recommend excavating the floor like you would in a new building.
2. Information on the material of the handrail, this should be in keeping with the listed building, painted metal or stainless steel.
3. The ventilation grilles should also be metal - number of grilles reduced to 1 or 2 these should be located so as to not interfere with the brick detail on the existing gable.
4. The rainwater pipes and gutters to be aluminium.
5. We would recommend leaving the existing ramp to minimise disruption to existing historic fabric.
6. All new doors and windows to be timber like for like replacements.

The agent has failed to provide the requested information following several requests and reminders. Therefore, HED having considered the impacts of the proposal on the building and on the basis of the information provided, advises that it has incomplete information which does not allow a substantive response that the proposals may have an adverse impact, subject to requested information being provided. As it has not been demonstrated this proposal would not have a detrimental impact on this Listed Building or its setting, it fails to comply with the provisions of PPS 6.

The agent on the P1 form has indicated this proposal is to utilise an existing access to the public road. Policy AMP 2 in PPS 3 - Access, Movement and Parking, allows access onto public roads where it will not prejudice road safety or significantly inconvenience traffic flow. Policy AMP 7 requires proposals to provide adequate provision for car parking and appropriate servicing arrangements while not prejudicing road safety or significantly inconveniencing traffic flow.

DfI Roads were consulted and requested amended drawings showing visibility splays of 2/2.4 metres by 70 metres and a 70 metre Forward Sight Distance. They also noted that parking must be detailed on the drawings as per Parking Standards. The agent contested DfI Roads' response saying they had failed to take into consideration the Supporting Statement and requested they looked at the proposal again.

DfI Roads then reiterated their request for the splays as mentioned above in the interests of road safety. They have also said that PPS 3 does allow flexibility for parking in a number of instances such as to assist in the conservation of the built or natural heritage, to aid rural regeneration, facilitate a better quality of development or beneficial re-use of an existing building and would only be permitted in exceptional circumstances. DfI Roads do state that parking on this site could be assessed as an office building, but as road safety takes priority, the applicant must detail a reduced parking scheme from what has been detailed in Question 25 of the P1 form.

The agent was requested on a number of times to address this issue, however no amended information was submitted. Officers are not convinced this proposal is an exceptional circumstance and feel this application fails to comply with the policy provisions of PPS 3, potentially jeopardising road safety on this stretch of Station Road.

As the site is within the settlement limits of Clogher as defined in the above plan, Policy SETT 1 must be met also. DSTAP identifies railway features in particular as being of interest which add to the distinctiveness of their localities and must be protected them as an important part of an areas industrial heritage.

As has been assessed above, there are some concerns regarding design elements and

the use of materials in this proposal. As the building has Listed Building status it is afforded protection, however it has not been demonstrated there is no significant conflict with recognized conservation interests, nor that satisfactory arrangements are provided for access and parking. Therefore, this proposal fails to comply with SETT 1 in the Dungannon and South Tyrone Area Plan.

In line with the Council's statutory duty, 2 neighbouring residents were notified about this application and it was advertised in the local press. There were no objections to this proposal.

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.

Summary of Recommendation:

Refuse is recommended

The agent has failed to provide the requested information from DfI Roads and therefore it has not been demonstrated that the access onto Station Road would not prejudice road safety, thereby failing to achieve the requirements of AMP 2 in PPS 3. It has not been demonstrated that appropriate car parking and service arrangements are provided on this site as required by AMP 7 in PPS3. Failure to submit the information requested by HED has resulted in a failure to confirm if the proposal is in compliance with the provisions of PPS 6, therefore it fails to meet these requirements, specifically of Policies BH 7, BH 8 and BH 11.

This proposal also fails to meet the requirements in Policy SETT 1 in the Dungannon and South Tyrone Area Plan as assessed above.

It is worth noting the application for Listed Building Consent for this proposal is also being presented to Member of the Committee with a recommendation to refuse.

Refusal Reasons

Reason 1

The proposal is contrary to Policy AMP 2 in PPS 3- Access, Movement and Parking in that insufficient information has been provided to demonstrate that the access onto Station Road will not prejudice road safety.

Reason 2

The proposal is contrary to Policy AMP 7 in PPS 3- Access, Movement and Parking in that insufficient information has been provided to demonstrate that appropriate car parking and service arrangements are provided.

Reason 3

The proposal is contrary to PPS 6 - Planning, Archaeology and the Built Heritage in that insufficient information has been provided to demonstrate that this proposal would not have any adverse impact on this listed building or its setting.

Reason 4

The proposal is contrary to Policy PED 9 Part c in PPS 4 - Planning and Economic Development in that insufficient information has been provided to demonstrate that this proposal does not adversely affect features of built heritage.

Reason 5

The proposal is contrary to Policy PED 9 Part h in PPS 4 - Planning and Economic Development in that insufficient information has been provided to demonstrate that adequate access arrangements, parking and manoeuvring areas are provided within this proposal.

Reason 6

The proposal is contrary to SETT 1 in Dungannon and South Tyrone Area Plan in that it has failed to demonstrate it there is no significant conflict with recognised conservation interests and there are satisfactory arrangements for access and parking.

Case Officer: Cathy Hughes

Date: 19 November 2024

ANNEX	
Date Valid	27 October 2020
Date First Advertised	3 December 2020
Date Last Advertised	1 December 2020
Details of Neighbour Notification (all addresses) The Owner / Occupier 57A Station Road, Clogher, Tyrone, BT76 0AQ The Owner / Occupier 47 Station Road Clogher Tyrone BT76 0AQ	
Date of Last Neighbour Notification	26 January 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR NI Water - Single Units West-Substantive: YResponseType: FR NI Water - Strategic Applications-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: TBCResponseType: PR	

Drawing Numbers and Title

Proposed Elevations Plan Ref: 06 Version: Final
Existing Elevations Plan Ref: 05
Proposed Floor Plans Plan Ref: 04 Version: Final
Existing Floor Plans Plan Ref: 03
Site and Detailed Drawings Plan Ref: 02 Version: Final
Site Location Plan Plan Ref: 01 Version: Final

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.2
Application ID: LA09/2021/0008/LBC	Target Date: 1 March 2021
Proposal: Retrospective change of use from work shop to veterinary surgeons office, with proposed alterations	Location: 57B Station Road Clogher
Referral Route: Consent Refused is recommended	
Recommendation: Consent Refused	
Applicant Name and Address: Farm Vet Services 50 Tullybroom Road Clogher	Agent Name and Address: Quinn Design And Engineering Services 36 Corrags Road Burren Warrenpoint BT34 3PY
Executive Summary:	

Case Officer Report**Site Location Plan**

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	Historic Environment Division (HED)	Substantive: YResponseType: FR
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Representations:

Letters of Support	0
Letters of Objection	0
Letters Non Committal	0
Number of Support Petitions and signatures	
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Summary of Issues**Characteristics of the Site and Area**

This application site is located at No 57b Station Road, Clogher. It sits within the

development limits of the northern portion of Clogher village and is whiteland in the Dungannon and South Tyrone Area Plan (DSTAP). The immediate area includes a mixture of uses, there are some residential properties close by and the popular Clogher Mart which operates a weekly cattle and sheep auction is located on the opposite side of the road 100 metres to the south west.

This site sits to the east of at a higher elevation above Station Road and is occupied by a stone building which is single story with metal sheeting roof. The front elevation which is north west facing has a canopy over the 3 window openings. The central window is small and arched with a red brick surround which contrasts from the natural stone facades. The same type of window is also located on each gable of the building. The rear of the building has 2 large, glazed openings which have grills over them. These are accessed by a double-sided ramp with a large red canopy overhang.

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Description of Proposal

This application seeks Listed Building Consent for retrospective works for the change of use to work shop to veterinary surgeon's office at No 57B Station Road, Clogher. The planning permission LA09/2020/1409/F for this proposal is being assessed concurrently with this application.

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.

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As the building subject of this application at No 57B Station Road, Clogher is a Grade B2 Listed Building, Historic Environment Division - HED were consulted to assess if this development is in compliance with PPS 6 - Planning, Archaeology and the Built Heritage.

Policy BH 7 - Change of Use of a Listed Building in PPS 6 states permission will normally be granted where it secures its upkeep and survival, and the character and architectural/historic interest of the building would be preserved or enhanced. Proposals should incorporate details of all intended alterations to the building and its curtilage, to demonstrate their effect on its appearance, character and setting.

Extensions or Alterations to a Listed Building are to be assessed under BH 8 where it is demonstrated;

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

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and alignment;

(b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and

(c) the nature of the use proposed respects the character of the setting of the building.

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- Survey of existing building including a detailed photographic survey showing all existing internal features.

- Drawings should clearly detail all

- i) Historic fabric to be retained

- ii) Historic fabric to be removed

- iii) New interventions and construction

- Indicate the position of all proposed drainage runs, SVPs, fan extraction points, M&E installations generally and the impact this has on the existing historic fabric.

- Justification and method statement for the replacement of the ground floor, including any proposals for the eradication of damp

- Detailed information on the Room Schedule - clearly identifying the extent of work to be undertaken for each element within the space (walls, joinery, ceilings etc.), highlighting its impact on the historic fabric.

- Confirmation if any work is proposed to the historic canopies.

- Show all existing PVC rain water goods to be replaced with aluminium or cast iron.

- HED note the proposed insertion of ventilation grilles on the gables and request that other options (locations) be explored for this.

- HED caution against dry lining of traditional walls, as this has associated risks in connection with the long-term health of the solid wall and the air quality and interferes with the intended building physics of the structure. The responsibility for outcomes associated with dry lining falls to the professional consultant, who should satisfy themselves that it will not have a detrimental effect

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2. Information on the material of the handrail, this should be in keeping with the listed building, painted metal or stainless steel.

3. The ventilation grilles should also be metal - number of grilles reduced to 1 or 2 these should be located so as to not interfere with the brick detail on the existing gable.

4. The rainwater pipes and gutters to be aluminium.

5. We would recommend leaving the existing ramp to minimise disruption to existing historic fabric.

6. All new doors and windows to be timber like for like replacements.

Summary of Recommendation:

Consent Refused is recommended

The agent has failed to provide the requested information following several requests and reminders. Therefore, HED having considered the impacts of the proposal on the building and on the basis of the information provided, advises that it has incomplete information which does not allow a substantive response that the proposals may have an adverse impact, subject to requested information being provided. As it has not been demonstrated this proposal would not have a detrimental impact on this Listed Building or its setting, it fails to comply with the provisions of PPS 6.

Approval Conditions

Case Officer: Cathy Hughes

Date: 19 November 2024

ANNEX	
Date Valid	4 January 2021
Date First Advertised	21 January 2021
Date Last Advertised	19 January 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 57A Station Road, Clogher The Owner / Occupier 47 Station Road, Clogher	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Historic Environment Division (HED)-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: TBCResponseType: PR	

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 02

Existing Plans Plan Ref: 05

Proposed Plans Plan Ref: 04

Site Location Plan Plan Ref: 01

Levels and Cross Sections Plan Ref: 05

Notification to Department (if relevant)

Not Applicable

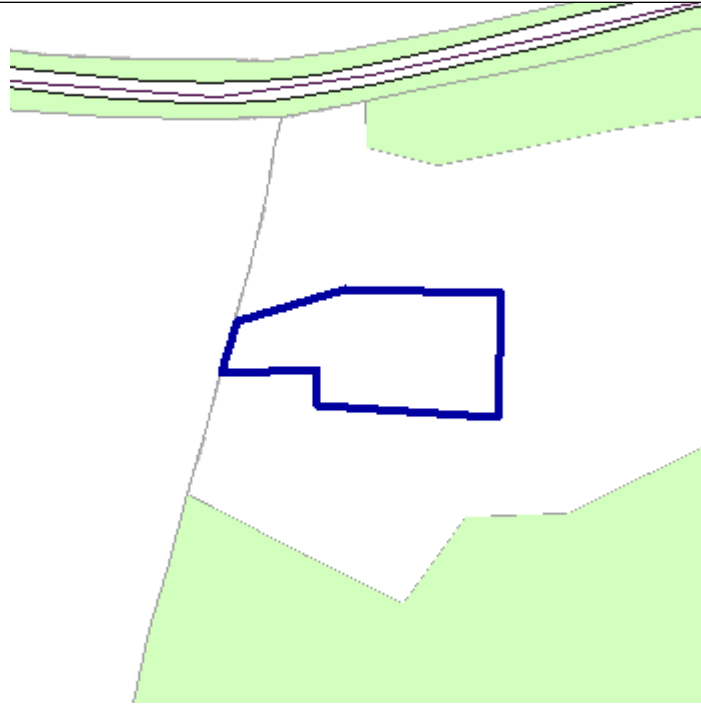


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.3
Application ID: LA09/2023/0382/F	Target Date: 17 July 2023
Proposal: Extension to Existing Yard for the Storage of Materials Associated With Existing Business	Location: 45 Craveny Road Ballygawley BT70 2LQ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Acrow Formwork 105 Eglis Road Dungannon BT70 1LB	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: This proposal is contrary to Policy CTY 1 in PPS 21 as it fails to meet the requirements of PPS 4 - Planning and Economic Development. As no lawful business use has been established on the land adjacent to this application site, it cannot apply to extend this unauthorised use, thereby failing to comply with PPS 4.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	13-06-2023.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	

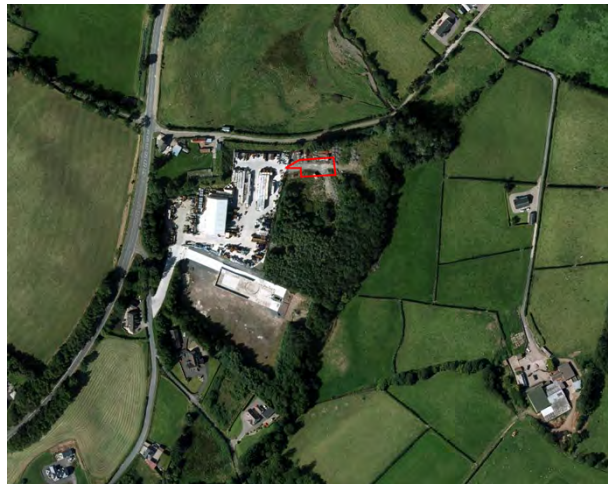
Summary of Issues

Characteristics of the Site and Area

This application site is located just off and east of the B34 Old Dungannon Road, at 45

Cravenny Road, Martray, Ballygawley. It sits less than 2 kilometres north of Ballygawley village, approximately 800 metres west of the A4 Protected Route and it is whiteland located in the rural countryside as defined in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area is mostly agricultural with single residential properties scattered throughout. Tyrone Fabrication are situated just under 1.5 km to the east of this site along the Goland Road.

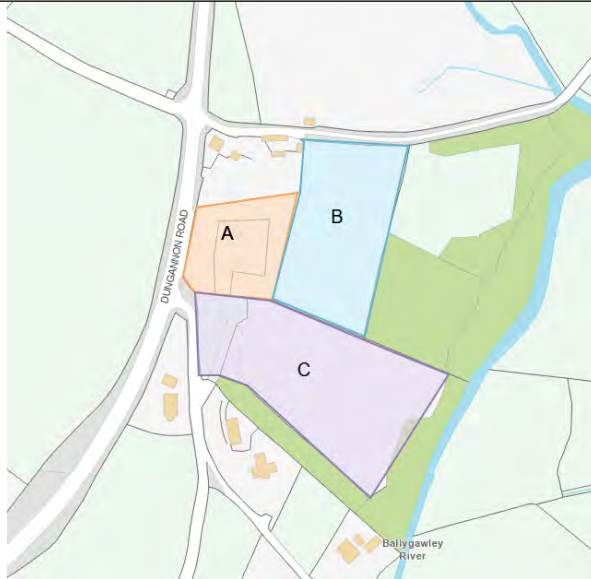
The access to this application site is gained via the yard area which surrounds the single building which sits parallel to the A4. This yard area is utilised for the external storage of steel products and the access to the wider site is close to the main road. It is a wide concreted lane which leads to the business at No 45 to the west of this application site and is shared with another development site to the east of the entrance to this business. This development site is a concreted yard area which has been cleared and developed but does not appear to be in use. The planning histories of this area are also included below.



This application site sits below the public road and its boundaries are undefined on the ground. To the east of this site is an established area of woodland. A number of steel products are also stored on land adjacent and to the north of this proposed site. At the time of the site inspection, it was noted a concreted area has already been developed which connects this application site to the existing yard area.

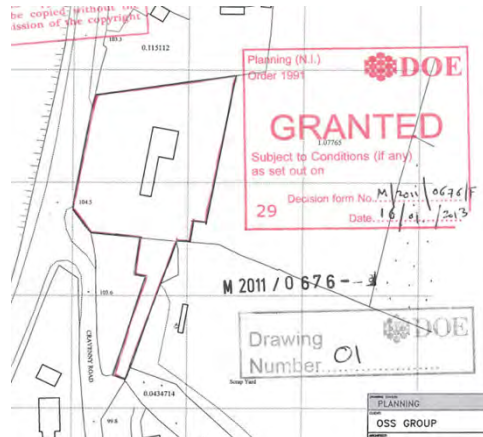
Planning History

There is an extensive planning history on the land surrounding this application site. For the purposes of this report, the area has been divided into 3 sections as below and the histories will be associated with each parcel of land to provide clarity. The applicant for this proposed development is Acrow Formwork of 105 Eglis Rd, Dungannon and the application site is small parcel of land to the east of Section B.



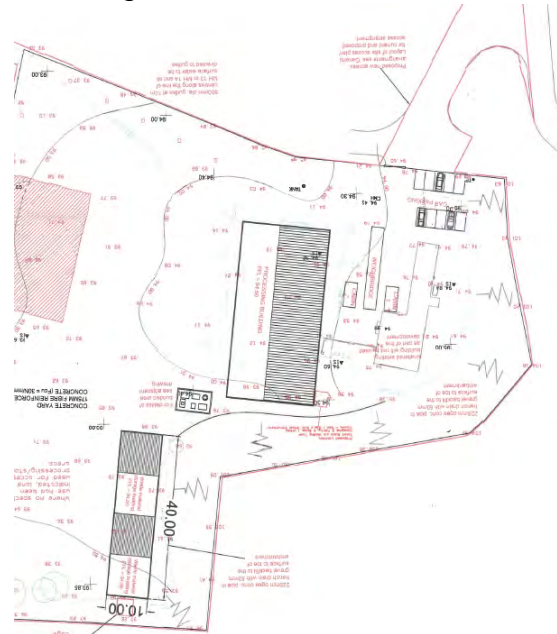
Section A

M/2011/0676/F - Development for the storage of waste oil and other garage type waste, including but not limited to vehicle fluids (brake fluid, antifreeze, etc), mixed waste fuels, oil filters, batteries, friction pads, paints, thinners, aerosols and grease containers, used rags, wipes and other absorbents - Adjacent To 45 Cravenny Road, Ballygawley - 16.01.2013 – Approval - OSS Group



Section A & B

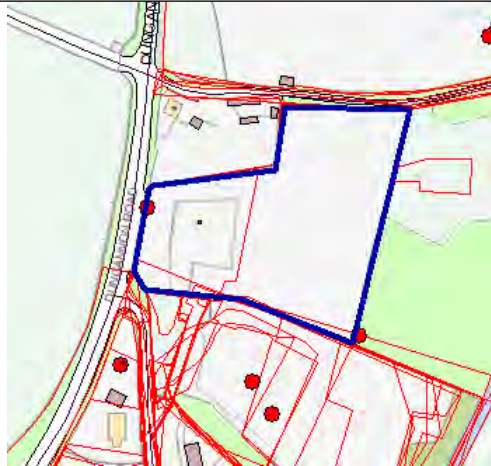
- M/2007/0547/F - Proposed development of an End-of-Life Vehicle Depollution and Authorised Treatment Facility - Land At 45 Cravenny Road, Ballygawley - 28.09.2009 – Approval - Eamon Jordan & PJ Hughes



- M/2006/1546/F - Existing scrapyards where vehicles are bulked up prior to transportation for processing off site. No Processing takes place at the facility - Land At 45 Cravenny Road, Ballygawley – Withdrawn



- M/1989/0454 - Retention of Car Dismantling Compound - 45 Cravenny Road, Martray, Ballygawley – Approval



Section C

- LA09/2021/0717/F - Proposed storage warehouse for use in association with proposed peat storage and distribution yard (currently being assessed under LA09/2020/1239/F) with associated single storey canteen, toilets, office reception area and ancillary works - 45 Cravenny Road, Ballygawley - 07.07.2022 – Approval - Harte Peat Ltd



- LA09/2020/1239/F - Change of use of enclosed yard from disused vehicular storage yard for DRD, to an area for the storage and bagging of peat - 45 Cravenny Road, Ballygawley - 07.07.2022 – Approval - Harte Peat Ltd



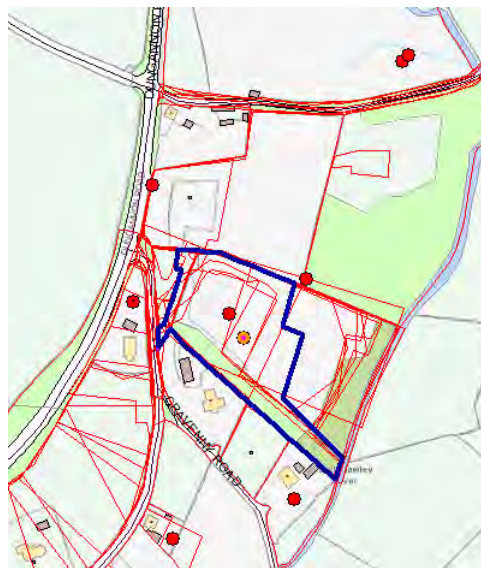
- LA09/2017/0588/F - Proposed general engineering workshop for the manufacture of quarry plant and general engineering - 45 Cravenny Road, Ballygawley - 26.11.2018 – Approval - Capital Engineering Ltd



- M/2011/0561/F - Proposed amendment to Condition No 1 of M/2010/0728/F - 45 Cravenny Road, Ballygawley - 07.12.2011 – Approval - Capitol Reinforcing (Ireland) Ltd
- M/2010/0728/F - Amendment and revision of Condition No.1 of M/2009/0971/F - 45 Cravenny Road, Ballygawley - 14.12.2010 – Approval - Capitol Reinforcing (Ireland) Ltd
- M/2009/0971/F - Proposed removal of Condition No1 of M/2007/0843/F - 45 Cravenny Road, Ballygawley - 15.04.2010 – Approval - Capitol Reinforcing (Ireland) Ltd
- M/2007/0843/F - Proposed general engineering workshop for general engineering - 45 Cravenny Road, Ballygawley - 26.02.2009 – Approval - Capitol Reinforcing (Ireland) Ltd



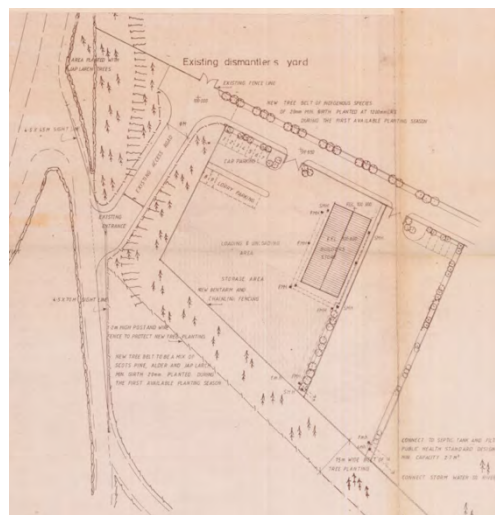
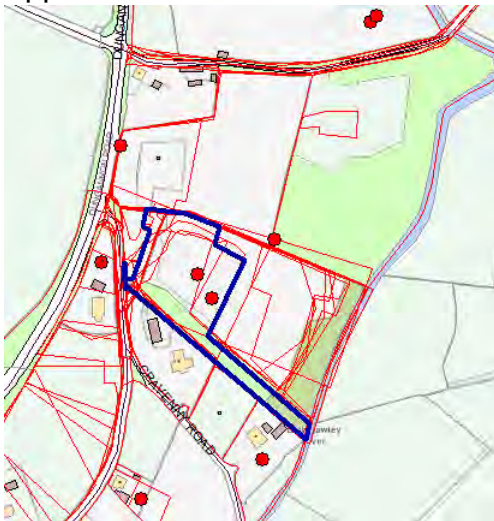
- M/2005/2248/F - Proposed light engineering workshop- Site of previously approved application -M/1994/0589/B.(Amended Plans) - 45 Cravenny Road, Ballygawley – Withdrawn



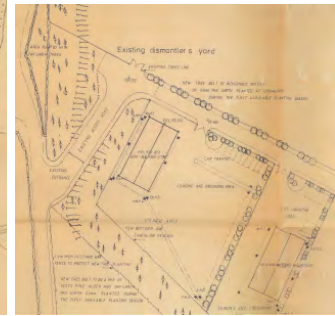
- M/2003/0472/F - Proposed light engineering workshop (amended to provide 9.8M ridge height) - 45 Cravenny Road, Martray, Ballygawley – Withdrawn



- M/2002/0202/F - Proposed Builders Store for the Storage of Builders Plant, Materials and Equipment - 45 Cravenny Road, Martray, Ballygawley - 24.07.2002 – Approval – Maurice Girvan



- M/1994/0589B - Proposed Light Engineering Workshop - 45 Cravenny Road, Martray, Ballygawley – Approval



- M/1991/0606 - Proposed store for builders plant and equipment - 45 Cravenney Road, Martray, Ballygawley – Approval



Description of Proposal

This application seeks full planning permission for an extension to Existing Yard for the Storage of Materials Associated With Existing Business at 45 Cravenney 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.

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, which in this instance is the Dungannon and South Tyrone Area Plan (DSTAP).

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 Area Plan identifies a number of sites which are zoned as being suitable for industrial business use development and these are located within the larger settlement limits. It also considers the range of existing sites and new zonings provides flexibility in choice of site for developers, and highlights there may also be potential for industrial business use development of an appropriate scale within the villages. Proposals for industrial uses on unzoned land will be assessed on their merits, having regard to published guidance and policy, particularly PPS 4 – Planning and Economic Development.

The Strategic Planning Policy Statement (SPPS) states “the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS”. Para 6.88 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 settlements must however be restricted. Exceptions to this general

principle may be justified outside a village or small settlement where there is no suitable site within the settlement. The SPPS retains the policy provisions of PPS 3 - Access, Movement and Parking, PPS 4 - Planning and Economic Development and PPS 21 – Sustainable Development in the Countryside.

Policy CTY 1 - Development in the Countryside of PPS 21 outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the 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. One type of development outlined in PPS 21 which in principle is considered acceptable in the countryside and that will contribute to the aims of sustainable development, is industry and business uses in accordance with 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

Policy PED 3 - Expansion of an Established Economic Development Use in the Countryside in PPS 4 sets out where proposals for expansion will be allowed where;

- the scale and nature of the proposal does not harm the rural character or appearance of the local area
- there is no major increase in the site area of the enterprise.

Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development. Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

A proposal for the major expansion of an existing industrial enterprise that would not

meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that:

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site, whilst also complying with the provisions of PED 9 in this Policy.

As is illustrated above in the planning history, there are many applications in and around this application site. The applicant for this proposed development is Acrow Formwork of 105 Eglish Rd, Dungannon and the site lies to the east of and adjacent to Section B as above.

This application site measures 0.07 hectares and there is no planning history on this parcel of land subject of this application. The agent has submitted this application as an “extension to an existing yard for the storage of materials associated with the existing business”. The P1 form states this proposal will utilise an unaltered access to the public road. There are 3 staff vehicles attending the site daily and 1 goods/service vehicle and there would be no expected increase in these daily vehicular movements.

The land which is within the applicant’s ownership includes Section A & B and this site area to the east also. As can be seen from the planning history, the only authorised use on the land outlined in blue and under the applicant’s control is for the storage of automotive waste granted in 2013 in Section A. This development was for the storage of waste oil and other garage type waste, including but not limited to vehicle fluids (brake fluid, antifreeze, etc), mixed waste fuels, oil filters, batteries, friction pads, paints, thinners, aerosols and grease containers, used rags, wipes and other absorbents. Prior to this on land within Section A & B, permission was granted for the retention of a Car Dismantling Compound some 30 years ago.

Permission was granted under M/2001/0676/F for an End-of-Life Vehicle Depollution facility which included a building. This permission therefore expired in September 2014. There did not appear to be any buildings constructed for a period as can be seen in the Ortho photos below.

2004

2007

2010



2013



2016



2019



2021



The most recent ortho photo taken in July 2021 shows a building has been constructed on the site. As seen in the planning history, an Enforcement Case was opened under LA09/21/0103/CA for alleged unauthorised site works at 45 Craveny Road, Ballygawley. Through the investigation of this case, Mid Ulster District Council's Building Control Department confirmed that foundations had been excavated prior to the expiration of planning permission M/2007/0547/F. This Enforcement Case was closed in March 2023 as it deemed the building which sits to the west of this application site as having been lawfully constructed as per the planning permission.

As it is only the "building" which has been considered lawful, the ongoing "use" which is currently occurring within Section A & B is not authorised. Therefore, the agent was

asked to either demonstrate the use of the business on the wider site through the submission of a Certificate of Lawful Use Development Existing (CLEUD) or to withdraw this proposal and submit another planning application to retain the existing use which is currently on the wider site and to include the extension proposed as part of that application.

The agent argued the site has been utilised for commercial activities on the site over 20 years. The ortho photographs do show there was a scrapyards use once on this site, however it appears the site was vacant and utilised for a long period from circa 2007 – 2019 thereafter. The agent mentions how the enforcement case LA09/21/0103/CA considered the development on the wider site lawful. In part this is correct in that the closure of the enforcement case confirmed the building which had been granted planning permission many years prior to its construction was deemed lawful as explained above. However, although the building may have been considered as being lawful, that does not permit the use for which it is currently used for and the associated yard area which is very different to the use which it was granted planning permission for initially.

Therefore, as there is no authorised use of the existing operations which are ongoing on the site, this unauthorised business cannot be assessed as an extension, therefore this proposal does not comply with the provisions of PPS 4, namely PED 2, PED 3 and PED 9.

Policy PED 9 General Criteria for Economic Development states any proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet a list of criteria. Although this proposal has failed to meet any other policies within PPS, it was decided to assess it against this general criteria nonetheless.

(a) it is compatible with surrounding land uses;

The parcel of land to which this application applies to is a small rectangular portion which sits to the east of an existing yard area. As discussed above, there is no authorised use on this site or the surrounding area and it would not be considered appropriate to grant an extension to an unauthorised development. Therefore it cannot be determined this proposal is compatible with surrounding land uses in this rural area.

(b) it does not harm the amenities of nearby residents;

Mid Ulster Council's Environmental Health Department (EHD) were consulted and note there are 3 nearby third-party sensitive receptors within close proximity to this application site. Subject to conditions regarding site operation and delivery hours being attached to any permission, they have no objections to this proposed development. It should be noted that in line with the Council's statutory duty, this application was advertised in the local press and there were no neighbouring properties to be notified about this

development. There were no objections received to this proposal.

However, until the existing development of the wider site is considered properly through the normal planning procedures, it cannot be determined if this proposed development would harm the amenity of nearby residents.

(c) it does not adversely affect features of the natural or built heritage;

There are no built heritage features which could be impacted by this proposal. Due to the proximity of Martray Fort to the south west of this site HED Historic Monuments were consulted. They are content due to the scale and nature of this proposed development, it is satisfactory to SPPS and PPS 6 policy requirements.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

Having utilised DfI River's online Flood Mapping Tool, it is evident this site is not located within an area subject to flooding and there should be no concerns regarding this.

(e) it does not create a noise nuisance;

Although EHD have no objections to this proposal subject to conditions, the ongoing unauthorised development on the wider site must be fully assessed and considered in terms of noise impact to establish an authorised use for which to expand, before this application can be considered fully.

(f) it is capable of dealing satisfactorily with any emission or effluent;

The agent has said on the P1 form that surface water will be disposed of via existing systems on the site and that foul sewage disposal is not applicable to this proposal.

(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;

This development proposes to utilise an existing unaltered access to the Craveny Road. DfI Roads were consulted and as there is no intensification of the existing access, DfI Roads have no objections. The parking and manoeuvring arrangements for this proposal cannot be assessed properly until they are authorised for the existing development on the wider site.

(i) a movement pattern is provided that, insofar 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;

This site is located just off the B34 old Dungannon to Ballygawley Road which makes it very accessible for vehicles. Depending on what the authorised use is on the wider site, it may not be open to the public and therefore movement patterns would not be required.

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

This proposal did not include any buildings as just a block plan was submitted showing the area to be considered. No Biodiversity Checklist was provided nor were details of how the site would be enclosed, connected to the existing development and therefore this could not be assessed.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

This application has not included any boundary treatment, however as the site is a distance from the main access with the public road, it is not thought it would have any greater impact than what is existing. However no details of any landscaping or means of enclosure were provided and therefore compliance with this criteria cannot be properly assessed.

(l) is designed to deter crime and promote personal safety;

It is in the applicant's best interests to securely enclose their site, however as explained above none of this information was provided and therefore it cannot be determined if the proposal complies with this criteria.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

No additional measures of landscaping or bunding were provided. However as stated before, the use on the wider site must be deemed lawful prior to the implementation of any measures to satisfactorily integrate this proposed extension to the business.

This application was advertised in the local press and there were no neighbours to notify, in line with the Council's statutory duty. No objections were received for this application.

An Environmental Impact Screening Determination was carried out for this proposal as it fell within 2 sections of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017;

- 10 (b) - The carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks.
- 13 (a) - Any change to or extension of development of a description listed in paragraphs 1 to 12 of this table, where that development is already authorised, executed, or in the process of being executed.

Under Regulation 12 (1) of these regulations, the Council is obliged to make a determination as to whether this application is for EIA development. Mid Ulster Council has determined that the environmental impacts of this application are thought not to be so significant as to warrant the submission of an Environmental Statement under current EIA legislation. The environmental effects of this proposal will be assessed via the Development Management process under the relevant policies, as discussed.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Refuse is recommended

Having assessed this proposed development against the relevant policies above, this proposal is presented to Committee with the recommendation to refuse as it is contrary to policies CTY 1 in PPS 21 and PPS 4.

Refusal Reasons

Reason 1

The proposal is contrary to PPS 4 - Planning and Economic Development in that there is no lawful business use established adjacent to this application site, for which it seeks to

extend.

Reason 2

The proposal is contrary to Policy CTY 1 in PPS 21- Sustainable Development in the Countryside in that it fails to comply with PPS 4.

Signature(s): Cathy Hughes

Date: 19 November 2024

ANNEX	
Date Valid	3 April 2023
Date First Advertised	17 April 2023
Date Last Advertised	17 April 2023
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/1979/0296 Proposals: PROPOSED SITES FOR OVERNIGHT CONTAINER STORAGE AND INDUSTRIAL SITES Decision: PR Decision Date: Ref: M/1989/0454 Proposals: Retention of Car Dismantling Compound Decision: PG Decision Date: Ref: M/2006/1546 Proposals: Existing scrapyard where vehicles are bulked up prior to transportation for processing off site. No Processing takes place at the facility. Decision: Decision Date: Ref: M/2007/0547/F Proposals: Proposed development of an End-of-Life Vehicle Depollution and Authorised Treatment Facility. Decision: PG Decision Date: 29-SEP-09	

Ref: LA09/2023/0382/F

Proposals: Extension to Existing Yard for the Storage of Materials Associated With Existing Business

Decision:

Decision Date:

Summary of Consultee Responses

Environmental Health Mid Ulster Council-Planning response.pdf

Historic Environment Division (HED)-

DFI Roads - Enniskillen Office-13-06-2023.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.4
Application ID: LA09/2023/0766/F	Target Date: 27 October 2023
Proposal: Variation of condition 9 (The dwelling hereby permitted shall not be occupied until the existing building coloured green on the approval plan 01/1 date stamped 18th November 2021 is demolished, all rubble and foundation have been removed) of previously approved planning LA09/2021/0185/O to Upon occupation of the new dwelling, the dwelling to be replaced, coloured green on the approval plan 01/1 date stamped 18th November 2021, shall no longer be used or adapted for purposes of human habitation and may only be used for agricultural purposes.	Location: South East of 31A Corvanaghan Road, Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Oliver McKenna 15 Corvanaghan Road Cookstown BT80 9TN	Agent Name and Address: Mr Christopher Quinn 11 Dunamore Road Cookstown BT80 9NR
Executive Summary: The current application is presented as an approval, however is being presented at Committee following receipt of an objection.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DAERA - Coleraine	Planning Consultee Response LA09-2023- 0766-F - Business id 648036.DOCX

Representations:

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

Summary of Issues

The objector's concerns are addressed below:

- *Condition was attached to make an unacceptable development acceptable, and by removing the condition it makes the development unacceptable. The fact that the condition has been attached means that without it, the proposals would have been unacceptable and therefore refused – These concerns have been*

addressed within this report. The reasons why the condition was attached have been reviewed and considered.

- *Impacts upon the amenity of the area and a cumulation of development in this rural area, and accumulation of dwellings at this site* – These concerns have been addressed within this report. The building is proposed to be retained for agricultural purposes, it will not be used as dwelling, and will not lead to the accumulation of dwellings at this site.
- *The proposed retention of the building for an alternative use would still be contrary to the reasoning behind the imposition of the condition* – These concerns have been addressed within this report. The reasons why the condition was attached have been reviewed and considered.
- *The development as proposed via the Section 54 application would result in an additional form of development in this rural area, rather than a replacement. The development is not a replacement if the building being replaced is not in fact replaced* – These concerns have been addressed within this report. The original building is to be retained for agricultural purposes and therefore will no longer be used for residential purposes. The proposed dwelling takes place of the original dwelling and therefore there is still only one dwelling.
- *The proposed development would therefore be contrary to the aims of local and regional policy and would conflict with the sustainable development patterns envisaged for the countryside* – The relevant policy tests have been considered within this report.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The site is identified as Southeast of No. 31A Corvanaghan Road, Cookstown. The red line of the site has been divided into two portions, one part covering an agricultural field which hosts the building to be replaced, and the second part covers a large portion of a neighbouring field, where the new dwelling is to be erected which was recently approved under planning application LA09/2021/0185/O. The surrounding area is rural in nature, with predominantly agricultural land uses, with scattered dwellings and their associated outbuildings. It is important to note there is a working quarry to the rear of the building being replaced.

Description of Proposal

This is a full planning application for Variation of Condition 9 of previously approved planning application LA09/2021/0185/O.

9. The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved plan 01/1 date stamped 18th October 2021 is demolished, all rubble and foundations have been removed.

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Two neighbour notification letters were issued, and one objection was received in connection with this application.

Relevant Planning History

LA09/2021/0185/O – Proposed replacement dwelling, South East Of 31A Corvanaghan Road, Cookstown. Permission Granted – 20.04.2022.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 1: General Principles

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 an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight. Transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside. Section 6.77 states that ‘proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety’.

The application is to vary one condition of the previous planning permission on the site, the previously approved condition was as follows:

9. The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved plan 01/1 date stamped 18th October 2021 is demolished, all rubble and foundations have been removed.

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

The applicant wishes to vary this condition, so the existing building can be retained for agricultural purposes. The applicant states it is currently being used in its current state as a livestock shelter. It is important to note that this building was approved as an off—site replacement dwelling under planning application LA09/2021/0185/O, as it was considered that it was initially constructed and used as a dwellinghouse. Within the case officer's report, it was stated that the building is currently being used for agricultural purposes, and it appears it was adapted to do so.

The applicant's farm details and Business ID were submitted, and DAERA were consulted and confirmed within their consultation response that the farm business ID was allocated in 2004, that the business does claim payments, and that the application site is on land for which payments are currently being claimed by the farm business. From this, officers were satisfied that the applicant was an active farmer.

Policy CTY 4 – The Conversion and Reuse of Existing Buildings allows for the for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, where this would secure its upkeep and retention if a number of criteria are met:

- (a) the building is of permanent construction;
- (b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;
- (c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;
- (d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;
- (e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;
- (f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- (g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.



Image 1 – Photograph of building

Following group discussion, officers were content that the building is of permanent construction, and the reuse of the building would not have an adverse effect on the character or appearance of the locality. Following my site visit, it is my opinion that the character of area is relatively eroded by the presence of the quarry, therefore, to retain the building will not have negative impact on visual amenity of the area. No new extension has been proposed, the building is to be retained in its current condition without adaptation. As it is proposed to retain the building for retained for agricultural purposes, it is considered this is appropriate to a countryside location and will not impact on the environment or character of the locality. I am content this application complies with Policy CTY 4 of PPS 21.

The condition to demolish the building was attached to preserve the amenity of the area and to prevent an accumulation of dwellings on the site. As previously mentioned, following my site visit, it is my opinion that the character of area is relatively eroded by the presence of the quarry, therefore, to retain the building will not have negative impact on visual amenity of the area. Also from the public road, there are very limited views of the existing building, and I do not believe the retention of this building will have a significant negative impact on the amenity of the area. The applicant wishes to retain this building in its current condition for agricultural purposes, therefore if approved it will be conditioned for this use only, and cannot be used for residential purposes, and there would not be an accumulation of dwellings on the site. For these reasons, it was considered acceptable to vary the condition

Vary to:

Upon occupation of the new dwelling approved under LA09/2021/0185/O, the existing dwelling to be replaced coloured green on the approved plan 01/1 date stamped 18th October 2021 shall no longer be used or adapted for the purposes of human habitation, but may only be used for agricultural purposes.

Reason: To prevent an accumulation of dwellings on the site.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Signature(s): Seáinín Mhic Íomhair

Date: 18 November 2024

ANNEX	
Date Valid	14 July 2023
Date First Advertised	25 July 2023
Date Last Advertised	25 July 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 27 Corvanaghan Road Cookstown Tyrone BT80 9TN The Owner / Occupier 31A Corvanaghan Road Cookstown Tyrone BT80 9TN	
Date of Last Neighbour Notification	9 September 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DAERA - Coleraine-Planning Consultee Response LA09-2023-0766-F - Business id 648036.DOCX	
Drawing Numbers and Title	
Notification to Department (if relevant)	
Not Applicable	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.5
Application ID: LA09/2023/1364/O	Target Date: 29 March 2024
Proposal: Dwelling on a farm	Location: Lands 30 Metres Northwest of 182 Gulladuff Road Bellaghy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Hugh Graham 17-19 Main Street Bellaghy BT45 8HS	Agent Name and Address: No Agent
Executive Summary: The current application for a dwelling on a farm is presented as a refusal as it fails to meet Policy CTY 1 and Policy CTY 10 of PPS 21: Sustainable Development in the Countryside. CTY 1 – This proposal fails to meet Policy CTY1 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. CTY 10 – This proposal fails to meet Policy CTY 10 as development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. CTY 10 – This proposal fails to meet Policy CTY 10 as the new building fails to visually link or site to cluster with an established group of buildings on the farm.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	DAERA - Coleraine	Planning Consultee Response LA09-2023-1364-O - business id 627468.DOCX

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as

per the Magherafelt Area Plan 2015. The site sits just over approximately 300m from Bellaghy Settlement Limit. The site is a roadside site, consisting of flat, agricultural land which is bound on all sides with existing, mature hedgerow. The surrounding area is rural in nature, with predominantly agricultural land uses, with scattered dwellings and their associated outbuildings.

Description of Proposal

This is an outline planning application for a dwelling on a farm located at lands 30m Northwest of No. 182 Gulladuff Road, Bellaghy.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Four neighbour notification letters were issued, however no representations were received in connection with this application.

Relevant Planning History

H/2010/0068/F - Proposed single storey dwelling and single garage. Oldtown Downing, Opposite 177 Gulladuff Road, Bellaghy. Permission Granted - 15.09.2010

H/2004/1454/RM - Proposed replacement dwelling. 182 Gulladuff Road, Bellaghy. Permission Granted – 20.04.2005

H/2004/1100/F - Replacement Bungalow. Adjacent To 182 Gulladuff Road, Bellaghy. Permission Granted - 19.06.2006

Planning Assessment of Policy and Other Material Considerations

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

PPS 3 – Access, Movement and Parking

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 an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight. The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). Transitional arrangements require the Council to take account of the SPPS and existing planning policy documents,

with the exception of PPS 1, 5 and 9.

PPS 21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21. In this instance the application is for a farm dwelling and as a result the development must be considered under CTY 10 of PPS 21. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

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



Image 1 – Site Location map

With regards to criteria (a), upon review of the guidance, and after consultation with DAERA, I am content that the farm business is active and established as per required by

planning policy. Within their consultation response, DAERA have confirmed that the farm business ID was allocated in 1991 and that the business does claim payments. Following a land registry check, which was carried out in order to ensure no farm approvals have been attained nor any development opportunities sold off the farm in the previous 10 years in line with criteria (b), it appears that No. 184 Gulladuff Road was sold off within the last 10 years. The land registry check indicated that the applicant owned this property from 2009 until 22nd June 2018 at which point it was then sold to a third party. Therefore, it is considered that this proposal fails criteria (b). With regards to criteria (c), the new building being visually linked or sited to cluster with an established group of buildings on the farm, during group discussion officers were of the opinion that we cannot take account of No. 184 Gulladuff Road as it is not in the ownership of the applicant and not part of the farm holding. No. 184 should not have been included within the blue line indicating that it was within the applicant's ownership. This would mean that in terms of visually linking or siting to cluster the new building would solely have to rely on No. 182 Gulladuff Road. Criteria (c) states it must link or cluster with an established *group of buildings* on the farm, therefore it fails this criteria. For the reasons outlined above, it is considered this proposal Policy CTY 10 of PPS 21.

The proposed development must also comply with policies CTY 13 and 14. This application is for outline planning permission, therefore the scale, siting and design of the proposed dwelling will not be assessed under this application, however it is considered the design should be in keeping with Building in Tradition guidance. I am of the opinion that an appropriately designed dwelling will be able to visually integrate into the surrounding landscape and will not cause detrimental harm to the rural character of the area. I am content that the associated tests of integration and character within CTY 13 and CTY 14 are met.

PPS 3: Access, Movement and Parking

DfI Roads were consulted, and their response confirmed that they had no objection, subject to conditions. I am content that the access is acceptable under PPS 3.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Reason 2

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21: Sustainable Development in the Countryside in that development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

Reason 3

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the new building fails to visually link or site to cluster with an established group of buildings on the farm.

Signature(s): Seáinín Mhic Íomhair

Date: 14 November 2024

ANNEX	
Date Valid	15 December 2023
Date First Advertised	2 January 2024
Date Last Advertised	2 January 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 184 Gulladuff Road Bellaghy Londonderry BT45 8LW The Owner / Occupier 177 Gulladuff Road Bellaghy Londonderry BT45 8LW The Owner / Occupier RNN - 180 Gulladuff Road Bellaghy Londonderry BT45 8LW The Owner / Occupier 182 Gulladuff Road Bellaghy Londonderry BT45 8LW	
Date of Last Neighbour Notification	10 January 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2004/0430/O Proposals: Site Of Dwelling & Garage Decision: Decision Date: Ref: H/2010/0068/F Proposals: Proposed single storey dwelling and single garage Decision: PG Decision Date: 20-SEP-10 Ref: H/2007/0533/O Proposals: Single Storey Dwelling and Separate Detached Garage Decision: PG Decision Date: 25-MAR-09 Ref: LA09/2023/1364/O Proposals: Dwelling on a farm Decision:	

Decision Date:

Ref: H/1978/0173

Proposals: MV O/H LINE (BM 2154)

Decision: PG

Decision Date:

Ref: H/1980/0280

Proposals: REPLACEMENT BUNGALOW

Decision: PG

Decision Date:

Ref: H/2004/1100/F

Proposals: Replacement Bungalow.

Decision: PG

Decision Date: 19-JUN-06

Ref: H/2003/0596/O

Proposals: Site of replacement dwelling.

Decision: PG

Decision Date: 10-FEB-04

Ref: H/2003/0594/O

Proposals: Site of replacement dwelling.

Decision: PG

Decision Date: 12-SEP-03

Ref: H/2004/1454/RM

Proposals: Proposed replacement dwelling.

Decision: PG

Decision Date: 21-APR-05

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

DAERA - Coleraine-Planning Consultee Response LA09-2023-1364-O - business id 627468.DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.6
Application ID: LA09/2024/0032/F	Target Date: 29 April 2024
Proposal: Proposed dog boarding kennels	Location: 16 Lisbeg Road Ballygawley BT70 2NH
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Paul Adamson 16 Lisbeg Road Ballygawley BT70 2NH	Agent Name and Address: Mr Philip Caddoo 44 Rebaghey Road Aughnacloy BT69 6EU
Executive Summary: <p>This Full application for a proposed dog boarding kennels and is being presented to committee as an exception to PED2 of PPS4.</p> <p>This proposal has been assessed under all relevant policy and guidance, that is the SPPS, the Dungannon and South Tyrone Area Plan 2010, PPS 3, PPS4, PPS6 and PPS 21. The proposal is not at conflict with any of the relevant policies.</p> <p>Policy PED2 allows for an exception to policy in exceptional circumstances. It is recognised that to accommodate dog kennels the site requires certain requirements, and the very nature of the development requires appropriate setting given the potential nuisance to neighbours, for instance noise and/or smell. Environmental Health were consulted and offered no objection subject to conditions to ensure noise is unlikely to impact on the neighbour dwelling which is located approximately 200m northeast of the site.</p> <p>In this instance given the nature of the proposal and the site specifics, approval is recommended as the application could be considered as an exceptional circumstance under PED 2.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	LA09 2024 0032 F Cover Sheet.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2024.0032.F .pdf
Statutory Consultee	Historic Environment Division (HED)	
	Environmental Health Mid Ulster Council	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Approval.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	Environmental Health Mid Ulster Council	

Representations:

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

signatures	
Number of Petitions of Objection and signatures	
Summary of Issues	
Characteristics of the Site and Area <p>The proposed site is located in the rural countryside as defined within the Dungannon and South Tyrone Area Plan 2010. The site is identified as 16 Lisbeg Road, Ballygawley where on site lies a detached storey and half dwelling with associated outbuildings. The site boundaries are defined by a mixture of wooden posts with planting and hedgerow alongside a concrete wall, the site is currently located from the Lisbeg Road. The immediate surrounding area is predominately agricultural fields with a scattering of detached dwellings and farm complexes.</p>	
Description of Proposal <p>This is a full application for proposed dog boarding kennels.</p>	
Planning Assessment of Policy and Other Material Considerations <u>Policy Consideration</u> Representations <p>No neighbouring properties were notified as there is no properties abutting the site or within 90M. A press advertisement was carried out in line with the Council's statutory duty. To date no third party representations have been received.</p> Relevant Planning History <p>M/2003/0469/O - Approx. 170 Metres North West Of 19 Lisbeg Road, Ballygawley - Proposed dwelling and domestic garage – PG 13.05.2003</p> <p>M/2003/1057/RM - Approx 170M NW Of 19 Lisbeg Road, Ballygawley - Proposed dwelling and domestic garage – PG 09.01.2004</p> <p>M/2011/0771/F - 16 Lisbeg Road, Ballygawley - Proposed sun room extension to dwelling and proposed garage with associated ground works – PG 01.03.2012</p> Planning Assessment of Policy and Other Material Considerations <p>Dungannon and South Tyrone Area Plan 2010</p> <p>SPPS - Strategic Planning Policy Statement for Northern Ireland</p> <p>Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy</p> <p>Planning Policy Statement 3 - Access, Movement and Parking</p>	

Planning Policy Statement 4- Planning and Economic Development

Planning Policy Statement 6- Planning, Archaeology and Built Heritage

Planning Policy Statement 21 - Sustainable Development in the Countryside

Dungannon and South Tyrone Area Plan 2010

Dungannon and South Tyrone Area Plan 2010 the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Mid Ulster District Council Draft Plan Strategy 2030

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Planning Policy Statement 3 – Access, Movement and Parking

Dfi Roads were consulted and responded on this application requesting the submission of amended plans, following the submission of amended plans Dfi Roads have confirmed that they have no objection to the proposal put forward subject to conditions. I consider the proposed access arrangements to be acceptable and in accordance with the provisions of PPS3.

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

Historic Environment Division were asked to provide comments as the site is located within the buffer zone of two archaeological sites and monuments (TYR060:059 - Bronze Age Roundhouse & TYR060:058 - Late Mesolithic Hut).

Historic Environment Division responded stating 'Historic Monuments has assessed the

application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. This is due to the scale and nature of the proposed development.

Planning Policy Statement 21- Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS21 provides circumstances for non-residential development in the countryside including farm diversification proposals in accordance with Policy CTY 11. Policy CTY 11 states planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The proposal site is not located on a farm and no details of a farm or forestry business have been provided. Policy CTY 1 also provides a circumstance for the reuse of an existing building for non-residential development in accordance with CTY 4. The proposal seeks planning permission for the erection of dog boarding kennels to be used for commercial purposes and does not involve the re-use of rural buildings. The proposal therefore does not comply with Policy CTY 4 or Policy CTY 11 of PPS21.

Policy CTY1 permits non-residential development in the countryside for industry and business uses in accordance with PPS4.

CTY 13 and CTY14 are also relevant to this proposal. It is considered given the siting of the proposed development set back significantly from the public road and given the existing outbuildings in place alongside the existing and proposed hedgerow, the proposal will visually integrate into the surrounding landscape. The proposed building has a maximum height of approx. 3.4 metres with typical finishes of a dog boarding facilities. The external walls will be concrete brickwork alongside prefabricated galvanised steel mesh fencing with black/dark grey uPVC windows and doors which is in keeping with the existing built form on site. I do not consider the proposed building would detrimentally change or erode the rural character of the area. Overall, I consider the proposed development is in accordance with provisions of Policy CTY 13 and CTY 14.

Planning Policy Statement 4- Planning and Economic Development

The preamble to PPS4 states that for the purposes of the PPS, economic development uses comprises those which fall within Class B1 (Business), Class B2 (Light Industrial), B3 (General industrial) and B4 (Storage or Distribution) as defined in the Planning (Use Classes) Order (Northern Ireland) 2004. The use of the land and the proposed building as dog boarding kennels does not fall within any of these use classes or other defined use classes. It is therefore a sui generis use and is not covered by PPS4. Nonetheless, the preamble of PPS4 states that the policy approach and associated guidance contained within it may be useful in assessing proposals for other sui generis employment uses.

Policy PED2 states that proposals for economic development uses in the countryside will

be permitted in accordance with the provisions of the following:

Policy PED 3: The expansion of an Established Economic Development Use– this policy is not applicable.

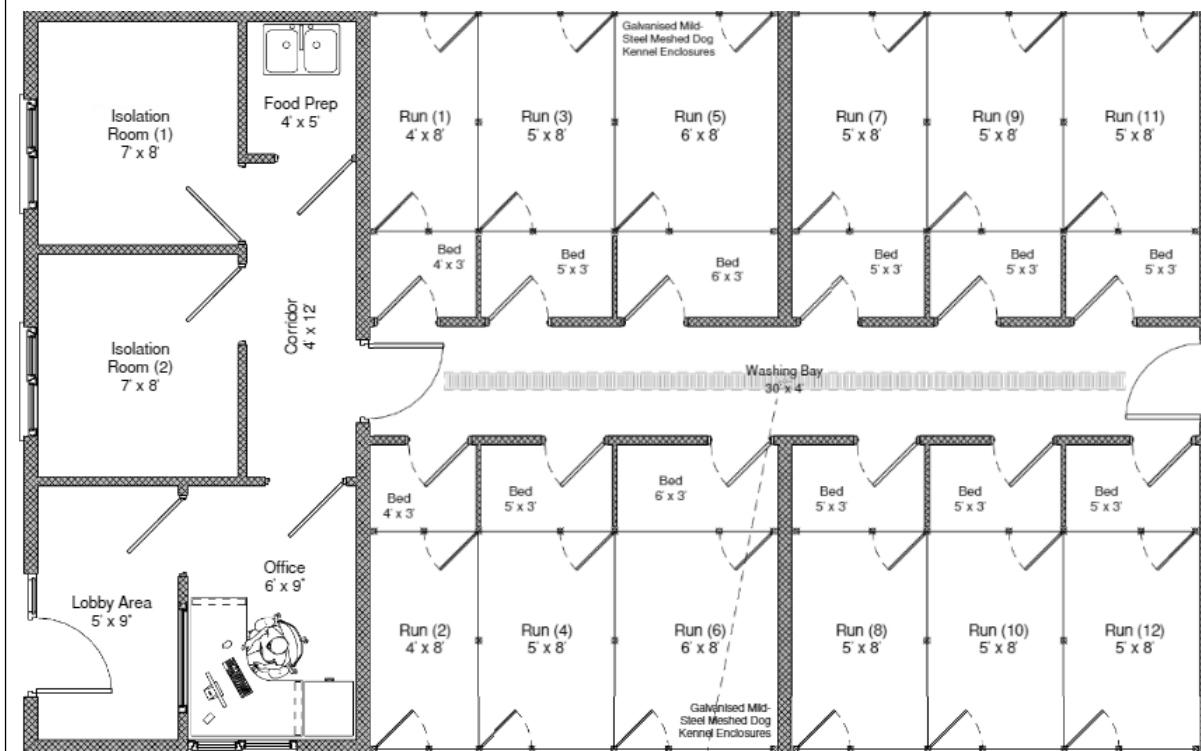
Policy PED 4: The Redevelopment of an Established Economic Development Use – this policy is not applicable.

Policy PED 5: Major Industrial Development – this policy is not applicable.

Policy PED 6: Small Rural Projects – the proposal does not comprise a community enterprise park/centre or involve a small rural industrial enterprise and is not considered to be associated with any settlement given the separation distance, therefore fails to comply with PED 6.

All other proposals for economic development in the countryside will only be permitted in **exceptional circumstances**.

The agent has provided a Design and Access Statement which details information that the applicant had previously owned and operated a similar small home-run dog business elsewhere in the province and as such is seeking this permission next to his existing dwelling in order to establish a viable home-operated small business venture. The agent has advised the proposed development has been designed to the applicants requirement based on previous experiences, the proposed development includes 12.no individual kennels, along with an office, lobby and no.2 isolation rooms as seen on drawing No. 03 below:



Policy PED 2 states that all other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

Policy PED 2 Justification & Amplification (Paragraph 5.10) states that:

“In general, new buildings for such uses in the open countryside will be strictly controlled, although it is recognised that some small-scale economic development projects may be permissible outside villages or smaller rural settlements”.

The supporting statement contends that dog kennels are present in the rural area and are the type of economic development that have become valued and relied upon services for local communities over the years. The statements goes on the say that the position of the proposed development has been carefully considered to make the most of its open surroundings with good visual and acoustic separation zoning, the scale of the developments can be integrated with the existing outbuildings and will remain clearly subsidiary to the main dwelling house. They argue given that the applicant has previous experience of operating dog kennels the location of the new building being directly adjacent to the main dwelling house will allow the operatives to be on site to deal with any issues that may arise.

Having considered the nature, scale and specifics of the development, I am of the view the proposal will cluster with an existing group of buildings, provide a modest expansion of the existing group and be of a high standard of design while facilitating development to achieve a sustainable rural economy. In my opinion this proposal is a sustainable pattern of development and as such meets all of the objectives of PPS21. As such I am of the view this proposal would be acceptable in this location as an exception under Policy PED2. I agree that the proposal may give rise to amenity issues if it were to be located in a residential area and considering that Mid Ulster Environmental Health Department were consulted on the application and provided comments in relation to noise, Environmental Health stated ‘It is noted that the proposal is located approximately 200m northeast of an existing residential dwelling. Noise is unlikely to impact on residential amenity at this distance.’ Environmental Health offered no objection to the proposal subject to conditions to ensure that noise is not an issue.

Policy PED 9 General Criteria for Economic Development outlines criteria in which proposals for economic development use will be required to meet, in addition to the other policy provisions within PPS 4.

The proposal is located to the north of the existing curtilage of No.16 Lisbeg Road within a portion of a field. The application is for a dog boarding facility which by its very nature will produce noise from dogs barking. The nearest occupied residential property, excluding the applicants property, is located 200 metres from the proposal site. As previously stated, the Environmental Health Department were consulted and have offered no objections subject to conditions. It is therefore considered there is adequate separation distance to ensure no harm to the amenities of nearby residents. No natural or built heritage interests of significance have been identified on the site or nearby in which the proposed works will affect. Given the nature of the proposal, it is not considered emissions, or effluent will be an issue. The development proposes a new

access separate to that of the existing driveway used for No.16 having considered the increase in expected vehicles as stated on the P1 form and for safe drop off and collection of animals it is not envisioned that a new access will cause a detrimental effect to the rural character of the area. DfI Roads have been consulted and have offered no objections subject to conditions. It is considered the additional vehicular traffic generated as a result of the proposed development will not significantly impact the existing road network and there is adequate space for the parking and manoeuvring of vehicles on site. It is considered the proposed works are designed to deter crime and promote personal safety. The existing boundary provides integration of the site into the landscape, and it is considered should permission be granted it is necessary to condition this vegetation is retained to ensure adequate screening from public view. Overall, it is considered the proposed development would not offend Policy PED 9.

Additional Considerations

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

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

Habitats Regulations Assessment

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The existing mature trees and vegetation along the site boundaries as shown in Drawing No. 02 Rev 01 uploaded to Mid Ulster Planning Portal on the 19th February 2024 shall be retained. No trees or vegetation shall be lopped, topped or removed without prior

consent in writing to the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given in writing at the earliest possible moment.

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

Condition 3

All landscaping comprised in the approved details of landscaping on the approved drawing No.02 Rev 01 uploaded to Mid Ulster Planning Portal on the 19th February 2024 shall be carried out in the first planting season following the occupation of the development hereby approved. Any tree, shrub or planting which may be damaged or die within 5 years of planting shall be replaced in the same position with a similar size, species and type at the time of their removal or in the next available planting season.

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

Condition 4

The vehicular access including visibility splays 2.4m x 45m in both directions and any forward sight distance shall be provided in accordance with drawing no. 02 Rev 01 uploaded on Mid Ulster Planning Portal on the 19th February 2024 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 5

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

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

Condition 6

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

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

Condition 7

The applicant shall ensure that noise levels associated with the proposal shall not exceed internal levels stipulated below at any 3rd party residential receptor;
A) not exceed 35dB dB LAeq (1 hour) at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed.

B) not exceed 30 dB LAeq at all other times measured over a five-minute period within any proposed bedrooms with the windows closed.
C) not exceed 45 dB LAMax for any single sound event between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed.

Reason: To protect amenity of nearby residential properties.

Condition 8

Within 4 weeks of a written request by the Planning Department, following receipt of a complaint, a noise survey shall be undertaken, submitted to and agreed in writing with the Council. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels associated with the proposal and demonstrate whether or not the noise limits stipulated in condition 7 are being complied with. All monitoring shall be carried out at the operator's expense. The Council shall be notified not less than 2 weeks in advance of the commencement of the noise survey.

Reason: To protect amenity of nearby residential dwellings.

Condition 9

Following completion of the noise survey and where noise monitoring demonstrates non-compliance of noise limits stipulated in condition 7 the applicant shall provide details of additional noise mitigation measures that will be incorporated into the proposal to ensure compliance with condition 7. Any remedial measures required shall be carried out to the satisfaction of the Council within 4 weeks of their approval and shall be permanently maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect amenity of nearby residential dwellings.

Signature(s): Ciara Carson

Date: 19 November 2024

ANNEX	
Date Valid	15 January 2024
Date First Advertised	29 January 2024
Date Last Advertised	29 January 2024
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/2003/0469/O Proposals: Proposed dwelling and domestic garage Decision: PG Decision Date: 19-MAY-03 Ref: LA09/2024/0032/F Proposals: Proposed dog boarding kennels Decision: Decision Date: Ref: M/2003/1057/RM Proposals: Proposed dwelling and domestic garage Decision: PG Decision Date: 09-JAN-04 Ref: M/2011/0771/F Proposals: Proposed sun room extension to dwelling and proposed garage with associated ground works Decision: PG Decision Date: 01-MAR-12	

Summary of Consultee Responses

DFI Roads - Enniskillen Office-LA09 2024 0032 F Cover Sheet.docx
Environmental Health Mid Ulster Council-LA09.2024.0032.F .pdf
Historic Environment Division (HED)-
Environmental Health Mid Ulster Council-
DFI Roads - Enniskillen Office-Roads Consultation - Approval.docx
Environmental Health Mid Ulster Council-
Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02 S/S
Proposed Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04
Site Layout or Block Plan Plan Ref: 02 REV.01

Notification to Department (if relevant)

Not Applicable



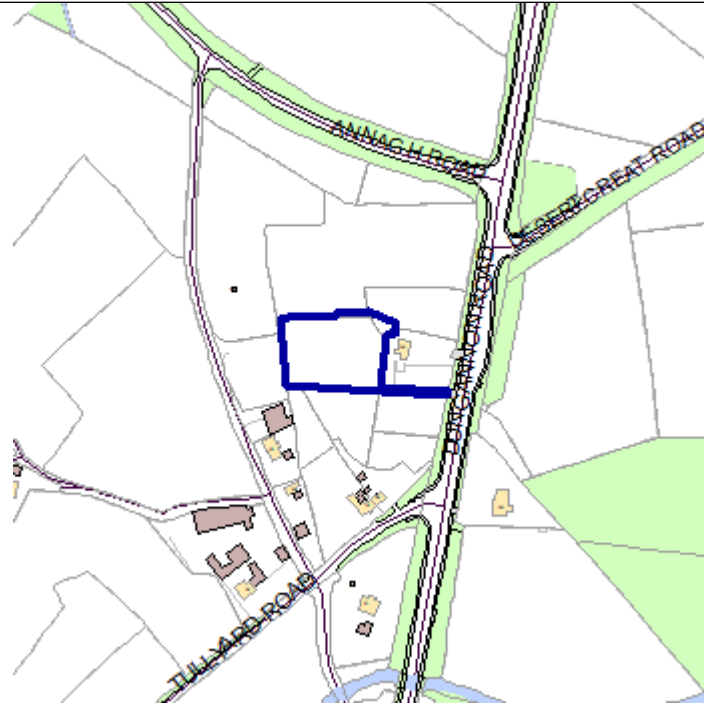
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.7
Application ID: LA09/2024/0049/F	Target Date: 6 May 2024
Proposal: Retention of extension of agricultural yard and associated development including; hardstanding yard area with a landscaped bund along northern boundary; and partially open sided building to provide a livestock shelter and associated works (retrospective) (Includes removal of unauthorised security lighting and bund along western boundary and return of part hardstanding area to grassed paddock.)	Location: Lands at and immediately West of No. 101 Dungannon Road, Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Niall Bell 101 Dungannon Road Cookstown BT80 8UN	Agent Name and Address: Ms Gemma Jobling 1a Nixon Building Ledcom Business Park 100 Bank Road LARNE BT40 3AW
Executive Summary: This application was first on the Agenda for September Planning Committee, with a recommendation to refuse. It was however withdrawn from the Agenda before the Planning Committee so that further consideration could be given to a reduced scheme which would return part of the existing hardstanding area to it's previous green field state, largely reducing the scale of the proposal. The application was then listed on the November Planning Committee with a recommendation to refuse (albeit with a reduced number of refusal reasons following the proposed amended scheme). However, due to a technical error in the report, the case was withdrawn from the Agenda before the Planning Committee.	

The case is now brought to the December Planning Committee with a recommendation for refusal. While the amended proposal now meets Policy CTY 12 and all original refusal reasons under Policy CTY 12 can be removed, the proposal fails to meet the requisite criteria of being attached to both an active and established farm business for the purposes of Policy CTY 10. This is because the farm business has not been in existence for at least 6 years. It is for this reason that a refusal is recommended.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads blank Template TriLingual.DOCX
Statutory Consultee	DAERA - Coleraine	Planning Consultee Response LA09-2024-0049-F - Business id 665210.DOCX
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf

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

A total of 2 no. objection letters have been received against this application. The

planning issues raised relate to loss of residential amenity, particularly as a result of the flood lighting. Other issues raised besides the light pollution, relate to overlooking, loss of privacy and noise pollution. Both letters suggest that the yard area is not being used for agricultural purposes as proposed and is instead used for storing of building materials. One letter draws attention to the farm business number having not been in existence for the required 6 years, nor farm payments claimed in each of the last 6 years. Following receipt of the amended proposed scheme, it is agreed that the issue related to floodlighting has been addressed. It is proposed that part of the yard area be returned to grassland which shall improve residential amenity for surrounding third party neighbours. Environmental Health raise no objection to the proposal. The concerns relating to the farm business are assessed under Policy CTY 10 and CTY 12 of PPS 21.

Characteristics of the Site and Area

The site location for the proposed development is to the rear of 101 Dungannon Road Cookstown, which is in the rural countryside approximately 2 miles south and outside of the Cookstown settlement limit as defined in the Cookstown Area Plan 2010. The site comprises a large yard area, part of which is concreted and the remaining ground area finished with compacted gravel material. The 0.34 hectare area site was visited on 08/03/2024 and on this day photos were taken of the site, including the floodlighting, small stacks of building materials, scrap wood and other scrap materials throughout the site. Along the middle northern edge of the site there are two large cargo containers sitting side-by-side with a small tractor slotted between them and a makeshift roof above it. There is a small agricultural-style shed sited at the north eastern corner of the site and a total of two alpacas and 3 donkeys freely roamed the site on the day of the visit. Site boundaries include closeboard wooden fencing along the southern and eastern boundaries. A degree of screening in the form of mature trees compliments the same boundaries. The northern and western boundaries are marked by perimeter landscaped bunds which sit between 1.5 - 2 metres high. The existing access to the site is via a 50m private laneway which adjoins the Dungannon Road. An electric security gate provides access to the yard area at the top of the laneway. Adjacent and north of the site is a large agricultural field which is under the ownership of the applicant. Adjacent and east is no. 101 Dungannon Road. To the south of the site is another agricultural field which is outside of the applicant's ownership. Adjacent and west of the site is an agricultural building and a two-storey dwelling both of which can be seen from the yard area and are outside the applicant's ownership.

Description of Proposal

This is a full application for the proposed retention of extension of agricultural yard and associated development including; hardstanding yard area with a landscaped bund along northern boundary; and partially open sided building to provide a livestock shelter and associated works (retrospective) (Includes removal of unauthorised security lighting and bund along western boundary and return of part hardstanding area to grassed paddock.)

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

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

Relevant Histories

PAC decision EN/2020/0283

Representations

A total of 2 no. objection letters have been received. The issues raised relate to loss of residential amenity, particularly as a result of the flood lighting. Other issues raised besides the light pollution, relate to overlooking, loss of privacy and noise pollution. Both letters also suggest that the yard area is not being used for agricultural purposes as proposed and is instead used for the storing of building materials. One letter draws attention to the farm business number having not been in existence for the required 6 years, nor farm payments claimed in each of the last 6 years.

Those material planning issues which have been raised across both letters shall be addressed in the main body of the report, under PPS 21 – Sustainable Development in the Countryside.

Cookstown Area Plan 2010

The site location for the proposed development is to the rear of 101 Dungannon Road Cookstown, which is in the rural countryside and approximately 2 miles south and outside of the Cookstown settlement limit as defined in the Cookstown Area Plan 2010.

Other Constraints

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

The site is not located within or adjacent to any listed building / structures.

There are no issues pertaining to flood at the site.

Mid Ulster District Council Draft Plan Strategy 2030

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

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 3 – Access, Movement and Parking

Policy AMP 3 (access to protected routes) provides that approval for categories of development other than a dwellinghouse may be justified where the proposed would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road. It is accepted that the access cannot reasonably be obtained from an adjacent minor road. The P1 form and site location plan provide that the existing access to the site is to be used, with no increase in vehicular traffic / visitors to and from the site as a result of the proposal. No alterations to the access are proposed. DfI Roads were consulted and provided no objection to the proposal. I am content that the proposal does not offend Policies AMP 2 and AMP 3 of PPS 3.

PPS 21 – Sustainable Development in the Countryside

PPS 21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission will be permitted for agricultural and forestry development, such as in this case, in accordance with Policy CTY 12. For the purposes of this policy, the determining criteria for an active and established business is embedded in Policy CTY 10, which this report shall address first. A consultation was made to DAERA who confirmed that the farm business I.D provided has not been in existence for more than 6 years (the business was established on 07/01/2021), and no farm payments have been claimed in each of the last 6 years. This matter is one of the issues raised in the objection letters.

A number of veterinary bills were submitted, along with the amended plan on 17th September. These bills are all addressed to the applicant, Mr Niall Bell, for various treatments ranging from bimectin to worm and fly repellent for the sheep, donkeys and alpacas. The bills date as far back as April 2017. Following discussions with the senior planner, it is agreed that the information submitted is not viable evidence of a farm business having been in existence for at least 6 years. Rather, the information submitted

only proves that the applicant was taking care of a number of hobby animals, and there is no evidence to suggest that the animals were at any time being used on a commercial basis. Therefore, while the farm business may be active, the farm business has not been established for the required 6 years as per Policy CTY 10. The proposal fails to meet Policy CTY 10.

So long as the agricultural holding is active and established, Policy CTY 12 provides a list of criteria that such agricultural development must meet. It must be demonstrated that:

- It is necessary for the efficient use of the agricultural holding or forestry enterprise;
- In terms of character and scale it is appropriate to its location;
- It visually integrates into the local landscape and additional landscaping is provided as necessary;
- It will not have adverse impact on the natural or built heritage; and
- 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.

During the site visit carried out on 08/03/2024, I observed three donkeys and two alpacas roaming freely throughout the site and I was informed that the shed along the north eastern edge of the site was used to house the animals. Site photographs show these animals and the animal shelter in question. The photographs, together with the allocated DAERA farm business I.D, amount to the only firsthand evidence throughout the course of assessing this application which would suggest there is a degree of farming activity within the farm holding. The PAC decision (ref. EN/2020/0283) also concludes that there is an active farm business at the site, albeit not established for 6 years.

The amended scheme provided on 17th September 2024 (see Drawing No. 02 Rev A) proposes to significantly reduce the level of hardstanding to be retained and therefore returning much of the western portion of the site it to its previous green field state. The amended scheme also proposes to remove the flood lighting and part of the bunding. The scheme still proposes to retain part of the existing yard area as well as a partially open-sided livestock shelter. On this basis, and having discussed the amendment with the senior planner, it is agreed that the significantly reduced scheme can now be deemed as necessary for the level of farming perceived at the site. On a similar note, it is agreed that the reduced scheme is now considered to be appropriate to its location in terms of character and scale. The new scheme can visually integrate into the local landscape it is considered that the proposal will not have an adverse impact on the natural or built heritage.

With regards to amenity, the amended scheme no longer involves the retention of security lighting, which addresses any concerns relating to light pollution, including the same concern raised by Environmental Health. The removal of the landscaped bund along the western edge of the site and the restoration of much of this side of the site to its original green field state will also improve amenity. Environmental Health provided no

objection to the proposal before the latest reduced scheme was provided. With the reduced scale more in keeping with the level of perceived farming activity at the site, it is considered that any existing issues pertaining to amenity are now remedied.

Policy CTY 13 states 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. Much of the development is hidden from view and not visible from the main road. The animal storage shed and sheltered area for animal feed and farm machinery are of a scale that is in keeping with the perceived operations of the holding. The amended scheme reduces what was an excessive yard area into a less prominent feature in the environment. It is deemed that the proposal would not result in a detrimental change to, or further erode the rural character of the area. The proposal complies with Policies CTY 13 and CTY 14 of PPS 21.

Closing remarks

The proposal complies with Policy CTY 13 and CTY 14. While the proposal is now in accordance with Policy CTY 12, it fails to meet the requisite criteria of being attached to both an active and established farm business for the purposes of Policy CTY 10. This is because the farm business has not been in existence for at least 6 years. It is for this reason that it is recommended that the proposal be refused.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 10 of PPS 21 in that it has not been demonstrated that the farm business has been established for at least 6 years.

Signature(s): Benjamin Porter

Date: 7 October 2024

ANNEX	
Date Valid	22 January 2024
Date First Advertised	6 February 2024
Date Last Advertised	5 February 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 56B Tullyard Road Cookstown Tyrone The Owner / Occupier 101 Dungannon Road Cookstown Tyrone BT80 8UN	
Date of Last Neighbour Notification	19 September 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2024/0049/F Proposals: Retention of extension of agricultural yard and associated development including; hardstanding yard area with perimeter landscaped bunds, security lighting and partially open sided building to provide a livestock shelter and associated works (retrospective) Decision: Decision Date: Ref: I/1976/0331 Proposals: EXTENSION TO LABOURER'S COTTAGES Decision: PG Decision Date: Ref: I/1991/0135 Proposals: Change of use from agricultural land to golf course Decision: WITHDR Decision Date: Ref: LA09/2022/1749/NMC Proposals: Relocation of fencing and hardstanding for pump house kiosk for water fire	

fighting training.

Decision: RENMC

Decision Date: 14-MAR-23

Ref: LA09/2020/1040/PAN

Proposals: Proposal to develop a section of the original tri-service (NIFRS, PSNI and Prison Service) Planning application site (I/2012/0240/F) as their new Learning and Development Centre

Decision: PANACC

Decision Date: 08-OCT-20

Ref: I/2012/0240/F

Proposals: Joint services Training College (for the Police Service of Northern Ireland, the Northern Ireland Prison Service, and the Northern Ireland Fire and Rescue Service) consisting of new teaching, training and residential facilities together with associated car parking, access, landscaping and other ancillary site works. The proposal also includes construction of a single wind turbine.

Decision: PG

Decision Date: 13-FEB-13

Ref: I/2004/0967/O

Proposals: Police Training College, Ancillary Facilities And Associated Site Works

Decision: PG

Decision Date: 05-AUG-05

Ref: LA09/2017/1663/DC

Proposals: Discharge of Conditions 21, 36 and 37 of Planning Application I/2012/0240/F

Decision: CD

Decision Date: 12-JAN-18

Ref: LA09/2017/1648/DC

Proposals: Discharge of condition 38 and 39 of Planning application I/2012/0240/F

Decision: AL

Decision Date: 10-JAN-18

Ref: LA09/2017/1627/DC

Proposals: Discharge of conditions 22 and 23 Of Planning Application I/2012/0240/F

Decision: AL

Decision Date: 20-DEC-17

Ref: I/2004/0591/Q

Proposals: Three Farm Dwellings with Vehicle Access

Decision: 211

Decision Date: 30-JUN-04

Ref: I/1998/0011

Proposals: Extension and Alterations to Dwelling

Decision: PG

Decision Date:

Ref: LA09/2016/0365/F

Proposals: Agricultural building for the storage of farm machinery, hay, fertilizer and general purpose

Decision: PG

Decision Date: 21-JUN-16

Ref: I/2010/0167/F

Proposals: 2No. additional storage units for existing business use (amended description

Decision:

Decision Date:

Ref: I/1993/0196

Proposals: Extension to dwelling with double garage

Decision: PG

Decision Date:

Ref: I/2000/0092/F

Proposals: Retrospective change of use from Farm Building to Commercial Unit.(manufacture of concrete products, agricultural machinery repair, manufacture of garden furniture)

Decision: PG

Decision Date: 24-JAN-02

Ref: LA09/2019/0930/O

Proposals: Proposed site for dwelling and garage

Decision: PG

Decision Date: 18-SEP-19

Ref: LA09/2020/1016/RM

Proposals: Proposed dwelling and detached garage and carport with loft room

Decision: PG

Decision Date: 15-DEC-20

Ref: I/2001/0134/F

Proposals: Retention of Existing Use of Buildings and Land as light Engineering Works

Decision:

Decision Date:

Ref: I/1974/021001

Proposals: ERECTION OF SUBSIDY BUNGALOW

Decision: PG

Decision Date:

Ref: I/1974/0210
Proposals: ERECTION OF DWELLING HOUSE
Decision: PG
Decision Date:

Ref: I/1988/0110
Proposals: IMPROVEMENTS AND EXTENSION TO DWELLING AND GARAGE
Decision: PG
Decision Date:

Ref: I/1989/0408
Proposals: Brick Making Plant and Car Park
Decision: PR
Decision Date:

Ref: I/1989/0116
Proposals: Proposed Brick Making Plant and Associated Car Parking
Decision: PR
Decision Date:

Ref: I/1976/0119
Proposals: IMPROVEMENTS TO DWELLING
Decision: PG
Decision Date:

Ref: I/1987/0310
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: I/2002/0781/F
Proposals: Replacement dwelling & Garage
Decision: PG
Decision Date: 15-APR-03

Ref: I/1974/0289
Proposals: MV O/H LINE
Decision: PG
Decision Date:

Ref: I/1993/6078
Proposals: Site North of 105 Dungannon Road Cookstown
Decision: PRER
Decision Date: 24-FEB-94

Ref: I/1974/0156

Proposals: MV OVERHEAD LINE

Decision: PG

Decision Date:

Ref: I/1979/0545

Proposals: KITCHEN EXTENSION AND GENERAL IMPROVEMENTS

Decision: PG

Decision Date:

Ref: I/2010/0347/F

Proposals: Proposed Two Storey Gable Extension to Dwelling

Decision: PG

Decision Date: 17-SEP-10

Ref: I/1994/0263

Proposals: Roadside Sign

Decision: PG

Decision Date:

Ref: LA09/2018/0227/F

Proposals: New underground gas transmission pipeline (intermediate pressure) approximately 3.5 Km in length both in road and in verge with associated temporary site works, including open cut excavation and horizontal directional drilling for pipe installation

Decision:

Decision Date:

Ref: I/2002/0629/F

Proposals: Installation of mobile stone crushing plant

Decision: PG

Decision Date: 16-JAN-03

Ref: LA09/2020/1341/PAD

Proposals: Phase 2 Learning and Development Centre

Decision: PAD

Decision Date: 01-JAN-21

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads blank Template TriLingual.DOCX

DAERA - Coleraine-Planning Consultee Response LA09-2024-0049-F - Business id 665210.DOCX

Environmental Health Mid Ulster Council-Planning response.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Plans Plan Ref: 03
Levels and Cross Sections Plan Ref: 04

Notification to Department (if relevant)

Not ApplicableNot ApplicableNot Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.8
Application ID: LA09/2024/0084/O	Target Date: 9 May 2024
Proposal: Dwelling and domestic garage	Location: Site 100M North of 20B Bockets Road, Ballygawley
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Owen Trainor 42 Reclain Road Galbally Dungannon	Agent Name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary: This proposal is contrary to Policies PPS 3 and PPS 21 and therefore refusal is recommended. Officers are of the opinion there are other opportunities within the applicant's farm holding whereby a modest dwelling and garage could satisfactorily meet all the policy requirements of PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docx
Statutory Consultee	DAERA - Omagh	LA09-2024-0084-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	18-06-2024.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

This application site occupies an irregular shaped site which is located 100 metres North of No 20B Bockets Road, Ballygawley. The site sits less than 4 kilometres to the north of the Ballygawley village and measures 0.19 hectare. It is accessed off Bockets Lane just

over 1 kilometre off and to the north of the B35 which is known as the Old Dungannon to Ballygawley Road. The site is located in the countryside, outside of any designated settlements as defined in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area is typically rural in character with dwellings dispersed throughout along the narrow road network or laneways serving farm holdings also. A designated walkway Glenmore Scenic Walk which is owned and maintained by the Council runs adjacent to this site, with the Glenmore River on the other side.



A designated gravel path runs along the eastern boundary of the site with the Glenmore river on the opposite side of the path which continues into the glen and rises with the topography. The site itself includes the southern portion of a larger field which rises steeply in a northerly direction. It also includes a sliver of land of the adjacent field to the west which runs along the outer side of an established hedgerow boundary of the field. The south western boundary of the site is undefined on the ground, with a well-established treed boundary running through the site, parallel to this portion of the site. The north western boundary of the site to the rear is undefined on the ground as the remainder of the field rises to the north.

The north eastern boundary is defined by a d rail fence with barbed wire and mesh to the inside, part of which was unstable and uprooted at the time of site inspection. This boundary separates the application site from the Glenmore Scenic Walk. This same fence continues on to form south eastern boundary at the front of the site, with an agricultural gate also. This is adjacent to the Council owned car park which is associated with the Walk. The car park occupies a rectangular plot of land measuring approximately 0.01 hectares, it provides undesignated parking facilities and includes signage containing information regarding Glenmore Scenic Walk.

Planning History

M/1996/0401/F - Toilet Block to serve Public Amenity - Glenmore Scenic Walk, Tulnavern, Ballygawley – Approval - 09.12.1996

Description of Proposal

This application seeks outline planning permission for a Farm dwelling and domestic garage on land 100 metres North of 20B Bockets 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.

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.

Policy CTY 1 in PPS 21 - Sustainable Development in the Countryside allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;

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

This application seeks a farm dwelling which is governed by CTY 10 of PPS 21 which states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

(a) the farm business is currently active and has been established for at least 6 years

DAERA were consulted and have confirmed that the applicant's Farm Business ID has been in existence for the required 6-year period and that the applicant is a Category 1 farmer. They have also confirmed that payments are currently being claimed by the farm business and the proposed site is located in a field which is under the control of the farm business identified on the P1C form. Officers are therefore satisfied that the farm business is currently active and established for at least 6 years.

(b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

A planning history search of the applicant's farm holding as was provided on the associated Farm Maps submitted was undertaken on the Mid Ulster Planning Portal. There appears to have been a number of planning applications granted permission over the years under the same surname as the applicant on land surrounding this site. However, officers are content there are no records indicating that any dwellings or development opportunities have been sold off from this farm holding within the last 10 years. As there is no evidence that the applicant has already obtained planning permission for a residential property under this Business Number within the last 10 years, therefore this proposal complies with this criteria.

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

The agent has claimed there are no existing buildings on the farm holding, however there is a farm holding which is shown within the applicant's blue land and is identified in yellow below. These buildings are set back from the public road a distance of approximately 215 metres and appear to be the only buildings on the farm holding for a

dwelling to cluster with.



However, this application site sits some 200 metres to the south west of these buildings and would not cluster with them or visually link with them. A new dwelling and a domestic garage could not be considered to visually link with any existing farm buildings on the site and therefore the proposal fails the policy on this criterion. The closest point of the red line of the application site measures a distance of approximately 170 metres to the closest façade of the closest building on the farm complex. This extended distance combined with the topography of the land surrounding the site means that views of the farm buildings are not visible from the site itself and therefore there is no visual linkage at all, contrary to part c of the policy.

In support of this application the agent has provided information to justify their proposed siting and mentions Paragraph 5.41 in PPS 21. This refers to helping minimise any impact on the character and appearance of the landscape and therefore dwellings should be positioned sensitively with an established group of buildings on the farm, to either form an integral part of that particular building group, or to be visually interlinked with those buildings “with little appreciation of *any* physical separation that may exist between them.” It then goes on to say how a dwelling may be permitted even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation where,

- the existing building group is well landscaped, or
- where a site adjacent to the building group is well landscaped.

The existing farm holding associated with the applicant is not well landscaped and nor is this application site adjacent to the farm grouping. However, a dwelling and garage sited in the field to the west of the holding would integrate much better than on this application site. Here the buildings would benefit from the existing treed glen and it would utilise an existing laneway also, thereby further reducing the impact on the landscape. Within the applicant’s ownership there appears to be other more suitable locations wherein new buildings would cluster with the established buildings satisfying all criteria in CTY 10, as well as availing of much better opportunities to integrate into the surroundings with existing vegetation providing backdrop and or enclosure.

Discussion at Group has concluded in this instance, it is not felt that extract from the justification and amplification within CTY 10 would relate to this specific site, as the exception is **only** if there is significant vegetation between the two separate sites. In this case, it is more so the topography of the lands that is creating the separation. It is not felt this proposed site could be considered as being adjacent to the holding as there is a public walkway, vegetation and at least 2 fields in the intervening space. The agent's argument is not strong enough to support a case for this proposed siting under this application, especially noting that there are a number of other alternative sites within the applicant's ownership which would successfully cluster with buildings on the farm, and therefore would meet the policy criteria and would visually link with existing farm buildings on the farm. The land adjacent to the applicant's farm holding and existing associated buildings on the farm to the north east benefit from a greater degree of enclosure.

The agent has not provided any verifiable plans or evidence relating to the future expansion of the farm business at this identified holding, nor provided any health or safety reasons which would restrict a dwelling and garage sited here in compliance with policy.

Policy CTY 13 - Integration and Design of Buildings in the Countryside states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application the design elements of CTY 13 cannot be fully dealt with under this application but will be considered under any Reserved Matters or Full application.

Officers do not agree with the agents' claims that mature vegetation "defines all 3 sides of the site creating a natural enclosure for the successfully integration of a new dwelling". This application site does not have any established boundaries, bar the d-rail fence which was greatly damaged at the time of site inspection. A line of vegetation which runs through the application site may offer some integration to one side of a new access laneway, however this would leave the other side which would be the most conspicuous being undefined. The rising land in the south western portion of the main host field may provide some degree of a backdrop, however the lack of any vegetated boundary between the car park and the designated path boundaries would leave this site very exposed from both vantage points of the car park and the designated pathway.

The location of this site on elevated land above the roadside which is immediately adjacent to both a public carpark and a designated walkway which are accessible to the public at all times would only serve to accentuate views of any buildings on this site. As explained above and can be seen from the ortho photo, there are other more suitable locations within the applicant's ownership which are in compliance with CTY 10 criteria clustering with existing farm buildings and which would also have the benefit of availing of much better opportunities to integrate into the surroundings with existing vegetation providing backdrop and or enclosure.

This proposal fails to meet all the criteria in CTY 13, particularly part b and g in that the site lacks long established boundaries and is unable to provide a suitable degree of enclosure to integrate into the landscape and a dwelling on this site will not cluster or visually link with buildings on the farm which would itself aid the integration of a dwelling.

CTY14 - Rural Character in PPS 21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered a dwelling and garage on this application site would be unduly prominent causing a detrimental change to erode rural character of the area due to the lack of boundaries and the elevated nature of the site.

Policy AMP 2 – Access onto Public Roads in 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. The agent in the P1 form has said this proposal involves the alteration of an existing access to a public road.

DfI Roads have been consulted and they have recommended a refusal for this application as the access for this proposed development is deemed unacceptable due to the direct impact it would have on the radius for people utilising the existing car park. In response to the comments made by DfI Roads, the agent clarified that most of the road frontage of this site is utilised as a public car park and therefore the need to gain access from an existing agricultural access to the field which sits to the west of the car park. This agricultural access is for a different field adjacent to the car park sitting between the site and the applicant's dwelling at No 20b Bockets Road.

The officer believed there were some discrepancies with regards to the accuracy of the drawing initially submitted, in particular with regards to the access as was identified on the block plan. This shows a frontage of just under 7 metres of the adjacent field to the west of the main host field. The agent was informed of these concerns and provided detailed drawings of the access. In response to the Officer's concerns and DfI Roads' comments, the agent provided photographic evidence showing the adjacent field's gate is required for access. Details of the access were also submitted as shown below.



The existing access agricultural access this application has said it proposes to utilise is approximately 4 metres wide and is just under 9 metres from the edge of the car park. The agent has shown a frontage of some 17 metres from the car park edge and indicates a new access to the west of that existing opening is required and this additional land is still not included within the red line of the application site. In justification for utilising the adjacent fields' access, the agent claims this would instead increase the existing radius for vehicles utilising the car park.

As this proposed access as submitted by DfI Rds has been deemed unsafe and due to the proposal failing to meet the necessary criteria for a dwelling on a farm, DfI Rds were not reconsulted on this proposal. Officers agree with comments provided by DfI Rds that on the grounds of road safety, this proposal is deemed contrary to AMP 2 in PPS 3.

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

From assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map I have no flooding concerns. In addition, I have no ecological or residential amenity concerns.

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 and there were no neighbouring properties to notify. No objections were received regarding this proposal.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect

on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Refuse is recommended

As assessed above and following discussion at Group, it is concluded that the development proposed on this site does not comply with the provisions of PPS 21 namely policies CTY 1, 10, 13 and 14. It also fails to comply with PPS3 and therefore it is recommended the Members refuse this proposal, especially when it appears evident other opportunities within the applicant's farm holding exist whereby development could satisfactorily meet all the policy requirements of PPS 21.

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

The proposal is contrary to parts b & g of Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site lacks long established boundaries and is unable to provide a suitable degree of enclosure to integrate into the landscape and a dwelling on this site will not cluster or visually link with buildings on the farm which would itself aid the integration of a dwelling.

Reason 4

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling and garage would be unduly prominent in the landscape causing a detrimental change to erode the rural character of the area.

Reason 5

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking - Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users as the proposed access impacts on the access to the adjacent Glenmore Scenic Walk parking area.

Signature(s): Cathy Hughes

Date: 20 November 2024

ANNEX	
Date Valid	25 January 2024
Date First Advertised	5 February 2024
Date Last Advertised	5 February 2024
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/1991/0196 Proposals: Provision of recreation area and scenic walks to include 2 car parks, pathways, foot bridges, picnic tables, seats, fences etc Decision: PG Decision Date: Ref: M/1992/0169 Proposals: 33 KV O/H Line Decision: PG Decision Date: Ref: LA09/2024/0084/O Proposals: Dwelling and domestic garage Decision: Decision Date: Ref: M/2003/0772/O Proposals: Proposed dwelling Decision: Decision Date:	

Ref: M/1996/0401

Proposals: Toilet Block to serve Public Amenity Park

Decision: PG

Decision Date: 09-DEC-96

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation.docx

DAERA - Omagh-LA09-2024-0084-O.DOCX

DFI Roads - Enniskillen Office-18-06-2024.DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

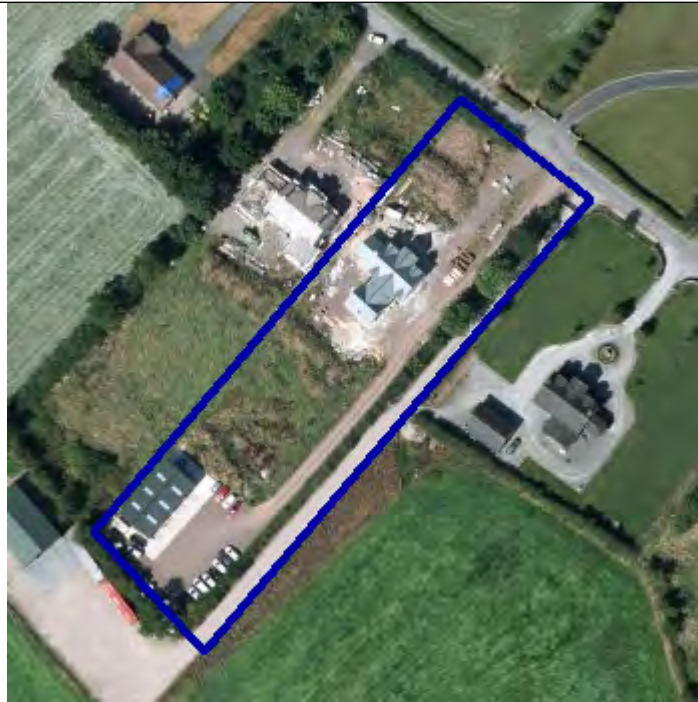


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.9
Application ID: LA09/2024/0211/F	Target Date: 27 June 2024
Proposal: change of Use from domestic garage, general domestic garden and tool store to garage for carrying out general mechanical repairs to light vehicles ie. cars and vans.	Location: 15B Annaghnaboe Road Meenagh Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Ryan O'Neill 15B annaghnaboe Road Coalisland BT71 4QH	Agent Name and Address: Mr Eugene McCann 4A TATTYMOYLE ROAD FINTONA, OMAGH BT78 2NR
Executive Summary: The proposed full application is for a COU from a domestic garage to a mechanics and is presented as a refusal as it fails to meet Policy CTY1 and Paragraph 6.73 (Non-residential Development) of the SPPS.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type		Consultee	Response
Statutory Consultee		DFI Roads - Enniskillen Office	Roads Consultation - Full response.docxDC Checklist.doc
Non Consultee	Statutory	Environmental Health Mid Ulster Council	LA09 2024 0211 F 15B Annaghnaboe Road Coalisland.doc
Non Consultee	Statutory	Environmental Health Mid Ulster Council	
Statutory Consultee		DFI Roads - Enniskillen Office	Roads Consultation.docx
Non Consultee	Statutory	Environmental Health Mid Ulster Council	
Non Consultee	Statutory	Environmental Health Mid Ulster Council	

Representations:

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

Number of Petitions of Objection and signatures	
Summary of Issues	
Characteristics of the Site and Area <p>The application site is located approximately 0.75km west of the development limits of Annaghmore in the open countryside in accordance with the Dungannon and South Tyrone Area 2010. The site forms part of the residential curtilage for No 15B Annaghaboe Road and contains a newly constructed roadside dwelling and located approximately 60m from the rear of the dwelling there is a mechanic's business operating from a portal frame building which is the subject of this planning application. There is a hardstand area to the front and side used to park vehicles. The building is set back approximately 125m from the public road and access to the building via shared laneway.</p>	
Description of Proposal <p>This is a full application for a change of use from domestic garage, general domestic garden and tool store to garage for carrying out general mechanical repairs to light vehicles i.e. cars and vans.</p>	
Planning Assessment of Policy and Other Material Considerations <u>Policy Consideration</u> <p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p> <p>Representations Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. The following properties were notified: 15a, 16 & 17 Annaghaboe Road, Dungannon. At the time of writing this report, no third-party objections were received.</p> <p>Planning History M/2012/0262/F - Proposed new dwelling and domestic garage. Permission Refused on 14/12/2012. LA09/2015/1156/O - Site for 2 no Infill Dwellings. Permission Granted on 14/06/2016.</p>	

LA09/2017/1749/RM - Erection of two dwellings. Permission Granted on 15/05/2018.
LA09/2020/1320/F - Detached domestic garage, general domestic, garden & tool store.
Permission Granted on 23/03/2021.

Enforcement History

LA09/2023/0024/CA - Unauthorised mechanics business in new purpose built building.
Under Consideration.

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 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 located within open countryside as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other zonings or designations as defined in the Plan.

Background Information

The building on site has the appearance of a small industrial building and comprise of 4 No roller shutter doors on the front elevation and metal clad roof finish.



The planning history indicates that planning permission was granted for a single storey domestic garage under LA09/2020/1320/F in March 2021. There is some doubt over whether the single storey garage was constructed before the proposal was converted to a mechanics. However, as the description of the proposal is for ‘a change of use from domestic garage, general domestic garden and tool store to garage for carrying out general mechanical repairs to light vehicles i.e. cars and vans’ and in the absence of evidence to the contrary, it is accepted that approved domestic garage could have been constructed before it was converted to a mechanics.

SPPS – Strategic Planning Policy Statement for Northern Ireland:

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan. At present, no Plan Strategy has been adopted. Accordingly, during the transitional period, the SPPS retains certain Planning Policy Statements (PPSs), and it sets out the arrangements to be followed in the event of a conflict between the SPPS and retained policy. The Council considers there is conflict between the wording contained in policy CTY 4 – The Conversion and Reuse of Existing Buildings of PPS 21 and paragraph 6.73 (page 54) under the heading 'The conversion and re-use of existing buildings for non-residential use' of the SPPS.

Policy CTY 4 states that planning permission will be granted for the sympathetic conversion of, with adaptation, if necessary, a suitable building for a variety of alternatives uses, including use as a single storey dwelling, where this would secure its upkeep and retention. Paragraph 6.73 of the SPPS states that the provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest for a variety of alternative uses where this would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.

Paragraph 1.12 of the SPPS states that where there is any conflict between the SPPS, and any policy retained under the transitional arrangements must be resolved in favour of the provision of the SPPS. The amended wording of the SPPS constitutes a revision of Policy CTY 4 and consequently the term 'locally important building' must take precedence over 'suitable building' in Policy CTY 4 of PPS 21.

Planning Policy Statement 21 - Sustainable Development in the Countryside

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. As this proposal is for the conversion of a domestic building to a mechanic, CTY 4 is the relevant policy in the assessment of this application.

CTY 4 – The Conversion and Reuse of Existing Buildings

CTY 4 states planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention.

As previously discussed, the SPPS provides additional clarification for this type of development and attaches greater weight on the term 'a suitable locally important building' over 'a suitable building' as defined in CTY 4. The SPPS does not define 'locally important building' but lists examples such as former schoolhouses, churches and older traditional barns and outbuildings. These examples typically relate to building that have some design, architectural or historic merit.

It is evident from the planning history that the building on site could have only been constructed after planning permission was granted in March 2021 for the development approved under LA09/2020/1320/F. It is also evident that the building was built using modern construction methods, therefore it cannot be considered as a 'locally important building' as envisaged by the SPPS.

Paragraph 6.73 also states the nature and scale of the proposed non-residential use should be appropriate to its countryside location. This type of development has the potential to generate noise and nuisance. Environmental Health were consulted about the proposal and have requested a noise report. However, as the proposal does not meet the crux of the policy insofar as the building is not considered as a 'locally important building' it would be unfair to put the applicant to the expense of a noise report. Accordingly, the proposal does not comply with Policy CTY 4 or the SPPS as the building for conversion does not possess any design, architectural, or historic merit and the nature and scale of proposal is not appropriate for this rural area.

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

The illustration below shows the differences between the approved building and the proposed building.



Considering CTY 13 & CTY 14 together, it was accepted under LA09/2021/1320/F a building of similar in size and scale to the building on site was appropriated for this rural location. Regarding the proposed external changes to the front elevation and the introduction of a metal clad roof finish, the proposed changes are considered appropriate for this rural location. The proposal complies with CTY 13 & CTY 14.

PPS 2 - Natural Heritage (NH 5)

Policy NH5 - Habitats, Species or Features of Natural Heritage Importance is also a consideration when assessing the proposal. No hedge removal is required to provide visibility splays as they existing.



PPS 3 – Access, Movement and Parking.

Policy AMP 2 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. As the proposed access arrangements involve alteration of existing access on to a public road, a consultation was sent to DFI Roads, in their response confirmed that they had no objections subject to the provision of visibility splays of 2.4m x 70m. The proposal complies with AMP 2.

Other Considerations

There is no support for this type of development in the countryside under the policy provisions found in Policy PED 2 – Economic Development in the Countryside of PPS 4 Planning and Economic Development. It is worth noting, the applicant has a fall-back position which is to cease the use of the building as mechanics and revert to the domestic use as approved and conditioned under planning approval LA09/2020/1350/F.

Based on the above assessment, refusal is recommended.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside as there are no overriding reasons why the development is essential and could be located in a settlement.

Reason 2

The proposal is contrary to CTY 4 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the building for conversion does not possess any design, architectural, or historic merit.

Reason 3

The proposal is contrary to CTY 4 of Planning Policy Statement 21: Sustainable Development in the Countryside in that it has not been demonstrated the nature and scale of the proposed non-residential use is appropriate in this rural location.

Reason 4

The proposal is contrary to Paragraph 6.73 (Non- Residential Development) of the Strategic Planning Policy Statement for Northern Ireland in that the building proposed for conversion is not a locally important building.

Signature(s): Sean Diamond

Date: 20 November 2024

ANNEX	
Date Valid	14 March 2024
Date First Advertised	26 March 2024
Date Last Advertised	26 March 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 15A Annaghnaboe Road Coalisland Tyrone BT71 4QH The Owner / Occupier 16 Annaghnaboe Road Coalisland Tyrone BT71 4QH The Owner / Occupier RNN - 17 Annaghnaboe Road Coalisland Tyrone BT71 4QH	
Date of Last Neighbour Notification	29 March 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2015/1156/O Proposals: Site for 2 no Infill Dwellings Decision: PG Decision Date: 17-JUN-16 Ref: LA09/2024/0211/F Proposals: change of Use from domestic garage, general domestic garden and tool stor to garage for carrying out general mechanical repairs to light vehicles ie. cars and vans. Decision: Decision Date: Ref: LA09/2023/0922/F Proposals: Retention of cattle shed and hard standing yard area Decision: Decision Date: Ref: LA09/2020/1320/F Proposals: Detached domestic garage, general domestic, garden & tool store Decision: PG Decision Date: 23-MAR-21	

Ref: M/2002/1132/RM

Proposals: Proposed one and a half storey dwelling

Decision: PG

Decision Date: 28-NOV-02

Ref: M/2001/1075/O

Proposals: Site for one and a half storey dwelling.

Decision: PG

Decision Date: 01-FEB-02

Ref: LA09/2016/1094/F

Proposals: Proposed agricultural cattle shed

Decision: PR

Decision Date: 07-FEB-18

Ref: M/2012/0262/O

Proposals: Proposed new dwelling and domestic garage

Decision: PR

Decision Date: 26-NOV-12

Ref: LA09/2017/1749/RM

Proposals: Erection of two dwellings

Decision: PG

Decision Date: 15-MAY-18

Ref: M/2005/0279/O

Proposals: Proposed Dwelling & Domestic Garage

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation - Full response.docxDC
Checklist.doc

Environmental Health Mid Ulster Council-LA09 2024 0211 F 15B Annaghnaboe Road
Coalisland.doc

Environmental Health Mid Ulster Council-

DFI Roads - Enniskillen Office-Roads Consultation.docx

Environmental Health Mid Ulster Council-

Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Elevations and Floor Plans Plan Ref: 03

Cross Sections Plan Ref: 04

Existing Plans Plan Ref: 05

Existing Plans Plan Ref: 06

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.10
Application ID: LA09/2024/0393/F	Target Date: 18 July 2024
Proposal: 2no.glamping pods with 4no. parking spaces - New access track and associated planting	Location: 62M and 75M North East of No. 33 Dunnabraggy Road Money more
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mrs Ruth Ruddell 33 Dunnabraggy Road Money more BT45 7YN	Agent Name and Address: Mr Brendan Monaghan 45 Letteran Road Money more Magherafelt BT45 7UB
Executive Summary: This full application for the proposed 2no.glamping pods with 4no. parking spaces, is brought to the planning committee with a recommendation for refusal. The proposal fails to meet the following planning policy: The proposal fails to meet Policy CTY 11 of PPS 21 in that the tourist pods are not integrated with an existing group of buildings. The proposal fails to meet Policy CTY 13 of PPS 21 in that the site is unable to provide a suitable degree of enclosure for the tourist pods to integrate into the landscape. The proposal fails to meet Policy CTY 8 of PPS 21 in that the proposal adds to a ribbon of development. The proposal fails to meet Policy CTY 14 of PPS 21 in that the proposal adds to a ribbon of development. The proposal fails to meet Policy TSM 5 of PPS 16 in that:	

(i) The proposal for two units is not located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park; and

(ii) The proposal for two units does not constitute a cluster of 3 or more new tourist units and is not at or close to an existing or approved tourist amenity that is or will be a significant visitor attraction in its own right.

Finally, the proposal fails to meet Policy TSM 7 of PPS 16 in that the siting and existing / proposed landscaping associated with the tourist pods do not provide a means of enclosure.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DAERA - Coleraine	Planning Consultee Response LA09-2024-0393-F - Business id 635049.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Template.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 rural countryside, approximately 1.5 miles east and outside

of the Churchtown settlement limit as defined in the Cookstown Area Plan 2010. The 0.26 ha site encompasses part of an agricultural field which rises up from the Dunnabraggy Road. Boundaries consist of existing hedgerow and scatterings of trees along the western and north western edges of the site. The northern-most boundary is defined by post and wire fencing and is fairly bare, showing no natural backdrop when viewed from the main road. The eastern boundary is undefined and the southern boundary is made up of roadside field hedgerow. The site is adjacent and east of no. 33 Dunnabraggy Road. The next closest dwelling is approximately 100 metres south west of the site (no. 34). There are scatterings of dwellings and farm buildings dotted along the Dunnabraggy Rd and the on-site and surrounding environment is one of undulating terrain.

Description of Proposal

This is a full application for 2 no. glamping pods with 4no. parking spaces, with a new access track and associated planting.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Planning Histories

None

Representations

To date no objections have been received.

Cookstown Area Plan 2010

The site is located within the rural countryside, approximately 1.5 miles east and outside of the Churchtown settlement limit as defined in the Cookstown Area Plan 2010.

Other Constraints

The site is not located within, next to or within close proximity to any protected areas, including RAMSARS, SACs and SPAs.

The site is not located within or adjacent to any listed building / structures.

There are no issues pertaining to flooding at the site.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 21 – Sustainable Development in the Countryside

PPS 21 is the overarching policy for development in the countryside. Policy CTY 11 of PPS 21 provides an opportunity for farm diversification projects subject to criteria. Policy CTY 11 states planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- a. the farm or forestry business is currently active and established;
- b. in terms of character and scale it is appropriate to its location;
- c. it will not have an adverse impact on the natural or built heritage; and
- d. it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

The design and access statement accompanying the application states that the proposed tourist pods will run in conjunction with the existing agricultural operations on the farm and that the location of the pods allow for the land to be grazed as normal therefore having no impact on the day to day running of the farm. A consultation was made to DAERA who confirmed the farm business is active and has been established for at least 6 years. The two no. pods are 3 metres in height and are approximately 30sqm, with a 10sqm outdoor decking area to the rear. Finished materials include tongue and groove timber cladding (light oak) to the external walls. On this basis the character and scale are considered appropriate to its location, with no impacts on the natural or built environment expected to arise. The closest third party dwelling to the site (nos. 34 and

21 Dunnabraggy Road) are located over 100 metres from the glamping pods and the pods do not overlook these properties. The proposal will not impact nearby residential amenity and there are no objections to the application.

The same policy favours proposals involving the re-use or adaptation of existing farm buildings, though exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies. In such instances, the development must be satisfactorily integrated with an existing group of buildings. It is agreed that to site the pods within the curtilage of an existing farm holding would not be suitable for a quiet rural retreat. Such a siting might also pose health and safety risks associated with the movement of farm vehicles and machinery. It is accepted that the pods should therefore be sited outside of any farm yard area, though still visually integrated with farm buildings. However, the proposed site for the pods is not next to a grouping of farm buildings, but rather a single dwelling located on the farm complex, with no outbuildings / ancillary buildings within its curtilage. Therefore the proposal fails to meet this aspect of the policy and therefore fails to comply with Policy CTY 11 on a whole.

Under Policy CTY 13, proposals for development in the countryside can be permitted where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The low-profile scale of the tourist pods means they are not prominent features. However, the siting on the brow of the hill, with no natural backdrop of trees to enclose the site, means the development would fail to integrate and blend with the landform. This is further compounded when it is considered that the pods do not satisfactorily integrate with an existing group of buildings on the farm. Therefore the proposal fails to meet Policy CTY 13 of PPS 21.

Policy CTY 14 states planning permission will be granted for development in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Given the proposal does not integrate with existing farm buildings, it is considered that the proposal adds to a ribbon of development and therefore is contrary to Policies CTY 14 and CTY 8.

PPS 16 – Tourism

Policy TSM 5 states planning approval will be granted for self catering units of tourist accommodation in any of the following circumstances:

- a. one or more new units all located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park;
- b. a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right;
- c. the restoration of an existing clachan or close, through conversion and / or replacement of existing buildings, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries. Where practicable original materials and finishes should be included.

Neither of the proposed two accommodation pods are located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park. Only two pods are proposed, and the site is located more than 2 miles away from the Sperrins AONB as defined by NIEA's natural environment map and therefore it is debatable whether the pods can be considered 'close' to this tourist amenity. The proposal does not involve the restoration of an existing clachan or close. The proposal fails to meet Policy TSM 5 of PPS 16.

Policy TSM 7 provides the design criteria which all proposals for tourism development must meet under PPS 16. The scheme supports primarily vehicular movements but can also be accessed on foot or by bicycle, albeit there are no formal footpaths to or from the site. Given the rural location, there is no expectation for improved access to public transport. The proposal will not prejudice people whose mobility is impaired. The proposal will not encourage crime. There are no flooding concerns. There are no concerns relating to the pod designs, though the particular siting, together with the existing and proposed landscaping do not adequately aid in providing a means of enclosure for the pods, therefore the proposal fails on this part of the policy.

Policy TSM 7 also provides the general criteria which all proposals for tourism development must meet under PPS 16. The proposal is compatible with surrounding land uses.. There are no third party amenity concerns. The proposal does not impact features of the natural or built heritage. The proposal will utilise a package treatment plant for foul sewage disposal. The proposal involves the alteration of an existing field gate access onto the public road. A laneway is to be created to access the pods and the expected increase of vehicular movements to and from the site amounts to two. DfI Roads were consulted and have no objection to the proposal. There are no concerns relating to the access / road safety.

PPS 3 – Access, Movement and Parking

As above, the proposed access arrangements involve the alteration of an existing access to a public road. DfI Roads were consulted and provided no objection to the proposal, subject to the inclusion of access conditions with any planning approval granted. The proposal complies with Policy AMP 2 of PPS 3.

Recommendation

The proposal fails to meet a number of criteria across several policies and this relates mostly to integration. It is recommended that planning permission be refused for the reasons listed below.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal fails to meet Policy CTY 11 of PPS 21 in that the tourist pods are not integrated with an existing group of buildings.

Reason 2

The proposal fails to meet Policy CTY 13 of PPS 21 in that the site is unable to provide a suitable degree of enclosure for the tourist pods to integrate into the landscape.

Reason 3

The proposal fails to meet Policy CTY 8 of PPS 21 in that the proposal adds to a ribbon of development.

Reason 4

The proposal fails to meet Policy CTY 14 of PPS 21 in that the proposal adds to a ribbon of development.

Reason 5

The proposal fails to meet Policy TSM 5 of PPS 16 in that:

(i)The proposal for two units is not located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park; and

(ii)The proposal for two units does not constitute a cluster of 3 or more new tourist units and is not at or close to an existing or approved tourist amenity that is or will be a significant visitor attraction in its own right.

Reason 6

The proposal fails to meet Policy TSM 7 of PPS 16 in that the siting and existing / proposed landscaping associated with the tourist pods do not provide a means of enclosure.

Signature(s): Benjamin Porter

Date: 31 October 2024

ANNEX	
Date Valid	4 April 2024
Date First Advertised	16 April 2024
Date Last Advertised	16 April 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 28 Dunnabraggy Road Moneymore Londonderry BT45 7YN The Owner / Occupier Drumeen Way 29 Dunnabraggy Road Moneymore Londonderry BT45 7YN The Owner / Occupier 26 Dunnabraggy Road Moneymore Londonderry BT45 7YN The Owner / Occupier 28A Dunnabraggy Road Moneymore Londonderry BT45 7YN The Owner / Occupier RNN - 33 Dunnabraggy Road Cookstown Londonderry BT45 7YN	
Date of Last Neighbour Notification	23 April 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1980/0294 Proposals: DWELLING HOUSE Decision: PG Decision Date: Ref: I/2002/0736/F Proposals: Proposed domestic dwelling and garage Decision: PG Decision Date: 30-DEC-02 Ref: LA09/2015/0439/RM Proposals: Proposed 2 storey dwelling and garage Decision: PG Decision Date: 05-OCT-15 Ref: I/1989/0374	

Proposals: Dwelling
Decision: WITHDR
Decision Date:

Ref: I/2002/0542/O
Proposals: Domestic Dwelling & Garage
Decision: PG
Decision Date: 24-OCT-02

Ref: I/1990/0012
Proposals: Dwelling
Decision: PG
Decision Date:

Ref: LA09/2024/0393/F
Proposals: 2no.glamping pods with 4no. parking spaces - New access track and associated planting
Decision:
Decision Date:

Ref: I/1990/0012B
Proposals: Dwelling
Decision: PG
Decision Date:

Summary of Consultee Responses

DAERA - Coleraine-Planning Consultee Response LA09-2024-0393-F - Business id 635049.DOCX
DFI Roads - Enniskillen Office-Roads Template.DOCX

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.11
Application ID: LA09/2024/0479/F	Target Date: 8 August 2024
Proposal: Proposed residential development for 22No. dwellings comprising of 14No. semi-detached and 8No. maisonettes. Proposal includes landscaping, car parking and all associated site and access works (amendment to previous Planning Permission LA09/2021/1330/F)	Location: 3 Mullagh Lane Maghera BT46 5EF
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: JFM Construction Ltd 75 Loughbeg Road Toomebridge BT41 3TS	Agent Name and Address: Mr Damien McLaughlin 4-6 Linenhall Street Ballymoney BT53 6DP
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.DOCX
Statutory Consultee	Rivers Agency	513609 - Final reply.pdf
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2024-0479-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.docRoads Consultation template.DOCX
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2024 0479 F Residential Dev Mullagh Lane Maghera.doc
Statutory Consultee	Rivers Agency	351992 - Final reply.pdf
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2024-0479-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation PSD.DOCX
Statutory Consultee	Rivers Agency	607140 - Final reply.pdfSubstantive reply - 27/08/24

Representations:	
Letters of Support	0
Letters Non Committal	0
Letters of Objection	4
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	
Summary of Issues <p>Four objection have been received in respect of the proposed development and raise the following issues:-</p> <ul style="list-style-type: none"> • Impact on amenity; This is an urban site, within the settlement development limits of Maghera. Whilst any development will have an impact on the neighbourhood, an increase in the population density and traffic is to be expected in this urban setting. It should be noted that the current proposed layout is for an increase of three units over what was previously approved under planning approval H/2014/0351/F, but proposed a layout of 28.9 dwellings per hectare, which is less than Mullagh Court at 40.1 dwellings per hectare and King William III Park at 31.2 dwellings per hectare. • Change in character; The introduction of maisonettes is acceptable within this proposed layout as it is in keeping with p.7.01 of Creating Places insofar as it provides for a range of house types. • Density; The proposed density, as detailed above is acceptable in this location. DfI Roads did not raise any concerns regarding a shortfall in parking and have accepted the layout as meeting the required standards. Likewise, Environmental Health did not raise any issues regarding the potential for noise disturbance arising from the development following its completion. Although EHD did suggest the inclusion of a condition relating to construction noise, the suggested condition does not meet the tests of a planning condition. It is not enforceable due to the suggested wording as it relates to issues which can be controlled by EHD legislation and should not be covered by planning conditions. • Environmental impact; The proposed development does not include for the removal of any mature trees. On the contrary, the proposed layout clearly states that 'All existing boundary planting, retained and augmented as necessary with new native species planting'. However, notwithstanding this, as there is no Tree Preservation Order on the site at present, the applicant is entitled to remove mature trees on the boundary without requiring permission. However, as discussed, that is not proposed. It is noted that the objector 	

has removed two mature trees from the boundary between their dwelling and the site.

- Proximity to existing properties: too close to common boundary; privacy; overshadowing.

There are two dwellings on sites 21/22, the corners of which are positioned 5m and 10m from the common boundary with an objector's property at no. 8 Mullagh Close. A second building containing a pair of maisonettes is positioned 4m from the same boundary. However, the dwellings on sites 21/22 are positioned gable-end towards the objector's dwelling with a blank gable wall apart from a ground floor kitchen window. Therefore, there will be no loss of privacy as there is still a boundary hedge between the two properties to provide adequate screening. There will be little impact in terms of overshadowing given the position of the proposed dwelling in relation to the objector's own dwelling. The proposed dwellings will cast a shadow over the objector's amenity space during the winter months but this is at a time when generally private amenity spaces are used less frequently. In my opinion, as the majority of the objector's open space lies to the east/south-east of their own dwelling, most of the shadowing of their private amenity space to the rear of their dwelling will be as a result of their own dwelling. The proposed dwellings on sites 19/20 will cause little, if any, shadowing. It is noted that the objector's dwelling is positioned around 2.3m from the neighbouring dwelling at No.7 Mullagh Close.

The proposed development provides for a separation distance of around 12m between the nearest proposed dwelling (site 21) and No.8 Mullagh Close and it is sited to the south-west. This is adequate to provide an acceptable amount of day light into the living area and indeed any part of the objector's property, which has gable windows looking southwards towards the rear amenity space of site 22. Therefore, it is not accepted that the proposed dwellings will affect the amount of daylight available to No.8 Mullagh Close.

- Lack of green space;
All dwellings and maisonettes have private amenity space ranging from 40m² to 225m² with an average of 89m² for the entire development of 22 dwellings. This is well above the minimum average of 70m² required by Creating Places guidance and is considered sufficient. As the development proposed less than 25 dwellings, there is no need for public open space.
- The Site plans do not show if the site is to be levelled.
The proposed site plan 02/1 uploaded to the planning portal on 5th June 2024 clearly indicates both existing and proposed site levels together with the finished floor levels of the proposed dwellings.
- The occupier of 6 Mullagh Close feels that they should have received notification of the planning application, that the proposed dwellings will have an impact on their privacy and that the residents of the proposed development may use Mullagh Close as an easy access to the town centre.

No.6 Mullagh Close is not adjacent to the proposed site, it does not share a common

boundary and therefore is not entitled to receive a neighbour notification letter. The proposed layout does not include any link, either pedestrian or vehicular directly into Mullagh Court, therefore it is difficult to see how a link could be created from the proposed development into Mullagh Court. Furthermore, any such pedestrian link would have to be created through the private rear amenity spaces of the proposed dwellings.

Characteristics of the Site and Area

The site is located within the settlement limit of Maghera on land with no specific zoning (white land). The development limit extends along the south eastern boundary of the site while the other three sides are surrounded by existing residential developments.

Description of Proposal

Proposed residential development for 22No. dwellings comprising of 14No. semi-detached and 8No. maisonettes. Proposal includes landscaping, car parking and all associated site and access works (amendment to previous Planning Permission LA09/2021/1330/F).

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Include Development Plan and planning history

Planning History

H/2008/0196/F – Proposed housing development of 10 No. semi-detached houses, 9 No. townhouses, & new site roadway with associated parking – Approved 15.10.2009

H/2014/0351/F – Proposed housing development of 10 semi-detached houses, 9 townhouses and new site roadway with associated parking (renewal of previously approved permission H/2008/0196/F) – Approved 01.07.2015

LA09/2021/1330/F – Proposed housing development (change of house types to that approved under H/2014/0351/F including reduction in dwelling numbers from 10no semi-detached dwellings and 9 no townhouses - total 19 dwellings to 2 no detached dwellings and 16 no semi-detached dwellings - total 18 dwellings) – Approved 09.08.2022.

The proposal is in accordance with the Magherafelt Area Plan 2015 insofar as it is located on whiteland within the settlement limit of Maghera and is located on a site which had an extant approval for a similar development at the time the application was submitted ie. LA09/2021/1330/F for 18 dwellings. That previous approval was a reduction in the number of dwellings being proposed from an earlier approval under H/2014/0351/F for 19 dwellings.

The principle of development has been established on this site for similar developments under the aforementioned planning approvals. There has been no change in the policy context since the date of the extant approval.

Transport Ni have requested minor amendments to the plans in relation to the Private Streets Determination. Subsequent to these having been provided Transport NI provided suggested approval conditions.

The relevant policies for consideration of this application are:

Magherafelt Area Plan 2015

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Creating Places

The lands in question are indicated as white land in the Magherafelt Area Plan 2015 and therefore there is a presumption in favour of development on this site.

The proposed layout has a density of 28.9 units per hectare.

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

This is an full application and is therefore being assessed against these criteria as follows:-

- (a) The proposal meets the first of these criteria in that it respects the surrounding context in terms of layout as the density of the surrounding areas range from Mullagh Court at 40.1 dwellings per hectare, King William III Park at 31.2 dwellings per hectare, Mullagh Close at 20 dwellings per hectare to Mullaghmore at 19.3 dwelling per hectare.
- (b) A search of the site, conducted using the online Historic Environment Map Viewer, found no listed buildings or scheduled monuments within or in close proximity to the site which would be affected by the proposal. The site is not within an Area of Archaeological Potential and there is no record of any archaeological artefacts being discovered during the development of the surrounding lands. Any landscape features which extends to the existing boundary hedgerows are identified and can be protected to way of condition.
- (c) The layout shows a layout with 14 dwellings and 8 maisonettes, therefore there is no requirement for the provision of public open space. This arrangement provides for all dwellings to have adequate private amenity space ranging from 66m² to 225m² for

dwellings and between 40m² to 81m² for maisonettes, with an average in excess of the minimum 40m².

- (d) The site is located within the settlement of Maghera and within 300m of the local shop, 400m from the nearest church, 600m from the town centre and 650m to the nearest schools. Therefore, the site is close to and within walking distance of the centre of Maghera and consequently the provision of neighbourhood facilities are not deemed necessary within the site;
- (e) The site has direct access onto Mullagh Lane, which in turn provides access onto Carricknakilt Road and Mullagh Court, which in turn provides direct access onto the Glenshane Road. This arrangement will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system;
- (f) Adequate provision can be made for all sites to have car parking, with all private dwellings having two in-curtilage parking spaces, whilst an adequate amount of communal parking has been provided for the maisonettes. DfI Roads have advised that the level and positioning of the proposed parking is acceptable.
- (g) The design of the development in terms of form, materials and detailing have been considered in detail and are considered acceptable for this location.
- (h) Given the existing surrounding land uses, the proposal will not create a conflict with adjacent land uses which are all dwellings.
- (i) Generally the layout can be designed to deter crime and to ensure there are no areas which are unsupervised or not overlooked.

Consultee responses

DfI Roads, Environmental Health Department, Rivers, and NIEA advised that they have no objections to the proposed development, subject to the inclusion of the suggested conditions.

Recommendation

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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 proposed planting as indicated on the stamped approved drawing no. 02/1 uploaded to the planning portal on 5th June 2024 shall be undertaken during the first available planting season following occupation of the first dwelling hereby approved.

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

Condition 3

The existing natural screenings of the site hereby approved, as identified in yellow and annotated 'All existing boundary planting retained and augmented as necessary with new native species planting' on drawing No. 02/1 uploaded to the planning portal on 5th June 2024 shall be permanently retained at a height of not less than 2.0m.

Reason: In the interests of residential amenity and to prevent overlooking.

Condition 4

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

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

Condition 5

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

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

Condition 6

A landscape management and maintenance plan covering all areas of communal open space/grass verges within the site, as indicated on the site plan uploaded to the planning portal on 20th November 2024, shall be submitted to and agreed with Mid Ulster District Council prior to the occupation of the first dwelling hereby approved.

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

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

Condition 7

The visibility splays of at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No.19/3 uploaded to the planning portal on 31st July 2024, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 8

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

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

Condition 9

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

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

Condition 10

Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council, in consultation with DfI Rivers, which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event with an additional allowance for climate change (10%) and urban creep (10%).

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

Condition 11

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

The Department for Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No.19/3 uploaded to the planning portal on 31st July 2024.

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

Condition12

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No.19/3 uploaded to the planning portal on 31st July 2024.

The Department for Infrastructure hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreements under Article 3 (4C) and Article 32.

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

Signature(s): Malachy McCrystal

Date: 15 November 2024

ANNEX	
Date Valid	25 April 2024
Date First Advertised	7 May 2024
Date Last Advertised	7 May 2024
Details of Neighbour Notification (all addresses) <p> The Owner / Occupier 2 King William Iii Crescent Maghera Londonderry BT46 5HA The Owner / Occupier 7 Mullagh Close Maghera Londonderry BT46 5GA The Owner / Occupier 12 Gortmore Maghera Londonderry BT46 5EG The Owner / Occupier 13 Gortmore Maghera Londonderry BT46 5EG The Owner / Occupier 21 Mullagh Court Maghera Londonderry BT46 5RH The Owner / Occupier 22 Mullagh Court Maghera Londonderry BT46 5RH The Owner / Occupier 23 Mullagh Court Maghera Londonderry BT46 5RH The Owner / Occupier 24 Mullagh Court Maghera Londonderry BT46 5RH The Owner / Occupier 25 Mullagh Court Maghera Londonderry BT46 5RH The Owner / Occupier 26 Mullagh Court Maghera Londonderry BT46 5RH The Owner / Occupier 10 Mullagh Road Maghera Londonderry BT46 5EB The Owner / Occupier 8 Mullagh Close Maghera Londonderry BT46 5GA The Owner / Occupier 8 Mullagh Road Maghera Londonderry BT46 5EB </p>	
Date of Last Neighbour Notification	30 April 2024
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: H/2001/0624/A41

Proposals: Garage

Decision: 205

Decision Date: 20-AUG-01

Ref: H/2007/0198/F

Proposals: Proposed alterations and extension to existing dwelling comprising of bedroom to side and sunroom to rear.

Decision: PG

Decision Date: 29-AUG-07

Ref: LA09/2015/1024/F

Proposals: Single storey rear extension to existing dwelling

Decision: PG

Decision Date: 20-JAN-16

Ref: H/1991/0216

Proposals: SERVICED SITES FOR 8 NO DWELLINGS

Decision: PG

Decision Date:

Ref: H/2010/0092/F

Proposals: Single storey side extension for sun-lounge & rear extension for Utility room and porch

Decision: PG

Decision Date: 08-APR-10

Ref: H/1993/0137

Proposals: HOUSE AND GARAGE

Decision: PG

Decision Date:

Ref: H/2004/0822/F

Proposals: Sun room. (Retrospective Application)

Decision: PG

Decision Date: 22-DEC-04

Ref: H/2007/0308/O

Proposals: Site of Proposed Demolition Of Existing Detached Garage Facilities To Enable The Development Of A Dwelling .

Decision: PR

Decision Date: 01-APR-08

Ref: H/2009/0366/F

Proposals: Proposed store to rear

Decision: PG

Decision Date: 28-JUL-09

Ref: H/2002/0311/O

Proposals: Site of Dwelling & Garage.

Decision: PG

Decision Date: 15-JUN-02

Ref: H/1992/0275

Proposals: DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: H/1994/0527

Proposals: HOUSE WITH GARAGE

Decision: PG

Decision Date:

Ref: H/1994/0296

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: H/1993/0591

Proposals: HOUSE

Decision: PG

Decision Date:

Ref: H/1997/0130

Proposals: 2 NO. SEMI-DETACHED DWELLINGS

Decision: PG

Decision Date:

Ref: H/1994/0014

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: H/1986/0164

Proposals: BUNGALOW & GARAGE

Decision: PG

Decision Date:

Ref: LA09/2022/0757/F

Proposals: This planning request is for retrospective planning permission for

prefabricated shed situated at the rear of Maghera Orange Hall. The completed construction measures 10m x 3m and is a prefabricated building on a concrete base. The shed is being used for storage and also as a community people's shed to be used for small projects and is being managed by Maghera Community Association.

Decision: PG

Decision Date: 15-NOV-22

Ref: LA09/2021/1320/PAN

Proposals: Public realm improvements comprising resurfacing of existing footpaths and spaces, new/ replacement tree planting, street and feature lighting , new/replacement street furniture, realignment of roadside kerbs, improvements to traffic management, on street parking spaces and pedestrian crossings, and all associated site and access work

Decision: PANACC

Decision Date: 07-OCT-21

Ref: H/2007/0472/F

Proposals: Proposed Refurbished Toilets including disabled toilets and new pitched roof over toilets to front of existing community hall

Decision: PG

Decision Date: 18-SEP-07

Ref: H/1976/0154

Proposals: 5,000 GALLON 4/G PETROL STORAGE TANK

Decision: PG

Decision Date:

Ref: H/2003/1523/O

Proposals: Site of housing development

Decision:

Decision Date:

Ref: H/1990/0414

Proposals: ALTS AND ADDS TO DWELLING

Decision: PG

Decision Date:

Ref: H/1991/0289

Proposals: DOMESTIC STORE

Decision: PG

Decision Date:

Ref: LA09/2022/1675/F

Proposals: Change of house type and amended siting from previously approved (Ref LA09/2018/0051/F) 4 No dwellings.

Decision: PG

Decision Date: 02-AUG-23

Ref: LA09/2024/0479/F

Proposals: Proposed residential development for 22No. dwellings comprising of 14No. semi-detached and 8No. maisonettes. Proposal includes landscaping, car parking and associated site and access works (amendment to previous Planning Permission LA09/2021/1330/F).

Decision:

Decision Date:

Ref: LA09/2023/0787/F

Proposals: Development for 2 no detached storey and a half chalet dwellings with associated access and car parking

Decision: PG

Decision Date: 19-DEC-23

Ref: LA09/2022/1451/O

Proposals: Proposed Dwelling & Garage

Decision: PG

Decision Date: 22-MAR-23

Ref: LA09/2022/1022/O

Proposals: Renewal of Outline Planning Approval LA09/2019/0605/O

Decision: PG

Decision Date: 27-OCT-22

Ref: LA09/2022/1424/TPO

Proposals: Proposed remedial tree works to protected trees TPO/2009/0099

Decision: WTPOG

Decision Date: 10-OCT-22

Ref: LA09/2022/1630/TPO

Proposals: Works to Trees at Maghera Rectory

Decision: WTPOG

Decision Date: 15-DEC-22

Ref: LA09/2022/1658/TPO

Proposals: Works to Trees to Maghera Church of Ireland Rectory

Decision: WTPOG

Decision Date: 15-DEC-22

Ref: H/1986/0162

Proposals: FRONT PORCH AND GARAGE

Decision: PG

Decision Date:

Ref: H/1977/0007

Proposals: EXTENSION TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/2007/0353/F

Proposals: Proposed housing development consisting of 45 dwellings, 12 no semi detached (24 units) 3 no of terraces (21 units)

Decision: PG

Decision Date: 24-FEB-14

Ref: H/1984/0246

Proposals: SITE OF HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: H/1989/0061

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: H/1985/0474

Proposals: PLAY AREA

Decision: WITHDR

Decision Date:

Ref: H/1981/0255

Proposals: EXTENSION TO BUNGALOW (BATHROOM AND BEDROOM EXTENSION FOR HANICAPPED PER

Decision: PG

Decision Date:

Ref: H/1990/0391

Proposals: SITE OF DWELLING

Decision: PR

Decision Date:

Ref: H/1974/0301

Proposals: M/V O/H LINE (C.5143)

Decision: PG

Decision Date:

Ref: H/2004/0118/F

Proposals: Demolition of existing sheds, extension to dwelling (single storey) comprising master bedroom/en-suite, utility, store, lobby and associated site works.

Decision: PG

Decision Date: 22-APR-04

Ref: H/1995/0612
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: H/1992/0372
Proposals: HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/2011/0239/F
Proposals: Internal redesign and ramped access to front entrance
Decision: PG
Decision Date: 15-JUL-11

Ref: H/1995/0406
Proposals: HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/2006/1013/F
Proposals: Kitchen extension to rear and bedrooms to side
Decision: PG
Decision Date: 21-FEB-07

Ref: H/1979/0447
Proposals: HV O/H LINE (BM 3145)
Decision: PG
Decision Date:

Ref: LA09/2015/0732/F
Proposals: Single storey rear shower room extension
Decision: PG
Decision Date: 09-DEC-15

Ref: H/2005/0237/F
Proposals: Provision of g/f shower room to rear of dwelling
Decision:
Decision Date:

Ref: H/1998/0682
Proposals: IMPROVEMENTS TO DWELLING
Decision: PG
Decision Date:

Ref: H/2006/0876/F

Proposals: Housing development to include two detached one and a half storey dwelling

Decision: PG

Decision Date: 22-APR-08

Ref: H/2006/0380/O

Proposals: Site of dwelling

Decision: PR

Decision Date: 02-JUN-08

Ref: H/2002/0136/O

Proposals: Site of dwelling

Decision: PG

Decision Date: 15-JUN-02

Ref: H/1977/0410

Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/1996/0288

Proposals: ALTS & ADDS TO DWELLING

Decision: PG

Decision Date:

Ref: H/1990/0274

Proposals: ALTS AND ADDS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/1995/6018

Proposals: REPLACEMENT DWELLING 10 MULLAGH LANE MAGHERA

Decision: PRENC

Decision Date: 07-FEB-95

Ref: H/1996/0426

Proposals: ALTS AND ADDS TO DWELLING

Decision: PG

Decision Date:

Ref: H/2006/0379/O

Proposals: Site of dwelling

Decision: PR

Decision Date: 02-JUN-08

Ref: H/2007/0777/F

Proposals: Housing Development consisting of 3 no. detached dwellings and 2 semi-detached dwellings with associated parking and landscaping

Decision: PG

Decision Date: 17-JUL-09

Ref: H/1996/0317

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: H/1979/0241

Proposals: GARAGE

Decision: PG

Decision Date:

Ref: H/1989/0292

Proposals: SITE OF DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: H/1990/0136

Proposals: DWELLING WITH GARAGE

Decision: PG

Decision Date:

Ref: XH/1984/0002

Proposals:

Decision: IE

Decision Date: 01-JAN-85

Ref: H/1986/0378

Proposals: GARAGE & COLD STORE FOR MILK STORAGE

Decision: PR

Decision Date:

Ref: H/1984/0060

Proposals: CHANGE OF USE OF GARAGE TO COLD STORE

Decision: PR

Decision Date:

Ref: H/1991/0531

Proposals: DOUBLE GARAGE

Decision: PG

Decision Date:

Ref: H/1980/0008

Proposals: BUNGALOW AND GARAGE

Decision: PG

Decision Date:

Ref: LA09/2019/0605/O

Proposals: Proposed site for a dwelling and garage based on policy CTY10 (dwelling on a farm)

Decision: PG

Decision Date: 03-SEP-19

Ref: H/1988/0059

Proposals: SITE OF DWELLING AND GARAGE

Decision: WITHDR

Decision Date:

Ref: E/1987/0125

Proposals:

Decision: IE

Decision Date: 01-JAN-88

Ref: H/1973/0074

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: H/1979/0473

Proposals: SITE OF BUNGALOW

Decision: PR

Decision Date:

Ref: H/1979/0092

Proposals: SITE OF BUNGALOW

Decision: WITHDR

Decision Date:

Ref: H/1978/0473

Proposals: SITE OF GUEST HOUSE

Decision: PR

Decision Date:

Ref: H/1975/0083

Proposals: SITE OF SUBSIDY DWELLING

Decision: PR

Decision Date:

Ref: LA09/2018/0858/F

Proposals: Proposed 2No. semi detached dwellings

Decision: PG

Decision Date: 29-JAN-19

Ref: LA09/2015/0330/TPO

Proposals: Consent to carry out works to a protected tree.

Decision: WTPOG

Decision Date: 23-JUN-15

Ref: LA09/2019/1574/F

Proposals: Proposed demolition of existing derelict dwelling/outbuildings and erection of 18 new dwellings

Decision: PG

Decision Date: 04-AUG-20

Ref: H/1990/0413

Proposals: STORE

Decision: PG

Decision Date:

Ref: H/1984/0417

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE

Decision: PG

Decision Date:

Ref: LA09/2017/1400/O

Proposals: Proposed demolition of existing derelict dwelling/ outbuildings and erection of 16 new dwellings

Decision: PG

Decision Date: 02-NOV-18

Ref: LA09/2017/0961/PAD

Proposals: Residential Development (16 units)

Decision: PAD

Decision Date: 30-AUG-17

Ref: H/2003/0891/O

Proposals: Site of housing development.

Decision: AD

Decision Date: 15-OCT-04

Ref: LA09/2019/1431/O

Proposals: Proposed outline development for 2 no. detached storey and a half chalet dwellings with associated access and car parking.

Decision: PG

Decision Date: 09-FEB-21

Ref: H/1977/0378
Proposals: DWELLING HOUSE AND GARAGE
Decision: PG
Decision Date:

Ref: H/1979/0155
Proposals: LAYOUT OF HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/2003/0152/F
Proposals: Sun Lounge
Decision: PG
Decision Date: 11-APR-03

Ref: H/2001/0005/Q
Proposals: Disposal Of Surplus Lands
Decision: 300
Decision Date: 08-FEB-01

Ref: H/2001/0957/Q
Proposals: Disposal of Surplus Land
Decision: 211
Decision Date: 05-DEC-01

Ref: H/1995/0516
Proposals: HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/1993/6134
Proposals: SITE FOR RESIDENTIAL DEVELOPMENT OFF MULLAGH ROAD
MAGHERA
Decision: QL
Decision Date:

Ref: H/1992/6098
Proposals: DISPOSAL OF LAND CARRICKNAKEILL RD MAGHERA
Decision: QL
Decision Date:

Ref: H/1991/6017
Proposals: HOUSING DEVELOPMENT CARRICKNAKEILT ROAD MAGHERA
Decision: QL
Decision Date:

Ref: H/1986/0386

Proposals: Alterations and additions to bungalow

Decision: HISAPP

Decision Date:

Ref: LA09/2021/1330/F

Proposals: Proposed housing development (change of house types to that approved under H/2014/0351/F including reduction in dwelling numbers from 10 no semi detached dwellings and 9 no townhouses - total 19 dwellings to 2 no detached dwellings and 16 no semi detached dwellings - total 18 dwellings)

Decision: PG

Decision Date: 09-AUG-22

Ref: H/2008/0196/F

Proposals: Proposed housing development of 10 No. semi-detached houses, 9 No. townhouses, & new site roadway with associated parking

Decision: PG

Decision Date: 19-OCT-09

Ref: H/1978/0032

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: H/1980/0279

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: H/2014/0351/F

Proposals: Proposed housing development of 10 semi detached houses, 9 townhouses and new site roadway with associated parking (renewal of previously approved permission H/2008/0196/F)

Decision: PG

Decision Date: 06-JUL-15

Ref: H/1999/6018

Proposals: DISPOSAL OF SURPLUS LAND CARRICKNAKIELT ROAD/MULLAGH ROAD MAGHERA

Decision: PRENC

Decision Date: 05-MAY-99

Ref: H/1994/0438

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/2010/0077/F

Proposals: Rear extension to provide level access shower and wheelchair accessible bedroom

Decision: PG

Decision Date: 01-APR-10

Ref: H/1982/0065

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: H/1996/0508

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: H/1984/0194

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2021/0339/F

Proposals: Proposed single storey side extension to existing dwelling and new ramped access front

Decision: PG

Decision Date: 13-APR-21

Ref: H/2002/0373/A41

Proposals: Proposed Extension & Shower Facility

Decision: 205

Decision Date: 22-APR-02

Ref: H/2003/0894/O

Proposals: Site of housing development.

Decision: AD

Decision Date: 01-JUN-04

Ref: H/1981/0322

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: H/1978/0359

Proposals: LAYOUT OF HOUSING DEVELOPMENT

Decision: PG
Decision Date:

Ref: H/1981/0062
Proposals: SITE OF RESIDENTIAL DEVELOPMENT
Decision: CROWN
Decision Date:

Ref: H/1989/0440
Proposals: DOUBLE GARAGE
Decision: PG
Decision Date:

Ref: H/1985/0365
Proposals: HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/1989/0314
Proposals: GARAGE AND STORE
Decision: PG
Decision Date:

Ref: H/1988/0464
Proposals: HOUSE WITH GARAGE
Decision: PG
Decision Date:

Ref: H/2007/0574/F
Proposals: Erection of domestic garage.
Decision: PG
Decision Date: 17-SEP-07

Ref: H/1988/0130
Proposals: ALTERATIONS AND ADDITIONS TO DWELLING AND NEW CAR PORT
Decision: PG
Decision Date:

Ref: H/1995/0010
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: H/1993/0283
Proposals: EXTENSION TO DWELLING
Decision: PG

Decision Date:

Ref: H/1995/0122

Proposals: GARAGE

Decision: PG

Decision Date:

Ref: H/1995/0413

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2015/0140/F

Proposals: Single storey extension to rear

Decision: PG

Decision Date: 07-AUG-15

Ref: H/2014/0388/F

Proposals: Proposed Ground Floor Living Room/W.C. Extension To Rear

Decision: PG

Decision Date: 08-DEC-14

Ref: H/2006/0655/F

Proposals: Proposed development of one no. townhouse for residential purpose

Decision: PR

Decision Date: 16-MAY-08

Ref: H/1991/0451

Proposals: GARAGE AND STORE

Decision: PG

Decision Date:

Ref: H/1987/0452

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE

Decision: PG

Decision Date:

Ref: H/1990/0538

Proposals: DOMESTIC GARAGE

Decision: PG

Decision Date:

Ref: H/1987/0148

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: H/1985/0150
Proposals: HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/1985/0166
Proposals: CONVERSION OF GARAGE TO LIVING ROOM, NEW CAR PORT AND GARAGE
Decision: PG
Decision Date:

Ref: H/1986/0186
Proposals: GARAGE AND WORKSHOP
Decision: PG
Decision Date:

Ref: H/1990/0448
Proposals: PROPOSED NEW GARAGE AND STORE
Decision: PG
Decision Date:

Ref: H/1995/0203
Proposals: ALTS AND ADDS TO DWELLING
Decision: PG
Decision Date:

Ref: H/2013/0134/F
Proposals: ☐ Proposed ext, and alt. to include sun lounge, first floor master bedroom with en-suite, dressing area and external store
Decision: PG
Decision Date: 05-AUG-13

Ref: H/1994/0112
Proposals: REPLACEMENT ROOF & CONVERSION OF ROOFSPACE
Decision: PG
Decision Date:

Ref: H/2009/0697/F
Proposals: Proposed single storey extension to side of dwelling
Decision: PG
Decision Date: 11-JAN-10

Ref: LA09/2016/1043/F
Proposals: Proposed Change of House type from 2no. Detached Dwellings to 1no. set of Semi-Detached Dwellings(Previously approved Planning Reference LA09/2015/1129/F)

and Domestic Garages

Decision: PG

Decision Date: 27-OCT-16

Ref: LA09/2015/1129/F

Proposals: Proposed 3No. dwellings and domestic garages

Decision: PG

Decision Date: 27-JAN-16

Ref: H/2006/0526/O

Proposals: Proposed development of 2no. detached dwellings for residential purposes.

Decision: PG

Decision Date: 15-APR-09

Ref: H/2012/0061/O

Proposals: Proposed development of 2 no. detached dwellings (previously approved under H/2006/0526/O)

Decision: PG

Decision Date: 01-MAY-12

Ref: H/1993/0224

Proposals: GARAGE

Decision: PG

Decision Date:

Ref: H/1987/0226

Proposals: HOUSING DEVELOPMENT (6 DWELLINGS & GARAGES)

Decision: PG

Decision Date:

Ref: H/1998/0503

Proposals: REAR PORCH TO DWELLING

Decision: PG

Decision Date:

Ref: H/1986/0211

Proposals: HOUSING DEVELOPMENT - 10 NO CHALET-TYPE DWELLINGS

Decision: PG

Decision Date:

Ref: H/1993/0225

Proposals: GARAGE EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: H/2004/0933/LB

Proposals: Change of use from dwelling house to commercial ground and first floor office premises. Proposing a new 2 storey extension to the rear of the building and subsequent demolition of existing rear return.

Decision: CG

Decision Date: 16-AUG-05

Ref: H/1993/0338

Proposals: GARAGE EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2019/1360/TPO

Proposals: Written request to remove Protected Tree T.01

Decision: WTPOG

Decision Date: 11-NOV-19

Ref: H/1988/0611

Proposals: GARAGE

Decision: PG

Decision Date:

Ref: H/1989/0003

Proposals: GARAGE

Decision: PG

Decision Date:

Ref: H/2006/0289/F

Proposals: Proposed extension & alterations to include bedroom and toilet/shower facilities and car port to existing dwelling.

Decision: PG

Decision Date: 27-JUL-06

Ref: H/2004/1415/F

Proposals: Extension and improvements to rear of dwelling

Decision: PG

Decision Date: 18-MAR-05

Ref: H/1997/4015

Proposals: GARAGE

Decision: PDNOAP

Decision Date:

Ref: H/2008/0380/F

Proposals: Proposed bus shelter.

Decision: PG

Decision Date: 22-OCT-08

Ref: H/1991/0215
Proposals: HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/1984/0127
Proposals: BUNGALOW AND DETACHED GARAGE
Decision: PG
Decision Date:

Ref: H/1985/0065
Proposals: IMPROVEMENTS TO HOUSE
Decision: PG
Decision Date:

Ref: H/1987/0130
Proposals: AGRICULTURAL GENERAL PURPOSE SHED
Decision: PG
Decision Date:

Ref: H/1978/0023
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: H/1983/0079
Proposals: GARAGE AND STORE
Decision: PG
Decision Date:

Ref: H/1980/0016
Proposals: CHANGE OF USE OF RETAIL TO BUILDING SOCIETY OFFICE
Decision: PG
Decision Date:

Ref: H/1988/0005
Proposals: CHANGE OF USE OF PRIVATE STORES TO COMMERCIAL STORES
Decision: PG
Decision Date:

Ref: H/2005/0756/F
Proposals: Proposed alterations and extension to dwelling
Decision: PG
Decision Date: 18-OCT-05

Ref: H/2005/1113/F
Proposals: Proposed Alterations and Extension To Dwelling
Decision: PG
Decision Date: 13-FEB-06

Ref: H/1982/0085
Proposals: SITE OF BUNGALOW
Decision: WITHDR
Decision Date:

Ref: H/1987/0131
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: H/2010/0239/LDP
Proposals: Provision of a side stream rotating biological contactors (RBC); new humus settlement tank; Motion Control Centre (MCC) Kiosk; new recirculation pumping station (submersible); new flow splitting chambers; new final effluent sampling chamber; new sludge pumping station. The existing access road within the site boundary will be extended to provide access to new humus tank and RBCs. Additional hardstanding will be provided around all new structures (1.2m wide concrete paths). The new humus tank will be constructed in concrete and covers in GRP. The new kiosk will consist of a concrete base slab and GRP kiosk.
Decision: PG
Decision Date: 06-OCT-10

Ref: H/2004/0810/CD
Proposals: Outline application for upgrading, refurbishment, replacement of treatment process plant and ancillary buildings on the site.
Decision: PG
Decision Date: 17-FEB-06

Ref: H/2003/0205/F
Proposals: Dwelling and garage.
Decision: PG
Decision Date: 24-JUL-03

Ref: H/1990/6072
Proposals: HOUSING AND INDUSTRIAL STARTER UNITS MULLAGH ROAD
MAGHERA
Decision: QL
Decision Date:

Ref: H/1991/6029
Proposals: HOUSING DEVELOPMENT MULLAGH ROAD MAGHERA

Decision: QL
Decision Date:

Ref: H/1980/0102
Proposals: SITE OF HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/2006/0525/O
Proposals: Site of 4 No. semi-detached dwellings for residential purpose
Decision: PG
Decision Date: 08-MAR-07

Ref: H/2011/0156/O
Proposals: Proposed site of 4no semi-detached dwellings for residential purposes
Decision: PG
Decision Date: 17-OCT-11

Ref: LA09/2018/0051/F
Proposals: 4no semi detached dwellings
Decision: PG
Decision Date: 26-JUN-18

Ref: H/2003/0099/F
Proposals: Sunlounge
Decision: PG
Decision Date: 10-APR-03

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation 2.DOCX
Rivers Agency-513609 - Final reply.pdf
NI Water - Multiple Units West-LA09-2024-0479-F.pdf
DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation template.DOCX
Environmental Health Mid Ulster Council-LA09 2024 0479 F Residential Dev Mullagh Lane Maghera.doc
Rivers Agency-351992 - Final reply.pdf
NI Water - Multiple Units West-LA09-2024-0479-F.pdf
DFI Roads - Enniskillen Office-Roads Consultation PSD.DOCX
Rivers Agency-607140 - Final reply.pdfSubstantive reply - 27/08/24

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04
Proposed Floor Plans Plan Ref: 05
Proposed Elevations Plan Ref: 06
Proposed Floor Plans Plan Ref: 07
Proposed Elevations Plan Ref: 08
Proposed Floor Plans Plan Ref: 09
Proposed Elevations Plan Ref: 10
Proposed Floor Plans Plan Ref: 11
Proposed Elevations Plan Ref: 12
Proposed Floor Plans Plan Ref: 13
Proposed Elevations Plan Ref: 14
Miscellaneous Plan Ref: 15
Miscellaneous Plan Ref: 16
Existing Site Survey Plan Ref: 17
Site Layout or Block Plan Plan Ref: 18
Roads Details Plan Ref: 19
Roads Details Plan Ref: 20
Roads Details Plan Ref: 21
Miscellaneous Plan Ref: 22

Notification to Department (if relevant)

Not Applicable

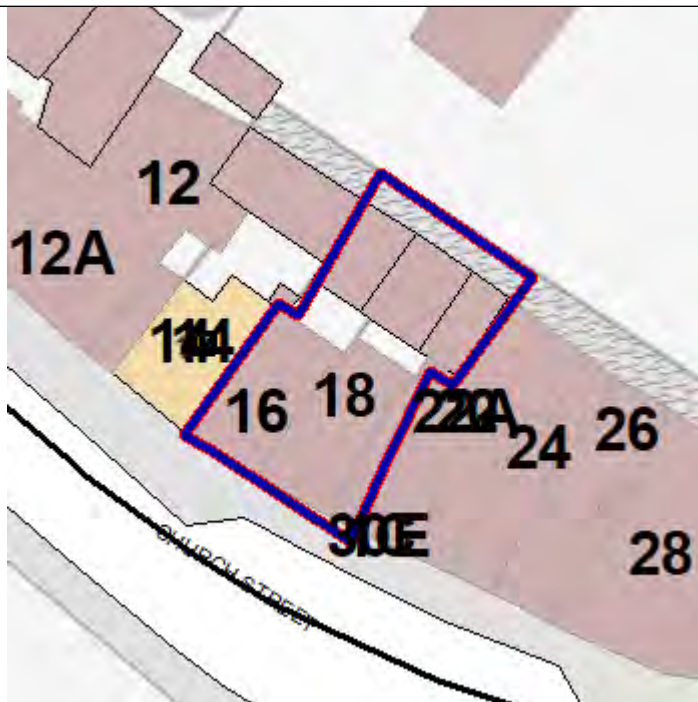


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.12
Application ID: LA09/2024/0560/F	Target Date: 10 December 2024
Proposal: Proposed change of use from former beauty salon to office accommodation (Class A2 Professional Services) at No 18 Church Street, and reconfiguration, refurbishment and alterations to premises at No 16 and part of No.18 Church Street	Location: 16-18 Church Street Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Jonathan Ruddell 16 Church Street Dungannon BT71 6AB	Agent Name and Address: Mr Tom Stephenson 74a Gilford Road Portadown Portadown BT63 5EG
Executive Summary: This Full application for a proposed change of use from former beauty salon to office accommodation at No 18 Church Street, and reconfiguration, refurbishment and alterations to premises at No 16 and part of No.18 Church Street. This application is being presented to committee as an approval which is contrary to NI Waters recommendation to refuse. This proposal has been assessed under all relevant policy and guidance, that is the SPPS, the Dungannon and South Tyrone Area Plan 2010, PPS 3 and PPS 6. The proposal is not at conflict with any of the relevant policies.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	28-05-2024.DOCX
Non Statutory Consultee	Environmental Health Mid Ulster Council	EH Response LA09 2024 0560 F.pdf
Statutory Consultee	NI Water - Multiple Units West	LA09-2024-0560-F.pdf
Non Statutory Consultee	MUDC Environment and Conservation Team	SKM_C450i24070909360.pdf
Non Statutory Consultee	MUDC Environment and Conservation Team	
	MUDC Environment and Conservation Team	
	Environmental Health Mid Ulster Council	

Representations:

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

signatures	
Number of Petitions of Objection and signatures	
<p>Summary of Issues</p> <p>A consultation was sent to NI Water, which responded with a recommendation for refusal. The response advised that sufficient wastewater treatment capacity is not available at present to service the proposed development, and the applicant should engage with NI Water as outlined in the response uploaded to the Mid Ulster Planning Portal on 29th May 2024, and that NI Water may reconsider its recommendation following this engagement. However, upon review of the previous approved uses of the building located at No. 18 Church Street, formerly 'Harry's Bar,' and the associated 2012-2013 Entertainment Licence allowing a maximum occupancy of 60 people at any one time, as well as the subsequent use as a Hair and Beauty Salon, I find the proposed addition of two toilets, as shown in Drawing No. 03, to be acceptable. Based on prior business class usage, I am of the opinion that this proposal will not result in an increase in demand at the wastewater treatment works (WWTW).</p>	
<p>Characteristics of the Site and Area</p> <p>The proposed site is located within the settlement limits of Dungannon, it is also located within the Conservation Area and Town Centre designations as defined in the Dungannon and South Tyrone Area Plan 2010. The three storey adjoining buildings are currently in use for (No.16) office accommodation for accountancy practice with (No.18) previously used as a beauty salon, which is now vacant. The site is located opposite and downhill from the listed structure St. Anne's church of Ireland, Grade B Reference: HB 12/19/001. The surrounding area is urban in character with a mix of uses in close proximity including residential and retail units. The site is located on a hill and is accessed off Church Street Dungannon.</p>	
<p>Description of Proposal</p> <p>This is a full application for a proposed change of use from former beauty salon to office accommodation (Class A2 Professional Services) at No 18 Church Street, and reconfiguration, refurbishment and alterations to premises at No 16 and part of No.18 Church Street.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p><u>Policy Consideration</u></p> <p>Representations</p> <p>Six (6) neighbouring properties were notified, and press advertisement was carried out in line with the Council's statutory duty. To date no third party representations have been received.</p> <p>Relevant Planning History</p>	

M/2009/0939/F - 16 & 18 Church St, Dungannon, BT71 6AB - Extensions & Alterations to provide smoking area, store & seating area to rear ground floor & terraced area to rear first floor of public bar – PG 21.12.2009

Planning Assessment of Policy and Other Material Considerations

Dungannon and South Tyrone Area Plan 2010

SPPS - Strategic Planning Policy Statement for Northern Ireland

Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy

Planning Policy Statement 3 - Access, Movement and Parking

The Planning (Use Classes) Order (NI) 2015

Parking Standards 2019

Planning Policy Statement 6 - Planning, Archaeology and Built Heritage

Dungannon and South Tyrone Area Plan 2010

The site is within the settlement limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010.

Article 45 of the Planning Act (NI) 2011 requires the planning authority, 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. The intention of this application is to change the current use from a salon to an office.

The application site is located within the settlement limits and conservation area of Dungannon as identified in the Development Plan. Policy SETT 1 of the Development Plan details favourable consideration will be given to development proposals within settlement limits provided the proposal is sensitive to the size and character of the settlement and will not impact on amenity. I am content that the proposal satisfies Policy SETT 1.

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 5 has been superseded and replaced by the SPPS and therefore the prevailing policy for retail development is that contained within the SPPS.

The SPPS (6.281) states that planning authorities must adopt a town centre first approach for town centre uses (such as retail) retail development. It states that;

Planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):

- 1) primary retail core;
- 2) town centres;
- 3) edge of centre; and
- 4) out of centre locations, only where sites are accessible by a choice of good public transport modes.

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.

Paragraph (6.269) states 6.269 “It is important that planning supports the role of town centres and contributes to their success. The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand.” The aim of the SPPS as per (6.270) is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres. As part of the proposal seeks to alterations and refurbishment of existing offices and change the use of the adjoining building to that of the same, I am therefore satisfied that the relevant policy (SPPS) has been satisfied by this proposal.

Mid Ulster District Council Draft Plan Strategy 2030

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Planning Policy Statement 3 – Access, Movement and Parking

DFI Roads were consulted and responded on this application observing that the number of vehicles attending the site will increase, this combined with no in-curtilage parking and the limited number of on-street parking spaces, DFI Roads requested the submission of a Transport Assessment Form.

Policy AMP 7 of PPS 3, which deals with Car Parking and Servicing Arrangements permits a reduced level of parking spaces in certain circumstances, one of which is where the development would benefit from spare capacity available in nearby public car

parks or adjacent on street car parking. The site is located within Dungannon town centre which avails of 'Perry Street West' Car park to the east of the site alongside on street car parking to the immediate front.

The Planning (Use Classes) Order (NI) 2015 sets out the current use of the former beauty salon as Class A2: Financial, professional and other services (b) to Class B1: Business (a) having considered these against Parking Standards there is no increase in parking standards required for the two uses. Given that both use classes require 1 space per 20m² it is considered that there is no greater need for this use as opposed to what was previously there.

Considering that there is no change to the existing access or parking arrangements and noting that the proposed can avail of on street and adjacent car parking sites, I am content that the proposed application in terms of parking remains primarily unaffected and there is sufficient parking available elsewhere.

I am satisfied that this proposal will not have a negative impact on road safety and is in accordance with policy PPS 3.

Planning Policy Statement 6 – Planning, Archaeology and Built Heritage

The proposal involves external works to the façade of the building and given the close proximity to n St Anne's Parish Church, Church Street, Dungannon (Grade B+) which is of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011 a consultation was sent to Historic Environment Division to consider the impacts upon the Church. HED (Historic Monuments) responded detailing that the submitted plans shall have an adverse impact on the listed building. HED (Historic Monuments) requested amendments to deal with the concerns as detailed in the response uploaded to Mid Ulster Planning Portal on 29th May 2024. Following the Submission of amended plans and re-consultation, HED Historic Monuments responded and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. This is due to the scale and nature of the proposed development.

As the site is located within Northland Conservation Area a consultation was sent to Mid Ulster Environment and Conservation Team to which they responded detailing that the proposed change of use is acceptable in terms of historic environment planning policy, however the alterations may erode on the original historic built fabric to which amendments were requested. Following submission of amended plans and taken into account the second response from the Environment and Conservation Team, I am content the proposed alterations and materials to the external façade are deemed satisfactory without having to request drawing 04/1 be amended to include the type of windows (sash) proposed.

Overall, I am content the proposal does not offend PPS6.

Additional Considerations

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

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

Environmental Health as consulted and stated, “Environmental Health Department have no objections to this proposed development however occupation of the building is subject to the foul sewage agreement with NI water.”

Habitats Regulations Assessment

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Approve is recommended

Given all of the above, I recommend this proposal is approved subject to conditions.

Approval Conditions

Condition 1

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

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

Signature(s): Ciara Carson

Date: 18 November 2024

ANNEX	
Date Valid	14 May 2024
Date First Advertised	27 May 2024
Date Last Advertised	27 May 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 20 Church Street Dungannon Tyrone BT71 6AB The Owner / Occupier Flat (1st and 2nd Floors) 14 Church Street Dungannon Tyrone BT71 6AB The Owner / Occupier 22A Church Street Dungannon Tyrone BT71 6AB The Owner / Occupier St Anne'S Church Hall 5 Church Street Dungannon Tyrone BT71 6AB The Owner / Occupier Offices (Groundfloor and Basement) 14 Church Street Dungannon Tyrone BT71 6AB The Owner / Occupier 22 Church Street Dungannon Tyrone BT71 6AB	
Date of Last Neighbour Notification	20 May 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1994/0498 Proposals: Alterations and extension to office Decision: PG Decision Date: Ref: M/2005/1559/F Proposals: Church hall and committee room Decision: PG Decision Date: 11-OCT-05 Ref: M/2001/0262/A Proposals: Provision of 1 no. fascia sign, and 1 no. projecting sign to facade of retail premises. Decision: CG	

Decision Date: 21-MAY-01

Ref: M/2001/0263/F

Proposals: New shop front, installation of a roller shutter & air conditioning & internal alterations.

Decision: PG

Decision Date: 21-MAY-01

Ref: LA09/2022/1684/F

Proposals: Refurbishment ☐ conversion of upper floors to provide 4No. modest sized self-contained apartments with access taken from existing adjacent alley.

Decision:

Decision Date:

Ref: LA09/2024/0560/F

Proposals: Proposed change of use from former beauty salon to office accommodation (Class A2 Professional Services) at No 18 Church Street, and reconfiguration, refurbishment and alterations to premises at No 16 and part of No.18 Church Street

Decision:

Decision Date:

Ref: LA09/2024/0561/DCA

Proposals: Proposed new shopfronts

Decision:

Decision Date:

Ref: M/2015/0167/A

Proposals: Street Banners

Decision:

Decision Date:

Ref: M/1989/0064

Proposals: Proposed 3 New Shop Fronts and Improvements to Building

Decision: PG

Decision Date:

Ref: M/1993/0564

Proposals: New shop front and alterations to shop

Decision: PG

Decision Date:

Ref: M/1993/6088

Proposals: Refurbishment of shop Church Street Dungannon

Decision: QL

Decision Date:

Ref: M/1993/0563
Proposals: 2 No Shop Signs
Decision: PG
Decision Date:

Ref: M/1995/0625
Proposals: Alterations and extension to dwelling
Decision: PG
Decision Date:

Ref: M/1998/0087
Proposals: Change of use from vacant shop and living accommodation to restaurant
Decision: PG
Decision Date:

Ref: M/2001/0377/F
Proposals: Change of use of shop to restaurant on 1st floor
Decision: PG
Decision Date: 25-JUN-01

Ref: M/2000/1301/F
Proposals: New Shop Front & Provision of 2 shop units to ground floor
Decision: PG
Decision Date: 06-MAR-01

Ref: M/1994/0309
Proposals: Change of use from shop to office unit
Decision: PG
Decision Date:

Ref: M/2006/1671/A
Proposals: Fixed Metal Office Sign - Fixed to Brickwork
Decision:
Decision Date:

Ref: M/1997/0132
Proposals: Proposed new window opening to front facade
Decision: PG
Decision Date:

Ref: M/1997/0131
Proposals: Proposed projecting sign and public bar sign (fascia)
Decision: PG
Decision Date:

Ref: M/2009/0939/F

Proposals: Extensions & Alterations to provide smoking area, store & seating area to rear ground floor & terraced area to rear first floor of public bar

Decision: PG

Decision Date: 29-DEC-09

Ref: M/2003/0142/F

Proposals: Reinstatement of original details to premises i.e. roof covering, windows, shopfronts etc

Decision: PG

Decision Date: 15-SEP-03

Ref: M/2003/1500/F

Proposals: Change of use of part store to retail unit together with new shop front

Decision: PG

Decision Date: 02-APR-04

Ref: M/2009/0614/F

Proposals: Environmental improvements including revised road & parking layout, improved public space with market sq & grass terrace seating, new street lighting, tree planting, seating, litter bins & an improved setting for the cenotaph

Decision: PG

Decision Date: 18-FEB-10

Ref: M/2015/0043/F

Proposals: Public realm scheme to include provision of new footway and parking bay surfaces, new stone kerbing, new street furniture, tree planting and improved lighting

Decision: PG

Decision Date: 31-MAR-15

Ref: M/2007/0613/Q

Proposals: Dungannon Town Centre Health Check Planning Search

Decision: 300

Decision Date: 05-JUN-07

Ref: M/1989/0168

Proposals: Projecting Sign

Decision: PG

Decision Date:

Ref: M/1977/0294

Proposals: EXTENSION TO BANK

Decision: PG

Decision Date:

Ref: M/2002/0649/PA

Proposals: Erection of A 3.3M Rooftop Telecommunications flagpole (supporting 1No. Antenna) 3No. microwave dishes (2No. 300MM and 1No. 600MM) 2 No. Antenna fixed to proposed handrailing, associated cable tray, rubber mat walkway and installation of equipment cabins (1.2mx0.79x1.3m) & (0.77mx0.79x1.3m) on roof of 7-9 Market Square Dungannon

Decision: 882

Decision Date: 10-JUN-02

Ref: M/2002/0726/PA

Proposals: Erection of telecommunications apparatus

Decision: 882

Decision Date: 21-JUN-02

Ref: M/2002/0934/F

Proposals: Erection of 1 No 3.3M rooftop flagpole (supporting 1 No. antenna), 3 No. microwave dishes 2 No. 300MM and 1 No. 600MM) 2 No. antenna, associated cable tray rubber mat walkway and installation of equipment cabins (1.2Mx0.79x1.3) and (0.77mx0.79mx1.3m).

Decision: PG

Decision Date: 31-OCT-02

Ref: M/2014/0435/A

Proposals: 1 no fascia sign, 1 no projecting sign

Decision: CG

Decision Date: 10-NOV-14

Ref: M/2014/0436/F

Proposals: Replacement of entrance door

Decision: PG

Decision Date: 11-NOV-14

Summary of Consultee Responses

Historic Environment Division (HED)-

DFI Roads - Enniskillen Office-28-05-2024.DOCX

Environmental Health Mid Ulster Council-EH Response LA09 2024 0560 F.pdf

NI Water - Multiple Units West-LA09-2024-0560-F.pdf

MUDC Environment and Conservation Team-SKM_C450i24070909360.pdf

MUDC Environment and Conservation Team-

MUDC Environment and Conservation Team-

Environmental Health Mid Ulster Council-

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.13
Application ID: LA09/2024/0666/O	Target Date: 17 September 2024
Proposal: Construction of a dwelling and detached garage and new access laneway onto Gorteade Road	Location: 30M NE of 41 Gorteade Road, Upperlands, Maghera
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Cathy Alexander 41 Gorteade Road Upperlands Maghera	Agent Name and Address: Gordon Arbuthnot 6 Culnady Road Upperlands Maghera BT46 5TN
Executive Summary: <p>This outline application is for a proposed dwelling and garage. There is no case of need for the proposed dwelling and therefore it is recommended that the application be refused for the following reasons:</p> <p>The proposal is contrary to Policy CTY 1 of PPS 21 in that there are no overriding reasons why the development is essential and could not be located in a settlement.</p> <p>The proposals is contrary to Policy CTY 2a of PPS 21 in that the cluster does not appear as a visual entity, there is no focal point, no rounding off and no bounding on at least two sides with other development in the cluster.</p> <p>The proposal is contrary to Policy CTY 8 of PPS 21 in that it would create or add to a ribbon of development if approved. The proposal does not include a line of 3 or more buildings along the road frontage and therefore the exception is not met.</p> <p>The proposal is contrary to Policy CTY 14 of PPS 21 in that it would create or add to a ribbon of development if approved.</p>	

The proposal however does not offend Policy CTY 13 of PPS 21 at this outline stage.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline Tri.DOCXDfl Roads Response dated 12/06/2024 - duplicated.

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site of the proposal is located in the rural countryside approximately 0.6 miles outside the settlement limits of Upperlands as defined in the Magherafelt Area Plan 2015. The 0.1 ha site encompasses a small, overgrown agricultural field to the rear of

no. 41 Gorteade Road. The site may have been the extended rear garden area of the same property according to historical ortho imagery. The northern boundary of the site consists of a line of mature trees which also run along the short length of the proposed access onto the Gorteade Road. Given the overgrown nature of the site, there is a clear differentiation between the site and the adjoining agricultural field outside of the applicant's ownership. Within the curtilage on no. 41 Gorteade Road appears to be a series of small outbuildings for dog kennels. The closest third party dwelling is no. 38 Gorteade Rd across the road from the site. The wider surrounding environment consists mostly of agricultural field with scatterings of dwellings dotted along this road.

Description of Proposal

This is a full application for the proposed construction of a dwelling and detached garage and new access laneway onto Gorteade Road.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Histories

None

Representations

To date no third party representations have been received.

Magherafelt Area Plan 2015

The site of the proposal is located in the rural countryside approximately 0.6 miles outside the settlement limits of Upperlands as defined in the Magherafelt Area Plan 2015.

Other Constraints

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

There are also no nearby listed buildings around the site.

There are no issues pertaining to flooding.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 21 – Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS 21 lists development proposals that are considered to be acceptable forms of development in the countryside. With no supporting statement, and having discussed the application with the agent, it is clear that the proposal does not meet the criteria for types of development which in principle could be considered to be acceptable in the countryside. For the purposes of confirming this, all potential avenues are explored and eliminated from consideration below.

The proposal fails to comply with Policy CTY 2a in that the cluster does not appear as a visual entity, there is no focal point, no rounding off and no bounding on at least two sides with other development in the cluster.

Policy CTY 3 (replacement dwelling) does not apply to the proposal because there is no existing dwelling which has been pinpointed to be replaced. The dwelling at no. 41 is inhabited. There are no existing buildings on the site and therefore the avenue of conversion is also not possible under Policy CTY 4.

Policy CTY 5 (social and affordable housing) is not applicable and there is no case for personal and domestic circumstances under Policy CTY 6. No case has been put forward for a proposed dwelling in connection with an established non-agricultural business enterprise, therefore Policy CTY 7 is not relevant.

Policy CTY 8 provides an exception to the presumption against development which creates or adds to a ribbon of development. Given there is not a line of 3 or more buildings with a frontage onto the Gorteade Road, nor the private lane to the north of the site, the proposal is contrary to Policy CTY 8 in that it would add to a ribbon of development.

The case for residential caravans and mobile homes (Policy CTY 9) does not apply as the proposal is clearly described as a dwelling and garage. There are no live approvals on the site. The case for a farm dwelling (Policy CTY 10) is eliminated from consideration as there is no identified farm business associated with the site.

Given all of the above, the proposal fails to meet Policy CTY 1, Policy CTY 2a and Policy CTY 8. All other mentioned policy above is both not applicable to the case and not met.

This is an outline application, and therefore design details are withheld. It is however accepted that a dwelling with a ridge height no higher than no. 41 Gorteade Road would not be a prominent feature in the environment. The siting to the rear of no. 41 would also allow for a good degree of enclosure and the proposal would not rely entirely on the use of new landscaping for integration. The proposal does not offend Policy CTY 13 of PPS 21.

Policy CTY 14 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposal, if approved, would add to a ribbon of development and therefore the proposal is contrary to Policy CTY 14 of PPS 21.

PPS 3 – Access, Movement and Parking

The proposed access arrangements involve the construction of a new access to the public road. DfI Roads were consulted and recommended that an amended plan be submitted clearly showing the hedge to the north being set back to facilitate the visibility splays and the red site outline amended to show control of the lands required for the splays. Given there is no case of need for the proposed dwelling, the agent was not asked to submit this amended drawing and nor has the agent taken it upon himself to submit this information. If it is later agreed that the dwelling can be approved, this amendment can be requested from the agent at that stage and notice served on any third party lands, prior to the granting of approval. The proposal does not offend Policy AMP 2 of PPS 3.

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, it is recommend that this application be refused for the reasons below:

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 1 of PPS 21 in that there are no overriding reasons why the development is essential and could not be located in a settlement.

Reason 2

The proposals is contrary to Policy CTY 2a of PPS 21 in that the cluster does not appear as a visual entity, there is no focal point, no rounding off and no bounding on at least two sides with other development in the cluster.

Reason 3

The proposal is contrary to Policy CTY 8 of PPS 21 in that it would add to a ribbon of development if approved. The proposal does not include a line of 3 or more buildings along the road frontage and therefore the exception is not met.

Reason 4

The proposal is contrary to Policy CTY 14 of PPS 21 in that it would add to a ribbon of development if approved.

Signature(s): Benjamin Porter

Date: 5 November 2024

ANNEX	
Date Valid	4 June 2024
Date First Advertised	18 June 2024
Date Last Advertised	18 June 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 38 Gorteade Road Upperlands Maghera Londonderry BT46 5SA The Owner / Occupier 41 Gorteade Road Upperlands Maghera Londonderry BT46 5SA	
Date of Last Neighbour Notification	13 June 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2003/0208/F Proposals: Dwelling & Garage Decision: PG Decision Date: 23-MAY-03 Ref: LA09/2024/0666/O Proposals: Construction of a dwelling and detached garage and new access laneway onto Gorteade Road Decision: Decision Date: Ref: H/1984/0242 Proposals: GARAGE AND PORCH Decision: PG Decision Date: Ref: H/2001/0883/O Proposals: Site of Dwelling Decision: PG Decision Date: 18-FEB-02	

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline Tri.DOCXD
DFI Roads Response dated 12/06/2024
- duplicated.

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

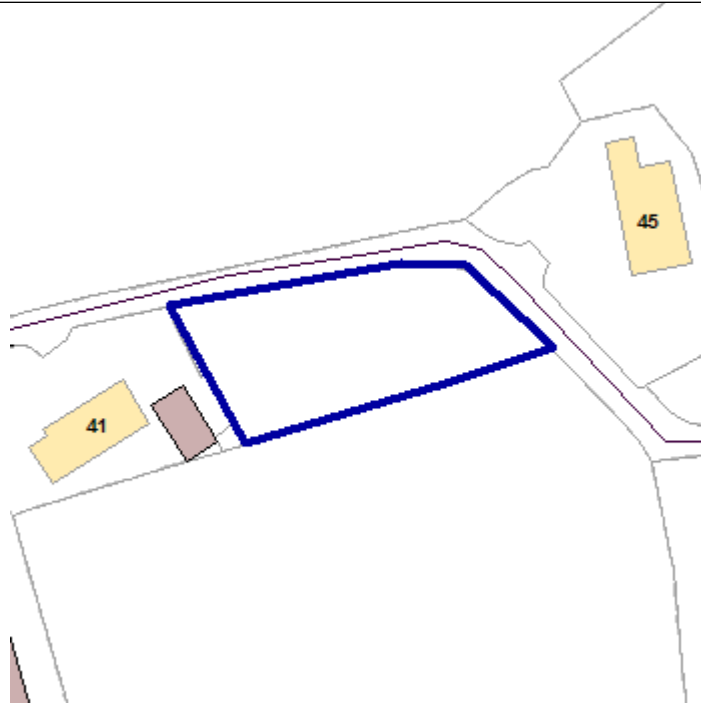


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.14
Application ID: LA09/2024/0698/O	Target Date: 24 September 2024
Proposal: Proposed Infill dwelling and garage	Location: Land adjacent to and immediately West of 41 Cavan Road Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Ian Montgomery 10 Oakwood Manor Killyman Dungannon BT71 6UF	Agent Name and Address: Mr Scott Montgomery 163 Brackaville Road Dungannon BT714NL
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Roads Outline & RS1 form.DOCXDC Checklist.doc

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site occupies a rectangular shaped site which sits on land adjacent to and immediately West of 41 Cavan Road. The site is located 0.6 kilometres north of Killyman and approximately 2.5 kilometres to the east of Dungannon. The site is

Greenbelt in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area is characterised by single dwellings throughout this rural landscape with agriculture being the dominant use, with detached dwellings scattered throughout and some single wind turbines to the north west.



The site is accessed via a private laneway to which sits to the east of the road between Killyman and The Bush. This laneway serves 4 other dwellings- Nos 41, 43 45 & 47 Cavan Road and a farmyard area also. The site measures 0.11 ha and is flat with a small traditional chicken coop located close to the western boundary of the site. The shared laneway running along the northern and north eastern boundaries of the site which are defined by a d rail fence with chicken wire to the inside. This fence continues along the western boundary which runs alongside a new access to a yard area which is to the rear of the bungalow at No 41 and to what appears to be a new detached outbuilding. The rear boundary defined the southern confines of the site by a post and wire fence.

Planning History

LA09/2024/0117/CA - Unauthorised access, building, and yard area. Possible engineering use - Adj East & South of 41 Cavan Road, Dungannon - ongoing

M/2011/0198/F - Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1 - Tamnamore Grid Substation Drumkee Road Dungannon And Townlands Of Drumkee, Drumnaspil, Cavan, Coash, Lederg And Keenaghan – Approval - 13.12.2011.

M/2003/0774/O - Proposed dwelling - Adjacent To 41 Cavan Road, Killyman – Refusal -

06.04.2004

Description of Proposal

This application seeks outline planning permission for a dwelling and domestic garage based on Policy CTY8 (Infill) on land 80 metres South of 89 Derrytresk 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.

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. As the site lies outside of any settlement limit as defined in the above plan, the relevant policy is PPS 21 – Sustainable Development in the Countryside.

Policy CTY 1 allows for a new dwelling in the countryside provided it meets with the

criteria specified in other policies within the document. Policy CTY 8 - Ribbon Development 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 it respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. This policy would also regard this private laneway as being a justifiable road frontage also.

This application site is located along a laneway off Cavan Road which currently serves 4 dwellings. The first dwelling No 41 is sited adjacent to and west of this application site, being the first along this laneway. It is a bungalow with some outbuildings and a yard area to the rear which is currently subject of an enforcement investigation. There are no other buildings along this southern side of the laneway, with open fields to the south and east of the application site.

To the north east of this application site on the northern side of the laneway is No 46 which is a red brick bungalow with gable dormers along the front roof elevation. Then adjacent and south east of this is No 43 which is a large 2 storey dwelling. There are a number of out buildings to the rear of this dwelling and to where the laneway ends at No 47 which is another large two storey dwelling.

Officers agree the 3 dwellings and numerous outbuilding along the northern side of this private laneway could be defined as a substantial and built-up frontage. However this cannot be said for the land to the south of the laneway which only has a single dwelling with a detached garage fronting onto the laneway. Therefore, this application site cannot be deemed a gap site as it would not be bookended as is a necessary requirement for an infill opportunity site. Development on this application site would result in the creation of ribbon development along this part of the Cavan Road and cannot be considered an exception to policy

The Members' attention is drawn to the planning history above which shows that planning permission for a dwelling was refused some 20 years ago under application M/2003/0774/O on a plot of land to the rear and south east of this application site as below.



The reasons for refusing planning permission were that it was contrary to;

- Policies SP12, GB.CPA 1 & GB.CPA3 and HOU12 of the Department's Planning Strategy for Rural Northern Ireland and Policy CTY1 of the Draft Dungannon and South Tyrone Area Plan 2010, in that the site lies within a Green Belt and the stated personal and domestic circumstances are not considered to be of sufficient weight to justify a relaxation of the strict planning controls in this area.
- Policies SP6, HOU8, DES 6 of the Department's Planning Strategy for Rural Northern Ireland in that the development when considered in the context of existing development, would, if permitted create an adverse impact on the character of the area if added to the existing buildings in the vicinity resulting in a detrimental change to the rural character of this area of countryside.
- Policies SP6, HOU8 and DES 5 of the Department's Planning Strategy for Rural Northern Ireland, in that, a building on this prominent site would not integrate into the countryside as the site is unable to provide a suitable degree of enclosure due to the lack of sufficient established boundaries or any other means of allowing for satisfactory integration and as a consequence would be obtrusive and have an adverse visual impact on the countryside.

Although not the exact same plot of land seeking planning permission for a dwelling in this application, it is worth noting the reasons for refusing the previous application are similar to this application. The introduction of PPS 21 in 2008 did in principle uphold these same ideologies, albeit under new policy legislation. There does not appear to have been any real change in the immediate surrounding of the application site as is evident from the ortho photo from 2003 below.



Ribbon development is cited as being detrimental to rural landscapes, creating a built-up appearance to roads. As such, another dwelling in this location will create build up when read with the three existing dwellings to the east of this site and that to the west, thereby contrary to CTY8.

The Members are reminded of a recent Court of Appeal Decision (Gordon Duff v Newry Mourne and Down Borough Council) following a Judicial Review which warns against a temptation to view CTY 8 as a permissive policy. It reiterates how the policy clearly states that planning permission will be refused where it creates or adds to a ribbon of development. The judgement is unequivocal when it states that unless the exception to CTY 8 has been shown to be truly available on the facts of the case, then permission must be refused because ribbon development is unacceptable under the policy guidelines, unless it falls within a permitted exception.

CTY13 - Integration and Design of Buildings in the Countryside in 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. This application site as defined in red occupies a small plot of land which is relatively flat and void of any vegetated boundaries. As there are no established boundaries of any sort to offer some sort of enclosure to any development on this site, a dwelling combined with a garage would appear unduly prominent on this open site. Although it may be sheltered in part from the public road, due to the presence of farm buildings alongside the Cavan Road associated with No 37 Cavan. However, this particular farm holding is not within the applicant's ownership whereby to cluster with and the applicant has not sought permission for a dwelling on a farm. The lack of vegetation bounding the site leaves it open and exposed and a dwelling and garage along this laneway would not successfully integrate into the immediate and wider surroundings.

CTY14 - Rural Character in PPS 21 states that planning permission will be granted for a

building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It also states that a new building will be unacceptable where it results in a suburban style build-up of development or adds to a ribbon of development. As explained above, a new dwelling and garage on this application site would create a ribbon of development which is a suburban style of development. Officers are of the opinion the planning history above has set a precedent here and this application site does not constitute an infill opportunity and would therefore cause detrimental change to, and further erode the rural character of the area, contrary to the provisions of CTY 14.

From assessment of DfI Rivers Strategic Flood Hazards and Flood Risks Map, it shows this site would not be susceptible to flooding and therefore there are no flooding concerns regarding this application.

In addition to checks on the Council's planning portal, the Natural Environment Division (NED) map viewer online has been checked. This did show the site is located just over 3.5 kilometre from the Lough Neagh & Lough Beg RAMSAR site. A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

This application has been advertised in Local Press in line with statutory consultation duties part of the General Development Procedure Order (GDPO) 2015. One neighbouring property was notified about this proposal and there were no objections received.

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.

This application has been advertised in Local Press in line with statutory consultation duties part of the General Development Procedure Order (GDPO) 2015. Four neighbouring properties were notified about this proposal and there were no objections received.

Summary of Recommendation:

Refuse is recommended

This application site does not comprise an infill opportunity and is thereby contrary to CTY 8. Planning history was previously refused for a dwelling on the adjacent site due to similar policies reasons this proposal fails to comply with and thereby refusal is recommended.

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Reason 2

The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along this part of the Cavan Road and cannot be considered an exception to policy as it does not constitute an infill opportunity.

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, if permitted, result in a suburban style build-up of development when viewed with existing buildings, and would if permitted, create a ribbon of development at this stretch of the Cavan Road and therefore result in a detrimental change to the rural character of the countryside.

Signature(s): Cathy Hughes

Date: 19 November 2024

ANNEX	
Date Valid	11 June 2024
Date First Advertised	24 June 2024
Date Last Advertised	24 June 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 41 Cavan Road Dungannon Tyrone BT71 6QW The Owner / Occupier 43 Cavan Road Dungannon Tyrone BT71 6QW The Owner / Occupier 45 Cavan Road Dungannon Tyrone BT71 6QW The Owner / Occupier 47 Cavan Road Dungannon Tyrone BT71 6QW	
Date of Last Neighbour Notification	26 June 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1998/0625B Proposals: Proposed Dwelling and Garage Decision: PG Decision Date: Ref: M/1975/0167 Proposals: ERECTION OF FARM SUBSIDY BUNGALOW Decision: PG Decision Date: Ref: LA09/2024/0698/O Proposals: Proposed Infill dwelling and garage Decision: Decision Date: Ref: M/2003/0293/F Proposals: Proposed dwelling Decision: PG	

Decision Date: 06-AUG-03

Ref: M/2002/0698/O

Proposals: Proposed dwelling

Decision: PG

Decision Date: 13-SEP-02

Ref: M/2007/0834/F

Proposals: Proposed erection of a garage

Decision: PG

Decision Date: 17-SEP-07

Ref: M/1975/016701

Proposals: SITE FOR BUNGALOW

Decision: PG

Decision Date:

Ref: M/1998/0625

Proposals: Proposed dwelling

Decision: PG

Decision Date:

Ref: M/2011/0198/F

Proposals: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1.

Decision: PG

Decision Date: 08-DEC-11

Ref: M/2003/0774/O

Proposals: Proposed dwelling

Decision: PR

Decision Date: 06-APR-04

Ref: M/2002/0044/O

Proposals: Proposed bungalow & domestic garage

Decision:

Decision Date:

Ref: M/1977/0164

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Outline & RS1 form.DOCXDC Checklist.doc

Drawing Numbers and Title

Site Location Plan Plan Ref: 01 REV 1

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.15
Application ID: LA09/2024/0839/F	Target Date: 29 October 2024
Proposal: Sunroom extension to rear of dwelling	Location: 40 Roxborough Manor, Moy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mark Gribben 40 Roxborough Manor Moy BT71 7FQ	Agent Name and Address: MDK Construction 44C Eglish Road Annaghmore Armagh BT62 1NW
Executive Summary: This planning application is being brought to committee as it is being recommended for refusal (the proposed extension if approved would breach a planning condition on original approval for the whole development)	

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 comprises a semi-detached dwelling situated at number 40 Roxborough Manor, which is located within the settlement limits of the Moy as defined by the Dungannon and South Tyrone Area Plan 2010; and within a new housing development under construction known as 'Roxborough Manor'.



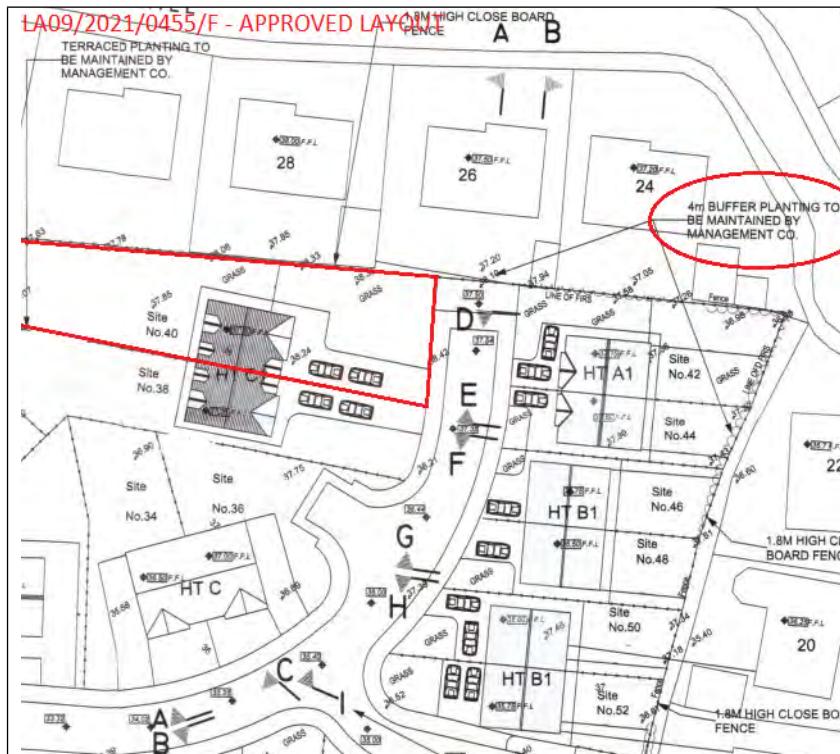
The site itself comprises a semi detached two storey dwelling finished in a cream render with white upvc window frames and doors and a dark tiled roof. The dwelling has a small front garden and a larger rear garden, the rear garden is fully enclosed by a 2 meter high closed board timber fence and there is a tarred drive with 2 parking spaces to the front. The ground level of the site is lower than that of Hunters Chase to the North.

The area is defined predominantly by a mix of dwelling types, mainly new 2 storey detached and semi-detached along the Gorestown Road, single storey detached in Cloverhill and a mix of house types in Hunters Chase, including apartment blocks.



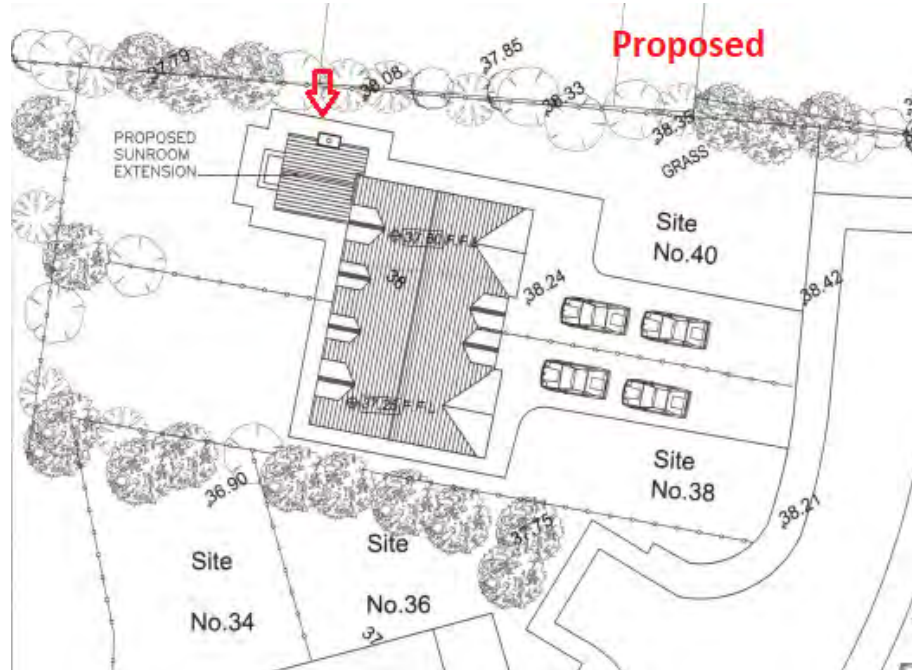
History

Planning permission was granted for Roxborough Manor initially under planning application M/2008/0821/F on the 18th February 2011. M/2008/0821/F granted permission for 63 houses comprising 23 detached, 22 semi-detached and 18 apartments. There have been a number of revised schemes on this site since the initial approval most recently under planning application LA09/2021/0455/F which on the 13th September 2022 granted permission for a change of house type on sites 24 to 66 to include an updated layout as per DFI Roads requirements. The current site comprises one of the these plots, no.40, approved under LA09/2021/0455/F for a detached two storey house. (SEE BELOW)



Description of Proposal

The proposal seeks full planning permission for a sunroom extension to the rear of the 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 policy documents provide the primary policy context for the determination of this application

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 7 - Quality Residential Environments

Planning Policy Statement 7 – (Addendum) Residential Extensions and Alterations

Planning Policy Statement 7 - (Addendum) Safeguarding the Character of Established Residential Areas

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. 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 cannot currently be given any 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, two third party objections have been received.

Objection concerns

The first objection was received from the owner of the dwelling directly adjacent and north of the site at no.30 Cloverhill. The objectors dwelling backs onto the gable of the dwelling seeking extension and the concerns include;

- Non compliance with previous condition by way of 4 metre buffer.
- Proximity of proposed extension to boundary.

The second objection comes from the neighbour adjacent to and north of the site at no.28 Cloverhill, and their concerns include;

- Too close to adjoining properties
- Development too high
- Loss of privacy
- Lack of open space

Planning History

M/2008/0821/F - Erection of 63 dwellings comprising of 23 detached, 22 semi-detached and 18 apartments - Lands accessed off 40m NE of 28 Currans Brae and off 120m NW of 92 Gorestown Rd - Granted 18th February 2011

LA09/2020/0168/F - Proposed 4no. of pairs of semi-detached dwellings, change of house type under M/2008/0821/F – 40m NE of 28 Currans Brae and 120m NW of 92 Gorestown Rd - Granted 13th October 2020

LA09/2020/0579/F - Proposed amended house locations to sites 31, 33 and 35 Roxborough and Proposed detached garage at number 31 – 40m NE Of Currans Brae and off 120m NW of 92 Gorestown Road - Granted 30th September 2020

LA09/2021/0455/F - Change of house type on sites 24 to 66 to include updated layout as per DFI Roads requirements - 40m NE Of Currans Brae and 120m NW of 92 Gorestown Rd Moy - Granted 13th September 2022

LA09/2021/0455/F - Revised house type to include a rear sunroom - Site 60 At Roxborough Manor, Moy – Granted 28th March 2023.

Dungannon and South Tyrone Area Plan 2010

The Plan does not zone this site for any particular purpose, it is part of a large swath of land that is white land within the settlement limits of Moy. Policy SETT1 allows for favourable consideration of development provided it meets a number of criteria.

Strategic Planning Policy Statement (SPPS) for Northern Ireland

The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environment for the overall benefit of our society. Its guiding principles is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will causes demonstratable harm to interests of acknowledged importance. I am satisfied that this development for a change of house type on lands with extant approval for a house under LA09/2021/0455/F will not negatively impact on the built or natural environment nor will it harm interests of acknowledged importance or cause unacceptable harm to neighbouring amenity.

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

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

There will be no change to the road layout, footway provision or parking provision provided within the site or the larger housing development from the extant approval, LA09/2021/0455/F, as a result of this proposal. DFI Roads were consulted on the extant approval and raised no concerns subject to conditions; and 2 in-curtilage parking spaces are to be retained for revised house type. As such, I am satisfied the proposal complies with PPS 3 and no consultation with DfI Roads is necessary.

Addendum to Planning Policy Statement 7- Residential Extensions and Alterations

Any proposal for a residential extension to a dwelling must comply with Policy EXT1. EXT1 permits development where the following criteria are met:

- The scale, massing, design and materials are sympathetic with the built form and area,
- The proposal does not unduly affect privacy or amenity,
- The proposal will not cause unacceptable loss or damage to the environment,
- Where sufficient space remains within the curtilage of the property for recreational purposes.

The proposal is for a single storey extension to the rear of the property. As the extension is minimal, it is considered to be subordinate to the existing dwelling and therefore sympathetic to the built form of the area. In addition to this the proposed extension would generally match the proportions and materials of the dwelling.

It is considered that the size and scale of the extension would ensure that there would be no overlooking or infringement upon the privacy of the neighbouring dwelling. Furthermore it is considered that there is sufficient amenity space remaining for the dwelling and shall thus not have a detrimental impact on the residential amenity of this or of neighbouring dwellings.

The proposal would if approved encroach on a planned planting buffer along the property boundary. The loss of this proposed landscaping would be unacceptable given that it was a condition of the approved housing development scheme.

The proposal is therefore unacceptable in terms of loss landscaping and may have an adverse impact on the adjoining properties

Planning Policy Statement (PPS) 7 – Quality Residential Environments - PPS 7 is the relevant material planning policy for this type of development within a settlement. All proposals for residential development will be expected to conform to a number of criteria laid out in the PPS7. I am content the principal of this development, a two storey dwelling has already been accepted on this site under extant approval, LA09/2021/0455/F and like the extant approval this revised house type conforms to the criteria laid out in the PPS7 for the reasons detailed below.

The design and finishes of the revised house type are in my opinion acceptable to the site and locality. With the revised house type the main body of the dwelling will remain the same size, scale, design with a small sunroom added to the layout. The revised house type simply comprises additional works to the previous house type approved. Those works include the addition of a rear sunroom, The scale, massing, design and external materials of the sunroom and additional works proposed are sympathetic with the built form and appearance of the previously approved house type and should not detract from the appearance and character of the previously approved house type or the area.



The revised house type will have a private garden / amenity area to its rear of approx.135m² well in excess of the 70m² recommended by Creating Places. As such I am content sufficient amenity space will be retained under the revised.

The concern from the councils view arises when it comes to the issue of landscaping. On the original approval (M/2008/0821/F) there was a condition whereby the northern boundary along the north of the site bounding with Cloverhill was to have a 4 meter buffer provided, which was then to be maintained by a management company. This was also detailed on the site location plan of the more recent change of house types application LA09/2024/0455/F. However, if this extension is to be approved it will encroach to within 2.5 meters of the boundary and therefore render the 4 metre planting buffer impossible. This landscaping was condition was added to protect the amenity of the neighbouring properties along Cloverhill and approving this application will have a detrimental impact on that.

It is my opinion that there should be no significantly greater potential for detrimental impacts to existing or proposed neighbouring amenity in terms of overlooking, overshadowing or over dominance as a result of this revised house type as the proposed sunroom is single storey and sits on a lower ground level than the properties in Cloverhill. There is also the closed board fence which as it sits on the neighbouring property ground level is approx. 2.9 meters above the finished floor level of the site. However, that being said, approval of this sunroom would not allow the existing conditioned buffer to be planted therefore it would clearly impact on the privacy that will be afforded in the shape of this landscaping.



The proposal will not have a detrimental impact on any built or natural heritage, and there are no identified archaeological constraints to this site.

Ample foot path provision remains, and the road network can cater for a range of road users. Sufficient parking has been retained in-curtilage. Open space within the larger housing development layout will not be impacted by this proposal.

I am satisfied that the dwelling is located in an area where there are enough dwellings close by to deter crime to some degree.

PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas

I am satisfied that this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this area, the design of the dwelling with this extension is in keeping with the existing character of the area and the unit sizes are not less than recommended in Annex A of this policy.

Additional Considerations

Strategic Flood Maps NI indicates the site does not appear to be within a flood plain or be affected by pluvial ponding. A development of this size does not require a drainage assessment. Drainage consideration would have been assessed under the wider housing development approved.

LA09/2018/0864/DC granted permission for the discharge of conditions 2 and 3 of planning application M/2008/0821/F which related to sewage connection for the wider housing development including this site. Accordingly, I am satisfied that the proposed development can be connected to Moy WWTW.

No issues of land contamination were identified on site or under the previous permissions.

The site is not located within a sensitive area and there have been no identified pathways to environmental or human receptors that will cause likely significant impacts.

Recommendation

As stated in the report above the extension itself by size, scale and design is not contrary to policy in that it is unlikely to have any significant amenity effects on the neighbouring properties by means of overlooking, overshadowing loss of privacy etc. However, the siting of the extension to the side of the dwelling would mean it would come to within 2.5metres of the neighbouring boundary, meaning it would encroach into a 4 metre wide planting buffer that has been conditioned on the previous approval therefore breaching that condition.

The planting buffer along this boundary was deemed necessary in order to aid the integration of the development into the local landscape as quickly as possible and to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development. This previous consideration and reasoning for conditioning remains the same with this application.

Recommendation refusal.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The development if approved would be in breach of condition 7 of planning approval M/2008/0821/F and thereby contrary to Policy QD 1 of Planning Policy Statement 7 and Policy EXT 1 of the Addendum to Planning Policy Statement 7 as it would prejudice the delivery of a quality residential environment .

(During the first available planting season after the occupation of units 25-63 hereby approved, the developer shall construct, layout and plant all landscaped areas including the landscape buffer (outlined green on drawing 4 rev 11) in accordance with the approved drawing and shall be maintained in accordance with the landscape management and maintenance report date stamped 27th October 2010.

Reason; to aid the integration of the development into the local landscape as quickly as possible and to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development.)

Signature(s): Peter Hughes

Date: 20 November 2024

ANNEX	
Date Valid	16 July 2024
Date First Advertised	29 July 2024
Date Last Advertised	29 July 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 30 Clover Hill Moy Tyrone BT71 7TP The Owner / Occupier 28 Clover Hill Moy Tyrone BT71 7TP The Owner / Occupier 32 Clover Hill Moy Tyrone BT71 7TP The Owner / Occupier 26 Clover Hill Moy Tyrone BT71 7TP The Owner / Occupier 38 Roxborough Manor, Moy Tyrone BT71 7TP	
Date of Last Neighbour Notification	25 July 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2008/0821/F Proposals: Erection of 63 dwellings, accessed off 40m North East of 28 Currans Brae and off 120m North West of 92 Gorestown Road, comprising of 23 detached and 22 semi-detached and 18 apartments. Decision: PG Decision Date: 18-FEB-11 Ref: M/2001/0564/F Proposals: Erection of a new detached garage Decision: PG Decision Date: 24-JUL-01 Ref: M/1995/0686 Proposals: Private Housing Development (Phase 3) 9 No. Dwellings Decision: PG	

Decision Date:

Ref: M/1990/0683B

Proposals: Erection of 7 no bungalows as phase of housing development

Decision: PG

Decision Date:

Ref: LA09/2024/0839/F

Proposals: Sunroom extension to rear of dwelling

Decision:

Decision Date:

Ref: LA09/2022/1682/F

Proposals: Revised house type to include a rear sunroom

Decision: PG

Decision Date: 24-APR-23

Ref: LA09/2021/0455/F

Proposals: Change of house type on sites 24 to 66 to include updated layout as per DFI Roads requirements

Decision: PG

Decision Date: 13-SEP-22

Ref: LA09/2020/0579/F

Proposals: Proposed amended house locations to sites 31, 33 and 35 Roxborough and Proposed detached garage at number 31

Decision: PG

Decision Date: 30-SEP-20

Ref: M/2004/0027/F

Proposals: Extension to dwelling and roof space conversion

Decision: PG

Decision Date: 03-SEP-04

Ref: LA09/2018/0864/DC

Proposals: Discharge of conditions 2 and 3 of application M/2008/0821/F (Sewage)

Decision: AL

Decision Date: 05-JUL-18

Ref: M/1979/0890

Proposals: PRIVATE HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: M/1974/0560

Proposals: PUBLIC AUTHORITY HOUSING

Decision: PG

Decision Date:

Ref: M/1991/0009

Proposals: Extension and improvements to dwelling

Decision: PG

Decision Date:

Ref: M/1995/0082

Proposals: Private Housing Development (Phase 2)

Decision: PG

Decision Date:

Ref: M/1990/0683

Proposals: Private Housing Development

Decision: PG

Decision Date:

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Proposed Plans Plan Ref: 04

Existing Plans Plan Ref: 05

Notification to Department (if relevant)

Not Applicable

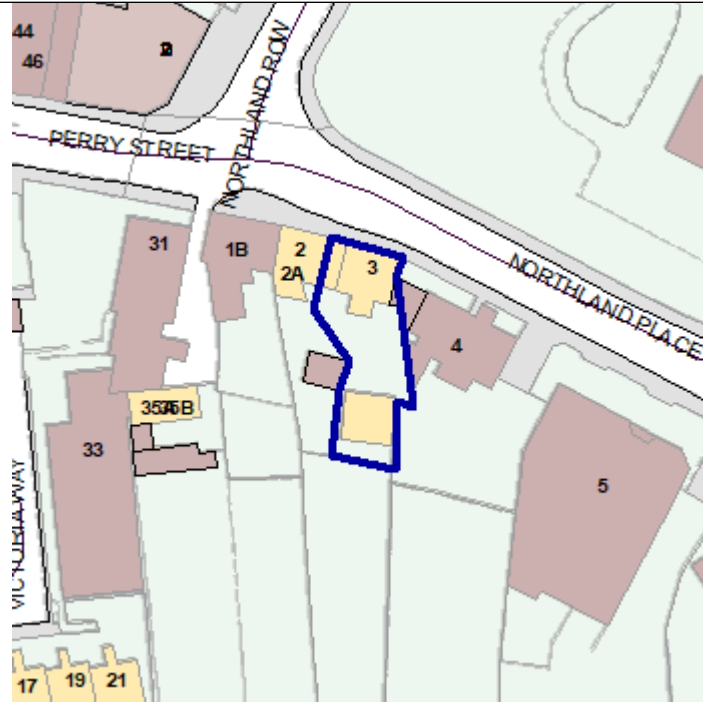


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.16
Application ID: LA09/2024/0862/F	Target Date: 6 November 2024
Proposal: Retention of domestic garage/work area and first floor apartment over	Location: 3C Northland Place Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Namik Saygi 3 Northland Place Dungannon BT71 6AN	Agent Name and Address: J. Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: This proposal fails to meet policy contained in PPS 3, PPS 7 and the Dungannon and South Tyrone Area Plan, therefore refusal is recommended.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.docDC Checklist.docRoads Consultation.DOCX
Statutory Consultee	NI Water - Single Units West	LA09-2024-0862-F.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	EH Response LA09-2024-0862-F.pdf
	Environmental Health Mid Ulster Council	

Representations:

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

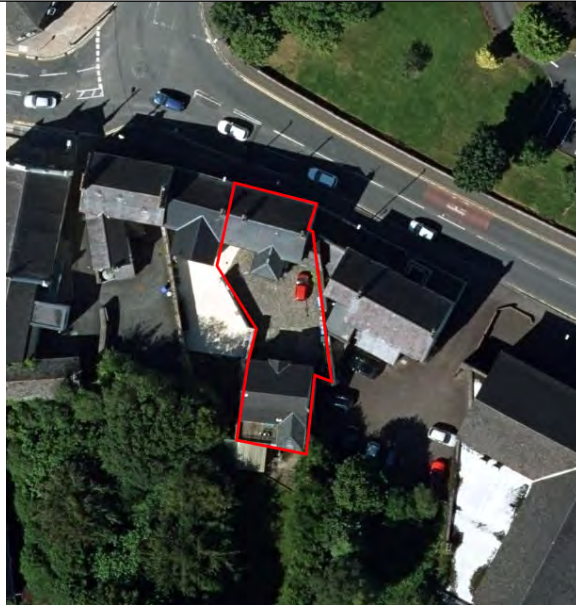
Summary of Issues

Characteristics of the Site and Area

This application site occupies an irregular shaped plot located to the rear of No 3 Northland Place at No 3C in Dungannon. It lies within the development limits of Dungannon, within the Town Centre Boundary and the Northland Conservation Area as designated in the Dungannon and South Tyrone Area (DSTAP). The area surrounding the site is urban in character with a mixture of retail, services and community uses as well as some residential properties. The Royal Secondary School and St Patrick's Primary School are close by, as are some religious buildings. The site is located close to the busy mini roundabout which connects the Protected Route along the Moy Road with Northland Row and Perry Street.



This site includes the terraced dwelling at No 3 Northland Place which fronts onto the Protected Route and is also under the applicant's ownership. The building subject of this application has the appearance of a detached dwelling and is located within the curtilage of No 3, sharing a yard area and access. This arched access is between 2 buildings and is covered and is also shared with the adjacent building to the west at Nos 2, 2A & 2B. A long garden area sits to the rear of the building which has applied to be retained and access to this area can only be gained through the building.

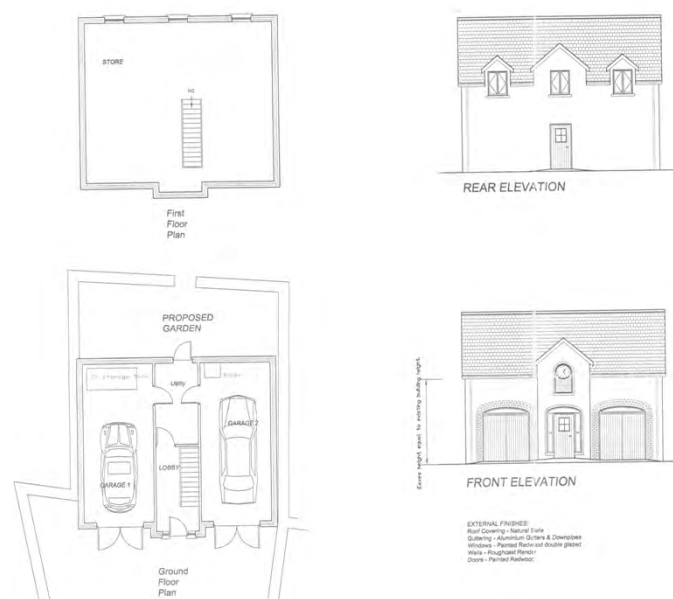


Planning History

LA09/2021/0207/CA - Unauthorised use in rear building, used as a computer repair shop and Air B&B. - Ongoing

LA09/2020/0377/F - Change of use of existing 5-bedroom dwelling to two 2-bedroom apartments to include replacement of existing rear return and the demolition of existing garage to provide enhanced in curtilage manoeuvring, turning and car parking - 2 Northland Place - Dungannon - 21.07.2020 – Approval

M/2000/1114/F - Proposed domestic garage and stores - 3 Northland Place Dungannon - 24.11.2000 – Approval (see below)



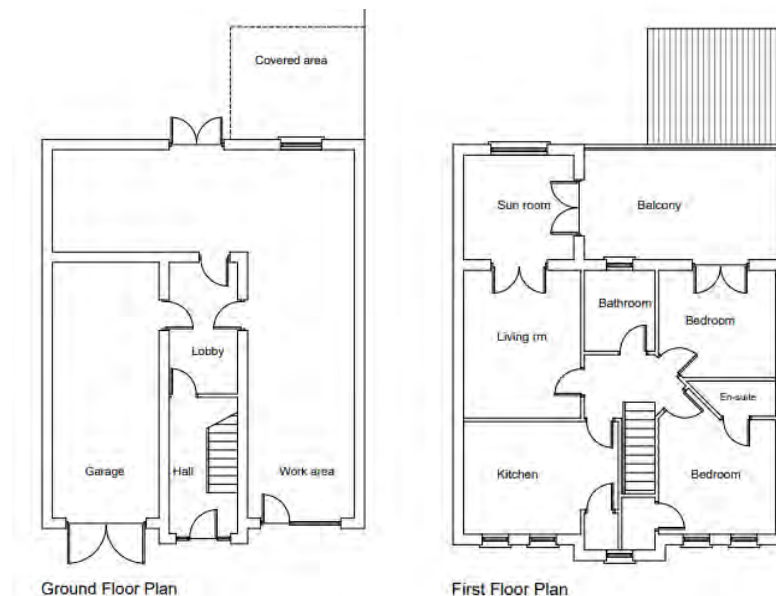
M/2000/0531/F - Apartment and garage - To The Rear Of 3 Northland Place Dungannon
- 26.06.2000 – Withdrawn (see below)



M/1999/0758/O - Housing Development - Rear Of No 1 Northland Place And Adjacent
To 21 Victoria Way Dungannon - 04.01.2002 - Refusal

Description of Proposal

This application seeks full planning permission for the Retention of a domestic garage/work area and first floor apartment over 3C Northland Place, Dungannon.





The ground floor accommodates a “garage” area to the left which is accessed via 2 large wooden doors. The flat is accessed via a front door in the centre of the 2-story projection at the front of the building which leads into a hallway and stairs to first floor level. This hallway also allows access to a “lobby” area which opens into the “garage” area. It is worth noting the internal measurements of this garage space is 3.1 metre wide. The “work” area is accessed at the front elevation via glazed double doors. This runs the length of the building and wraps around the entire width in an L shape. Access to this work space can be also gained from the rear of the building close to a single story covered area. As can be seen from the floorplan, the first floor currently accommodates 2 bedrooms, a kitchen, bathroom, living room and another room to the rear which could also be utilised as a bedroom. There is a balcony to the rear which 2 rooms can access onto.

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 Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed on 24th September 2020 and 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 (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. 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 gives provision for Housing in Settlements subject to a number policy provisions and does not present any change in policy direction with regards to residential development in settlements. Paragraph 6.137 of the SPPS states 'the use of greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings. More housing should also be promoted in city and town centres and mixed-use development encouraged.'

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

- a) This proposal seeks permission for the retention of a building and to retain its current use as a as garage & work space at ground level with an apartment at first floor level. This subject building was granted planning permission in 2000 for a detached double garage and storage at first floor level which was ancillary to the dwelling at No 3. As can be seen from the drawing attached to the planning history above, the garage and store which was granted permission was not built in accordance with the approved plans, the depth of the building was increased somewhat which in turn increased the footprint size.

Albeit sited along the periphery of Northland Conservation Area, there are a variety of uses surrounding this site which is typically of town centres, varying from residential, offices, community and commercial properties. There does not appear to be a tradition of backland residential development along this street, even though most of the plots extend a distance back.

- b) Due to the location of the site within a Conservation Area, HED were consulted. A number of Grade B Listed Buildings are in close proximity to this site the Methodist Church at No 33 Perry Street and Nos 1 and 4 Northland Place. Historic Buildings having looked at this application deem the listed buildings to have sufficient presence in situation and scale within the existing established developed environment to remain unaffected by this application. It is not thought this proposal would have any impact only features of built heritage, archaeological or landscape importance.

- c) There is quite a large garden area to the rear

of the building subject of this application which can only be accessed by going through said building, therefore it is deemed this proposal has adequate private amenity space

d) The nature and scale of this proposal scale does not require the developer to provide local neighbourhood facilities. This site's location within Dungannon town centre means all facilities and services typically found in a town are readily available and accessible to this application site.

e) The location of this application site within the settlement limit of Dungannon and within the town centre boundary caters for walking and cycling as methods of movement. Public transport is easily accessibility and established routes are already in situ.

f) The yard area between the dwelling No 3 and this building does not provide much space for the turning and manoeuvring which would be generated by 2 separate residential properties. As seen in the planning history above, an enforcement case was opened on a computer repair shop operating from the "work space" applied for in this application. Although not operational at the time of the site inspection, if this permission were granted it is unclear if this would be open to the public and therefore generating more traffic to and from this property, further intensifying the use of a substandard access.

The property at No 2 Northland Place which shares the access with this proposal obtained permission to change the 5-bedroom dwelling in to two 2-bedroom apartments. That proposal demolished an existing detached garage to the rear of the property in order to provide adequate parking and manoeuvring space for the proposal. It is also noted that there are double yellow lines outside of No 3 due to the proximity of the site to the mini roundabout, which reduces the opportunity for parking close to this building. The officer does not consider this proposal has adequately provided the necessary parking arrangements.

g) As this application is to retain what is already constructed on site and its current use, there are no changes being made to the building and therefore the details and materials are suffice.

h)The Environmental Health Department (EHD) of Mid Ulster District Council were consulted and they have no objection to this proposal. The building is set back enough from No3 and adjacent buildings eitherside so as not to cause any unacceptable adverse effect in terms of overlooking, loss of light, overshadowing.

i) The location of this site within the town centre mean it is serviced by public lighting and there are no concerns regarding the design of the proposal in terms of crime or personal safety.

In the Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas, Policy LC 2 deals with the Conversion or Change of Use of Existing Buildings to

Flats or Apartment. It states that planning permission will only be granted where all the criteria of QD 1 in PPS 7 is met as well as additional criteria as below;

There is no adverse effect on the local character, environmental quality or residential amenity of the surrounding area caused by this proposal. It maintains the form, design and setting of the existing building. It is self-contained and has a gross internal floor space greater than 150 sq. metres. Although the building is located to the rear of No 3, it does have access onto the public street. Therefore this proposal complies with the criteria set out in LC 2.

1Policy AMP 3 in PPS 3 – Access, Movement and Parking states planning permission will only be granted for a development proposal involving the intensification of the use of an existing access in the terms of residential development where it has been demonstrated the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety. The P1 form states the access arrangements to this proposal will utilise an existing unaltered access to the public road. This access is also a right of way which is shared with the residents at No 2A & 2B Northland Place who have access to parking facilities to the rear of their property. It is noted this access traverses a public footpath and a mini roundabout is located 15 metres to the west. This busy junction is along the Protected Route which is the main throughfare through the town from the M1 motorway to Cookstown and Coalisland.

DfI Roads were consulted and they have highlighted that the minimum sightlines of 2.4 metres by 33 metres as recommended in DCAN 15 cannot be achieved to the south east. This proposal can only achieve 2.4 metres by 19 metres which is a shortfall of some 14 metres. This lack of available visibility splays combined with the location of this access onto a busy road at the mouth of a mini roundabout which is also a Protected Route, exacerbates the danger to road users and pedestrians. The officer acknowledges this from experience when carrying out the inspection of this site, and also the difficulty of accessing from the site in a modest vehicle through the existing access. The inability to comply with AMP 3 also results in a failure to meet the criteria of AMP 2 – Access to Public Roads. This proposal in its failure to provide a safe access for all road users therefore fails to comply with PPS 3.

It is worth noting that planning application M/2013/0430/F, some 350 north of this site along the same Protected Route and within the Northland Conservation Area also was refused permission for changing the use of an existing dwelling into 3 apartments. The reasons for refusal were that it did not comply with AMP 2 & 3 in PPS. This was appealed to the Planning Appeals Commission (PAC) who dismissed the appeal and upheld the Planning Authority's decision to refuse the proposal.

Policy BH11- Development affecting the setting of a Listed Building in PPS 6 – Planning, Archaeology and Built Heritage sets out that development will not normally be permitted

which would adversely affect the setting of a Listed Building and proposals must meet a set of criteria;

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building;
- (c) the nature of the use proposed respects the character of the setting of the building.

HED Historic Buildings consider the materials utilised in the building to be retained of uPVC and concrete roof tiles are not generally sympathetic to the setting of a Listed Building. They also mention the 2-storey height is not akin to that of a typical outbuilding, however as the buildings located on a back land site, it is not seen in juxtaposition with the nearby Listed Buildings and therefore is not deemed to have an impact upon their setting. Due to the scale and nature of the development on this application site, HED Historic Monuments have no objections to this proposal. Collectively HED therefore have no objections to this proposal as it is in compliance with PPS 6.

The Dungannon and South Tyrone Area Plan (DSTAP) is the statutory local development plan for the application site. The application site is located within the settlement limits of Dungannon Town Centre and is zoned as a Protected Housing Area in the Plan. Policy HOUS 2 Town Centre Housing covers the designated protected areas and states that a change of use to a non-residential use not normally be permitted in these zoned areas. This proposal complies with this policy, as a HMO is still a category of residential use. As the site lies within the settlement limit of Dungannon as defined in the above plan, SETT 1 is the relevant policy.

SETT 1 contains very similar policy criteria to that assessed above in PPS 7. It does include a criteria that any additional infrastructure necessary to accommodate the proposal is provided by the developer. NI Water were consulted about this application and they said Dungannon WwTW has no capacity and the part of the catchment that this proposal would connect to is currently closed to all new connections, due to foul network capacity constraints.

There is a public foul sewer within 20 metres of the development boundary, however this is unable to adequately serve this proposal. The receiving foul sewerage network has reached capacity and currently the public system cannot serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water has no plans to upgrade the sewage infrastructure in this Drainage Area, and as a result are unable to approve any new connections to this network. The downstream catchment is constrained by overloaded sewage infrastructure including 5 different downstream Unsatisfactory Intermittent Discharges (UID's) - Coolhill North WwPS, Eastvale Avenue CSO, Ballynorthland Park North CSO, Dungannon FFT CSO & Moy Road CSO which all discharge to the River Rhone.

There is no public surface water sewer within 20 metres of this development boundary,

however access is available via extension of the existing public surface water network or via direct discharge to a designated watercourse at a rate of greenfield runoff not exceeding 10litres/sec/hectare. In summary, NI Water recommend this application is refused planning permission and based on the comments from NI Water, the officer deems this proposal fails to meet all the criteria in SETT 1

This application was advertised in the local press in line with the Council's statutory duty and 5 neighbouring properties were notified. There have been no objections to this proposal.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Refuse is recommended

There is not sufficient wastewater treatment capacity at the Dungannon WwTW at present to serve this proposed development and the public system cannot serve it without significant risk of environmental harm, specifically to the River Rhone. Therefore, the failure to provide an alternative method of sewage disposal results in non-compliance with Policy SETT 1 in DSTAP and also part f in QD1 in PPS 7.

The inability of the proposal to provide the minimum required visibility splays has meant this proposal has failed to demonstrate a safe access onto the Protected Route, as it will not significantly assist in the creation of a quality environment without compromising standards of road safety. The lack of adequate car parking facilities also is a contributing factor which could jeopardise road and pedestrian safety. The intensification of this substandard access could also disrupt the convenience of road users, resulting in this proposal failing to comply with PPS 3. As this proposal fails to meet policy contained in PPS 3, PPS 7 and the Dungannon and South Tyrone Area Plan, refusal is recommended.

Refusal Reasons

Reason 1

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and

convenience of road users since visibility splays of 2.4 metres x 33 metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

Reason 2

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the lack of the minimum required visibility splays renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Reason 3

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

Reason 4

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, fail to provide adequate provision for car parking and appropriate servicing arrangements.

Reason 5

The proposal is contrary to Planning Policy Statement 7 Quality Residential Development, Part f in QD 1 in that it would, if permitted fail to provide adequate and appropriate provision for parking.

Reason 6

The proposal is contrary to Policy SETT 1 in the Dungannon and South Tyrone Area Plan, in that this proposal is unable to provide the necessary infrastructure required for the treatment of sewage generated by this proposal.

Reason 7

The proposal has the potential to significantly harm the River Rhone watercourse and associated biodiversity by ways of pollution caused by additional loading of Dungannon WwTW and Unsatisfactory Intermittent Discharges.

Signature(s): Cathy Hughes

Date: 18 November 2024

ANNEX	
Date Valid	24 July 2024
Date First Advertised	5 August 2024
Date Last Advertised	5 August 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 2 Northland Place Dungannon Tyrone BT71 6AN The Owner / Occupier 4 Northland Place Dungannon Tyrone BT71 6AN The Owner / Occupier 3B Northland Place Dungannon Tyrone BT71 6AN The Owner / Occupier 2A Northland Place Dungannon Tyrone BT71 6AN The Owner / Occupier 2B Northland Place Dungannon Tyrone BT71 6AN	
Date of Last Neighbour Notification	30 August 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2020/0377/F Proposals: Material change of use of existing 5 bedroom dwelling to two 2 bedroom apartments to include replacement of existing rear return and the demolition of existing garage to provide enhanced in curtilage manoeuvring ,turning and car parking Decision: PG Decision Date: 23-JUL-20 Ref: M/1991/0018 Proposals: Change of use from dwelling to offices Decision: PG Decision Date: Ref: M/2004/0908/O Proposals: Replacement of 2No Dwelling Houses to new location within adjacent garden Decision: PG Decision Date: 07-JUN-05	

Ref: M/2000/0531/F
Proposals: Apartment and garage
Decision:
Decision Date:

Ref: LA09/2024/0862/F
Proposals: Retention of domestic garage/work area and first floor apartment over
Decision:
Decision Date:

Ref: M/1994/0616
Proposals: Change of use from stables and stores to 2 No. town
houses and associated alterations
Decision: PG
Decision Date:

Ref: M/2005/0884/A
Proposals: retention of 3 no. Fixed advertising signs
Decision: CR
Decision Date: 01-AUG-06

Ref: M/2000/1114/F
Proposals: Proposed domestic garage and stores
Decision: PG
Decision Date: 01-MAR-01

Summary of Consultee Responses

Historic Environment Division (HED)-
DFI Roads - Enniskillen Office-DC Checklist.docDC Checklist.docRoads
Consultation.DOCX
NI Water - Single Units West-LA09-2024-0862-F.pdf
Environmental Health Mid Ulster Council-EH Response LA09-2024-0862-F.pdf
Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.17
Application ID: LA09/2024/0894/O	Target Date: 13 November 2024
Proposal: Proposed 2 number dwellings and part of an existing ribbon.	Location: Lands between 23, 21A and 21 Cloane Road Draperstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Sean McKenna 9 Cloane Rd Draperstown, Magherafelt BT45 7LW	Agent Name and Address: Newline Architects 48 Main Street Castledawson Magherafelt BT45 8AB
Executive Summary: This outline application for 2 no. dwellings has received 2 no. objection letters and is brought to the Planning Committee with a recommendation for refusal. The proposal fails to meet Policy CTY 8 and CTY 14 of PPS 21 in that it would add to a ribbon of development if approved. The application proposal also fails to meet Policy NH 5 of PPS 2 and Policy FLD 3 of PPS 15, for reasons outlined in this report. The proposal complies with Policy CTY 13 at this outline stage.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline Tri.DOCX

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

Two objection letters have been received in this application. The first letter received 25/08/2024 states that the development constitutes ribbon development and 'would have a detrimental impact on the character of this rural area and would create suburban-type linear development along what is a rural country road.' The same letter also raises flood risk and environmental concerns. The second letter points to road safety concerns. These issues raised in the objection letters are considered throughout this report.

Characteristics of the Site and Area

The site is located approximately 2km north of the development limits of Draperstown. As such, the site is located within the open countryside as defined in the Magherafelt Area Plan 2015. The site amounts to 0.59 hectares of land situated adjacent to the Cloane Road. The relatively flat site exists as a largely overgrown field. The site was previously heavily treed as shown on site orthos from 2017. A number of trees have since been cleared leaving a backdrop of trees along the entirety of the eastern boundary. Across the road from the site is a woodland area known as Cloane Woods. Adjacent and north of the site is no. 23 Cloane Rd - a 1.5 storey dwelling built to near completion and within full view from the road. Adjacent and south of the site is no. 21a Cloane Rd which sits back from the road and has a small outbuilding and polytunnel. These buildings / structures are screened by roadside trees and hedging which render the neighbouring address largely out of site when approaching from either direction along the road. The wider surrounding lands are characterised by undulating agricultural lands, with the predominant land use of an agricultural nature, interspersed with single dwellings and farm complexes.

Description of Proposal

This is an outline application for 2 number dwellings 'and part of an existing ribbon'.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Planning Histories

Adjacent and north of site

LA09/2023/1006/F – Proposed farm storage shed – Approx 160m south of 25a Cloane Road Draperstown – under consideration at time of writing

LA09/2021/1532/RM – Dwelling and domestic garage – 250m south of no. 25 Cloane Rd Draperstown BT45 7EJ – Permission Granted 25/01/2022

LA09/2020/0970/O – Dwelling and garage - Approx. 250M south Of 25 Cloane Road Draperstown – Permission Granted 05/05/2021

Adjacent and south of site

H/2005/0610/O – Site of dwelling – Adjacent to 21 Cloane Road, Draperstown – Permission Granted 27/09/2005

Representations

Two objection letters have been received in this application. The first letter received 25/08/2024 states that the development constitutes ribbon development and 'would have a detrimental impact on the character of this rural area and would create suburban-type linear development along what is a rural country road.' The same letter also raises flood risk and environmental concerns. The second letter points to road safety concerns. These issues raised in the objection letters are considered throughout this report.

Magherafelt Area Plan 2015

The site is located approximately 2km north of the development limits of Draperstown. As such, the site is located within the open countryside as defined in the Magherafelt Area Plan 2015.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. The proposal involves the construction of a new access to a public road. The second objection letter raises road safety concerns and draws attention to blind bends. DfI Roads were consulted and provided no objection to the proposal subject to the inclusion of the standard outline access condition (see response dated 23/08/2024). The proposal does not offend Policies AMP 2 and AMP 3 of PPS 3.

PPS 21 – Sustainable Development in the Countryside

PPS 21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. This application is therefore considered under CTY 8 – Ribbon Development.

In terms of the plot size, I am content that the site would be able to accommodate the two dwellings that are proposed. For the purposes of this policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. To the north of the site is a substantially built 1.5 storey dwelling (no. 23) which has a strong visual presence along the road frontage. This is an exception to the pattern of development exhibited to the south of the site – the curtilage of no. 21a is set back from the road by 40 metres, separated from the road by a field strip which is overgrown, together with roadside trees which largely screen the property from view when approaching in either direction along the public road. It is considered that no. 21a does not front the Cloane Road and nor does it lend itself to a built up frontage / a visual linkage with no. 23. The site layout plan identifies dwelling no. 21 to the south of 21a. Upon visiting the site, this dwelling has not yet been built and site photos show that only the footings appear to be in place. To the rear of this is a mobile home, which for the purposes of Policy CTY 8 is not considered to amount to a substantial and built up frontage. Similarly to no. 21a, this site is also largely screened from the public road by roadside trees. Thus the only building along the road that has a substantial and clear frontage with the road is no. 23, with no further buildings along the road frontage to the south of the application site. Therefore the proposal fails to meet the exception test under Policy CTY 8 of PPS 21, and would add to a ribbon of development if approved.

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. This is an outline application and therefore design details are withheld. It is considered that two dwellings at this road-side site would not be overtly prominent in the landscape if restricted to single storey (maximum ridge height of 5.5 metres from finished floor levels) and sympathetically designed. The site has a good degree of backdrop in the form of mature trees along the entirety of the eastern boundary. If approval is ever granted, the trees should be retained via a planning condition. Accordingly the development would not rely entirely on the use of new landscaping for integration. The proposal does not offend Policy CTY 13 at this outline stage.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As provided above, the proposed dwellings would not appear prominent in the landscape. However, the proposal if approved would add to a ribbon of development and would result in a suburban style build-up of development when viewed with existing and approved buildings. This is also one of the points raised in the first

objection letter. The proposal does not comply with Policy CTY 14.

PPS 2 – Natural Heritage

Policy NH 5 states planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- Priority habitats;
- Priority species;
- Active peatland;
- Ancient and long-established woodland;
- Features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

While the site itself is not located within a protected area according to the NIEA Map viewer, it is adjacent to a site of local nature conservation importance (Cloane Woods), which sits across the road from the site. DfI Roads have also indicated that 70m of roadside hedging is to be set back to accommodate sight splays. A Biodiversity Checklist has not been submitted and the agent has not been prompted to provide this given the proposal is recommended for refusal under CTY 1, CTY 8 and CTY 14 of PPS 21. Having reviewed the environmental considerations in the objection letter, and in the absence of supporting information, it cannot be assumed that the proposal would not result in an unacceptable adverse impact on, or damage to, habitats, species or features as per Policy NH 5 of PPS of PPS 2. If the planning committee are mindful to approve this application, it is recommended that a Biodiversity Checklist first be submitted and NIEA consulted for comment prior to approval being granted.

PPS 15 – Planning and Flood Risk

DfI Flood Maps (NI) indicate that the southern portion of the site lies within an area of known surface water flooding. One of the objection letters also raises flood risk concerns. No drainage assessment has been submitted and the agent has not been prompted to provide this given the proposal is recommended for refusal under CTY 1, CTY 8 and CTY 14 of PPS 21. If the planning committee are mindful to approve this application, it is recommended that a Drainage Assessment first be submitted and Rivers Agency consulted for comment prior to approval being granted.

Other Constraints

The site is not located within or adjacent to any listed building / structures.

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application is refused

on the grounds that it fails to meet Policies CTY 8 and CTY 14 of PPS 21 in that it would add to a ribbon of development if approved.

The proposal also fails to meet Policy NH 5 of PPS 2 as the applicant has not demonstrated the proposal will not have an unacceptable impact on, or damage to known habitats, species, or other natural heritage features worthy of protection. Finally, the proposal fails to meet Policy FLD 3 of PPS 15 as part of the site lies within an area of known surface water flooding and the applicant has not demonstrated through a drainage assessment that adequate measures will be put in place so as to effectively mitigate the flood risk.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposed development is contrary to Planning Policy Statement 21: Policy CTY 1 in that there are no overriding reasons why the development is essential and could not be located in a settlement.

Reason 2

The proposed development is contrary to Planning Policy Statement 21: Policy CTY 8 in that it would add to a ribbon of development if approved.

Reason 3

The proposed development is contrary to Planning Policy Statement 21: Policy CTY 14 in that it would add to a ribbon of development if approved.

Reason 4

The proposed development is contrary to Policy CTY 14 of PPS 21 in that it would result in a suburban style build-up of development when viewed with existing and approved buildings.

Reason 5

The proposal is contrary to Planning Policy Statement 2: Policy NH 5 as the applicant has not demonstrated the proposal will not have an unacceptable impact on, or damage to known habitats, species or features of national importance.

Reason 6

The proposed development is contrary to Planning Policy Statement 15: Policy FLD 3 as the southern portion of the site lies within an area of known surface water flooding and the applicant has not demonstrated through a Drainage Assessment that adequate

measures will be put in place so as to effectively mitigate the flood risk.

Signature(s): Benjamin Porter

Date: 18 November 2024

ANNEX	
Date Valid	31 July 2024
Date First Advertised	13 August 2024
Date Last Advertised	13 August 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 23 Cloane Road Draperstown Londonderry BT45 7LW The Owner / Occupier 21A Cloane Road Draperstown Londonderry BT45 7LW The Owner / Occupier 21 Cloane Road Draperstown Londonderry BT45 7LW	
Date of Last Neighbour Notification	5 August 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2013/0215/F Proposals: Change of house type from that approved under application Ref H/2007/0288/RM incorporating existing double garage Decision: PG Decision Date: 03-NOV-14 Ref: H/2007/0288/RM Proposals: New Dwelling and Garage Decision: PG Decision Date: 21-SEP-07 Ref: H/1999/0757/F Proposals: Dwelling Decision: PG Decision Date: 18-SEP-00 Ref: H/1998/0603 Proposals: 11 KV O/H LINE BM 9583/97	

Decision: PG
Decision Date:

Ref: H/2005/0575/O
Proposals: Site of Dwelling and Garage.
Decision: PG
Decision Date: 08-JUN-06

Ref: H/1974/0023
Proposals: 11 KV O/H LINE (C.2650)
Decision: PG
Decision Date:

Ref: H/1974/0366
Proposals: 11KV O/H LINE (C.5547A)
Decision: PG
Decision Date:

Ref: H/1997/0361
Proposals: SITE OF DWELLING
Decision: PG
Decision Date:

Ref: H/2005/0610/O
Proposals: Site of Dwelling
Decision: PG
Decision Date: 27-SEP-05

Ref: LA09/2021/1532/RM
Proposals: Dwelling and domestic garage
Decision: PG
Decision Date: 25-JAN-22

Ref: LA09/2020/0970/O
Proposals: Dwelling and garage
Decision: PG
Decision Date: 05-MAY-21

Ref: H/2007/0625/RM
Proposals: One and a half storey dwelling and detached single storey double garage.
Decision: PG
Decision Date: 28-MAR-08

Ref: H/2003/1190/O
Proposals: Site of one and a half storey dwelling and garage.
Decision: PG

Decision Date: 07-DEC-04

Ref: H/1985/0030

Proposals: REPLACEMENT FARMHOUSE

Decision: PG

Decision Date:

Ref: LA09/2024/0894/O

Proposals: Proposed 2 number dwellings and part of an existing ribbon.

Decision:

Decision Date:

Ref: LA09/2022/1230/O

Proposals: Proposed Site for Dwelling and Domestic Garage.

Decision: WDN

Decision Date: 05-APR-23

Ref: LA09/2023/1006/F

Proposals: Proposed farm storage shed

Decision:

Decision Date:

Ref: LA09/2022/1226/O

Proposals: Proposed Site for Dwelling and Domestic Garage

Decision: WDN

Decision Date: 05-APR-23

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline Tri.DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.18
Application ID: LA09/2024/0994/O	Target Date: 6 December 2024
Proposal: Proposed Dwelling and Garage in compliance with PPS21 CTY2a and CTY7 (Revised Land Ownership Certificate)	Location: Land adjacent to and North West of 52 Kilycolpy Road, Ardboe
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Ryan Quinn 26 Killycanavan Road Ardboe BT71 5BP	Agent Name and Address: Mr Aidan Coney 23 Tobin Park Moortown BT80 0JL
Executive Summary: The proposal is recommended for refusal as it does not meet the following criteria in CTY 2a - New Dwellings in Existing Clusters in PPS 21 The proposed development is not associated with a focal point or is not located at a crossroads.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Outline.DOCXDC Checklist.doc
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Outline 2.DOCX

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is in the countryside and is 3km southwest of the settlement limit of

Ardboe as defined in the Cookstown Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, groups of farm buildings and detached dwellings on single plots. There are several dwellings surrounding the site with two dwellings to the south, a poultry farm to the northwest, nine dwellings to the north and four dwellings across the road of the site. To the southeast and within the applicant's ownership is a two-storey dwelling at No.52 and two sheds. The application site is accessed via an existing access to a shed and yard area. The site is a field to the rear of the sheds where the land rises to the rear boundary where there is a row of established trees.

Description of Proposal

This is an outline application for proposed Dwelling and Garage in compliance with PPS21 CTY2a and CTY7 at Land adjacent to and Northwest of 52 Killycolpy Road, Ardboe.

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 have been received.

Planning History

I/2002/0056/O - Site for dwelling - 50 M Northwest Of 52 Killycolpy Road Ardboe Dungannon – permission granted 24.05.2002.

I/2010/0546/LDE - Retention of building - 52 Killycolpy Road, Stewartstown – consent granted 20.01.2011.

I/2010/0092/F - Retention of workshop, office and covered storage area - 52 Killycolpy Road, Stewartstown – application withdrawn.

LA09/2024/1281/F - Change of use from existing mechanics workshop to gym - 50M

Northwest of 52 Killycolpy Road, Ardboe – Under Consideration.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Cookstown Area Plan 2010

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

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes new dwellings in existing clusters 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 an existing cluster CTY 2a is the relevant policy in the assessment.

Policy CTY 2a – New Dwellings in existing clusters

This proposal site lies outside of a farm and consists of more than four buildings thus adhering to this criterion. There are dwellings to the southeast at No.52, No.54a, No.54, No.56. Dwellings to the north of the site at No.58, No.60, No.60a. I am content the buildings in the immediate area could be classed as a cluster.

I am content the cluster appears as a visual entity in the landscape as shown in figure 1 below.



Figure 1 – Orthophotography image of the application site and the surrounding area.

I consider the site not to be located at a crossroads or at a focal point, so the proposal does not meet this criterion.

There is a dwelling to the north of the site at No.58 and dwellings to the east of the site at No.56, No.54, No.54a and No.52. I consider the identified site provides a suitable degree of enclosure and is bounded on development by two sides in the cluster.

The proposed dwelling would need to be situated in the northeast corner of the site to be associated with the cluster and still bounded on two sides. The site sits at a higher topography than the adjacent dwellings to the east so there is the potential for overlooking No.54a and No.54's gardens. I consider a single storey dwelling would be most appropriate at this site to protect neighbouring amenities.

Environmental Health was consulted as there are two poultry sheds at a farm grouping at No.50 to the west of the application site. Environmental Health responded on the 3rd September 2024 stating they have concerns about the proposal as the farm business is approximately 70m to the boundary of the application site. It is stated there is the potential for loss of amenities due to noise, odour and pests from the existing farm business.

Having accessed all the evidence, I do not consider the proposal meets all the criteria in CTY 2a as there is no focal point or the site is not located at a crossroads.

Other policies within PPS 21

In terms of CTY 3 – replacement dwellings, there is a dwelling at No.52 which is within the applicant's ownership which could be used as an off-site replacement dwelling.

In terms of CTY 10 – dwellings on farms, the applicant has made no case to state whether is an established farm business at the site.

It is stated in the description dwelling in compliance with CTY 7 – dwellings for non-agricultural business enterprises so I will consider CTY 7 in the following assessment. No information has been submitted with the proposal to demonstrate that there is an established business at the site. No supporting statement has been submitted why it is essential for an employee to live at the site. I consider the proposal fails to meet CTY 7.

In terms of CTY 8 – Ribbon Development, the agent has stated in an email does the site meet the case for an infill dwelling. There is a dwelling at No.52 with a surrounding yard area and a shed to the rear of No.52. Adjacent and north of No.52 is another shed with a yard area around it at No.52C. The dwelling and sheds face towards hedging and a private laneway to a farm grouping at No.50. These buildings are not directly accessed off the private laneway but have their own access at No.52. No.52 has a frontage to the public road and No.52C front onto the access laneway to the farm grouping at No.50. There is hedging to the south of the site along the laneway, so I consider the application site and buildings at No.52 and No.52C do not have a frontage to a road. I consider the proposal fails to meet the policy in CTY 8.

CTY 13 – Integration and Design of Buildings in the Countryside

The site is a portion of land to the rear of a row of dwellings that faces Kilycolpy Road. The topography rises from the roadside to the site where the land levels off. As the site sits at a higher level than the roadside, I consider there is potential for dwelling to be prominent, so I consider it is appropriate to place a single storey ridge condition onto any approval. In terms of integration, there is development pressure in the area from single dwellings and the proposed dwelling would read with other buildings in critical views so I am content a dwelling would integrate at this location. I am content with the proposal that meets all the criteria in CTY 13.

CTY 14 – Rural Character

As stated previously I am content the proposal will not be a prominent feature in the landscape. There are already several dwellings within the immediate vicinity of the site so I consider the area is already suburbanized so another dwelling in this location will not have a detrimental impact on rural character.

PPS 3 – Access, Movement and Parking

The site does not access a protected route, so I have no concerns in this regard.

The applicant has proposed using the existing access to No.52C as I consider this is an intensification of access DFI Roads were consulted. The applicant had signed certificate A on the application form, but Roads had stated that the fence at the roadside of No.54A needs to be set back to provide the visibility splays. The applicant changed the certificate-to-certificate C to notify them. In discussions with Roads, it was confirmed that

the dwelling at No.52 does not need to be demolished to achieve the visibility splays.

Other Considerations

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

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet the criteria in CTY 2a in PPS 21 as the proposed development is not associated with a focal point or located at a crossroads.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential in this rural location and could not be located within a settlement.

Reason 2

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

Reason 3

The proposal is contrary to Policies CTY1 and CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is either a business at this location or a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

Signature(s): Gillian Beattie

Date: 18 November 2024

ANNEX	
Date Valid	23 August 2024
Date First Advertised	5 November 2024
Date Last Advertised	3 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 46 Killycolpy Road Stewartstown Tyrone BT71 5HG The Owner / Occupier 54 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 52 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 56 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 58 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier RNN 47A Killycolpy Road Stewartstown Tyrone BT71 5AN The Owner / Occupier 59A Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 52B Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 51 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 59 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 54A Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 56A Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 47 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 52A Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier RNN - 52C Killycolpy Road Stewartstown Tyrone BT71 5NS The Owner / Occupier 55 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier RNN 36 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 38 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier	

50 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier RNN 57 Killycolpy Road Stewartstown Tyrone BT71 5AL	
Date of Last Neighbour Notification	28 October 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/2002/0479/O Proposals: Dwelling & Garage Decision: PG Decision Date: 19-SEP-02 Ref: I/1979/001801 Proposals: REPLACEMENT DWELLING Decision: PG Decision Date: Ref: LA09/2024/0994/O Proposals: Proposed Dwelling and Garage in compliance with PPS21 CTY2a and CTY7 Decision: Decision Date: Ref: I/2010/0102/F Proposals: 2 Storey extension to improve kitchen and bedroom Decision: PG Decision Date: 14-APR-10 Ref: I/2010/0092/F Proposals: Retention of workshop, office and covered storage area Decision: Decision Date: Ref: I/2010/0541/Q Proposals: Development of Site Decision: ELR Decision Date: 09-DEC-10 Ref: I/2002/0056/O Proposals: Site for dwelling	

Decision: PG
Decision Date: 27-MAY-02

Ref: I/2010/0546/LDE
Proposals: Retention of building
Decision: PG
Decision Date: 27-JAN-11

Ref: I/1994/0446B
Proposals: Replacement dwelling
Decision: PG
Decision Date:

Ref: I/1994/0446
Proposals: Replacement dwelling
Decision: PG
Decision Date:

Ref: I/1989/0356
Proposals: Bungalow
Decision: PR
Decision Date:

Ref: I/2003/0056/RM
Proposals: Dwelling and garage
Decision: PG
Decision Date: 09-APR-03

Ref: I/1979/0018
Proposals: REPLACEMENT DWELLING
Decision: PG
Decision Date:

Ref: I/2000/0157/O
Proposals: Site for dwelling
Decision: PG
Decision Date: 22-MAY-00

Ref: I/1997/0041
Proposals: Site for Dwelling
Decision: PG
Decision Date:

Ref: I/2004/0236/O
Proposals: Proposed dwelling.
Decision: PG

Decision Date: 15-APR-04

Ref: I/2004/1434/F

Proposals: Erection of dwelling in substitution for planning ref I/2004/0236 (amended description)

Decision: PG

Decision Date: 15-JUL-05

Ref: I/1999/0663/O

Proposals: Bungalow

Decision: PG

Decision Date: 02-JUN-00

Ref: I/1996/0483

Proposals: Site for dwelling

Decision: PG

Decision Date:

Ref: I/2002/0169/F

Proposals: Proposed new dwelling (storey and a half) and garage

Decision: PG

Decision Date: 13-JUN-02

Ref: I/1978/026201

Proposals: REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: I/1978/0262

Proposals: REPLACEMENT BUNGALOW

Decision: PG

Decision Date:

Ref: I/2007/0143/RM

Proposals: Proposed dwelling and domestic double garage.

Decision: PG

Decision Date: 16-MAY-07

Ref: I/2004/0107/O

Proposals: Proposed site for dwelling & domestic garage

Decision: PG

Decision Date: 11-MAR-04

Ref: I/1977/0272

Proposals: ALTERATION AND EXTENSION TO EXISTING HOUSE

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Outline.DOCXDC Checklist.doc
Environmental Health Mid Ulster Council-Planning response.pdf
DFI Roads - Enniskillen Office-Roads Outline 2.DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

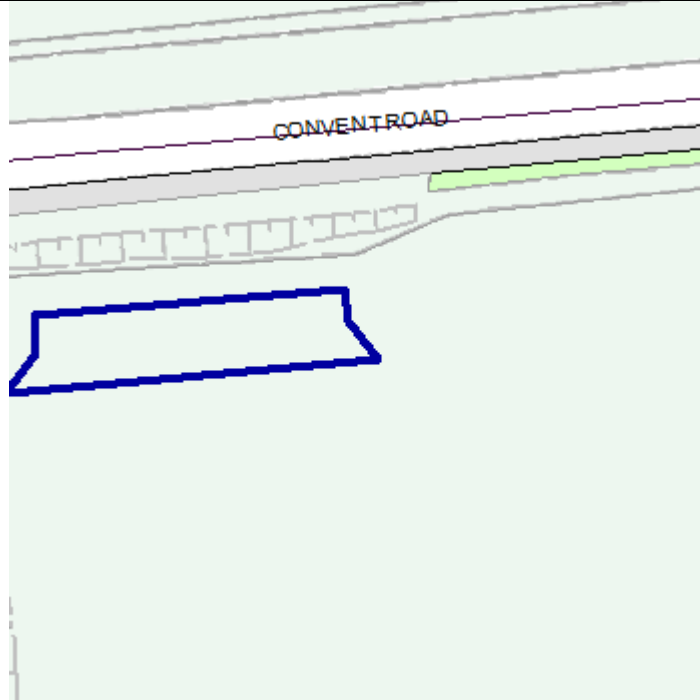


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.19
Application ID: LA09/2024/1000/F	Target Date: 11 December 2024
Proposal: Proposed 5m x 22.5m concrete ball wall with 2.4m high paladin fencing above. 3G surface of pitch to be extended into new ball wall area.	Location: Holy Trinity College 9-29 Chapel Street Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: St Patrick's Educational Trust Ara Coeli Cathedral Road Armagh BT61 7QY	Agent Name and Address: Hamilton Architects Hamilton House 3 Joy Street Belfast BT2 8LE
Executive Summary: This Full application for a proposed 5m x 22.5m concrete ball wall and 2.4m high fencing above is being presented to committee as Chief Executive of Mid Ulster Council, Mr Adrain McCreesh has declared interest. This proposal has been assessed under all relevant policy and guidance, that is the SPPS, the Cookstown Area Plan 2010 and PPS 8. The proposal is not at conflict with any of the relevant policies. A minor amendment has been made reducing the scheme of the proposed ball wall from 5m x 25m to 5m x 22.5m with amended plans submitted to reflect this. Neighbouring properties have been notified of the amendments and a press re-advertisement has been carried out, to date no representations have been received. Approval is recommended.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2024.1000.F.pdf

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is located at No 9-29 Chapel Street, Cookstown situated within the development limits of Cookstown as defined in the Cookstown Area Plan 2010. The site is currently made up of an existing outdoor football pitch which is to be replaced with a 3G pitch which has been previously approved. At present construction is underway for

erection of the new school building approved under LA09/2019/0665/F. The grounds to which the new 3G pitch will be situated can be established due to footings being in place, however existing goal posts still surround the curtilage of the pitch. I note that the immediate surrounding area is characterised by a mixture well established housing developments to the south and west of the site, existing schools located to the Northeast and east of the site and to the northwest of the site lies an existing football pitch known as Fr Rocks Football pitch.

Description of Proposal

This is a full application proposing a 5m x 22.5m concrete ball wall with 2.4m high paladin fencing above. 3G surface of pitch to be extended into new ball wall area.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

One (1) neighbouring property was notified, a press advertisement was carried out in line with the Council's statutory duty. To date no third party representations have been received.

Relevant Planning History

LA09/2023/1046/F - Holy Trinity College 9-29 Chapel Street, Cookstown -4No. floodlights serving a 3G pitch. The pitch is previously approved under Planning application No. LA09/2019/0665/F – Permission Granted 02.08.2024

LA09/2023/0481/DC - Holy Trinity College 9-29 Chapel Street, Cookstown - Discharge of Condition 5 of Planning Approval LA09/2019/0665/F - 07.07.2023 Condition Discharged.

LA09/2021/1152/DC - Holy Trinity College 9-29 Chapel Street, Cookstown - Discharge of Conditions 2,3 and 4 of Approval LA09/2019/0665/F – 26.07.2022 – Approval.

LA09/2021/0831/F - Holy Trinity College 9-29 Chapel Street, Cookstown - Applicant is seeking permission to vary condition 14 of LA09/2019/0665/F in order to maintain continuity of education provision on the site. Variation will facilitate early occupation of the completed new school building for a period of no more than 6 months prior to the completion of all site works which will include in curtilage turning/drop off areas as shown on approved proposed site plan drawing. after completion of the site works the turning/drop off area shall remain open at all times for the use, when children are being left to and collected from the school. 06.10.2021 Permission Granted.

LA09/2019/0665/F - Holy Trinity College 9-29 Chapel Street, Cookstown - Demolition of existing school building construction of new 16,000m², 1300 pupil school building and associated works on the existing school site to accommodate in-curtilage bus, car park drop offs and turning areas, 3G synthetic pitch and Multi-Use games area. - 12.08.2020 Permission Granted.

LA09/2018/0916/PAN - Holy Trinity College 9-29 Chapel Street, Cookstown - Construction of new 16,000m2, 1300pupil school building and demolition of existing and associated works on the existing school site - 11.03.2019 PAN Accepted.

LA09/2018/0018/PAD - Holy Trinity College 9-29 Chapel Street, Cookstown - Proposed new school on existing site with associated works including car parking, bus drop off and new 3G pitch and site works - 22.07.2022 PAD Concluded.

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 8: Open Spaces, Sport and Outdoor Recreation

Cookstown Area Plan 2010

The site falls within the development settlement limits of Cookstown as defined in the Cookstown Area Plan 2010. The site is zoned in SETT1/26 therefore an additional planning policy must be considered, I am content that the proposed is not contrary to Plan Policy SETT 1.

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Mid Ulster District Council Draft Plan Strategy 2030

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Planning Policy Statement 8 – Open Spaces, Sport and Outdoor Recreation

This Planning Policy Statement, PPS 8 'Open Space, Sport and Outdoor Recreation', sets out the Department's planning policies for the protection of open space, the provision of new areas of open space in association with residential development and

the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans.

Policy OS 1 of PPS 8 deals with the protection of open space. The proposed is for a new wall ball court with associated paladin fencing above. The proposal states the 3G pitch surface is to be extended to facilitate this. I am content that the proposed results in no loss of open space far beyond that of the existing boundaries. I am content the proposed complies under Policy OS 1.

Policy OS 4 of PPS 8 provides that proposals for intensive sports facilities will only receive permission where these are located within settlements. I am satisfied that the proposed is not only within the settlement of Cookstown but is also within the site of the existing sporting facility currently used by Holy Trinity College Cookstown. I am content that the proposed wall ball court will not cause any unacceptable impact to the amenities of nearby residents. It is considered that the siting and scale of the proposed wall ball court is acceptable. I have no concerns in relation to the impact on nature conservation, archaeology or built heritage. The proposal does not suggest an increase in vehicular traffic or parking. Overall, I am content the proposal complies under policy OS4.

Image 1 (previous scheme of 5m x 25m wall ball) superseded drawing number 03:

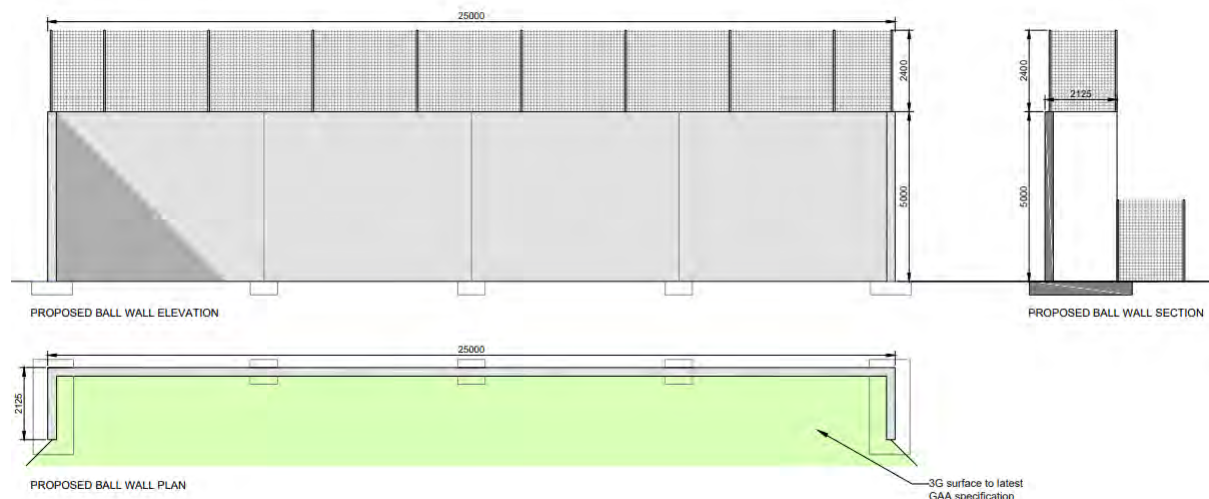
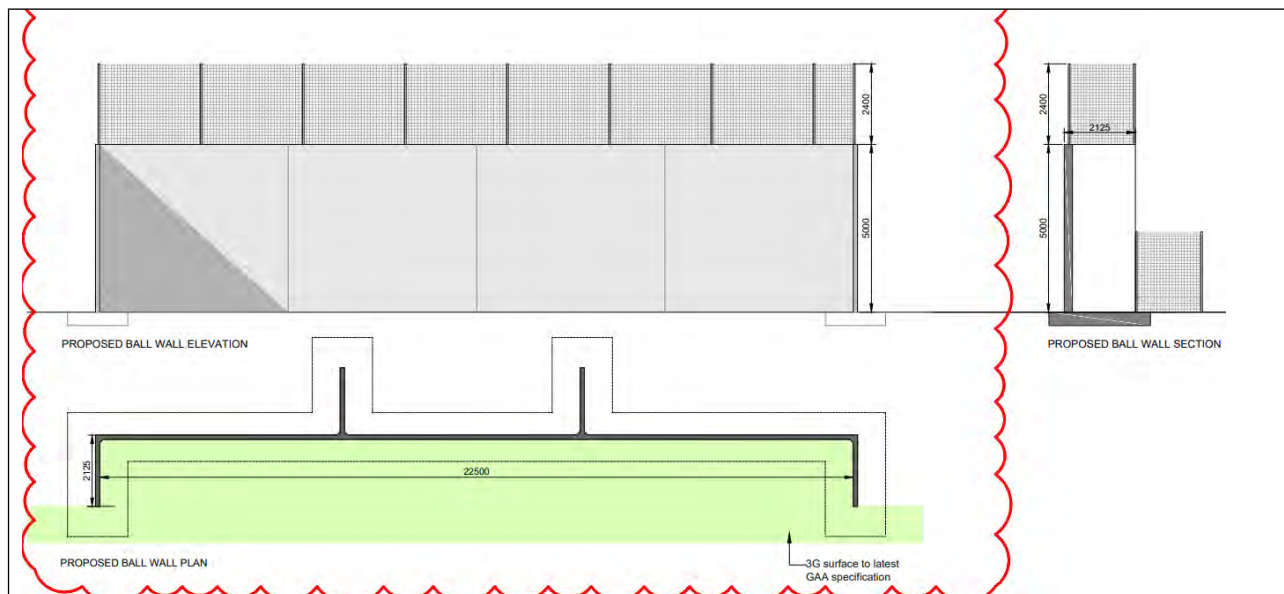


Image 2 (amended scheme of 5m x 22.5m ball wall) submitted drawing number 03/1:



Planning Strategy for Rural Northern Ireland

Policy PSU 1 Community Needs identifies a need to allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public facilities. The policy provides that emphasis should be placed upon making the best possible use of existing sites.

Policy DES 2 Townscape observes the need for development proposals within towns and villages to make a positive contribution to townscape whilst being sensitive to the character of the surrounding area in terms of design, scale and use of materials.

Given the proposed is within an existing school facility and given the recent approvals for site proposed football pitch and floodlighting, I am content the proposed Wall Ball Court complies with Policy PSU 1 and Policy DES 2 of the Planning Strategy for Rural Northern Ireland.

Additional Considerations

MUDC Environmental Health have been consulted and which noted that the proposal is linked to an existing 3G pitch granted permission under LA09/2019/0665/F. Furthermore, it is noted that under LA09/2023/1046/F permission was granted for floodlighting linked to the 3G pitch with conditions attached to control glare and spill from lighting and minimise impact on nearby residential properties. Having considered this application, the Environmental Health Department would have no objections in principle but would draw the applicant's attention to conditions attached to decision notices for both LA09/2019/0665/F and LA09/2023/1046/F.

As the proposed scheme has reduced in terms of scale and massing, I am of the opinion it was not necessary to re-consult with Environmental Health considering the Environmental Health Department had no concerns with the previous proposal.

Having assessed the proposed I have no ecological or residential amenity concerns. I am satisfied that the proposal for wall ball court and catch net meets policy requirements as detailed above, and I recommend permission be granted.

Habitats Regulations Assessment

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Signature(s): Ciara Carson

Date: 14 November 2024

ANNEX	
Date Valid	28 August 2024
Date First Advertised	12 November 2024
Date Last Advertised	10 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 7 Convent Road Cookstown Tyrone BT80 8QA	
Date of Last Neighbour Notification	30 October 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1986/0451 Proposals: TEMPORARY CLASSROOM ACCOMMODATION Decision: PG Decision Date: Ref: I/2013/0345/F Proposals: Provision of 2 nr modular classroom units Decision: PG Decision Date: 07-JAN-14 Ref: LA09/2019/1552/HSC Proposals: Hazardous Substances Consent - Installation of 4no 4 tonne LPG bulk tanks Oxygen and Acetylene storage in association with planning application LA09/2019/0665/F. Decision: Decision Date: Ref: I/2005/1395/O Proposals: Demolition of existing school, erection of new school at rear of site, new bus turning areas and car parking. Retention of existing entrance Decision: PG Decision Date: 09-MAY-06	

Ref: LA09/2021/0831/F

Proposals: Applicant is seeking permission to vary condition 14 of LA09/2019/0665/F in order to maintain continuity of education provision on the site. Variation will facilitate early occupation of the completed new school building for a period of no more than 6 months prior to the completion of all site works which will include in curtilage turning/drop off areas as shown on approved proposed site plan drawing. after completion of the site works the turning/drop off area shall remain open at all times for the use, when children are being left to and collected from the school.

Decision: PG

Decision Date: 06-OCT-21

Ref: LA09/2023/0481/DC

Proposals: Discharge of Condition 5 of Planning Approval LA09/2019/0665/F

Decision: CD

Decision Date: 14-JUL-23

Ref: LA09/2024/1000/F

Proposals: Proposed 5m x 25m concrete ball wall with 2.4m high paladin fencing above 3G surface of pitch to be extended into new ball wall area.

Decision:

Decision Date:

Ref: I/2012/0338/F

Proposals: Provision of modular drama suite

Decision: PG

Decision Date: 08-JAN-13

Ref: LA09/2018/0916/PAN

Proposals: Construction of new 16,000m², 1300pupil school building and demolition of existing and associated works on the existing school site.

Decision: PANACC

Decision Date: 11-MAR-19

Ref: LA09/2021/1152/DC

Proposals: Discharge of Conditions 2,3 and 4 of Approval LA09/2019/0665/F

Decision: AL

Decision Date: 28-APR-22

Ref: I/1988/0499

Proposals: Extension to Mobile Classroom.

Decision: PG

Decision Date:

Ref: I/1990/0236

Proposals: Pallisade security fence

Decision: PG
Decision Date:

Ref: LA09/2019/0665/F

Proposals: Demolition of existing school building construction of new 16,000m² , 1300 pupil school building and associated works on the existing school site to accommodate in-curtilage bus, car park drop offs and turning areas, 3G synthetic pitch and Multi-Use games area.

Decision: PG

Decision Date: 12-AUG-20

Ref: I/2015/0035/PREAPP

Proposals: Replacement school on existing site

Decision: EOLI

Decision Date: 09-JUL-15

Ref: I/2010/0269/F

Proposals: Removal of 24 no. existing temporary classrooms from Holy Trinity College off-site. Replacement of 16 no. temporary classrooms (2 science rooms & general classrooms) to site of existing temporary classroom.

Decision: PG

Decision Date: 30-JUL-10

Ref: LA09/2018/0018/PAD

Proposals: Proposed new school on existing site with associated works including car parking, bus drop off and new 3G pitch and site works

Decision: PAD

Decision Date: 22-JUL-22

Summary of Consultee Responses

Environmental Health Mid Ulster Council-LA09.2024.1000.F.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01/1

Site Layout or Block Plan Plan Ref: 02/1

Proposed Elevations Plan Ref: 03/1

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Elevations Plan Ref: 03

Notification to Department (if relevant)

Not ApplicableNot Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.20
Application ID: LA09/2024/1005/F	Target Date: 19 December 2024
Proposal: Alterations to shared lane and existing access to form new access	Location: Land 50M North East of 97 Coash Road Ballynakilly Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr and Mrs Simon Nixon 97 Coash Road Dungannon BT71 6JE	Agent Name and Address: Mr Barry Maguire 39 Carland Road Dungannon BT71 4AA
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Roads Consultation.DOCXDC Checklist.doc

Representations:

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

Summary of Issues

Two representations received by way of objections, the issues raised within these include: road safety, ground stability and drainage and a new entrance.

Characteristics of the Site and Area

The site is located at lands 50m North East of 97 Coash Road, Ballynakilly.

Description of Proposal

Full planning permission is sought for alterations to shared lane and existing access to form new access. The red line of the site includes a minor portion of lands which joins onto the existing laneway. The lands to the SW are outlined in blue, indicating ownership and includes the applicants dwelling and surrounding lands. The surrounding area is largely rural in nature, scattered with single dwellings and their associated outbuildings.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified under this application include: 93 Coash Road. At the time of writing, two third party objections have been received, both from the

same address.

The objections raise concerns about forward sight distance and visibility splays. The application site relates to a small portion of an agricultural field and does not include the existing access point onto the public Road. DfI Roads are the competent authority who would deal with road safety issues, and they raised no concerns with regards the proposal. The objection raises concerns about flooding, given the small scale of the proposal I don't envisage any issues relating to flooding at the site. The flood maps do not indicate the site is affected by flooding and the standard informatives from DfI Roads in relation to drainage would apply to any forthcoming approval. They have also raised an issue with a new entrance shown on the plans. From what I can see on the plans, the applicant intends to replace the existing access arrangement to their dwelling with this access point.

To conclude, it is considered DfI Roads are the competent authority in dealing with road safety and they have raised no concerns with the proposal and the site does not appear to be in an area affected by flooding.

Planning History

There is no recent relevant planning history associated with the site.

Planning Assessment of Policy and Other Material Considerations

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

The Dungannon and South Tyrone Plan 2010 identifies the site as being outside any defined settlement limits and there are no other zonings or designations within the Plan.

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

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

There appears to be third party issues between the applicant and neighbouring property, however the reasoning for the application have not been set out clearly with the application. It should be noted that this is a private laneway with no intensification of the access proposed and thus there is not considered to be any road safety concerns, as noted by DfI Roads in their response. The application intends to widen a small portion of this access to allow access to the applicants dwelling. Figure 1 shows the red line of the

application site highlighted in green and also shows the lands the applicant is in ownership off, highlighted in blue. Figure 2 shows how the access will provide access to the applicants dwelling.



Figure 1 – Site location plan showing application site outlined in red

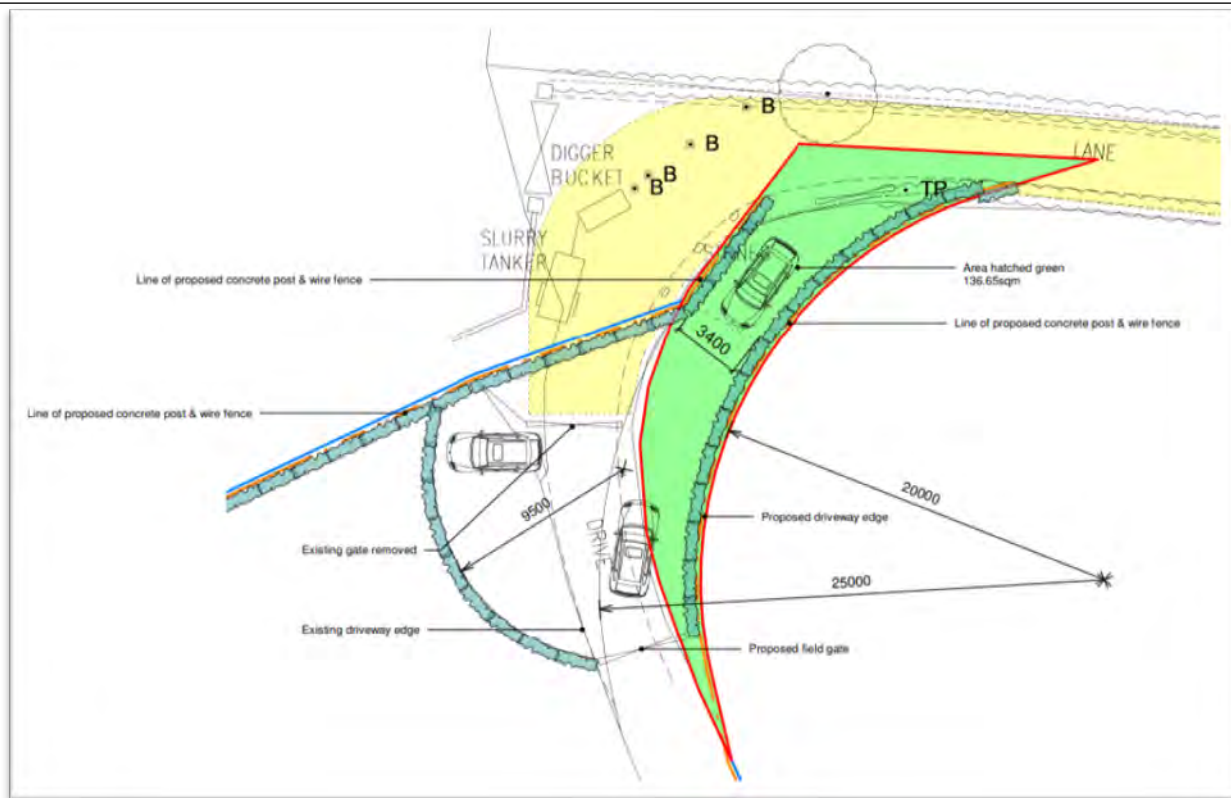


Figure 2 – Proposed access shown in green, replacing the existing access arrangement

DfI Roads were consulted and have not noted any concerns with the proposed access arrangement, adding there is no proposed intensification of the access. They have added standard informatives for any forthcoming decision on the site.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Signature(s): Sarah Duggan

Date: 18 November 2024

ANNEX	
Date Valid	5 September 2024
Date First Advertised	16 September 2024
Date Last Advertised	16 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours The Owner / Occupier 93 Coash Road Dungannon Tyrone BT71 6JE	
Date of Last Neighbour Notification	2 October 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1997/0051 Proposals: Site for Replacement Dwelling Decision: PG Decision Date: Ref: M/2001/1236/O Proposals: Replacement Dwelling with detached garage Decision: PG Decision Date: 17-JAN-02 Ref: M/2002/0608/RM Proposals: Single storey bungalow dwelling with detached double garage Decision: PG Decision Date: 18-JUL-02 Ref: M/1999/0950/F Proposals: Extensions to Dwelling Decision: PG Decision Date: 18-FEB-00 Ref: LA09/2024/1005/F	

Proposals: Alterations to shared lane and existing access to form new access

Decision:

Decision Date:

Ref: M/1997/0051B

Proposals: Replacement Dwelling

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation.DOCXDC Checklist.doc

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.21
Application ID: LA09/2024/1008/O	Target Date: 11 December 2024
Proposal: Proposed No. 2 dwellings and garages	Location: Approx 140M SW of 39 Castle Road Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mrs Vicky Boyd 39 Castle Road Cookstown BT80 8TN	Agent Name and Address: C. McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary: This outline application is for 2 no. dwellings and garages within the settlement limits of Cookstown. The case is brought to the Planning Committee with a recommendation for refusal. Through consultation with DfI Roads, it is considered that the proposal would impact on the construction works associated with the planned route of the A29 Cookstown Bypass project and prejudice the implementation of this strategically significant Northern Ireland Regional project. On this basis it is also considered that the proposal is contrary to Policy AMP 4 (Protection for New Transport Schemes) of PPS 3 (Access, Movement and Parking).	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Response.DOCX
Statutory Consultee	NI Water - Multiple Units West	LA09-2024-1008-O.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2024.1008.O.pdf

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site of the proposed development is located on the inside edge of the Cookstown settlement limit as defined in the Cookstown Area Plan 2010. The white land site

comprises an agricultural field which is set adjacent to and south east of no. 33 Castle Road, which comprises a dwelling and farm buildings. The site is set back 50 metres and slopes down from the main road. The 0.27 ha site is an agricultural field with a power line running overhead with a pole sited in the middle of the site. Site boundaries include post and wire fencing to the western and southern edges of the site. The eastern boundary is undefined and only part of the northern boundary is defined with post and wire fencing. The wider surrounding environment consists of a mix of various land uses. To the west and north west of the site is the built up form of Cookstown. To the north east and east of the site are more agricultural fields with a number of farm buildings and dwellings along the Castle Rd. The field adjacent and north of the application site was the site for a previous application for a dwelling which was refused (see planning history). Approximately 100m south of the site is the Killymoon Demesne and 70m south west of the site is a waste water treatment works.

Description of Proposal

This is a full application for 2 no. dwellings and garages.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Planning History

LA09/2024/0155/O – Dwelling and garage – Approx 110m west of 39 Castle Road Cookstown – Permission Refused (17/07/2024).

Cookstown Area Plan 2010

The site of the proposed development is located on the inside edge of the Cookstown settlement limit as defined in the Cookstown Area Plan 2010. Map no. 36a (Cookstown) of the CAP 2010 shows the site is within urban white land. The eastern boundary of the site marks the edge of the settlement limit and the same map also denotes the proposed location of the new Eastern Distributor Road. DfI Roads Western Division are progressing the design and development of the Northern Ireland Executive Flagship project, which is also known as the Cookstown Bypass.

- Plan Policy SETT 1 Settlement Limits

Favourable consideration will be given to development proposals within settlement limits including zoned sites. This is provided a list of criteria is met.

The proposal is for 2 no. single dwellings and garages. This is an outline application and therefore final design details are withheld. It is considered that a pair of well designed dwellings with a ridge height to match that of no. 33 Castle Road would be sensitive to the urban context to the west of the site and rural context to the east of the site.

The closest dwelling to the site is that which is adjacent and north west – no. 33 Castle Rd, and this land is within the ownership of the applicant. Across the road from the site to the north is third party dwelling no. 30 Castle Rd. Given the application site sits much lower than this land I anticipate there will be no loss of amenity for the occupants of this dwelling as well. There is a separation distance of over 200 metres from the site to the next third part dwelling to the east of the site. Given this, It is expected that the proposal would result in no loss to nearby residential amenity. No third party objections have been received from notified neighbours. The proposal involves the creation of a new access onto the main road and splays are provided in both directions on the site location map. DfI Roads were consulted and have not appraised the proposed access arrangements for reasons outlined below and under the consideration of PPS 3: Access, Movement and Parking.

- Plan Policy SETT 2 Protection of Access

The proposal does not encroach on any protected access points as pinpointed on the Cookstown settlement limit map. Elsewhere within settlements, there will be a presumption against development proposals that would prejudice future potential development opportunities. DfI Roads have recommended that the application be refused for the reason that ‘the proposed development impacts on the construction works associated with the planned route of the A29 Cookstown bypass project, as provided for within the associated Notice of Intention to make a Direction Order and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Regional project.’ Given the above there is a presumption against the outline proposal for the dwellings and garages at this site.

Representations

No third party representations have been received.

Other Constraints

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

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

There are no issues relating to flooding.

Mid Ulster District Council Draft Plan Strategy 2030

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

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 7: Quality Residential Environments

Policy QD1 of PPS 7 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The Policy sets out criteria which all residential development proposals are expected to meet.

This is an outline application for 2 no. dwellings and garages and therefore finalised design details, including landscaping, are withheld. It is however considered that a set of dwellings of an appropriate scale, drawing upon the best local traditions of form, materials and detailing, could respect the site and surrounding context.

There are no nearby features of the archaeological and built heritage and thus the proposal will not impact such.

Given the proposal is for 2 no. dwellings there is no real expectation that public open space be provided, though it is considered that the site is adequately sized to allow for the provision of private amenity space and parking for both homes. The development is located within the settlement limit of Cookstown and is therefore within convenient walking distance to public transport services in and around the town.

At this outline stage, there is no reason to suspect that the proposed dwellings at this site would result in any unacceptable adverse impacts on neighbouring properties by way of overlooking, loss of light, overshadowing, noise or other disturbance.

Policy QD 1 also stipulates that proposals cannot create conflict with adjacent land uses. Environmental Health were consulted in this application and raised no objections to the proposal, with only recommendations and advice for potential future occupants of the dwellings. Environmental Health recommends that future occupants of the proposed development be made aware of the existence of the nearby waste water treatment works and the potential for associated odour nuisance at times. A concern was also raised

about the proposed A29 Cookstown Bypass. Environmental Health provide the comment that although the bypass is not constructed, it has the potential to impact residential amenity at the site for the dwelling and garage once completed. Again, no objection is raised to this regard, nor conditions recommended for inclusion with the decision notice, though Environmental Health provide a recommendation that all habitable rooms be provided with a standard of glazing which should help to mitigate issues arising from noise associated with the bypass (full details in response). As already discussed in the report, DfI Roads have recommended that the application be refused on the basis that it will impact the construction works for the bypass. Given all of the above, the proposal fails to comply with Policy QD 1 in that it would, if permitted, create conflict with adjacent land uses – namely, the Cookstown Bypass.

Planning Policy Statement 3: Access, Movement & Parking

The proposal involves the creation of a new access onto the public road. DfI Roads have not appraised the access arrangements given their outright objection to the proposal on a whole for reasons outlined above. It is considered that the access would not prejudice road safety or significantly inconvenience the flow of traffic. The proposed access arrangements do not offend Policies AMP 2 and AMP 3 of PPS 3 at this outline stage.

Policy AMP 4 (Protection for New Transport Schemes) provides that planning permission will not be granted for development that would prejudice the implementation of a transport scheme identified in a development plan. Map no. 36a of the Cookstown Area Plan 2010 identifies the planned Cookstown bypass (Eastern Distributor Road), which runs the length of the eastern boundary of the proposed site in this application. Given DfI Roads have recommended that the application be refused on the basis that it will impact the construction works for the bypass, it is considered that the proposal therefore fails to meet Policy AMP 4 of PPS 3.

A Planning Strategy for Rural Northern Ireland

Policy DES 2 Townscape requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. It is considered that the site can accommodate a pair of well-designed dwellings that can read as part of the wider area and as such will be sympathetic.

Recommendation

It is recommended that the application be refused for the reason that the proposal, if approved, would impact on the construction works associated with the planned route of the A29 Cookstown Bypass project and prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project. It is for this reason that the proposal also fails to meet Policy AMP 4 of PPS 3.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal, if approved, would impact on the construction works associated with the planned route of A29 Cookstown Bypass project and prejudice the implementation of this strategically significant Northern Ireland Regional project.

Reason 2

The proposal is contrary to Policy AMP 4, in that it would prejudice the implementation of a transport scheme identified in a development plan, namely the Cookstown Area Plan 2010.

Signature(s): Benjamin Porter

Date: 7 November 2024

ANNEX	
Date Valid	28 August 2024
Date First Advertised	10 September 2024
Date Last Advertised	10 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 30 Castle Road Cookstown Tyrone BT80 8TN	
Date of Last Neighbour Notification	5 September 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2016/0616/DC Proposals: Discharge Archaeological Condition No's 7 and 8 of Planning Approval I/2014/0179/O Decision: AL Decision Date: 02-JUN-16 Ref: I/2014/0179/O Proposals: Erection of dwelling and detached garage Decision: PG Decision Date: 01-OCT-14 Ref: I/2015/0053/RM Proposals: Erection of dwelling and detached garage Decision: PG Decision Date: 07-JUL-15 Ref: LA09/2024/0434/F Proposals: Retention of small shed for keeping donkeys and paddock area Decision: Decision Date: Ref: LA09/2023/0286/F	

Proposals: Stable and riding area

Decision: WDN

Decision Date: 20-SEP-23

Ref: LA09/2024/1008/O

Proposals: Proposed No. 2 dwellings and garages

Decision:

Decision Date:

Ref: LA09/2024/0155/O

Proposals: Dwelling and garage

Decision: PR

Decision Date: 17-JUL-24

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Response.DOCX

NI Water - Multiple Units West-LA09-2024-1008-O.pdf

Environmental Health Mid Ulster Council-LA09.2024.1008.O.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

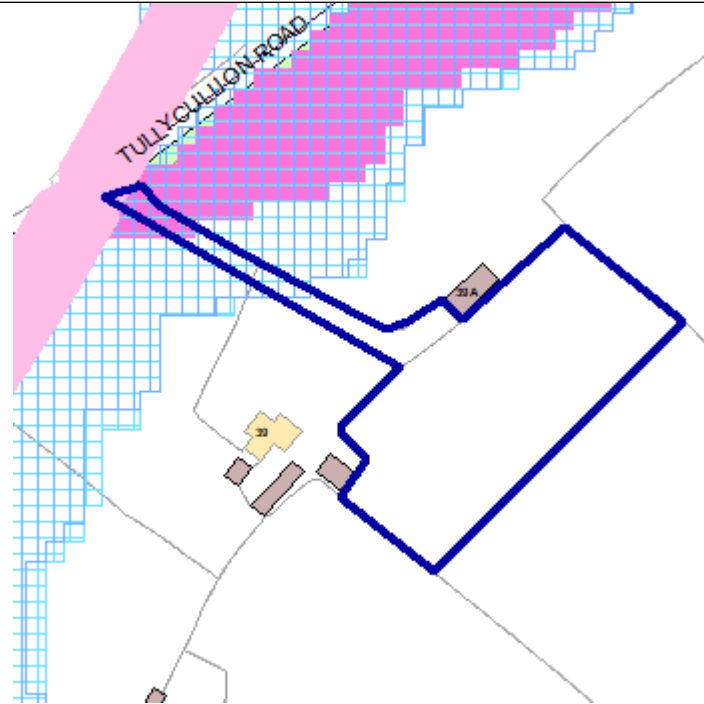


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.22
Application ID: LA09/2024/1011/O	Target Date: 12 December 2024
Proposal: Dwelling and garage on a farm	Location: 10M East of 39 Tullycullion Road Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Ms Una Corrigan 39 Tullycullion Rd Dungannon BT70 3LY	Agent Name and Address: J.Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: The application is for a dwelling and garage on a farm. DAERA have confirmed the farm business has been closed for 6 years. An affidavit was submitted to demonstrate the applicant's father has been renting the farm holding in con-acre for the past 6 years. No other evidence has been submitted to demonstrate how the applicant is gaining an income from the land or how the land is being maintained. I consider it has not been sufficiently demonstrated there is an active and established farm business at the site.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Omagh	LA09-2024-1011-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Outline & RS1 form.DOCXDC Checklist.doc
Statutory Consultee	Rivers Agency	682855 - Final reply.pdf

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application 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 the predominant land uses are agricultural fields, groups of farm buildings and detached dwellings on single plots. There is limited suburbanization with the immediate area from the construction of dwellings. To the south of the site are the associated farm buildings which comprise of a single storey dwelling and four agricultural buildings. There is an existing access lane which also serves the buildings at No.39. The site is a cut out of a larger agricultural field where the topography rises from the roadside to the back of the site.

Description of Proposal

This is an outline application for dwelling and garage on a farm at 10m east of 39 Tullycullion Road, 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 have been received.

Planning History

There are no planning histories at the application site.

Site at the entrance and within the applicant's farm holding

LA09/2018/0775/O - Proposed single storey dwelling - Adjacent To 39 Tullycullion Road, Dungannon – Application Withdrawn.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

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

Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other zonings or designations as defined in the Plan. The site is located within the Greenbelt as defined in the Dungannon and South Tyrone Area Plan 2010. The introduction of PPS21 resulted in Greenbelts being removed and a new suite of policies for development in the countryside.

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 – Dwellings on Farms

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. However, DAERA state the farm business has been dormant with no agricultural activity for the last 5 years and the business has now been closed. The application site is currently claimed by another farm business.

The applicant is Una Corrigan and the owner of the farm holding as shown on the site location plan is Mr Kevin Corrigan who is the applicant’s father. An affidavit was submitted by Mr Corrigan stating that from 2019 to present Mr Martin McGuigan has claimed single farm payment on the application site for the past 6 years. Mr Corrigan also states that the rest of the farm holding has been maintained by himself. I consider this not sufficient evidence to demonstrate there is an active and established farm

business at the site for at least 6 years. I consider this criterion has not been met.

Mr Corrigan has submitted farm maps from 2015 which show all the land the applicant owns. I completed various history checks on the applicant and DAERA number and I am content no sites or development opportunities have been sold off from the farm holding.

The applicant Una Corrigan has stated she lives at No.39 which comprises of a dwelling and four sheds at the farm holding. The applicant has submitted a concept plan to show a dwelling and garage to the north of the site which is adjacent to No.39. I am content the proposed dwelling will cluster with the established group of buildings on the farm. The site will be accessed via the same laneway to the farm buildings at No.39, so I have no concerns in this regard.

Having accessed all the evidence, the proposal does not meet all the criteria in CTY 10.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a portion of a larger agricultural field which is set back from the public road and accessed via an existing laneway. As shown in figure 1 the topography rises from the boundary with No.39 to the back of the site. Tullycullion Road is a long straight road which is highly trafficked and acts as a through road between Donaghmore and Cookstown. There is a lack of vegetation and enclosure at the site. It has been stated in discussions with the applicant and agent that the preferred house type is a two-storey dwelling at the site and a visual drawing has been provided to demonstrate a two-storey dwelling on the site. I consider a single or one and half storey dwelling would be the most acceptable house type on site due to the long-distance critical views of the site.



Figure 1 – Image of the application site.

There is a lack of natural boundaries at the site, but I am content a suitably designed dwelling would integrate at the site and would read with existing farm buildings. Additional landscaping could be conditioned with any approval.

I am content that the dwelling will cluster with associated farm buildings and the applicant is using an existing laneway.

Overall, I consider a dwelling, and garage will integrate at this site.

CTY 14 – Rural Character

As stated earlier in the assessment, I consider a suitably designed dwelling will not be a prominent feature in the landscape. The proposed dwelling would read with existing farm buildings in critical views so I am content a dwelling on this site would not be detrimental to rural character.

PPS 15 – Planning and Flood Risk

A portion of the access lane is within the 1 in 100-year flood plain. Rivers Agency in their consultation response state that a condition of any approval should be that the area of flood plain should not be raised, or the flood storage capacity and flood conveyance route reduced by unsuitable planting. Rivers Agency also recommend that any new development should have an additional freeboard of 600mm.

PPS 3 Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

The site does not access a protected route, so I have no concerns in this regard.

As the proposal is for an additional dwelling on an existing laneway, I consider this is intensification of access, so DFI Roads were consulted. Roads are content with the proposal subject to visibility splays.

Other Considerations

I have checked the statutory map viewers and there are no ecological, built heritage, or residential amenity concerns.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet all the criteria in CTY 10 –

Dwellings on Farms in PPS 21.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential in this rural location and could not be located within a settlement.

Reason 2

Contrary to CTY 10 - Dwellings on Farms in PPS 21 as there is not an active and established farm business at the site for at least 6 years.

Signature(s): Gillian Beattie

Date: 19 November 2024

ANNEX	
Date Valid	29 August 2024
Date First Advertised	10 September 2024
Date Last Advertised	10 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 39A Tullycullion Road Dungannon Tyrone BT70 3LY The Owner / Occupier 39 Tullycullion Road Dungannon Tyrone BT70 3LY The Owner / Occupier RNN 38 Tullycullion Road Dungannon Tyrone BT70 3LY	
Date of Last Neighbour Notification	29 October 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2018/0775/O Proposals: Proposed single storey dwelling Decision: Decision Date: Ref: LA09/2024/1011/O Proposals: Dwelling and garage on a farm Decision: Decision Date: Ref: M/1993/0644 Proposals: 11 KV Rural Spur Decision: PG Decision Date:	
Summary of Consultee Responses DAERA - Omagh-LA09-2024-1011-O.DOCX DFI Roads - Enniskillen Office-Roads Outline & RS1 form.DOCXDC Checklist.doc Rivers Agency-682855 - Final reply.pdf	

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

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: 3 December 2024	Item Number: 5.23
Application ID: LA09/2024/1012/O	Target Date: 12 December 2024
Proposal: Proposed dwelling and garage	Location: Adjacent to 105 Drummurrer Lane Drummurrer Coalisland BT71 4QJ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Ferghal O' Donnell 105 Drummurrer Lane Drummurrer Coalisland BT71 4QJ	Agent Name and Address: Mr Seamus Donnelly 80A Mountjoy Road, Aughrimderg Coalisland BT71 5EF
Executive Summary: The proposal is for an infill dwelling but is at the end of a row of buildings and would not meet the criteria in CTY 8 for a small gap site in a row of three or more buildings.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Outline & RS1 form.DOCXDC Checklist.doc

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is in the countryside and the site is approximately 1.8km southeast of the settlement of Annaghmore as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and the predominant land

uses are agricultural fields, groups of farm buildings and detached dwellings on single plots. There is a lot of development pressure within the surrounding area from the construction of single dwellings. To the north of the site along a private laneway are three other dwellings and immediately north of the site are dog kennels. To the south and abutting the boundary is a woodland. The application site is an irregular shaped plot with a flat topography and is currently used as a field. There is a row of established trees along the east and west boundaries of the site.

Description of Proposal

This is an outline application for proposed dwelling and garage at adjacent to 105 Drummurrer Lane, Drummurrer, 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 objections have been received.

Planning History

There are no planning histories at the application site.

Adjacent site to the north at No.105 Drummurrer Lane

M/2003/1147/F - Retention of greyhound kennels, pens, gallop and hard standing area - 180M Southeast Of 101 Drummurrer Lane, Coalisland – permission granted 29.12.2003.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

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

Dungannon and South Tyrone Area Plan 2010

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

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

Policy CTY 8 – Ribbon Development

The application site is an irregular shaped field at the end of an existing laneway to Drummurrer Lane. There are three dwellings to the north of the site at No.103A, No.103B and No.105. I consider the three dwellings have a garden area within their curtilages that fronts onto the laneway, so I am content these buildings have a frontage to the laneway. To the south of No.105 are dog kennels which have approval through M/2003/1147/F and I am content the dog kennels have a frontage to the laneway. As shown in figure 1 below the application site is a corner plot and I consider it does not have a frontage to the laneway. No part of the application site fronts onto the laneway, so the proposal fails this criterion. I believe the proposal does not have substantial frontage of three or more buildings with a frontage to the road so cannot be considered a gap site.



Figure 1 – Image of the application site in relation to the adjacent buildings.

However, the agent has stated there is a shed to the south and within the boundary of the application site as shown in figure 2 below. This building does not have a frontage to the laneway. I consider the proposal would be adding to a ribbon of development which is detrimental to rural character.



Figure 2 – Image of a small shed in the corner of the application site.

The application site has no frontage to the laneway, No.105 has a frontage of 37m, No.103B has a frontage of 29m and No.103A has a frontage of 33m.

I consider the proposal cannot be considered an exception to policy in CTY 8 as it is not a gap site as it is located at the end of a row of buildings.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is an irregular shaped field with a flat topography at the end of a private laneway. The site is set well back from the public road, so I consider a dwelling on this location will not be a prominent feature in the landscape. There are established trees along the east and west boundaries which provide a degree of enclosure at the

site.

CTY 14 – Rural Character

As stated earlier in the assessment I am content the proposal will not be a prominent feature in the landscape. There is already a lot of development in this area so I consider another dwelling will not exacerbate the situation and create a suburban style build-up of development. As this is an outline application any details about the design would be considered at the reserved matters stage. As the site is at the end of an existing row the proposal would add to a ribbon of development which is detrimental to 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.

The site uses an existing laneway but as the proposal is for a dwelling I consider this is an intensification of access, so DFI roads were consulted. Roads are content with the proposal subject to visibility splays of 2.4m by 33m in both directions. Roads state the existing laneway should be widened to 4.8m for the first 10m from the junction of the main road.

Other Considerations

I checked the statutory map viewers, and I am satisfied there are no other ecological, historical or flooding issues at the site.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet the criteria in CTY1, CTY 8 And CTY 14 in PPS 21.

Refusal Reasons

Reason 1

Contrary to Policy CTY 1 in PPS 21 - Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.

Reason 2

Contrary to CTY 8 - Ribbon Development in PPS 21 - Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.

Reason 3

Contrary to CTY 14 - Rural Character in PPS 21 - Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.

Signature(s): Gillian Beattie

Date: 18 November 2024

ANNEX	
Date Valid	29 August 2024
Date First Advertised	10 September 2024
Date Last Advertised	10 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 105 Drummurrer Lane Drummurrer Coalisland BT71 4QJ The Owner / Occupier 105A Drummurrer Lane Drummurrer Coalisland BT71 4QJ The Owner / Occupier 103A Drummurrer Lane Drummurrer Coalisland BT71 4QJ The Owner / Occupier 103B Drummurrer Lane Drummurrer Coalisland BT71 4QJ The Owner / Occupier RNN - 105B Drummurrer Lane Drummurrer Coalisland BT71 4QJ	
Date of Last Neighbour Notification	9 September 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2002/0402/O Proposals: Proposed dwelling - living accommodation Decision: PG Decision Date: 11-JUN-02 Ref: M/2001/0686/RM Proposals: Proposed dwelling Decision: PG Decision Date: 16-JUL-01 Ref: M/2000/0064/O Proposals: Dwelling Decision: PG Decision Date: 21-AUG-00 Ref: LA09/2019/1502/F	

Proposals: Proposed extension and refurbishment of existing dwelling, with site works.

Decision: PG

Decision Date: 13-FEB-20

Ref: M/2003/1147/F

Proposals: Retention of greyhound kennels, pens, gallop and hard standing area

Decision: PG

Decision Date: 29-DEC-03

Ref: M/2001/1283/O

Proposals: Site for dwelling.

Decision: PG

Decision Date: 12-FEB-02

Ref: M/2014/0243/PREAPP

Proposals: infill site

Decision: ELA

Decision Date:

Ref: M/2004/1518/O

Proposals: Proposed dwelling - living accommodation

Decision: PG

Decision Date: 04-JAN-05

Ref: LA09/2015/0305/O

Proposals: Proposed infill site for dwelling and garage

Decision: PG

Decision Date: 15-JUL-15

Ref: M/2006/1749/RM

Proposals: Proposed Dwelling & Garage

Decision: PG

Decision Date: 14-DEC-06

Ref: LA09/2020/1187/F

Proposals: Infill site for dwelling & garage

Decision: PG

Decision Date: 13-JAN-21

Ref: LA09/2022/1326/O

Proposals: New Private Dwelling and Detached Garage

Decision: PR

Decision Date: 28-FEB-23

Ref: LA09/2024/1012/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: M/1975/0069

Proposals: 11 KV O/H LINE

Decision: PG

Decision Date:

Ref: M/2002/0401/O

Proposals: Proposed dwelling - living accommodation

Decision:

Decision Date:

Ref: M/2003/0149/F

Proposals: Erection of dwelling and associated site works

Decision: PG

Decision Date: 07-MAY-03

Ref: M/2003/0342/O

Proposals: Proposed dwelling - living accommodation

Decision: PG

Decision Date: 02-JUN-03

Ref: M/2003/1129/F

Proposals: Retention of dwelling

Decision: PG

Decision Date: 20-OCT-03

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Outline & RS1 form.DOCXDC Checklist.doc

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.24
Application ID: LA09/2024/1084/O	Target Date: 30 December 2024
Proposal: Proposed dwelling on a farm under PPS21 Policy CTY10	Location: 250M E of 16 Gortnaglogh Road, Stewartstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr ALAN KEE 16 GORTNAGLOGH ROAD STEWARTSTOWN BT71 5ED	Agent Name and Address: Mr MALCOLM KEE 9a Clare Lane Cookstown BT80 8RJ
Executive Summary: The proposal is for a dwelling on a farm and I consider there is not active farming on the farm holding to meet CTY 10 in PPS 21. The application site does not cluster or visually link with the established buildings on the farm. There are no demonstrable health and safety reasons or verifiable plans to expand the farm to justify the siting away from the farm buildings. There is a limited sense of enclosure at the site with a lack of established natural boundaries or the backdrop of buildings or trees.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline Tri.DOCX
Non Statutory Consultee	DAERA - Omagh	LA09-2024-1084-O.DOCX

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is in the countryside and is 1.65km northwest of the settlement limit of Brockagh as defined in the Cookstown Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, groups of farm

buildings and detached dwellings on single plots. To the east of the site there are two agricultural sheds and a concrete yard and to the east of the building there is a car repair garage. Across the road from the garage is a two-storey dwelling at No.16 which is the applicant's dwelling. The application site is a portion of a larger agricultural field with a flat topography. Along the roadside and east boundary is an established hedgerow and the northern boundary is undefined.

Description of Proposal

This is an outline application for proposed dwelling on a farm under PPS21 Policy CTY10 at 250M E of 16 Gortnaglogh Road, Stewartstown.

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 have been 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.

Cookstown Area Plan 2010

The site is outside any settlement limits as defined in the Cookstown Area Plan 2010.

The site is not within any other zonings or designations as defined in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland:

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 – Dwellings on Farms

The applicant is Mr Alan Kee who lives at No.16 Gortnaglogh Road which comprises of a two-story dwelling and two agricultural sheds. DAERA confirmed the applicant's farm business is Category 1 and has been established for more than 6 years. DAERA state claims for Single Farm Payment were made in 2018-2021 and the site is currently claimed by another farm business. The following lease agreements have been demonstrated to show how the farm holding is being let out in con-acre.

1. Lease agreement between Mr Alan Kee and Mr David Richardson from 1st March 2024 and 31st December 2024.
2. Lease agreement between Mr Alan Kee and Phillip Abernethy from 1st March 2024 and 31st December 2024.
3. Lease agreement between Mr Alan Kee and Mr David Richardson from 1st March 2022 and 31st December 2022.
4. Lease agreement between Mr Alan Kee and Mr David Richardson from 1st March 2023 and 31st December 2023.
5. Lease agreement between Mr Alan Kee and Phillip Abernethy from 1st March 2023 and 31st December 2023.

The following receipts have been submitted to demonstrate the applicant is maintaining the land in good agricultural condition.

1. Invoice from J N Sinclair & Son for Alan Kee for posts, bucket, 12ft gate on 30th April 2022.
2. Invoice from Farm Quality Assurance Scheme for annual registration for FQAS

(Beef and Lamb) on 14th May 2021.

3. Invoice from J N Sinclair & Son for Alan Kee for cement, barley mix, feed block, wire and salt licks. No date on invoice.
4. Invoice from George Newell to Alan Kee for mowing 5 acres and 36 round bales. No date on invoice.
5. Invoice from Parklands Veterinary Ltd for Alan Kee. No date on invoice.
6. Invoice from Farm Quality Assurance Scheme for annual registration for FQAS (Beef and Lamb) on 23rd May 2019.
7. Invoice from George Newell to Alan Kee for digger work on 1st May 2019.
8. Invoice from George Newell to Alan Kee for mowing 2.5 acres and 23 round bales on 12th November 2018.
9. Receipt from Capper Trading Ltd for fuel on 10th February 2024.
10. Invoice from J N Sinclair & Son to Alan Kee for drinker, pipe, liner on 30th June 2024.
11. Receipt from NI Water for water bills on 10th May 2024.

Having assessed all the evidence submitted I consider there is an established farm business at the site. The applicant has submitted copies of lease agreements to demonstrate that he is gaining an income from the land by letting it out in con-acre. DAERA note that 2021 was the last date the applicant claimed single farm payment. Several of the invoices submitted are within the period for 2018 to 2021 when the applicant was claiming single farm payments. I believe the applicant is not currently maintaining the land as no relevant receipts are from 2023 to 2024 period. I think there is no active farming at the site by the applicant, so the proposal fails this criterion.

I completed a history check on the farm maps submitted, and I am content there has been no sell-offs or transfers off the farm holding within the past ten years.

The applicant lives at No.16 Gortnagolagh Road and there is a garage and two agricultural sheds across the road from No.16. As shown in the image below the buildings are within the applicant's ownership and the preferred siting for the proposed dwelling is at the eastern end of an adjacent field. The siting of the proposed dwelling will not cluster or visually link with the buildings on the farm holding so the proposal fails this criterion.

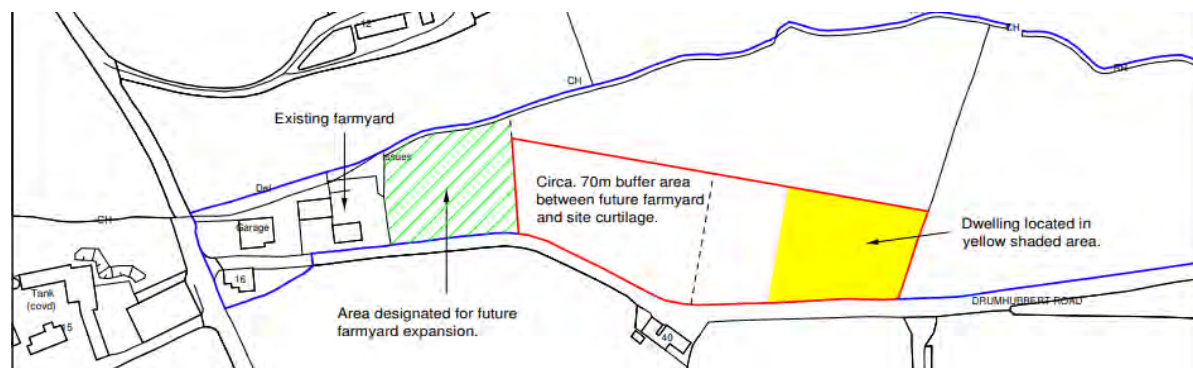


Figure 1 – Image of the site location plan.

The policy within CTY 10 states that consideration may be given to an alternative site elsewhere on the farm provided there are no other sites available elsewhere on the farm. From the farm maps submitted it is evident that the buildings at No.16 are the only buildings on the farm that the applicant could cluster or visually link with.

An alternative site is acceptable if there are demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. In a supporting statement it has been stated that the siting has been chosen for future mortgage purposes as mortgage providers are reluctant to finance a dwelling within 70m of a farm building. In terms of mortgage issues this is not a material planning consideration in this assessment. It is stated there will be environmental issues regarding odour, noise and safety in relation to proximity of a dwelling to a farmyard.





Figure 2 – Images of the farmyard and farm buildings.

The applicant is not actively farming the site and has the land rented in con-acre. Figure 2 above shows the farm buildings and farmyard and in my opinion, there will not be unacceptable issues with noise or smells. The applicant has provided no details of any animals housed with the sheds or any animals within his ownership.

The applicant has shown on the site plan in figure 1 an area designated for future farmyard expansion. It is stated in the supporting statement that the applicant intends to live in the dwelling as a retirement dwelling and for his son to live at No.16 and take over the running of the farm business. There is no planning approvals within the area shaded green on the site plan. The land is currently let out in con-acre, and I consider the applicant has not sufficiently demonstrated there is active farming at the site. As the farm is not currently farmed by the applicant, I do not consider it acceptable to site the dwelling in the proposed location on site, so the proposal fails this criterion.

The applicant has proposed a new access onto the public road and DFI Roads are content with the access subject to conditions about visibility splays. The existing access serves a farmyard so it would not be feasible to serve a new dwelling.

Having assessed all the evidence, I consider the proposal does not meet the criteria in CTY 10.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a portion of a larger agricultural field with a flat topography. Due to the flat topography, I consider dwelling at this site would not be a prominent feature in the landscape. There is established vegetation along the roadside, but a portion of this hedging will need to be removed to provide the visibility splays. There is established hedging along the east boundary and the remaining boundaries are undefined. There is a limited sense of enclosure at the site due to the lack of existing vegetation, there are

no trees to provide a backdrop, and the proposed dwelling will not group with any buildings. As this is an outline application the design of the dwelling could be agreed at the Reserved Matters Stage. The proposed dwelling will not cluster or visually link with the associated farm buildings at No.16. I believe the proposal does not meet all the criteria in CTY 13.

CTY 14 – Rural Character

As stated earlier in the proposal I consider a suitably designed dwelling will not be a prominent feature in the landscape. The site will not add or create ribbon development.

PPS 3 Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

PPS 3 policy AMP 2 outlines that planning permission will only be granted for a development proposal involving direct access onto a public road where; It does not prejudice public safety or inconvenience traffic. It does not conflict with access to protected routes. The applicant has proposed a new access onto the public road and DFI Roads have no concerns with the proposal.

Other Considerations

I have checked the statutory map viewers and there are no ecological, built heritage, flooding or residential amenity concerns.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet all the criteria in CTY 10 and CTY 13 in PPS 21.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential in this rural location and could not be located within a settlement.

Reason 2

Contrary to CTY 10 - Dwellings on Farms in PPS 21 as there is not an active farm business at the site. There are no demonstrable health and safety reasons or verifiable plans to expand the farm to justify the siting away from the farm buildings.

Reason 3

Contrary to CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that there is a limited sense of enclosure at the site for the building to integrate into the landscape, and the development if permitted will not cluster or visually link with an established group of buildings on the farm.

Signature(s): Gillian Beattie

Date: 20 November 2024

ANNEX	
Date Valid	16 September 2024
Date First Advertised	1 October 2024
Date Last Advertised	1 October 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 40 Drumhubbert Road Stewartstown Tyrone BT71 5EB	
Date of Last Neighbour Notification	18 September 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1978/0257 Proposals: BUNGALOW Decision: PG Decision Date: Ref: I/2011/0320/F Proposals: Two storey extension to front & rear of dwelling Decision: PG Decision Date: 19-AUG-11 Ref: I/1978/025701 Proposals: FARM BUNGALOW Decision: PG Decision Date: Ref: LA09/2024/1084/O Proposals: Proposed dwelling on a farm under PPS21 Policy CTY10 Decision: Decision Date:	

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline Tri.DOCX
DAERA - Omagh-LA09-2024-1084-O.DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.25
Application ID: LA09/2024/1104/O	Target Date: 2 January 2025
Proposal: Proposed dwelling & domestic garage in compliance with policy CTY 2a (Dwelling in existing clusters)	Location: Immediately N □ Adj to 13 Tullyglush Road Ballygawley
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Stephen Canavan Omagh Road Ballygawley	Agent Name and Address: McKeown and Shields Ltd 1 Annagher Road Coalisland Dungannon BT71 4NE
Executive Summary: The proposal is recommended for approval as it does not meet the following criteria in CTY 2a - dwellings in existing clusters The proposed development is not associated with a focal point or located at a crossroads. The proposed development is not bounded on two sides by development in the cluster. The proposed development cannot be absorbed into the existing cluster through rounding off. The proposed development will have an unacceptable impact on residential amenity.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.docRoads Outline & RS1 form.DOCX
Statutory Consultee	Historic Environment Division (HED)	

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is a parcel of land located within the countryside between No. 13 and 17 Tullyglush Road (St Malachy's Church). The site lies approximately 2.8km north-west of

Ballygawley. It is located within the rural countryside, outside any defined settlement limit as identified in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is predominantly rural in nature, however there is a line of development to the south-east of the site with development taking the form of single dwellings and associated outhouses. Ballymackilroy St Malachy's Church lies to the west of the site, with its environs extending to the public road. This Church is a Grade B listed building of special architectural or historic interest (HB13/09/007) and is protected by Section 80 of the Planning Act (NI) 2011. The application site is a cut out of a larger agricultural field where the topography rises steeply from the roadside to the back of the site.

Description of Proposal

This is an outline application for proposed dwelling & domestic garage in compliance with policy CTY 2a (Dwelling in existing clusters) at land immediately N & Adj to 13 Tullyglush 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 objections were received.

Planning History

No recent planning histories at the application site.

Directly across the laneway

LA09/2022/1276/O - Proposed Dwelling - Adjacent To 13 Tullyglush Road, Ballygawley – permission granted 07.11.2023.

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 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 cluster 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 one dwelling in a cluster CTY 2a is the relevant policy in the assessment.

CTY 2a – New Dwellings in existing clusters

I am content the application lies outside of a farm and there are four or more buildings of which at least three are dwellings. There are dwellings to the south of the site at No.13, 9, 7B, 7A as shown in figure 1 below.



Figure 1 – Image of the site and the surrounding area.

As shown in figure 1 I consider the cluster does appear as a visual entity in the landscape.

I consider the site is not associated with a focal point or a crossroads. There is a listed building at Ballymackilroy St Malachy's Church, but this is 79m west of the application site, so I consider the church is not associated with the group of buildings in the cluster.

There is a dwelling and its curtilage at No.13 which abuts the southern boundary. To the southwest of the site is a planning approval LA09/2022/1276/O for a dwelling. At the time of my site visit this approval had not commenced and there was no building on site. I consider the site is not bounded on at least two sides by development.

I do not consider the proposal will round off the existing cluster and I am of the opinion the site will extend a ribbon of development which is detrimental to rural character.



Figure 2 – Image of the application site.

As shown in figure 2 the land rises from the roadside boundary to the rear of the site and if a dwelling was located at this site there is the potential for overlooking into neighbouring amenity space.

Overall, I do not consider the proposal meets all the criteria in CTY 2a for a dwelling in an existing cluster.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a cut-out of a larger agricultural field at the end of an existing laneway. Even-though the topography rises from the roadside boundary to the back of the site there are minimal critical views from the main Tullyglush Road so I am content the proposal will not be a prominent feature in the landscape.

There is a low hedge along the southern boundary, a wire fencing along the laneway boundary and the remaining boundaries are undefined.

As this is an outline application the design of the dwelling will be considered at the reserved matters stage.

I consider a dwelling on this site would fail to blend with the existing slope and would require a lot of cutting into the slope. As shown in figure 2 above the site to the front has a steep slope and to the rear of the site the topography is still elevated.

Overall, I consider the proposal fails to meet all the criteria in CTY 13.

CTY 14 – Rural Character

As stated earlier in the assessment I am content the proposal will not be a prominent feature in the landscape.

There is already a lot of development in the immediate area from the construction of

single dwellings, so I consider the area has already been suburbanized.

The site is at the end of a laneway and there is a row of dwellings along Tullyglush Road as shown in figure 1. Extant approvals have been shown in purple on the site location plan as shown in figure 3. The sites in purple have no foundations or have been commenced. I consider the proposal will extend a ribbon of development which is detrimental to rural character.



Figure 1 – Image of the site location plan.

I consider the proposal does not meet all the criteria in CTY 14.

PPS 6 – Planning, Archaeology and Built Heritage

Policy BH 11 – Development affecting the Setting of a Listed Building is applicable. The application site is within proximity to Ballymackilroy Roman Catholic Church which is a listed building. HED were consulted as the statutory authority and are content with the proposal subject to conditions about ridge height and materials.

PPS 3 – Access, Movement and Parking

The site does not access a protected route, so I have no concerns in this regard.

There is an existing laneway to the application site, but DFI Roads were consulted and are content subject to conditions about visibility splays.

Other Considerations

I checked the statutory map viewers, and I am satisfied there are no other ecological, historical or flooding issues at the site.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does meet all the criteria in policy CTY 2a – dwellings in existing clusters in PPS 21.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential in this rural location and could not be located within a settlement.

Reason 2

Contrary to CTY 2a - New Dwellings in Existing Clusters in PPS 21 in that the proposed development is not associated with a focal point or is not located at a crossroads and is not bounded on two sides by development.

Reason 3

Contrary to CTY 8 - Ribbon Development in PPS 21 in that the development if permitted would extend an existing ribbon of development which is detrimental to rural character.

Reason 4

Contrary to CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would fail to blend with the existing slope and landform.

Reason 5

Contrary to CTY 14 - Rural Character in PPS 21 in that the development if permitted would extend an existing ribbon of development which is detrimental to rural character.

Signature(s): Gillian Beattie

Date: 18 November 2024

ANNEX	
Date Valid	19 September 2024
Date First Advertised	30 September 2024
Date Last Advertised	30 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 9 Tullyglush Road Seskilgreen Tyrone BT70 2BZ The Owner / Occupier 13 Tullyglush Road Seskilgreen Tyrone BT70 2BZ	
Date of Last Neighbour Notification	20 September 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1986/0415 Proposals: DWELLING AND GARAGE Decision: PG Decision Date: Ref: M/2009/0294/F Proposals: Extension to rear of existing dwelling Decision: PG Decision Date: 12-JUN-09 Ref: M/1984/0411 Proposals: DWELLING Decision: PG Decision Date: Ref: M/1981/0223 Proposals: BUNGALOW Decision: PG Decision Date: Ref: LA09/2022/1274/O Proposals: Proposed Dwelling	

Decision: WDN

Decision Date: 16-OCT-23

Ref: LA09/2022/1276/O

Proposals: Proposed Dwelling

Decision: PG

Decision Date: 09-NOV-23

Ref: LA09/2024/1104/O

Proposals: Proposed dwelling □ domestic garage in compliance with policy CTY 2a
(Dwelling in existing clusters)

Decision:

Decision Date:

Ref: M/1984/0144

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: M/1986/0035

Proposals: DWELLING HOUSE

Decision: WITHDR

Decision Date:

Ref: M/1996/6027

Proposals: Site Tullyglush Road Ballygawley

Decision: 211

Decision Date:

Ref: M/1994/6112

Proposals: Erection of dwelling Tullyglush Road Greenhill

Decision: PRER

Decision Date: 04-OCT-94

Ref: M/1986/0036

Proposals: DWELLING HOUSE

Decision: WITHDR

Decision Date:

Ref: M/1996/0064

Proposals: Site for dwelling

Decision: WITHDR

Decision Date:

Ref: M/1988/0588

Proposals: Dwelling

Decision: PR
Decision Date:

Ref: M/1997/0250
Proposals: New Access
Decision: PG
Decision Date:

Ref: M/2007/1071/RM
Proposals: Proposed erection of domestic dwelling with attached domestic garage
Decision: PG
Decision Date: 12-OCT-07

Ref: M/1993/6089
Proposals: Dwelling Tullyglush Road Glencull
Decision: QL
Decision Date:

Ref: LA09/2016/0262/F
Proposals: Removal / variation of condition 8 of M/2011/0500/F
Decision: PG
Decision Date: 09-MAY-16

Ref: LA09/2024/0126/O
Proposals: Dwelling on a Farm
Decision: PG
Decision Date: 01-MAY-24

Ref: M/1984/0320
Proposals: TWO STOREY DWELLING
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist.doc
Roads Outline & RS1 form.DOCX
Historic Environment Division (HED)-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

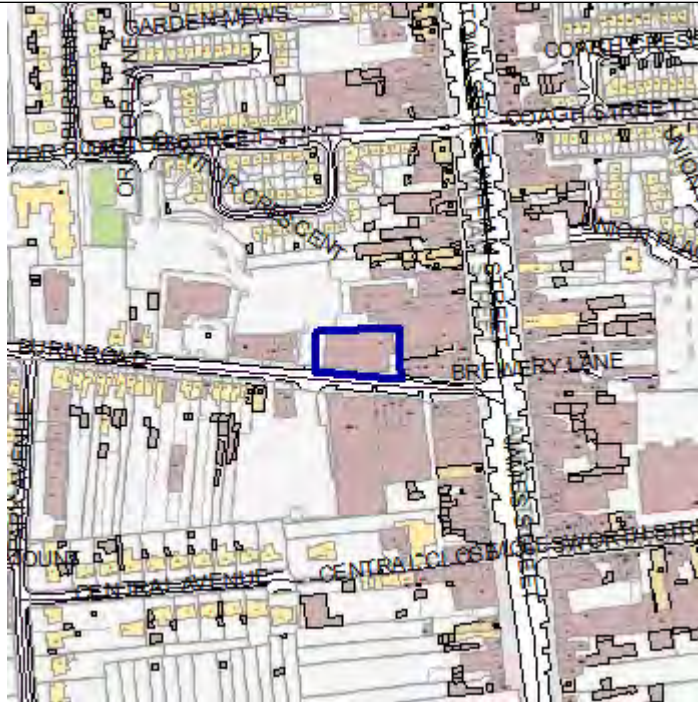


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.26
Application ID: LA09/2024/1327/A	Target Date: 21 February 2025
Proposal: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Burnavon Arts and Cultural Centre in Cookstown at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.	Location: 7 Burn Road Cookstown BT80 8DL
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mid Ulster District Council 15 Circular Road Dungannon BT71 6DT	Agent Name and Address: Cormac McGinley 15 Circular Road Dungannon BT71 6DT
Executive Summary: This is an application for Advertisement Consent for Christmas greetings to be projected onto the Burnavon Arts and Cultural Centre. This application is being presented to Planning Committee as it has been submitted by MUDC. It has been fully considered under all relevant policy and consultation advice has been sought from DFI Roads. There is no policy conflict and it is recommended that consent be granted.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	<p>Dfl Roads do not offer an objection.</p> <p>Informative</p> <p>The applicant should contact the local Dfl Roads Maintenance Section in order that an agreement may be reached regarding any physical works associated with the proposal (if any) that impacts on the public road or footway</p>

Representations:

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

Number of Petitions of Objection and signatures	
-------------------------------------------------	--

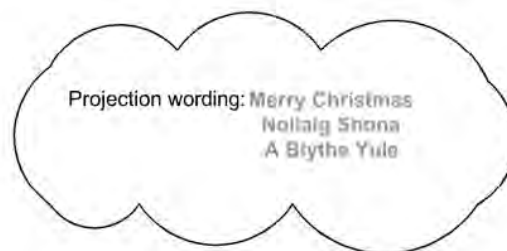
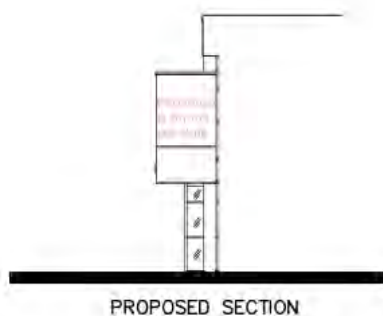
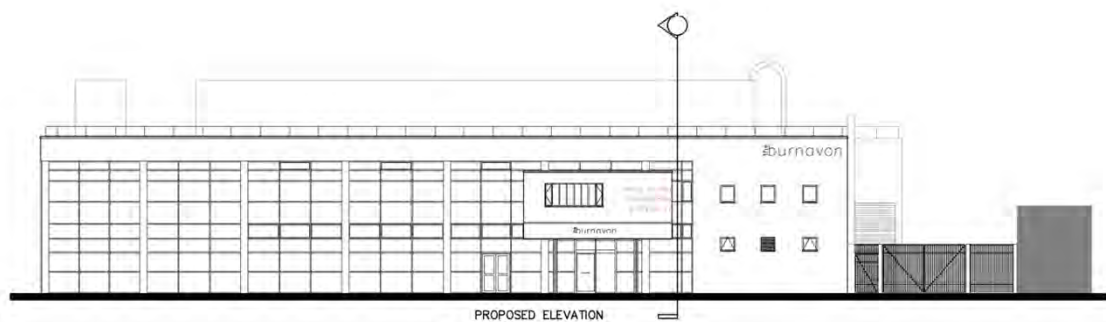
Summary of Issues

Characteristics of the Site and Area

The site of this proposal is within the development limits of Cookstown and located in an area of Townscape Character as defined in the Cookstown Area Plan 2010. The site is identified as The Burnavon Arts and Culture Centre, Burn Road, Cookstown. The surrounding area is mainly commercial with a mix of retail, business and services.

Description of Proposal

It is proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Burnavon Arts and Cultural Centre in Cookstown at set intervals. A fourth image of a general winter scene will be displayed to complete the 4-image cycle. All proposed images displayed are static. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning. The image below demonstrates how the images will be displayed on the front of the Burnavon Arts and Cultural Centre.



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

Representations

No neighbours notified under an advertisement application. No letters of representation have been received.

Relevant Planning History

LA09/2022/1369/A - 2 No Outdoor LED Video Wall - Consent Granted

Development Plan & Key Policy Considerations

- SPPS Strategic Planning Policy Statement for Northern Ireland
- Local Development Plan 2030 – Draft Plan Strategy
- Cookstown Area Plan
- Planning Policy statement 17 – Control of Outdoor Advertisements
- Planning Policy Statement 3 – Access, Movement and Parking
- Planning Policy Statement 6 (Addendum) – Areas of Townscape Character

Legislation

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

considerations indicate otherwise.

Mid Ulster Local Development Plan 2030 -Draft Plan Strategy

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

Cookstown Area Plan 2010

This site is located within the development limits of Cookstown and the town centre of Cookstown as defined in the Cookstown Area Plan 2010. This proposal is located in an Area of Townscape Character and consideration will be given to PPS 6 (Addendum) further in this report.

SPPS Strategic Planning Policy Statement for Northern Ireland

The Strategic Planning Policy Statement (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.

Planning Policy Statement 17 – Control of Outdoor Advertising

PPS 17 sets out the Departments planning policy and guidance for outdoor advertisements. Policy AD 1 states consent will be given for an advertisement where the proposed signage respects amenity when assessed in the context of the general characteristics of the locality and 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.

Annex A states in relation to High Level Signs that they are only appropriate when they relate to the scale and primary use of the building. They should not detract from any architectural feature with only the lettering illuminated.

The application site is located within the development limits of Cookstown, in an area of mixed use. The building is not Listed. There are a number of other businesses in the vicinity of the application site, this end of Burn Road in particular features outdoor advertising, therefore I am content that the current proposal is not detrimental to the character of the surrounding area. The size and scale of this proposal is considered to be appropriate for its location and the design is considered to be acceptable. This proposed illumination is temporary and will be displayed during the festive period at a time when the street lighting is on, approximately between 15:45 and 08:30.

DFI were consulted and have no concerns with regards to the impact that this application will have on road users and pedestrians who will be passing the building with the projected illumination.

The application is therefore considered acceptable against PPS 17.



PPS 3 – Movement, Access and Parking

DFI Roads were consulted and do not offer an objection in relation to this proposal. They have advised that the applicant should contact the local DfI Roads Maintenance Section in order that an agreement may be reached regarding any physical works associated with the proposal (if any) that impacts on the public road or footway. It has been demonstrated by our Technical Services Department that all appropriate licences to place festive lights on roads are in place.

The application does not create a new access therefore does not impact AMP 2 and AMP 3. It is considered the proposal will not interfere with road or pedestrian safety. The application is not in conflict with PPS 3 so is therefore considered acceptable.

PPS 6- Areas of Townscape Character

PPS 6 provides additional planning policies relating to areas of Townscape Character which includes control of advertisements. Policy ATC 3 states that consent will be granted for display of advertisements if it maintains overall character of the area and will not prejudice public safety. The size and scale of the image will not dominate the building that it is being projected onto. This area of the Burn Road features a lot of business' with outdoor advertising therefore this proposal will not detract from the

characteristics and amenity of this area.

As previously stated DFI were consulted and raised no concerns with regards to the impact that this will have on road users and pedestrians passing the building with the projected illumination. The proposed illumination will not prejudice public safety. The application is therefore considered acceptable to PPS3.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The consent hereby granted is for the temporary projection of a festive message over the Christmas period which is from the 2nd last Friday every November until 6th Jan annually and the projections shall only be displayed during normal street lighting hours within this period.

Reason: To ensure the projection is only displayed at the relevant time of year.

Condition 2

The images shall be projected in the position shown in drawings 2 and 3.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Condition 3

All of the proposed images being displayed shall be static and the exchange rate between the image shall be between 30 sec and 1 minute.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Signature(s): Jane Muldoon

Date: 19 November 2024

ANNEX	
Date Valid	8 November 2024
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/2003/0593/O Proposals: Proposed Retail Outlet Decision: PG Decision Date: 20-OCT-03 Ref: I/1988/0009 Proposals: ALTERATIONS TO EXISTING SHOP FRONT 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: LA09/2024/1327/A

Proposals: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Burnavon Arts and Cultural Centre in Cookstown at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

Decision:

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/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: LA09/2023/0123/F

Proposals: Proposed part demolition of existing outbuildings to allow for 3 storey apartment scheme consisting of 1no one bed + 14no two bed apartments with 8no insitu parking and amenity spaces

Decision: PG

Decision Date: 31-JUL-24

Ref: LA09/2022/1369/A

Proposals: 2 No Outdoor LED Video Wall

Decision: CG

Decision Date: 15-NOV-22

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/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/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: 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/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: I/2001/0879/A41

Proposals: Tourist Information Points

Decision: 205

Decision Date: 13-FEB-02

Ref: I/1985/0226

Proposals: EXTENSION TO EXISTING SHOP PREMISES

Decision: PG

Decision Date:

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/1994/0167

Proposals: Erection of Satellite Dish

Decision: PG

Decision Date:

Ref: I/1984/0312

Proposals: ALTERATIONS TO NIES SHOWROOM

Decision: PG

Decision Date:

Ref: I/1976/0092

Proposals: CONVERSION TO ELECTRICITY SHOWROOM

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DfI Roads do not offer an objection.

Informative

The applicant should contact the local DfI Roads Maintenance Section in order that an agreement may be reached regarding any physical works associated with the proposal (if any) that impacts on the public road or footway

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Existing Elevations Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

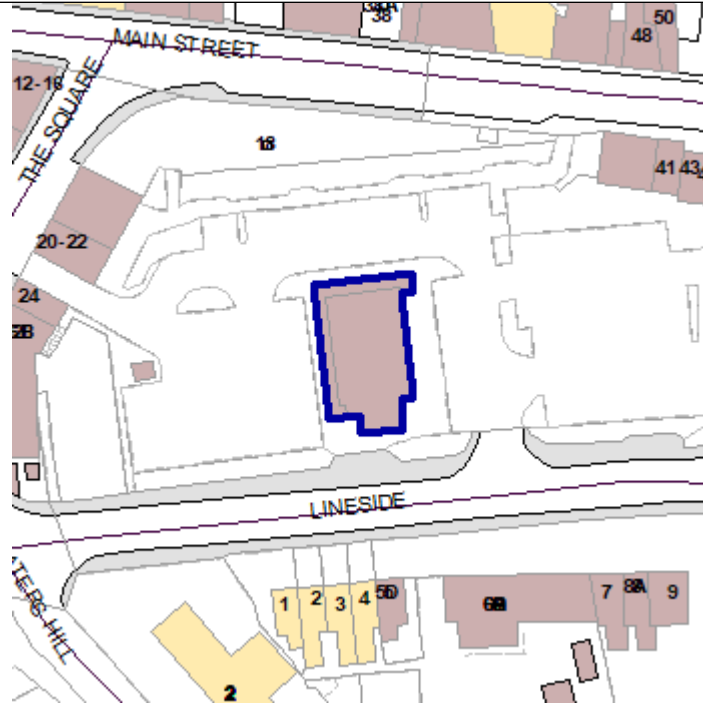


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.27
Application ID: LA09/2024/1329/A	Target Date: 21 February 2025
Proposal: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Cornmill Building at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.	Location: Cornmill Heritage Centre Lineside Coalisland
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mid Ulster District Council 15 Circular Road Dungannon BT71 6DT	Agent Name and Address: Cormac McGinley 15 Circular Road Dungannon BT71 6DT
Executive Summary: Council application to project a festive greeting onto the façade of The Cornmill Heritage Centre, Coalisland, over the Christmas period.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DFI Roads- 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

This site is Cornmill Heritage Centre, Lineside, Coalisland. It is within Coalisland Town Centre and the Area of Townscape Character as identified in the Dungannon and South Tyrone Area Plan 2010. The site is situated in the centre of Coalisland town, with access off Lineside. The immediate land use around the other three sides is car parking and a small pedestrian area, with retail premises beyond the car parks and streets.

Description of Proposal

It is proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Cornmill Heritage Centre, at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Policy

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

There is no statutory requirement to neighbour notify or advertise in the local press for an application for advertising consent, and to date no third party representations have been received.

Consultations

DFI Roads were consulted, and did not offer any objection to the proposal.

Relevant Planning History

A number of planning histories were identified which included the site. Most of these were in relation to larger town improvements, and the provision of car parking around the building. Only one application related directly and solely to the building:

- M/1990/0659 - Change of use and alteration of former Cornmill to Library and Heritage Centre – granted.

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 lies within Coalisland Town Centre and the Area of Townscape Character as identified in the Dungannon and South Tyrone Area Plan 2010.

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.

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.

Planning Policy Statement 17 – Control of Outdoor Advertisements

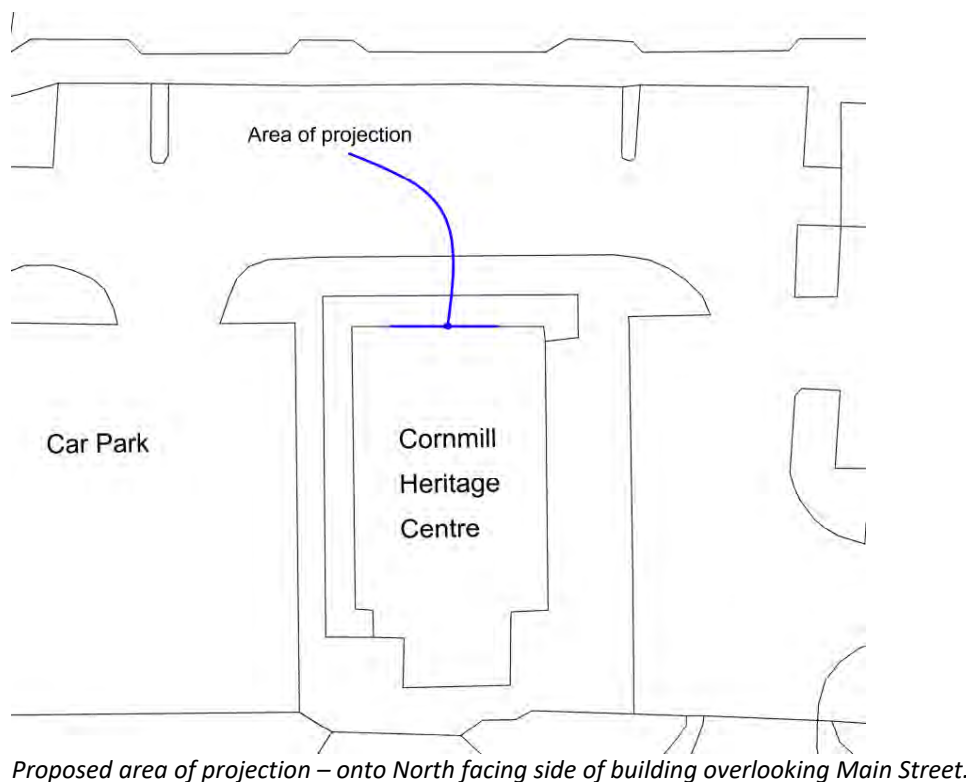
PPS17 sets out planning policy and guidance for the display of outdoor advertisements.

Policy AD1 states consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality, and it does not prejudice public safety.

The proposal is to project the festive greeting 'Merry Christmas', displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Cornmill Heritage Centre at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. Each of these images will be static, with an exchange rate between images of between 30 seconds to 1 minute. The interchange of the images will be instantaneous, with each image being stand-alone, with no cross between images. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

The projection will be temporary, operating as part of the Festive Lighting over the Christmas period until 6th January.

The projectors will be attached to a lighting pole column at the front of the building at a height of 5-6 metres.





Representation of projection onto Cornmill Heritage Centre.

Note: This is not the side of the building this proposal relates to.

In assessing the impact of an advertisement or sign on amenity PPS17 states the following matters should be taken into account:

- (a) the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;*

Given that the proposal is a light projection rather than a solid fixture, and that it is of a temporary nature over the Christmas period, it is considered the proposal will not have a negative impact on the characteristics of the area.

- (b) the position of the advertisement on the host building and its scale and size in relation to that building;*

It is considered that the scale and size of light projection onto the building is acceptable.

- (c) the cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;*

It is considered that the light projection onto the building will not result in clutter.

- (d) the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;*

It is considered that as the proposal is only of a temporary nature the size, scale, dominance and siting is acceptable.

- (e) the design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;*

The design of the proposed light projection is considered to be acceptable.

- (f) in the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located;*

As the proposal is for a light projection, the materials of the structure do not need to be considered.

- (g) the impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.*

As the projection is onto the Cornmill Heritage Centre, and will only be on when the street lights in the town centre are on, there will be minimal additional impact on the amenity of people living nearby, or for significant additional light pollution.

PPS 17 also states the main types of advertisements which are likely to pose a threat to public safety are:-

(a) *those which obstruct or impair sight lines at corners, bends or at a junction or at any point of access to a road;*

Given the location of the projection and projector, the projection will not obstruct or impair sight lines.

(b) *those which, by virtue of their size or siting, would obstruct or confuse a road user's view or reduce the clarity or effectiveness of a traffic sign or traffic signal, or those which would be likely to distract road users because of their unusual design;*

It is considered the projection (or the light from the projector to the building) will not obstruct or confuse a road user's view or clarity of a traffic sign or signal.

(c) *signs which leave insufficient clearance on or above any part of the road or footpath, or insufficient lateral clearance for vehicles on the carriageway;*

As the projectors are to be fitted to a lighting column at a height of 5-6 metres, neither the projection nor the light from the projector will leave insufficient lateral clearance.

(d) *those which are located so as to impair the safety of any person looking at them because there is no protection from moving vehicles or where the footpath is narrow at the point where the public stop to look at them;*

It is considered that given the wide footpaths and car parking areas around the building, there will be minimal additional safety issues of people viewing the projection.

(e) *illuminated signs:*

- *where the means of illumination is directly visible from any part of the road;*
- *which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals; and*
- *which, because of their size or brightness, could result in glare or dazzle, or otherwise distract road users especially in wet or misty weather;*

Given the position and nature of the light projection, it is considered it will not be mistaken for traffic signs, and will not result in glare or dazzle.

(f) *signs which incorporate moving or apparently moving elements in their display, especially where the whole message is not displayed at one time therefore increasing the time taken to read the whole message;*

The proposal is to project the festive greeting 'Merry Christmas', displayed in English, Irish and Ulster Scots by a light projector at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. Each of these images will be static, with an exchange rate between images of between 30 seconds to 1 minute. The interchange of the images will be instantaneous, with each image being stand-alone, with no cross between images. It is therefore considered the projections will not increase any threat to public safety.

(g) *those which resemble traffic signs because of their colour or content or those which embody directional or other traffic elements and which could therefore cause confusion with traffic signs;*

Given the position and nature of the light projection, it is considered it will not cause confusion with traffic signs,

(h) *signs sited or designed primarily to be visible from a motorway or other special road;*

The projection will not be visible from a motorway or special road.

(i) *those which cause possible interference with a navigational light or an aerial beacon.*

It is considered the light projection onto the building will not cause interference with a navigational light or aerial beacon.

Given the scale and design of the temporary light projection, it is considered the proposal will not have a negative effect on the general characteristics of the area and its scale and size in relation to the building is acceptable.

It is considered there will not be any public safety issues with regards to the proposed light projection.

Having assessed the proposed Advertisement Consent, it is deemed to be acceptable. Furthermore, it is considered that this proposal complies with Policy AD 1 of Planning Policy Statement 17 – Control of Outdoor Advertisements.

Other Considerations

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Checks have been completed on the statutory NED, HED and flooding map viewers. There are no issues relating to this site.

There are no other ecological or residential amenity concerns.

Summary of Recommendation

Recommend Consent is granted.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The consent hereby granted is for the temporary projection of a festive message over the Christmas period which is from the 2nd last Friday every November until 6th Jan annually and the projections shall only be displayed during normal street lighting hours within this period.

Reason: To ensure the projection is only displayed at the relevant time of year.

Condition 2

The images shall be projected in the position shown in drawings 2 and 3.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Condition 3

All of the proposed images being displayed shall be static and the exchange rate between the image shall be between 30 sec and 1 minute.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Signature(s): Mark Edgar

Date: 19 November 2024

ANNEX	
Date Valid	8 November 2024
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> <p>Ref: M/1989/0435 Proposals: Public Car Park Decision: PG Decision Date: 21-SEP-89</p> <p>Ref: LA09/2017/1442/PAD Proposals: Works will include the provision of new high quality natural stone paving ,carriageway resurfacing, street furniture, tree planting, signage, street lighting, festive lighting and drainage Decision: PAD Decision Date: 30-JAN-18</p> <p>Ref: M/1988/0672 Proposals: Public Car Park Decision: PG Decision Date: 20-DEC-88</p> <p>Ref: LA09/2017/0999/PAD Proposals: Public realm scheme Decision: PAD Decision Date: 30-JAN-18</p>	

Ref: LA09/2022/1611/F

Proposals: Planning Ref Number: LA09/2018/1324/F Development Type: Public Realm Works within Coalisland Town Centre. Condition to be amended: Variation of Condition regarding the need for a stage 4 Road safety Audit. Reason for removal: As no collision data is available from the start of 2020 to present day and as per GG119, there may be no need for a stage 4 RSA. it states (Page 24), that "a stage 4 RSA report is not needed where no road traffic collisions have been recorded in the vicinity of the highway scheme over the 12 month period of post opening validated road traffic collision data". This has also been checked with DFI roads.

Decision: WDN

Decision Date: 16-MAY-23

Ref: LA09/2024/1329/A

Proposals: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Cornmill Building at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

Decision:

Decision Date:

Ref: LA09/2015/1169/F

Proposals: To include 18 no. of car parking spaces at rear of Cornmill building. The area is currently used as a common area, consisting of planters and some street furniture

Decision: PG

Decision Date: 10-FEB-16

Ref: M/1991/0066

Proposals: Environmental improvement scheme comprising provision of carparking, paved pedestrian areas, streamside walk, entrance feature and landscaping (Amended Scheme)

Decision: PG

Decision Date: 24-JUL-92

Ref: M/1990/0659

Proposals: Change of use and alteration of former Cornmill to Library and Heritage Centre

Decision: PG

Decision Date:

Ref: M/1988/0809

Proposals: Amenity Open Space

Decision: WITHDR

Decision Date:

Ref: M/1988/0856

Proposals: Retail and Office Development

Decision: WITHDR

Decision Date:

Ref: LA09/2018/1324/F

Proposals: The works will include the provision of new high quality natural stone paving, formal parking bays, carriageway resurfacing, street furniture, landscaping, signage, street lighting, festive lighting and drainage

Decision: PG

Decision Date: 09-JAN-19

Ref: LA09/2017/1242/PAN

Proposals: The works will include the provision of new high quality natural stone paving, carriageway, resurfacing, street furniture, tree planting, signage, street lighting, festive lighting and drainage

Decision: PANACC

Decision Date: 11-MAR-19

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DFI Roads- Response.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Existing Elevations Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

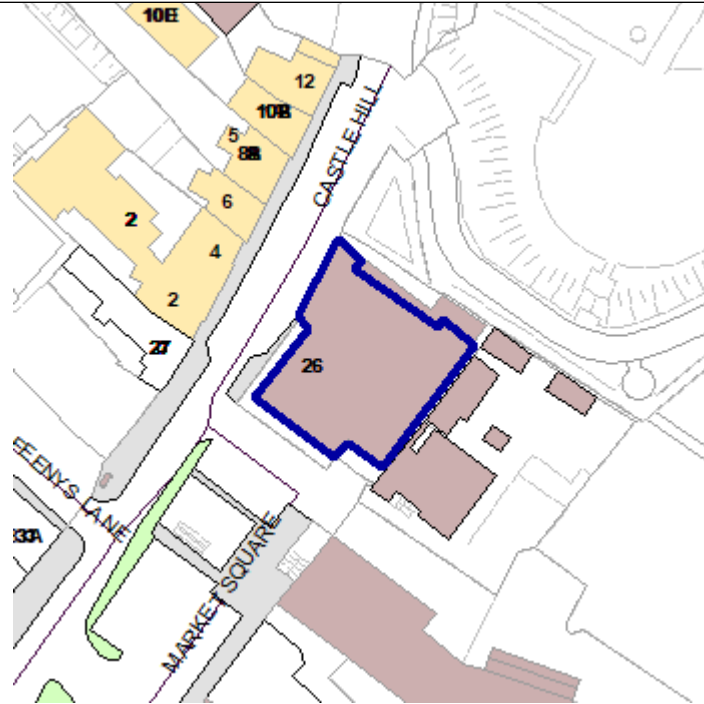


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.28
Application ID: LA09/2024/1330/A	Target Date: 21 February 2025
Proposal: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Ranfurly House Arts and Visitor centre at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.	Location: 26 Market Square Dungannon BT70 1AB
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mid Ulster District Council 15 Circular Road Dungannon BT71 6DT	Agent Name and Address: Cormac McGinley 15 Circular Road Dungannon BT71 6DT
Executive Summary: Council application to project a festive greeting onto the façade of Ranfurly House Arts and Visitor Centre over the Christmas period.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	DFI Roads- 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

This site is Ranfurly Arts & Visitor Centre located at 26 Market Square, Dungannon. It is within Dungannon Town Centre, the Area of Townscape Character and the Area of Archaeological Potential as identified in the Dungannon and South Tyrone Area Plan 2010. The building is also a Listed Building. The site is situated at the 'top' of Market Square in Dungannon town centre, with the Hill of the O'Neill to

the rear, car parking to the immediate front, and retail premises either side of Market Square.

Description of Proposal

It is proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Ranfurly House Arts and Visitor centre at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

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

There is no statutory requirement to neighbour notify or advertise in the local press for an application for advertising consent, and to date no third party representations have been received.

Consultations

DFI Roads were consulted, and did not offer any objection to the proposal.

HED were also consulted in relation to any potential impact on the Listed Building. HED Historic Monuments, and HED Historic Buildings are content with the proposal.

No other consultations were considered necessary for this application.

Relevant Planning History

Over 30 planning histories were identified which included the site. 13 of these related directly to the building.

- LA09/2021/1397/LBC - 2 no banner signs, fixed to front elevation on PPC aluminium frames – granted 10.02.2022
- LA09/2021/1380/A – 2 no Banner Signs, Fixed to Front Elevation on PPC Aluminium Frames – granted 10.02.2022
- M/2011/0279/LBC - Refurbishment of existing listed building and construction of new build extension – granted 20.03.2012
- M/2011/0273/F - Refurbishment of existing listed building and construction of new build extension – granted 13.03.2012
- M/2008/1200/F - Refurbishment of existing listed building and construction of new build extension – granted 11.11.2009
- M/2008/1199/LB - Refurbishment of existing listed building and construction of new build extension – granted 11.11.2009
- M/2006/1480/LB - Minor Alterations and Change of Use – granted 15.08.2006
- M/2006/1418/F - Minor alterations & change of use – granted 15.09.2006
- M/2002/1396/F - ramped access to side and rear and general refurbishment (exterior) – granted 08.04.2003

- M/2002/1302/LB - disability access at side and rear and reinstatement of railings to front – granted 08.04.2003
- M/2000/1104/LB - Alterations to existing railing at front and side to provide wheelchair access & internal restructuring – granted 20.02.2001
- M/1992/0510 - Temporary prefabricated office accommodation – granted
- M/1992/0204 - Alterations to property including removal of chimney - granted

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 lies within Dungannon Town Centre, the Area of Townscape Character and the Area of Archaeological Potential as identified in the Dungannon and South Tyrone Area Plan 2010.

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.

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.

Planning Policy Statement 17 – Control of Outdoor Advertisements

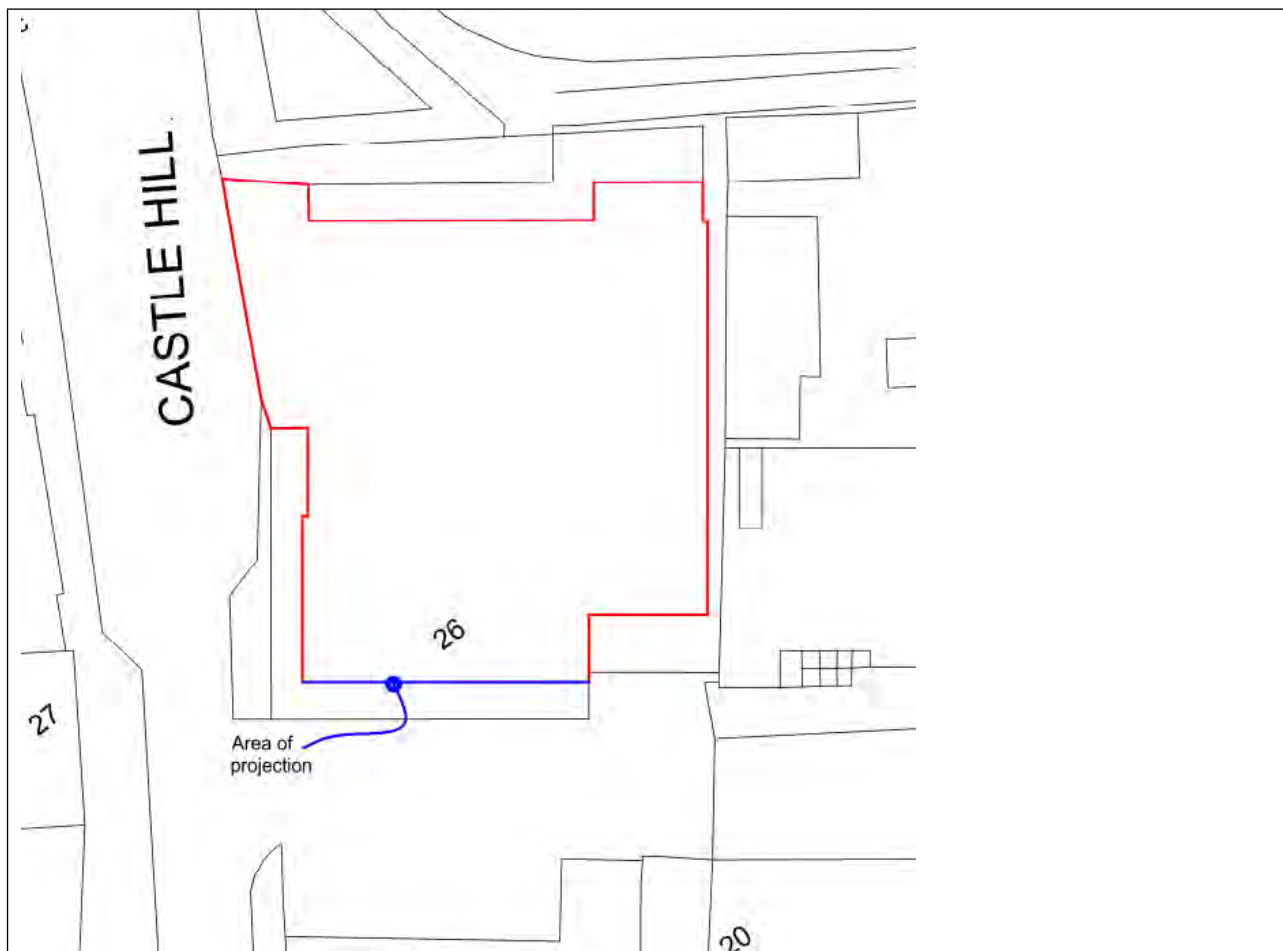
PPS17 sets out planning policy and guidance for the display of outdoor advertisements.

Policy AD1 states consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality, and it does not prejudice public safety.

The proposal is to project the festive greeting 'Merry Christmas', displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Ranfurly House Arts and Visitor centre at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. Each of these images will be static, with an exchange rate between images of between 30 seconds to 1 minute. The interchange of the images will be instantaneous, with each image being stand-alone, with no cross between images. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

The projection will be temporary, operating as part of the Festive Lighting over the Christmas period until 6th January.

The projectors will be attached to a lighting pole column at the front of the building at a height of 5-6 metres.



Proposed area of projection – on to front of building overlooking Market Square



Representation of projection onto Ranfurly House

In assessing the impact of an advertisement or sign on amenity PPS17 states the following matters should be taken into account:

- (a) *the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;*

Given that the proposal is a light projection rather than a solid fixture, and that it is of a temporary nature over the Christmas period, it is considered the proposal will not have a negative impact on the characteristics of the area.

- (b) *the position of the advertisement on the host building and its scale and size in relation to that building;*

It is considered that the scale and size of light projection onto the building is acceptable.

- (c) *the cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;*

It is considered that the light projection onto the building will not result in clutter.

- (d) *the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;*

It is considered that as the proposal is only of a temporary nature the size, scale, dominance and siting is acceptable.

- (e) *the design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;*

The design of the proposed light projection is considered to be acceptable.

- (f) *in the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located;*

As the proposal is for a light projection, the materials of the structure do not need to be considered.

- (g) *the impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.*

As the projection is onto the Ranfurly Visitor Centre, and will only be on when the street lights in the town centre are on, there will be minimal additional impact on the amenity of people living nearby, or for significant additional light pollution.

PPS 17 also states the main types of advertisements which are likely to pose a threat to public safety are:-

- (a) *those which obstruct or impair sight lines at corners, bends or at a junction or at any point of access to a road;*

Given the location of the projection and projector, the projection will not obstruct or impair sight lines.

- (b) *those which, by virtue of their size or siting, would obstruct or confuse a road user's view or reduce the clarity or effectiveness of a traffic sign or traffic signal, or those which would be likely to distract road users because of their unusual design;*

It is considered the projection (or the light from the projector to the building) will not obstruct or confuse a road user's view or clarity of a traffic sign or signal.

- (c) *signs which leave insufficient clearance on or above any part of the road or footpath, or insufficient lateral clearance for vehicles on the carriageway;*

As the projectors are to be fitted to a lighting column at a height of 5-6 metres, neither the projection or the light from the projector will leave insufficient lateral clearance.

- (d) *those which are located so as to impair the safety of any person looking at them because there is no protection from moving vehicles or where the footpath is narrow at the point where the public stop to look at them;*

It is considered that given the wide footpaths around The Square, and the car park and pedestrian area at the front of the building, there will be minimal additional safety issues of people viewing the

projection.

(e) illuminated signs:

- *where the means of illumination is directly visible from any part of the road;*
- *which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals; and*
- *which, because of their size or brightness, could result in glare or dazzle, or otherwise distract road users especially in wet or misty weather;*

Given the position and nature of the light projection, it is considered it will not be mistaken for traffic signs, and will not result in glare or dazzle.

(f) signs which incorporate moving or apparently moving elements in their display, especially where the whole message is not displayed at one time therefore increasing the time taken to read the whole message;

The proposal is to project the festive greeting 'Merry Christmas', displayed in English, Irish and Ulster Scots by a light projector at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. Each of these images will be static, with an exchange rate between images of between 30 seconds to 1 minute. The interchange of the images will be instantaneous, with each image being stand-alone, with no cross between images. It is therefore considered the projections will not increase any threat to public safety.

(g) those which resemble traffic signs because of their colour or content or those which embody directional or other traffic elements and which could therefore cause confusion with traffic signs;

Given the position and nature of the light projection, it is considered it will not cause confusion with traffic signs,

(h) signs sited or designed primarily to be visible from a motorway or other special road;

The projection will not be visible from a motorway or special road

(i) those which cause possible interference with a navigational light or an aerial beacon.

It is considered the light projection onto the building will not cause interference with a navigational light or aerial beacon.

Given the scale and design of the temporary light projection, it is considered the proposal will not have a negative effect on the general characteristics of the area and its scale and size in relation to the building is acceptable.

It is considered there will not be any public safety issues with regards to the proposed light projection.

Having assessed the proposed Advertisement Consent, it is deemed to be acceptable. Furthermore, it is considered that this proposal complies with Policy AD 1 of Planning Policy Statement 17 – Control of Outdoor Advertisements.

Other Considerations

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Checks have been completed on the statutory NED and flooding map viewers. There are no issues relating to this site.

There are no other ecological or residential amenity concerns.

Summary of Recommendation

Recommend Consent is granted.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The consent hereby granted is for the temporary projection of a festive message over the Christmas period which is from the 2nd last Friday every November until 6th Jan annually and the projections shall only be displayed during normal street lighting hours within this period.

Reason: To ensure the projection is only displayed at the relevant time of year.

Condition 2

The images shall be projected in the position shown in drawings 2 and 3.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Condition 3

All of the proposed images being displayed shall be static and the exchange rate between the image shall be between 30 sec and 1 minute.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Signature(s): Mark Edgar

Date: 19 November 2024

ANNEX	
Date Valid	8 November 2024
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> <p>Ref: M/2011/0273/F Proposals: Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community / arts facilities with access onto Castle Hill Decision: PG Decision Date: 21-MAR-12</p> <p>Ref: M/1994/0167 Proposals: Demolition of redundant workshop to provide additional car parking Decision: PG Decision Date:</p> <p>Ref: M/1992/6035 Proposals: Demolition of Building or possible uses of premises if fully refurbished Former RUC Station 25 Market Square Dungannon Decision: QL Decision Date:</p> <p>Ref: M/2002/1310/F Proposals: Change of use to coffee shop/offices/retail Decision: PG</p>	

Decision Date: 14-NOV-03

Ref: M/2013/0308/LBC

Proposals: Proposed refurbishment of existing listed building and removal of outbuilding

Decision: CG

Decision Date: 11-MAR-14

Ref: M/2002/1309/LB

Proposals: Change of use to coffee shop/offices/retail

Decision: CG

Decision Date: 14-NOV-03

Ref: M/2013/0309/F

Proposals: Refurbishment of existing listed building and removal of outbuildings

Decision: PG

Decision Date: 11-MAR-14

Ref: M/1993/0225

Proposals: Change of use from vacant Barracks to speciality Retail,
Coffee Bistro and Offices

Decision: PG

Decision Date:

Ref: M/1993/0224

Proposals: Change of use from vacant Barracks to Retail, Bistro and
Offices

Decision: PG

Decision Date:

Ref: M/1980/0300

Proposals: 6 M HIGH WELD MESH SECURITY FENCE AND CANOPY

Decision: PG

Decision Date:

Ref: LA09/2024/1330/A

Proposals: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Ranfurly House Arts and Visitor centre at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

Decision:

Decision Date:

Ref: M/2000/1104/LB

Proposals: Alterations to existing railing at front and side to provide wheelchair access &

internal restructuring

Decision: CG

Decision Date: 15-MAR-01

Ref: M/2006/1418/F

Proposals: Minor alterations of a portion of ground floor offices. A change of use from an office to public exhibition space of the same area.

Decision: PG

Decision Date: 15-SEP-06

Ref: M/2008/0832/Q

Proposals: 0.

Decision: ELA

Decision Date: 19-NOV-08

Ref: M/2006/1480/LB

Proposals: Minor Alterations and Change of Use

Decision: CG

Decision Date: 15-SEP-06

Ref: LA09/2021/1380/A

Proposals: 2NI. Banner Signs, Fixed to Front Elevation on PPC Aluminium Frames

Decision: CG

Decision Date: 10-FEB-22

Ref: M/2002/1396/F

Proposals: Proposed ramped access to side and rear and general refurbishment (exterior)

Decision: PG

Decision Date: 08-APR-03

Ref: M/2008/1199/LB

Proposals: Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community/arts facilities with access onto Castle Hill.

Decision: CG

Decision Date: 13-NOV-09

Ref: LA09/2021/1397/LBC

Proposals: 2 no banner signs, fixed to front elevation on PPC aluminium frames

Decision: CG

Decision Date: 10-FEB-22

Ref: M/1992/0204

Proposals: Alterations to property including removal of chimney

Decision: PG

Decision Date:

Ref: M/1992/0510

Proposals: Temporary prefabricated office accommodation

Decision: PG

Decision Date:

Ref: M/2011/0279/LBC

Proposals: Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community / art facilities with access onto Castle Hill

Decision: CG

Decision Date: 21-MAR-12

Ref: M/2008/1200/F

Proposals: Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community/arts facilities with access onto Castle Hill.

Decision: PG

Decision Date: 13-NOV-09

Ref: M/2002/1302/LB

Proposals: Proposed disability access at side and rear and reinstatement of railings to front.

Decision: CG

Decision Date: 08-APR-03

Ref: M/1989/0056

Proposals: Creation of central pedestrian area with raised terrace, street lighting, landscaping and general environmental improvements.

Decision: PG

Decision Date: 19-MAR-89

Ref: M/2009/0614/F

Proposals: Environmental improvements including revised road & parking layout, improved public space with market sq & grass terrace seating, new street lighting, tree planting, seating, litter bins & an improved setting for the cenotaph

Decision: PG

Decision Date: 18-FEB-10

Ref: M/2007/0613/Q

Proposals: Dungannon Town Centre Health Check Planning Search

Decision: 300

Decision Date: 05-JUN-07

Ref: M/1989/0521

Proposals: Replacement Screen Fences

Decision: PG

Decision Date:

Ref: M/2014/0405/F

Proposals: Change of use, refurbishment and extension of existing garages to create an internal events space including display area and viewing gallery. The construction of a new external covered events space and associated landscaping works across the site.

Decision: PG

Decision Date: 26-NOV-14

Ref: M/2008/0743/F

Proposals: Telecommunications equipment to be attached to existing lattice tower at 10.0m high. 3No dualband 2G/3G antennae, 2No 0.6m dia. dishes and 3No equipment cabinets at ground level

Decision: PG

Decision Date: 13-NOV-08

Ref: M/2009/0529/F

Proposals: Redevelopment of existing open land to provide new landscaped publicly accessible gardens and interpretive facilities for the Knox Hannington Towers/O' Neill Castle Site

Decision: PG

Decision Date: 16-SEP-09

Ref: M/2007/1304/Q

Proposals: Proposed Vodafone Base Station

Decision: 300

Decision Date: 04-OCT-07

Summary of Consultee Responses

Historic Environment Division (HED)-
DFI Roads - Enniskillen Office-DFI Roads- Response.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Existing Elevations Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

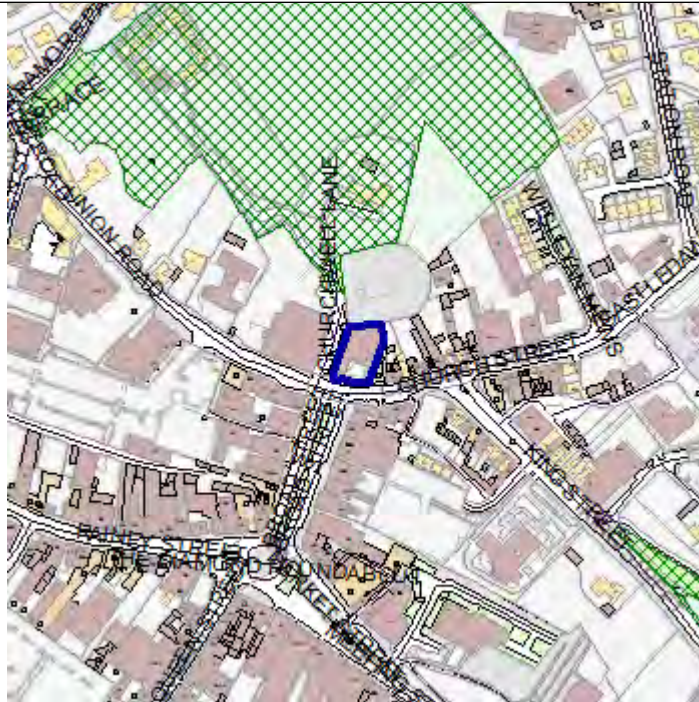


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.29
Application ID: LA09/2024/1331/A	Target Date: 21 February 2025
Proposal: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Bridewell centre at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.	Location: 6 Church Street Magherafelt BT45 6AN
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mid Ulster District Council 15 Circular Road Dungannon BT71 6DT	Agent Name and Address: Cormac McGinley 15 Circular Road Dungannon BT71 6DT
Executive Summary: This is an application for Advertisement Consent for Christmas greetings to be projected onto the Bridewell. This application is being presented to Planning Committee as it has been submitted by MUDC. It has been fully considered under all relevant policy and consultation advice has been sought from DFI Roads and Historic Environment Division. There is no policy conflict, and it is recommended that consent be granted.	

Case Officer Report

Site Location Plan



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Consultations:

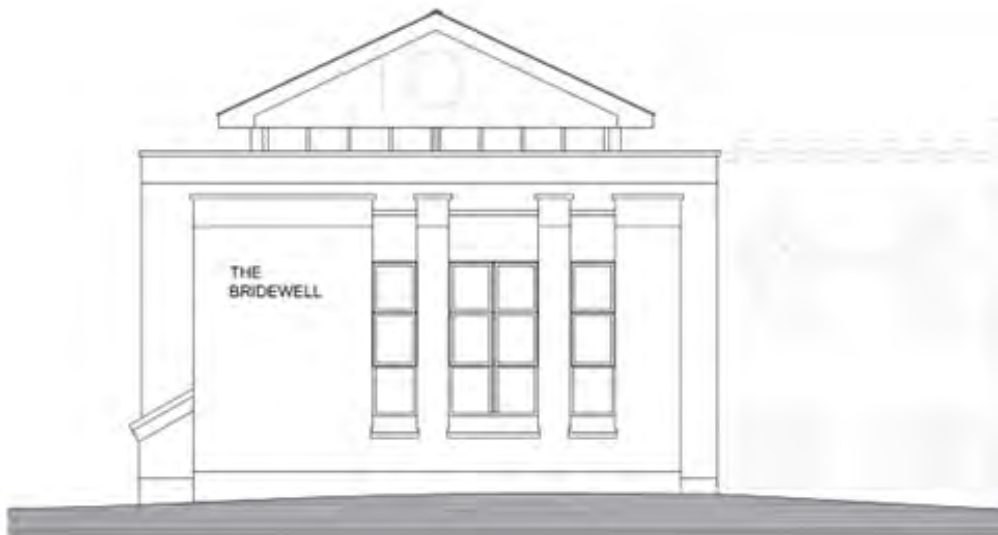
Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DfI Roads - Enniskillen Office	DfI Roads do not offer an objection. Informative The applicant should contact the local DfI Roads Maintenance Section in order that an agreement may be reached regarding any physical works associated with the proposal (if any) that impacts on the public road or footway

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	
<p>Characteristics of the Site and Area</p> <p>The site is located at 6 Church Street, Magherafelt, which is within the settlement limits of Magherafelt, situated within primary retail core as identified in the Magherafelt Area Plan 2015. The building currently houses Magherafelt Visitor Information Centre and Library. The building is an old courthouse with gothic tracery, arch form windows and an arched entrance doorway framed with stonework and is designated as a Listed Building. The building is accessible via hard landscaped courtyard through a stone arch that fronts onto Broad Street. The area surrounding the site is characterised by various retail, commercial and professional businesses.</p>	
<p>Description of Proposal</p> <p>The application is an advertising consent for the festive greeting 'Merry Christmas' to be displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Bridewell centre at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will be displayed during the hours when the street lighting will be on, which is approximately from 15:45 until 08:30 the following morning.</p>	
	





Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

There is no statutory requirement to notify or advertise in the local press for an application for advertising consent, and to date no third-party representations have been received.

Relevant Planning History

There is no relevant planning history at the application site.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

SPPS – Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 17 – Control of Outdoor Advertisements

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 3 - Access, Movement and Parking

Legislation

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.

Magherafelt Area Plan 2015

The site of the proposed application is located within the settlement development limits of Magherafelt as defined within the Magherafelt Area Plan 2015.

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 the 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

Strategic Planning Policy Statement (SPPS)

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.

The SPPS states that the regional strategic objectives 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.

Planning Policy Statement 17 – Control of Outdoor Advertisements

PPS 17 lays out the planning policy and guidance for the control of outdoor advertisements. Policy AD1 states consent will be granted for the display of an advertisement where it meets the policy in terms of amenity when assessed in the context of the general characteristics of the locality and public safety. The proposal is for the projection of four signs displaying “Merry Christmas” in English, Irish and Ulster Scots and the fourth is a general winter scene. Proposed images are to be projected during the hours when the street lighting is on (approx.15.45 until 08.30 the following morning).

PPS 17 Annex A (25) states design guidelines in relation to high-level signs. It states

that these will generally only be appropriate where they relate to the scale and primary use of the host building. They should not be designed to be read as part of the building and should not detract from any architectural feature. The signs should not be projected above the eaves or parapet of the host building, and they should only have the lettering illuminated.

I have no concerns with the scale and design of the signage. It is noted that the proposed signage is to be projected onto the front of the Bridewell centre from a projector mounted on DFI streetlights. I consider the proposal will not have a negative impact on the general characteristics of the surrounding area. The modest scale and size of the proposed images in relation to the surrounding buildings and the building itself is considered acceptable. The proposal does not result in clutter when read in the context of the wider streetscape.

Due to the close proximity of the projections to Church Street, a consultation was issued to DFI Roads to ensure public safety concerns are satisfied and that they are content that the projector is mounted on a streetlight. DFI Roads have advised that they do not offer any objections to the proposal. I am content that the proposed signs are not located close to any road signs and its appearance cannot be easily confused with road signage. The images are static and therefore it is considered the proposal will not interfere with road or pedestrian safety and will not be deemed distracting.

A consultation was also issued to Historic Environment Division (HED) as the Bridewell centre is a Grade B1 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. HED are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements and are content with the proposal as presented.

Having assessed the proposed Advertisement Consent, it respects amenity and does not prejudice public safety therefore, granting advertising consent is recommended.

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

PPS 6 provides additional planning policies relating to the protection and conservation of archaeological remains and features of the built heritage.

Policy BH8 within PPS 6 goes into detail regarding the extension or alteration of a listed building. The department will normally only grant consent to proposals for the extension or alteration of a listed building where all the criteria are met:

The essential character of the building and its setting are retained and its features of

special interest remain intact and unimpaired.

The works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building;

The architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

The Historic Environment Division have been informally consulted as to the need for submission of Listed Building Consent. They have advised one is not needed as the signage is non-commercial and temporary.

PPS 3 – Movement, Access and Parking

DFI Roads were consulted and do not offer an objection in relation to this proposal. They have advised that the applicant should contact the local DfI Roads Maintenance Section in order that an agreement may be reached regarding any physical works associated with the proposal (if any) that impacts on the public road or footway. It has been demonstrated by our Technical Services Department that all appropriate licences to place festive lights on roads are in place.

The application does not create a new access therefore does not impact AMP 2 and AMP 3. It is considered the proposal will not interfere with road or pedestrian safety. The application is not in conflict with PPS 3 so is therefore considered acceptable.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The consent hereby granted is for the temporary projection of a festive message over the Christmas period which is from the 2nd last Friday every November until 6th Jan annually and the projections shall only be displayed during normal street lighting hours within this period.

Reason: To ensure the projection is only displayed at the relevant time of year.

Condition 2

The images shall be projected in the position shown in drawings 2 and 3.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Condition 3

All of the proposed images being displayed shall be static and the exchange rate between the image shall be between 30 sec and 1 minute.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Signature(s): Gemma McGeown

Date: 19 November 2024

ANNEX	
Date Valid	8 November 2024
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> <p>Ref: H/1987/0252 Proposals: CHANGE OF USE FROM BUILDERS YARD TO FORM CAR PARK EXTENSION Decision: PG Decision Date:</p> <p>Ref: H/2007/0970/LB Proposals: Alterations & Extension To Existing Rectory Including Alterations to Outbuildings Decision: CG Decision Date: 18-AUG-08</p> <p>Ref: LA09/2024/1331/A Proposals: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Bridewell centre at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning. Decision: Decision Date:</p> <p>Ref: H/1980/0095</p>	

Proposals: SITE OF BUNGALOW

Decision: WDN

Decision Date: 08-MAY-80

Ref: H/1985/0407

Proposals: ALTERATIONS AND ADDITIONS TO EXISTING TIMBER STORE

Decision: PG

Decision Date:

Ref: H/1980/0126

Proposals: ALTERATIONS AND ADDITIONS TO BUSINESS PREMISES

Decision: PG

Decision Date:

Ref: H/1989/0583

Proposals: SHOP UNIT WITH OFFICE OVER

Decision: PG

Decision Date:

Ref: H/1976/0364

Proposals: MATERIALS STORE

Decision: PG

Decision Date:

Ref: H/1990/0280

Proposals: ALTS AND ADDS TO SHOP

Decision: PG

Decision Date:

Ref: H/1974/0077

Proposals: ALTERATIONS AND ADDITIONS

Decision: PG

Decision Date:

Ref: H/1979/0448

Proposals: SITE OF BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2022/0665/LBC

Proposals: Change of use of first floor residential unit become part of the ground floor healthcare physiotherapy clinic including internal alterations.

Decision: CG

Decision Date: 23-NOV-22

Ref: LA09/2022/0664/F

Proposals: Change of use of first floor residential unit become part of the ground floor healthcare physiotherapy clinic including internal alterations

Decision: PG

Decision Date: 10-NOV-22

Ref: LA09/2022/1151/TPO

Proposals: Request for written consent for proposed tree works on trees protected under TPO/2008/0046

Decision: CG

Decision Date: 27-JUL-22

Ref: H/1985/0041

Proposals: RETIREMENT BUNGALOW WITH GARAGE

Decision: PG

Decision Date:

Ref: H/1974/0243

Proposals: SITE OF HOUSE

Decision: PR

Decision Date:

Ref: H/1990/6049

Proposals: RENOVATION AND REBUILDING OF EXISTING BUSINESS PREMISES TO INCLUDE 4 FLATS 3-7 KING STREET MAGHERAFELT

Decision: PREA

Decision Date: 05-SEP-90

Ref: H/1993/0400

Proposals: RENOVATIONS AND EXTENSIONS TO BUILDING FOR USE AS OFFICES

Decision: PG

Decision Date:

Ref: H/1993/6107

Proposals: RESTRUCTURE PART VACANT 3-STOREY BUILDING TO PROVIDE 3 MODERN OFFICES 9-11 KING STREET MAGHERAFELT

Decision: QL

Decision Date:

Ref: H/1992/0060

Proposals: ALTS & ADDS TO DWELLING

Decision: PG

Decision Date:

Ref: H/1989/0467

Proposals: CHANGE OF USE FROM ESTATE AGENTS TO DENTAL LABORATORY

Decision: PG
Decision Date:

Ref: H/1999/0436
Proposals: CONVERSION OF DWELLING TO OFFICE
Decision: PG
Decision Date:

Ref: H/1983/0193
Proposals: SHOP SIGNS
Decision: PG
Decision Date:

Ref: LA09/2019/1672/F
Proposals: Proposed change of use from foot clinic to cafe
Decision: PG
Decision Date: 13-FEB-20

Ref: LA09/2019/1581/LBC
Proposals: Business signage, including signage on South and West elevations and free standing sign in front of building
Decision: CG
Decision Date: 14-JAN-20

Ref: LA09/2019/1485/A
Proposals: Business signage, including signage on South and West elevations and free standing sign in front of building
Decision: CG
Decision Date: 14-JAN-20

Ref: LA09/2016/0723/LBC
Proposals: New doorway to 15 Church Street to provide access to new apartment above No's 15 and 17. Amendment to existing stair to provide access to apartment. Removal of existing wall in No 17 and breaking through to create internal toilet area for the existing commercial unit
Decision: CG
Decision Date: 24-MAY-17

Ref: LA09/2018/1521/LBC
Proposals: Business signage; including signage on South & West Elevations and free standing sign in front of building
Decision: CR
Decision Date: 05-JUN-19

Ref: LA09/2019/1106/PAD
Proposals: Signage

Decision: PAD
Decision Date: 01-JAN-20

Ref: H/1992/0547
Proposals: CAR PARK
Decision: PG
Decision Date: 03-FEB-93

Ref: H/2004/1317/Q
Proposals: Disposal of surplus land
Decision: 211
Decision Date: 13-OCT-04

Ref: H/1996/0692
Proposals: 2 FLATS
Decision: PG
Decision Date:

Ref: H/2006/0753/O
Proposals: Change of use from store to an off-sales (extension to existing off-sales)
Decision: PG
Decision Date: 13-FEB-07

Ref: H/2001/0360/A41
Proposals: Alterations To Off-Sales/Bar
Decision: 205
Decision Date: 16-MAY-01

Ref: LA09/2016/0510/F
Proposals: Erection of a War Memorial to commemorate WWI and WWII Dead, along with bollards and lighting
Decision:
Decision Date:

Ref: H/2002/0069/F
Proposals: New shopfront with roller shutters, erection of air conditioning units & internal alterations
Decision: PG
Decision Date: 13-APR-02

Ref: H/2005/0175/F
Proposals: Replacement of Existing Shop Window & Door, Also Lowering Cill Height Of Shop Window.
Decision: PG
Decision Date: 05-JUL-05

Ref: H/1977/0041

Proposals: REBUILDING OF SHOP AND OFFICES

Decision: PG

Decision Date:

Ref: H/1987/0097

Proposals: SHOP AND OFFICE UNITS

Decision: PG

Decision Date:

Ref: H/1980/0331

Proposals: ADVERTISING WALL PANEL

Decision: PR

Decision Date:

Ref: H/1982/0376

Proposals: SIGNS

Decision: PG

Decision Date:

Ref: H/1987/0033

Proposals: 3 NO SHOP UNITS

Decision: PG

Decision Date:

Ref: H/1989/0342

Proposals: SIGN

Decision: PG

Decision Date:

Ref: H/1996/0137

Proposals: PROPOSED GROUND FLOOR SHOP WITH 1ST FLOOR STORE

Decision: PG

Decision Date:

Ref: H/1980/0189

Proposals: SITE OF PUBLIC TOILETS

Decision: PG

Decision Date:

Ref: H/2012/0183/F

Proposals: Proposed 2 storey mixed-use complex development comprising of 3no ground floor retail units and 7no apartments, with communal courtyard, in-curtilage car parking and associated site works

Decision: PG

Decision Date: 29-MAR-13

Ref: H/1997/6032

Proposals: SHOP/OFFICE/WORKSHOP DEVELOPMENT 1-7 KING STREET
MAGHERAFELT

Decision: PRENC

Decision Date: 25-JUN-97

Ref: H/1977/0017

Proposals: CHANGE OF BUILDING FROM HOUSE TO OFFICE AND FLAT

Decision: PG

Decision Date:

Ref: H/1992/0534

Proposals: CONVERSION OF PREMISES TO INCLUDE 2 GROUND FLOOR SHOPS
WITH NEW SHOP FRONTS FIRST FLOOR FLATS AND 1 SECOND
FLOOR FLAT

Decision: PG

Decision Date:

Ref: H/1980/0155

Proposals: POSTER PANEL

Decision: PR

Decision Date:

Ref: H/1980/0227

Proposals: ONE WALL PANEL

Decision: PR

Decision Date:

Ref: H/1994/0046

Proposals: ALTERATIONS TO REAR TO FORM OFFICES

Decision: PG

Decision Date:

Ref: H/1995/0280

Proposals: CHANGE OF USE FROM SHOP TO INDIAN
TAKE AWAY WITH SIT IN FACILITIES

Decision: PG

Decision Date:

Ref: H/1998/4013

Proposals: LICENSING TO RESTAURANT

Decision: PDNOAP

Decision Date:

Ref: H/1994/0214

Proposals: REINSTATEMENT & IMPROVEMENTS TO BOMB-DAMAGED BUILDING

Decision: PG

Decision Date:

Ref: LA09/2015/0636/F

Proposals: Public realm improvements comprising: re-surfacing of existing footways with natural stone; granite kerbs; landscape proposals comprising semi-mature planting, raised planters and shrub planting; new street furniture - seating, litter bins and cycle racks, new feature lighting columns; plinth for future artwork; formalisation of existing on street parking arrangements and surface treatment to carriageways.

Decision: PG

Decision Date: 03-DEC-15

Ref: H/1995/0297

Proposals: ENVIRONMENTAL IMPROVEMENT SCHEME AND IMPROVEMENTS TO ROUNDABOUT

Decision: PG

Decision Date: 10-APR-96

Ref: H/2005/1022/A

Proposals: 1 Shop Sign and 1 Projecting Sign

Decision: CG

Decision Date: 21-DEC-05

Ref: H/1994/0030

Proposals: SIGNS

Decision: PG

Decision Date:

Ref: LA09/2017/0480/F

Proposals: Conversion of first floor office accommodation to 2 Self Contained Apartments

Decision: PG

Decision Date: 23-JUN-17

Ref: H/2003/0307/A

Proposals: One Projecting box sign and one shop sign with individual letters.

Decision: CG

Decision Date: 23-MAY-03

Ref: H/2009/0435/A

Proposals: Projecting sign (tarpulin type with s/steel brackets)

Decision: CG

Decision Date: 27-AUG-09

Ref: H/1999/0752/F

Proposals: Retail unit with office on 1st floor

Decision: PG
Decision Date: 28-APR-00

Ref: LA09/2018/0820/A
Proposals: Fascia signage with strip lighting and non illuminated projecting sign
Decision: CG
Decision Date: 18-DEC-18

Ref: LA09/2018/0849/F
Proposals: Change of use from retail premises to sit in hot food cafe
Decision: PG
Decision Date: 07-DEC-18

Ref: LA09/2018/1090/A
Proposals: Projecting Sign
Decision: CG
Decision Date: 27-SEP-18

Ref: LA09/2015/0847/F
Proposals: Proposed change of use from retail shop to a fast food carryout and internal renovations
Decision: PG
Decision Date: 05-JAN-16

Ref: H/1977/0093
Proposals: ALTERATIONS TO PREMISES
Decision: PG
Decision Date:

Ref: H/1993/0306
Proposals: RENOVATIONS TO BUILDING AND CONVERSION OF 2ND FLOOR TO OFFICE
Decision: PG
Decision Date:

Ref: H/1992/0130
Proposals: NEW SHOP FRONT
Decision: PG
Decision Date:

Ref: H/1993/0487
Proposals: RAMPED ACCESS AND ALTERATIONS TO BROAD STREET ELEVATION INCLUDING NEW WINDOWS AND PROFILED BANDING
Decision: PG
Decision Date:

Ref: LA09/2016/0748/F

Proposals: Proposed erection of a memorial to commemorate the centenary of the 1916 Easter Rising and those who died fighting for Irish Freedom, along with two flag holders and lighting

Decision:

Decision Date:

Ref: H/1977/0206

Proposals: RETAIL PREMISES AND STORES

Decision: PG

Decision Date:

Ref: H/1993/0409

Proposals: ALTS AND ADDS TO EXISTING SHOP AND 2 OFFICES

Decision: PG

Decision Date:

Ref: H/1993/0494

Proposals: NEW SHOP FRONT

Decision: PG

Decision Date:

Ref: H/1993/0570

Proposals: NEW BUS TERMINAL AND OFFICES AND RETAIL SHOP UNITS

Decision: PG

Decision Date:

Ref: H/1998/0393

Proposals: NEW BUS TERMINAL, OFFICES AND ASSOCIATED BUS PARKING

Decision: PG

Decision Date:

Ref: LA09/2019/0782/F

Proposals: Upgrade works to depot these includes surfacing, lighting, parking, pedestrian lining, alterations to existing platform and installation of pollards.

Decision: PG

Decision Date: 03-SEP-19

Ref: LA09/2018/0937/A

Proposals: 2 no projecting signs to bus station

1 no totem sign to site

1 no free standing sign to site

Decision: CG

Decision Date: 19-SEP-18

Ref: LA09/2019/0249/LDP

Proposals: Re surfacing of alleyways including replacement of existing lighting and provision of one new light to match paving, lights on Broad Street

Decision: PG

Decision Date: 10-JUN-19

Ref: H/1983/0391

Proposals: PUBLIC TOILETS

Decision: PG

Decision Date:

Ref: H/1990/0506

Proposals: CHANGE OF USE FROM COMMERCIAL PREMISES TO MEETING HALL AND ANCILLARY ACCOMMODATION

Decision: PG

Decision Date:

Ref: H/1994/0239

Proposals: ENTRANCE PORCH TO BISTRO

Decision: PG

Decision Date:

Ref: H/1979/0433

Proposals: SITE OF FURNITURE STORE

Decision: PG

Decision Date:

Ref: H/1989/0160

Proposals: CONVERSION OF GROUND FLOOR SHOPS TO RESTAURANT

Decision: PG

Decision Date:

Ref: H/1987/0517

Proposals: ERECTION OF SHOPS AND OFFICES WITH OFFICES OR HEALTH CLUB ABOVE

Decision: PG

Decision Date:

Ref: H/2011/0431/F

Proposals: Proposed shop unit

Decision: PG

Decision Date: 03-JAN-12

Ref: H/1993/0442

Proposals: REINSTATEMENT OF BOMB DAMAGED BANK PREMISES AND EXTENSION

Decision: PG

Decision Date:

Ref: H/1993/0443

Proposals: SIGNS WITH FLOODLIGHTING

Decision: PG

Decision Date:

Ref: H/1991/0047

Proposals: CANOPY ABOVE SERVICETILL

Decision: PG

Decision Date:

Ref: H/1989/0487

Proposals: FLOODLIGHTING

Decision: PG

Decision Date:

Ref: H/1990/0290

Proposals: SERVICETILL SIGN

Decision: PG

Decision Date:

Ref: H/1989/0359

Proposals: ALTS AND ADDS TO BANK PREMISES

Decision: PG

Decision Date:

Ref: H/1991/0048

Proposals: CANOPY ABOVE SERVICETILL (LB CONSENT)

Decision: PG

Decision Date:

Ref: H/1989/0517

Proposals: FLOODLIGHTING(LISTED BUILDING CONSENT)

Decision: PG

Decision Date:

Ref: H/1989/0360

Proposals: ALTS AND ADDS TO BANK PREMISES (LISTED BUILDING CONSENT)

Decision: PG

Decision Date:

Ref: H/1990/0291

Proposals: SERVICETILL SIGN(LISTED BUILDING CONSENT)

Decision: PG

Decision Date:

Ref: H/1993/0441

Proposals: REINSTATEMENT OF BOMB DAMAGED BANK PREMISES AND
EXTENSION TO REAR

Decision: PG

Decision Date:

Ref: H/2003/1103/F

Proposals: Storage unit for existing off-licence.

Decision: PG

Decision Date: 21-SEP-04

Ref: H/2000/0820/F

Proposals: Fire Escape

Decision: PG

Decision Date: 22-FEB-01

Ref: H/2010/0238/F

Proposals: Partial change of use from retail to cafe

Decision: PG

Decision Date: 29-JUN-10

Ref: H/2003/1234/F

Proposals: Alterations to existing retail units with existing use retained.

Decision: PG

Decision Date: 23-MAR-04

Ref: H/1984/0259

Proposals: ILLUMINATED SHOP SIGN

Decision: PG

Decision Date:

Ref: H/1975/0377

Proposals: STAFF ROOMS

Decision: PG

Decision Date:

Ref: H/2000/0049/F

Proposals: 5 no. CCTV Cameras For Town Security Positioned As Shown On Location
Map And Fixed To Standards At A Height Of 7.5 Metres

Decision: PG

Decision Date: 11-SEP-00

Ref: H/2007/0974/F

Proposals: Alterations & Extension To Existing Rectory And Alterations to Outbuildings

Decision: PG

Decision Date: 18-AUG-08

Ref: H/1977/0297

Proposals: TEMPORARY MARKET AREA

Decision: PR

Decision Date:

Ref: H/1977/0236

Proposals: SITE OF DWELLING

Decision: PR

Decision Date:

Ref: H/1977/0121

Proposals: SITE OF MARKET AREA FOR SALE OF GOODS

Decision: PR

Decision Date:

Ref: H/1979/0546

Proposals: SITE OF 2 SHOPS WITH 3 FLATS OVER

Decision: PG

Decision Date:

Ref: H/1982/0267

Proposals: THREE SHOP UNITS, BAR/OFF LICENCE STORAGE, 1ST FLOOR
OFFICES AND CHANGE

Decision: PG

Decision Date:

Ref: H/1990/0429

Proposals: EXTENSION TO SUPERMARKET

Decision: PG

Decision Date:

Ref: H/1980/0286

Proposals: CHANGE OF USE FROM DOMESTIC RESIDENTIAL TO RESIDENTIAL
HOME FOR THE MENT

Decision: CROWN

Decision Date:

Ref: H/1983/0028

Proposals: CHANGE OF USE OF VACANT DWELLING HOUSE TO RESIDENTIAL
HOME

Decision: WITHDR

Decision Date:

Ref: H/1998/0292

Proposals: EXTENSION TO EXISTING SUPERMARKET TO PROVIDE ADDITIONAL SALES AND STORAGE AREA

Decision: PG

Decision Date:

Ref: H/2003/0744/F

Proposals: Alterations and Additions to existing Supermarket

Decision: PG

Decision Date: 24-OCT-03

Ref: H/1991/0341

Proposals: EXTENSION TO SUPERMARKET

Decision: PG

Decision Date:

Ref: H/2004/0562/F

Proposals: Erection of Detached Store in Car Park for Storage of Home Deliveries.

Decision: PG

Decision Date: 23-AUG-04

Ref: H/2000/0662/F

Proposals: Relocation of existing vehicular access to car park and service yard

Decision:

Decision Date:

Ref: LA09/2020/1510/F

Proposals: Proposed new pedestrian access to front of existing supermarket.

Decision: PG

Decision Date: 04-JAN-22

Ref: H/1974/0371

Proposals: BUILDERS STORE (AMENDED RESERVED MATTERS)

Decision: PG

Decision Date:

Ref: H/2008/0212/Q

Proposals: Development of a small section of their land to provide dwelling for a family member

Decision: 300

Decision Date:

Ref: LA09/2022/0266/TPO

Proposals: Remedial tree works to protected trees

Decision: WTPOG

Decision Date: 04-MAY-22

Ref: H/2009/0606/O

Proposals: Site of 10-bed residential care home

Decision: PG

Decision Date: 25-JAN-10

Ref: H/2004/1149/O

Proposals: Site of 10 Bed Residential Care Home

Decision: PG

Decision Date: 04-DEC-06

Ref: H/2012/0361/F

Proposals: Construction of 14 no self contained supported/social housing units with staff accommodation and communal facilities

Decision: PG

Decision Date: 28-MAR-13

Ref: LA09/2023/0207/LBC

Proposals: Alteration to external signage including; replacement of existing blue individual letters sign with new individual purple letters sign and button logo, replacement of bus stop sign with new illuminated projecting sign, replacement of blue ATM signage with purple, replace mandatory signage blue panels with purple and new window vinyl. External works also include repainting the blue window deterrent spikes with black.

Internal works include new fittings, furniture and finishes

Decision: CG

Decision Date: 05-MAY-23

Ref: LA09/2024/0913/LBC

Proposals: Proposed alteration to the existing ATM aperture and replacement of the existing ATM with new model ATM

Decision: CG

Decision Date: 11-NOV-24

Ref: LA09/2023/0196/A

Proposals: Replace existing blue individual shop sign and button logo with individual letter purple sign and logo. Replace existing blue bus stop sign with purple bus stop sign. New internally mounted digital display screen. Replace ATM blue signage with purple signage. New vinyl manifestations to existing windows

Decision: CG

Decision Date: 05-MAY-23

Ref: H/1983/0001

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: H/1989/0080

Proposals: SITE OF BUNGALOW

Decision: PR

Decision Date:

Ref: H/1981/0008

Proposals: EXTENSION TO PUBLIC HOUSE

Decision: PG

Decision Date:

Ref: H/1994/0015

Proposals: CHANGE OF USE TO COMMERCIAL DEVELOPMENT

Decision: PG

Decision Date:

Ref: H/1981/0400

Proposals: CONVERSION OF DWELLING INTO TWO FLATS

Decision: PG

Decision Date:

Ref: H/1983/0176

Proposals: CONVERSION OF VACANT DWELLING AND SHOP TO SNOOKER ROOM AND FLAT

Decision: PR

Decision Date:

Ref: H/1981/0399

Proposals: CHANGE OF USE FROM SHOP TO HOT FOOD BAR

Decision: WITHDR

Decision Date:

Ref: H/1992/0031

Proposals: 4 DWELLING UNITS (LISTED BUILDING)

Decision: PG

Decision Date:

Ref: H/1993/0034

Proposals: 4 NO APARTMENTS

Decision: PG

Decision Date:

Ref: H/1993/0035

Proposals: 4 NO APARTMENTS (LISTED BUILDING CONSENT)

Decision: PG

Decision Date:

Ref: H/1992/0030

Proposals: 4 DWELLING UNITS

Decision: PG

Decision Date:

Ref: H/1982/0193

Proposals: CONVERSION OF SHOP AND DWELLING INTO 2 FLATS

Decision: PG

Decision Date:

Ref: H/2002/0376/F

Proposals: Change of Use to Betting Shop & Internal Refurbishment.

Decision: PG

Decision Date: 08-OCT-02

Ref: H/1996/0014

Proposals: CHANGE OF USE TO FAST SERVICE DINER

Decision: PG

Decision Date:

Ref: H/2002/0375/A

Proposals: Shop Sign - Stanley Racing

Decision: CG

Decision Date: 08-OCT-02

Ref: H/1974/0061

Proposals: EXTENSION TO SHOP

Decision: PG

Decision Date:

Ref: H/2005/1132/A

Proposals: Erection of Fascia Shop Sign (Retrospective)

Decision: CG

Decision Date: 03-APR-06

Ref: H/1989/0496

Proposals: CONVERSION FROM 1 SHOP INTO 2 SHOPS

Decision: PG

Decision Date:

Ref: H/1977/0268

Proposals: SITE OF REBUILDING OF SHOP WITH CONVERSION OF OFFICE TO FLAT

Decision: PG

Decision Date:

Ref: H/1981/0184

Proposals: CHANGE OF USE OF GROCER/HARDWARE SHOP TO CHINESE CARRY OUT

Decision: PR

Decision Date:

Ref: H/1981/0397

Proposals: CHANGE OF USE FROM GROCERY SHOP TO CAFE TO TEA ROOMS

Decision: WITHDR

Decision Date:

Ref: LA09/2021/0523/F

Proposals: Retrospective change of use application from yard to beer garden

Decision: PG

Decision Date: 14-APR-22

Ref: H/1990/0297

Proposals: ALTS AND ADD TO LICENCED PREMISES

Decision: PG

Decision Date:

Ref: H/1988/0402

Proposals: ALTERATIONS AND ADDITIONS TO PUBLIC HOUSE

Decision: PG

Decision Date:

Ref: H/2006/0856/F

Proposals: Proposed two and a half storey office development including the demolition of existing single storey store

Decision: PG

Decision Date: 09-JUL-07

Ref: H/1994/0054

Proposals: 2 SHOP UNITS AND OFFICE ACCOMMODATION

Decision: PG

Decision Date:

Ref: H/1992/0146

Proposals: STORE/PREPARATION ROOM TO SERVICE RESTAURANT

Decision: PG

Decision Date:

Ref: H/1986/0107

Proposals: FOOD PREPARATION UNIT

Decision: PG

Decision Date:

Ref: H/1984/0164

Proposals: STORE

Decision: PG

Decision Date:

Ref: H/1984/0165

Proposals: CONVERSION OF DRAPERY SHOP TO HOME BAKERY AND CAFE AT REAR

Decision: PG

Decision Date:

Ref: H/1982/0081

Proposals: CHANGE OF USE OF PREMISES TO HOT FOOD CARRY OUT BAR

Decision: PG

Decision Date:

Ref: H/1982/0255

Proposals: NEW SHOP FRONT AND PROJECTING SIGN

Decision: PG

Decision Date:

Ref: H/2005/0253/F

Proposals: Alterations and Change of Use from storage to 2 self contained 2 bedroom flats

Decision: PG

Decision Date: 14-OCT-05

Ref: H/2009/0197/A

Proposals: 1 No Freestanding Poster Panel 1.8m x 1.2m.

Decision: CG

Decision Date: 01-JUN-09

Ref: H/1993/0543

Proposals: CONVERSION OF PREMISES TO CHINESE RESTAURANT, CARRYOUT & LIVING ACCOMMODATION TO REAR

Decision: PG

Decision Date:

Ref: H/1992/0673

Proposals: CHANGE OF USE FROM OFFICE TO LICENSED RESTAURANT

Decision: PG

Decision Date:

Ref: H/1990/0023

Proposals: RECONSTRUCTION OF PREMISES INCORPORATING 2 NO SHOPS AND OFFICE ACCOMMODATION

Decision: PG
Decision Date:

Ref: H/1991/0429
Proposals: CHANGE OF USE TO TEA/COFFEE SHOP
Decision: PG
Decision Date:

Ref: H/2000/0679/A
Proposals: Business Signs
Decision: CR
Decision Date: 21-JUN-01

Ref: LA09/2021/0789/F
Proposals: Proposed change of business use from optician to an ice cream parlour
Decision: PG
Decision Date: 27-OCT-21

Ref: LA09/2015/0737/F
Proposals: Change of use from opticians to a hot food takeaway; installation of extraction / ventilation equipment and a replacement shopfront
Decision: PG
Decision Date: 25-NOV-15

Ref: H/1978/0310
Proposals: CONVERSION OF GROUND FLOOR OF DWELLING TO SHOP AND
EXTENSION TO REAR OF
Decision: PG
Decision Date:

Ref: H/1988/0395
Proposals: CHANGE OF USE FROM STORE TO DROP-IN-CENTRE
Decision: PG
Decision Date:

Ref: H/2014/0427/F
Proposals: Mixed use development incorporating retail unit on ground floor and 8
apartments on first and second floors (change to front elevation and ground floor unit
approved under H/2008/0060/F)
Decision: PG
Decision Date: 30-MAR-15

Ref: LA09/2016/0054/A
Proposals: 2 no Shop Signs
Decision: CG
Decision Date: 14-MAR-16

Ref: H/2000/0858/A
Proposals: Advertising hoarding
Decision: CG
Decision Date: 19-JAN-01

Ref: H/2008/0060/F
Proposals: Supermarket on ground floor and 8 number apartments on first and second floors - amended plan
Decision: PG
Decision Date: 20-JAN-09

Ref: H/1977/0101
Proposals: CONVERSION OF SHOP TO BANKING OFFICE
Decision: PG
Decision Date:

Ref: H/1992/0469
Proposals: SIGN
Decision: PG
Decision Date:

Ref: H/1994/0569
Proposals: SHOP EXTENSION AND STORAGE PROVISION
Decision: PG
Decision Date:

Ref: H/1994/0019
Proposals: EXTENSION TO SHOP WITH STORE AT FIRST FLOOR
Decision: PG
Decision Date:

Ref: H/2003/0235/F
Proposals: Store
Decision: PG
Decision Date: 08-JUN-04

Ref: H/2002/1039/F
Proposals: 4 No. Townhouses
Decision: PG
Decision Date: 20-MAY-04

Ref: LA09/2015/0403/A
Proposals: Hoarding
Decision: CG
Decision Date: 18-SEP-15

Ref: H/1999/0577

Proposals: EXTENSION FOR MEETING ROOM AND NEW PUBLIC LIBRARY

Decision: PG

Decision Date: 10-OCT-00

Ref: H/1987/0295

Proposals: THEATRE AND INTERPRATIVE ARTS CENTRE

Decision: PG

Decision Date:

Ref: H/1983/0366

Proposals: RE-ROOFING LISTED BUILDING

Decision: PG

Decision Date:

Ref: H/1988/0343

Proposals: CONVERSION OF BRIDEWELL TO TOURIST INFORMATION AND
INTERPRETIVE ARTS CENTRE PLUS EXTENSION

Decision: PG

Decision Date:

Ref: H/1993/0099

Proposals: CHANGE OF USE TO ART GALLERY AND PICTURE FRAMING(LBC)

Decision: PG

Decision Date:

Ref: H/1993/0098

Proposals: CHANGE OF USE TO ART GALLERY AND PICTURE FRAMING
WORKSHOP

Decision: PG

Decision Date:

Ref: LA09/2017/1196/A

Proposals: Business signage; including signage on South & West Elevations and free
standing sign in front of building

Decision: CR

Decision Date: 05-JUN-19

Ref: LA09/2016/0725/F

Proposals: Proposed alterations to provide new residential apartment above existing
commercial units at 15 - 17 Church Street Magherafelt

Decision: PG

Decision Date: 24-MAY-17

Ref: H/2007/1100/F

Proposals: Mixed use development incorporating ground floor retail units at nos 17 to 21 and first floor office accommodation at nos 17 to 21 and apartment to rear of 17 to 21

Decision: PG

Decision Date: 26-FEB-09

Ref: H/2007/0920/LB

Proposals: Mixed used development incorporating ground floor retail units at 17-21, first floor office accommodation and apartment to rear of 17-21

Decision: CG

Decision Date: 26-FEB-09

Ref: LA09/2015/0996/LBC

Proposals: Internal fit out of 19 with demolition and replacement of rear return for structural reasons

Decision: CG

Decision Date: 03-JUN-16

Ref: LA09/2015/0880/F

Proposals: Proposed new lounge and waiting area with external dining garden, associated toilets and serving area.

Decision: PG

Decision Date: 03-JUN-16

Ref: H/1989/0380

Proposals: ALTS AND ADDS TO RESTAURANT(LISTED BUILDING CONSENT)

Decision: PG

Decision Date:

Ref: H/2012/0255/LBC

Proposals: Change of use from Art Gallery and Gym on 1st floor to Restaurant, work to include removal of stud wall to internal storage areas on ground floor, no change to external finishes

Decision: CG

Decision Date: 31-AUG-12

Ref: H/1989/0039

Proposals: NEW SHOP/POST OFFICE AND EXTENSION TO HOUSE

Decision: PG

Decision Date:

Ref: H/1989/0035

Proposals: CONVERSION OF SHOP TO RESTAURANT

Decision: PG

Decision Date:

Ref: H/1989/0036

Proposals: CONVERSION OF SHOP TO RESTAURANT
(LISTED BUILDING CONSENT)

Decision: PG

Decision Date:

Ref: H/2003/1115/LB

Proposals: Change of use from restaurant premises to ground floor aromatherapy shop and 1st floor gymnasium inclusive of shop frontage alterations.

Decision: CG

Decision Date: 25-AUG-04

Ref: H/1989/0357

Proposals: ADDITIONAL TOILET, STORAGE AREA TO RESTAURANT

Decision: PG

Decision Date:

Ref: H/2003/1114/F

Proposals: Change of use from restaurant premises to ground floor aromatherapy shop and 1st floor gymnasium inclusive of shop frontage alterations.

(Amended proposal).

Decision: PG

Decision Date: 25-AUG-04

Ref: H/2012/0141/F

Proposals: Proposed material change of use from art gallery and gym to restaurant

Decision: PG

Decision Date: 31-AUG-12

Ref: H/1999/0576

Proposals: EXTENSION (L.B. CONSENT) FOR MEETING ROOM AND NEW PUBLIC LIBRARY

Decision: CG

Decision Date: 27-APR-01

Ref: H/1988/0344

Proposals: CONVERSION OF BRIDEWELL TO TOURIST INFORMATION & INTERPRETIVE ARTS CENTRE PLUS EXTENSION

Decision: PG

Decision Date:

Ref: LA09/2021/0600/LBC

Proposals: Proposed Installation of telecoms apparatus (internal cyber) to council site, a part of the full Fibre Northern Ireland project

Decision: CG

Decision Date: 21-JUN-21

Ref: H/2007/0662/LB

Proposals: Proposed repositioning of stone archway structure to accomodate road safety provisions

Decision: CG

Decision Date: 21-NOV-07

Ref: H/1985/0376

Proposals: CONVERSION OF 2 NO FLATS TO ONE NUMBER FLAT

Decision: PG

Decision Date:

Ref: H/1994/0050

Proposals: ALTS AND ADDS TO HAIRDRESSING SALON

Decision: PG

Decision Date:

Ref: H/1989/0516

Proposals: ALTS AND ADDS TO SHOP AND CONVERSION OF DWELLING TO 2 NO FLATS

Decision: PG

Decision Date:

Ref: H/1998/6012

Proposals: RESIDENTIAL APARTMENTS 26 CHURCH STREET MAGHERAFELT

Decision: PRENC

Decision Date: 18-MAR-98

Ref: LA09/2019/1572/F

Proposals: Proposed demolition of existing commercial premises and redevelopment to provide new Credit Union Building

Decision: PG

Decision Date: 01-MAY-20

Ref: H/2013/0078/F

Proposals: Redevelopment to provide a 2 storey research and development and office building with improved access

Decision: PG

Decision Date: 19-AUG-13

Ref: H/1979/0629

Proposals: CHANGE OF USE OF SHOP TO SHOP SELLING HOT FOOD

Decision: PR

Decision Date:

Ref: H/1983/0452

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE AND SHOP

Decision: PG
Decision Date:

Ref: H/1989/0096
Proposals: ALTERATIONS TO CAFE AND SHOP
Decision: PG
Decision Date:

Ref: H/1975/0434
Proposals: SITE OF CONVERSION OF STORE TO SURGERY
Decision: PG
Decision Date:

Ref: H/1987/0232
Proposals: CONVERSION FROM PUBLIC HOUSE TO SHOP & IMPROVEMENTS TO
DWELLING ACCOMMODATION
Decision: PG
Decision Date:

Ref: LA09/2017/1673/LDE
Proposals: Rear yard smoking shelter and rear bar store converted to small kitchen for
the Terrace Hotel
Rear bar store converted to small kitchen for the Terrace Hotel
Decision: PG
Decision Date: 25-JAN-18

Ref: H/2001/0648/F
Proposals: Hotel
Decision: PG
Decision Date: 18-DEC-01

Ref: LA09/2017/0468/LDP
Proposals: Proposed relocation of existing bar serving counter within the basement
restaurant with no additional floor space
Decision: PG
Decision Date: 03-MAY-17

Ref: H/2002/1022/F
Proposals: Alteration to Existing Approval H/2001/0648/F, converting external courtyard
to internal courtyard, relocating kitchen to external wall, increasing size of kitchen and
Toilets.
Decision: PG
Decision Date: 18-MAR-03

Ref: H/2000/0739/F
Proposals: Alterations and Additions to Licensed Premises

Decision: PG
Decision Date: 21-NOV-00

Ref: H/2007/1063/F
Proposals: Proposed change of use from existing rear yard to proposed smoking area
Decision:
Decision Date:

Ref: H/1979/0586
Proposals: ILLUMINATED PROJECTING SIGN
Decision: PG
Decision Date:

Ref: H/1976/0289
Proposals: PROJECTING SIGNS
Decision: PG
Decision Date:

Ref: H/1980/0118
Proposals: SITE OF 2 SELF-CONTAINED FLATS OVER REAR OF LICENCED PREMISES
Decision: PG
Decision Date:

Ref: H/1975/0239
Proposals: SITE OF RE-BUILDING OF BOMB DAMAGED LICENSED PREMISES
Decision: PG
Decision Date:

Ref: H/1993/6105
Proposals: EXTENSION TO PREMISES UNION ROAD MAGHERAFELT
Decision: QL
Decision Date:

Ref: H/2006/0880/A
Proposals: Externally illuminated individual letters/logo. Externally illuminated projecting sign on fascia. Welcome/security/ATM signage
Decision: CG
Decision Date: 28-DEC-06

Ref: H/2004/0980/LB
Proposals: Provision of new external ramp, steps and handrail to provide DDA compliant access to Bank. Provision of new external lights at ramp, step and entrance.
Decision: CG
Decision Date: 03-FEB-05

Ref: H/2006/0883/LB

Proposals: Remove & replace as per corporate image externally illuminated individual letters/logo. Externally illuminated projecting sign on fascia. Welcome/security/ ATM signage.

Decision: CG

Decision Date: 28-DEC-06

Ref: H/2004/0981/F

Proposals: Provision of new external ramp, steps and handrail to provide DDA compliant access to Bank. Provision of new external lights at ramp, steps and entrance.

Decision: PG

Decision Date: 22-SEP-05

Ref: H/2005/0366/A

Proposals: Internally illuminated tablet with raised logo and push text

Decision: CG

Decision Date: 21-OCT-05

Ref: H/2005/0485/LB

Proposals: Internally illuminated tablet sign with raised logo and push through text 2 x signs either side of door W 250mm H 625mm. New Internally illuminated projection sign New ATM surround to match signage.

Decision: CG

Decision Date: 14-DEC-05

Ref: H/1993/0456

Proposals: EXTENSION TO EXISTING BAR INTO ADJACENT SHOP UNIT AND REFURBISHMENT OF FRONTAGE AND ROOF

Decision: PG

Decision Date:

Ref: H/1989/0176

Proposals: ALTS AND ADDS TO LICENCED PREMISES AND SHOPS

Decision: WITHDR

Decision Date:

Summary of Consultee Responses

Historic Environment Division (HED)-

DFI Roads - Enniskillen Office-DfI Roads do not offer an objection.

Informative

The applicant should contact the local DfI Roads Maintenance Section in order that an agreement may be reached regarding any physical works associated with the proposal (if any) that impacts on the public road or footway

Drawing Numbers and Title
Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02 Existing Elevations Plan Ref: 03
Notification to Department (if relevant)
Not Applicable