



Deferred Consideration Report

Summary	
Case Officer: Malachy McCrystal	
Application ID: LA09/2017/0528/O	Target Date:
Proposal: Site for proposed dwelling and detached double garage	Location: Adjacent 41 Drumsamney Road Desertmartin Magherafelt
Applicant Name and Address: Mr A Moore 41 Drumsamney Road Desertmartin Magherafelt	Agent name and Address: Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LH
Summary of Issues: No objections have been received in respect of this application.	
Summary of Consultee Responses: All consultees responded positively and provided suggested conditions/informatives	
<p>Description of proposal</p> <p>This is an outline application for a dwelling and double garage associated with a farm holding.</p> <p>Characteristics of the site and area</p> <p>The site is located in an area of rural countryside which is characterised by groups of farm buildings and single dwellings both dotted along the roadside as well as set back off the public road and accessed by laneways.</p> <p>This site is located immediately to the north of a single detached dwelling, no.41 which is owned by the applicant's father. The site is located within a roadside field with the location map indicating the preferred position of a dwelling set back 50m from the site frontage. This places such a dwelling on the crest of the hill as the field rises up from road level towards the western boundary.</p> <p>To the rear of no.41 is a small, single agricultural shed with a second, unassociated dwelling to the south-west. There is an existing access laneway leading to the second dwelling and also to the</p>	

agricultural shed. This laneway joins onto another laneway which extends along the northern boundary of the site, before extending to the south-west where there are a group of farm buildings and farmlands owned by the farm business in question.

The group of farm buildings associated with this farm business are located in two separate locations. The main farmyard and complex is located in excess of 450m to the south east of the site. A second grouping of farm buildings is located approximately 200m-250m to the south east of the proposed site.

Deferred Consideration:

This application was presented before the Planning Committee in January 2018 with a recommendation to refuse based on the following 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.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane, no health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape; the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.

Following a discussion at that meeting the application was deferred for a meeting with the Planning Manager, Dr Boomer. This meeting took place on 24th January 2018 and was attended by the applicant, Councillors' McGuigan and McKinney, the agent and planning advisor - S Curtin. At that meeting the following was discussed:-

The applicant's grandfather owned the farm which has not been sub-divided and is now farmed by his uncle. The applicant's home dwelling was built on the farm (under approval H/1986/0200) and no further approvals have been granted since. As any dwelling on the proposed site will be perched on the crest of a hill it would require to be set back behind the building line of the existing dwelling and any dwelling on the site should be designed to achieve an acceptable degree of integration.

Existing site levels should be submitted to support the claim that the field falls substantially from the crest towards the northern boundary and therefore a dwelling cannot be sited at the western side of the field.

Given that an argument has been made as to why the existing laneway cannot be utilised, a new access laneway could be created. However such a laneway should be adjacent to the northern boundary of No.41 and should have an acceptable landscaping scheme to reduce the visual impact of the access works. The landscaping scheme should also include planting all new boundaries.

Provided the above additional information is received and demonstrates that the site can be developed and achieve a satisfactory degree of integration, it may be acceptable.

This application falls to be considered under PPS 21 - Policy CTY 10 and as DAERA previously advised the farm business was both active and established for more than 6 years, it has been accepted under the proposal meets criteria (a) of the policy.

Following a planning history check of the farm lands included on the farm maps provided, I am satisfied that criteria (b) has been met as no previous planning approvals have been granted on this holding.

With regards to criteria (c), a new dwelling on the proposed site would be visually linked and sited to cluster with the small farm building to the south of the site as well as the applicant's parents dwelling. Although the proposed dwelling will only cluster with the one existing building on the farm, given the above it is my opinion that it can be considered as being acceptable, as it is in the spirit of the policy.

Additional information submitted.

The agent submitted additional information to suggest that a two storey dwelling would be acceptable on this site. This is based on the premise that the proposed dwelling will not be seen on approach from the south east as it will be screened by the existing dwellings at no's. 41 and 41A. This has never been disputed, as the critical view has always been presented as that on approach from the north. It should be noted that the agent has not provided a photo montage or concept to show how a two storey dwelling would be seen from this critical view. The agent has also stated that the ground levels within the site are the same as those surrounding the adjacent dwellings at 41 and 41A. I do not believe this to be the case, as can be seen from photos on file of the site which were taken at the time of initial site inspection, the site levels are above those of no 41. The agent goes on to state that the site levels will be reduced by 1.2m and that this will provide a reduced platform level for a two storey dwelling which would reduce the need for retaining structures to the north and west.

I do not agree with this assessment in that the ground levels do not fall to such an extent that grading could not be an effective means of dealing with the proposed levels. The agent has not taken account of the fact that a two storey dwelling on such an elevated site, in particular on one which will be highly visible on approach from the north, will be much more visible than low level retaining structures. Given that one of the initial reasons for the proposed site being recommended for refusal was on the grounds that it would result in a dwelling which was prominent and would suffer from a lack of integration as the site is unable to provide a suitable degree of enclosure, in my opinion, the site cannot accommodate a two storey dwelling as suggested by the agent. Undoubtedly, whilst reducing the ground levels on the crest of the hill will reduce the overall impact of a two storey dwelling, the visual impact of expensive excavations and cutting required to create an artificial platform will be equally as detrimental if not more so than a carefully graded site, even taking into account the addition of low level retaining structures, which with proper and careful consideration, could help to define the site and reduce the visual impact of this hill top

development. The agent's proposal of a two storey dwelling on this site is clearly contrary to the advice given at section 4.2 of 'Building on Tradition – A sustainable design guide for the Northern Ireland countryside' which advises to work with the contours (not against them).

Having considered all of this, the proposal is within the spirit of Policy CTY 10 and is considered acceptable.

I am therefore recommending an approval of this application subject to the following conditions:-

Conditions

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

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

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

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

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

3. The layout and siting of the dwelling hereby approved shall be in general conformity with the stamped approved drawing no. 02 date stamped 9th February 2018.

Reason: In the interests of visual amenity and to ensure the proposed dwelling is not prominent in the landscape.

4. The dwelling hereby permitted shall have a ridge height of not greater than 7.0 metres above finished floor level, designed and landscaped in accordance with the Department of Environments Building on Tradition Sustainable Design Guide for the Northern Ireland Countryside.

Reason: In the interests of visual amenity and to ensure the proposed dwelling is not prominent in the landscape.

5. The depth of under-building between finished floor level and existing ground level shall not exceed 0.30 metres at any point.

Reason: In the interest of visual amenity.

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

Reason: To ensure the dwelling integrates into the landform.

7. The roofing tiles or slates shall be blue/black or dark grey in colour and shall be flat and non-profiled.

Reason: To ensure that the proposal is in keeping with the character of the rural area.

8. The existing natural screenings along the northern and eastern boundaries of this site, shall be retained, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

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

9. The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow with trees and shrubs of mixed woodland species planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area and in the interests of visual amenity.

10. 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.

11. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been submitted to and approved by Mid Ulster District Council, and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

12. During the first available planting season after the occupation of the dwelling a hawthorn or native species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the northern sight splay along the front boundary of the site.

Reason: To ensure the amenity afforded by existing hedges is maintained.

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

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

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer:	
Application ID: LA09/2017/0846/F	Target Date: <add date>
Proposal: Proposed cattle welfare unit including storage for hay and meal. Proposed yard area for storage of round bales ,farm plant and machinery	Location: 175m South East of 66A Kilnacart Road Dungannon
Applicant Name and Address: Niall McCann 66A Kilnacart Road Dungannon	Agent name and Address: Sam Smyth Architecture Unit 45 Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
Summary of Issues: DAERA, Transport NI, and Rivers Agency were consulted and have made comment on this application. One letter of objection has been received and the comments made have been considered below. All material considerations, including policy considerations, have been addressed within the determination of this application.	
Summary of Consultee Responses: DAERA, Transport NI, and Rivers Agency were consulted and responded on this application. No issues have been identified through the consultation process.	

Characteristics of the Site and Area:

The site is situated on the Kilnacart Road, Dungannon, Co. Tyrone. This area is categorised as countryside within the Dungannon & South Tyrone Area Plan 2010.

The area surrounding the site exhibits an undulating nature and can be described as a rural area with an element of small scale variation in elevation. This is quite an enclosed area of the countryside with little in terms of wide spanning views or prospects.

The application site is bound on each of its sides by vegetation and hedgerows. The site is accessed via an existing access which is situated to the north of the site via Kilnacart Road. The site is part of an existing farm holding which includes lands surrounding the site and lands, in a separate parcel, some 250m to the north of the proposal. The lands which surround the application site do not host any farm buildings, however it is noted that the lands to the north of the site include up to nine farm buildings. The red line boundary of the site includes an existing hard stand area and agricultural pasture. The proposed access to the application site is also in situ. The site is currently being used to store round bales.

In terms of elevation the site area is relatively flat with a small rise in elevation to the south of the site and a gradual reduction in elevation towards a small stream to the west.

Description of Proposal

Members are advised that this application relate to a proposed cattle welfare unit on lands 175m south east of 66A Kilnacart Road, Dungannon, Co. Tyrone.

The proposal is sited to the eastern fringe of the application site and is measured at 9.5m in width and 24.5m in length. The maximum ridge height of the proposal is measured at 9.8m. The proposal includes the provision of external cattle pens to the front of the welfare unit in an area measured at 9m in width and 18.2 in length. In addition the applicant seeks permission for a hard stand area to make up part of a hardcore yard which surrounds the site. It is noted that this hardcore yard area is to be used for the storage of round bales as well as farm plant and machinery. Materials to be used on the proposed cattle unit include a shuttered concrete finish to lower walls, dark green coloured double skin cladding to upper walls and dark green coloured double skin cladding to roof.

The proposed cattle welfare unit is to be used for the storage of livestock on the farm holding, as well as storage of hay and meal. The applicant has highlighted that the proposal relates to the provision of a new agricultural shed at this location.

Deferred Consideration:

Members are advised this application was deferred at the Committee Meeting on 2 October 2017 as it had come forward with a recommendation to refuse as it was not demonstrated that the building was necessary for the efficient use of the holding, it would be prominent in the landscape and would affect the rural character of the area.

A meeting was held with Dr Boomer and Mr McCann provided additional information on his farming background. Mr McCann advised that his grandad started the farm in small buildings beside the main house at 65 Killybracken Road. Mr McCann operates under his Uncles business id. and has done so for a considerable number of years. Mr McCann's Uncle, Joe Hughes, lives at 65 Killybracken Road , there are 150 head of cattle in the business and the existing buildings at Mr Hughes property on Killybracken Road are no longer suitable or able to accommodate the herd. Mr Hughes has built chicken houses at Killybracken Road to the north of the existing farm house,

yard and buildings and there is no other opportunity at 65 Killybracken Roads to provide any new buildings. Mr McCann has bought land of his own and now wants to have his own farm business. DEARA allocated Mr McCann with a category 3 business id on 16th November 2017, this is to allow him to operate a flock/herd number. DEARA have advised that these types of ids are issued to keepers of a small number of animals, and advised this relates to 10 sheep or 5 cattle , which allows them to operate a herd number. DEARA also advised that Mr McCann has a crush, pen and adequate isolation facilities to operate a herd.

Members are advised that policy CTY12 has a number of criteria to be met, Mr McCann has advised that he has been farming for a considerable number of years under his uncles farm number and now wants to set up his own farm. He has been allocated a business number, but it is only recently and is for a category 3 business, which is for a small number of animals. The proposed development is for a building with approx. 250 sqm covered floor space with a hard-cored yard of approx. 3,000 sqm. Mr Hughes current agricultural buildings in the yard are approx. 1000sqm within an overall area of approx. 6,000sqm. I consider the proposed building and yard are disproportionate in scale to the number of animals that DEARA have indicated can be associated with this business ID and I have no information to demonstrate why this small number of cattle cannot be located within the existing buildings or why this size of building is required. Mr McCann was offered the opportunity to reduce the scale and size of the building but advised he wanted a decision on the basis of the proposal currently under consideration.

The proposed building sits on a prominent roadside position, it is nearly 10m in height and does not have existing landscaping, other buildings or land form to allow it to be integrated into the landscape. There is a low roadside hedge and low hedge along the east boundary of the site, beside where the building is being proposed. This building will be prominent in the landscape when viewed on approach downhill from Kilnacart Road and from the crossroads and along Killyliss Road.

In view of these concerns, I recommend to the committee that this application is refused as I do not see it is necessary, it will not adequately integrate and will be a prominent feature that affects rural character.

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policy CTY 12 of Planning Policy Statement 21, sustainable development in the countryside in that the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping; and it has not been demonstrated that there are no alternative sites available at an existing group of buildings on the holding and that an alternative site away from the farm buildings is essential for the efficient functioning of the farm business.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would fail to integrate into the surrounding landscape by virtue of its prominence.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would be unduly prominent in the landscape and result in a detrimental change to the rural character of the area.

Signature(s):

Date