



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0387/0	Target Date:
Proposal: Single dwelling and garage within a cluster	Location: 82m West of 64 Carralooan Road The Woods Magherafelt
Applicant Name and Address: Mr John Gribbin 132 Moneynick Road Randalstown	Agent name and Address: P J Carey Architecture 21 Slaght Lane Ballymena BT44 9QE
Summary of Issues: This proposal had failed to comply with CTY 1, CTY2A, 14& 15 of PPS21. Following a deferral meeting, site visit and re-assessment approval is now recommended.	
Summary of Consultee Responses: Env Health have asked an informative is added to inform potential occupants of potential odour and noise issues.	
Characteristics of the Site and Area: The site is located just outside the development limits of the small settlement of the Woods, from such the site is located within the open countryside as per defined in the Magherafelt Area Plan 2015. The site is identified as 82m west of Carralooan Road, The Woods, in which the red line covers a portion of an agricultural field. I note that the site intends to utilise the use of an existing access that already serves a number of other dwellings. I note that the northern boundary remains undefined given the nature of the red line wherein the southern and western boundaries are defined by mature vegetation and	

landscaping. Finally, the eastern boundary is defined by the recently constructed dwelling. The surrounding area is characterised by a mix of development inclusive of residential, agricultural and a church and hall.

Description of Proposal

This is a proposed outline application for a single dwelling and garage within a cluster, the site is identified as 82m West of 64 Carraloan Road, The Woods, Magherafelt.

Deferred Consideration:

This application was presented to Planning Committee in August 2020 as a refusal for the following 4 reasons ;

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 Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that is considered not to be within an existing cluster.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that 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 (further erode) the rural character of the countryside.
4. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of The Woods and the surrounding countryside.

The application was subsequently deferred for an office meeting which was held with the Area Planning Manager on 13th August 2020 and it was agreed a further site visit and re-assessment would take place.

The site is sandwiched between two parts of 'The Woods' settlement limits as defined in Magherafelt Area Plan 2015. This Plan is now past its notional end date.

Following a site visit, in my opinion this could be viewed as a rounding off. A dwelling on the site, although not meeting all the clustering policy requirements, would have no detrimental impact on the existing character of the area and there would be no impact in terms of privacy for neighbours.

Although this would overcome the planning reasons for refusal initially recommended, in terms of impacting on the character, following my site visit, Environmental Health were asked to comment on any potential impacts on a dwelling on the site from No.134 Ballyronan Road and its existing farm complex. Although approval has been granted on the site of No.134, under LA09/19/0298/O for 7 dwellings, it has not yet been constructed and a recent farm shed has been erected, so the current situation should be taken into account in case it is never built. EH recommend a separation distance of 75m is

maintained between agricultural land and third party residential units to protect residential amenity, this proposal would encroach on that and has the potential to give rise to complaints about odour, noise and vermin and they would recommend the development should be refused.

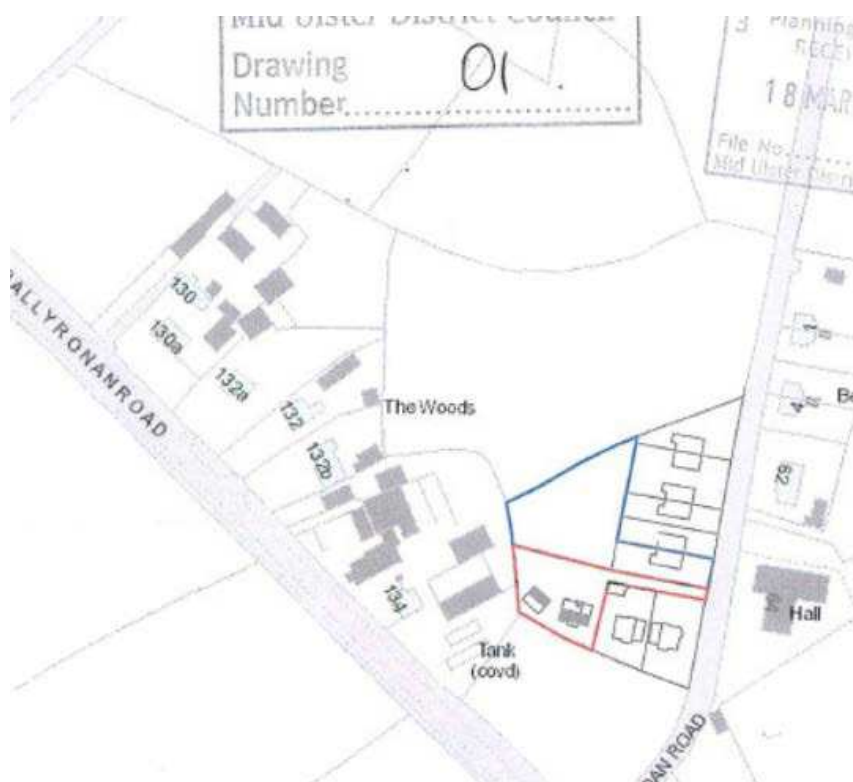


Figure 1

Consultation response dated 4th Feb 2021 from EH considers the counter response submitted by the agent, relating to the current approval for housing, 'buyers beware' and design and landscaping proposals. EH state that the site currently abuts a working farm (No.134) which gives rise to noise and odour and whilst outline approval exists on the site there is no way of controlling if/when farming activities would cease.

In relation to the existing housing development to the east (approved under H/2014/0353/F), they are situated over 45m from the agricultural land and there is a clear separation between their use as dwellings and the existing agricultural use. Whereas this proposal will have a common boundary with the farm and will not have the same distinct separation.

Following this response from EH, the applicant forwarded an amended location map (see Fig 2,) reducing the red line to remove the boundary of the site from the existing farm, and it shows additional planting, which would act as a buffer between a dwelling on the site and the farm buildings.



Figure 2

EH commented on the amended plan in Figure 2, and although they state a separation distance of 75m is not achievable, it does provide further distance from the farm complex. The distance from the farm complex is similar between the existing houses and this new siting. EH would require an informative be attached to any planning approval informing potential occupants that they are located adjacent to an existing agricultural land use and may experience issues with odour, flies or noise. I am satisfied a dwelling in this location with the proposed vegetation, which although not blocking all noise and odour would aid in some reduction of it and of the views of the farm, would be acceptable. There should be a ridge height of less than 8m to ensure integration in relation to the context of the surrounding area.

No objections have been received on this proposal and on balance, taking all considerations into account, an approval is recommended with conditions as follows.

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

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
i. the expiration of 5 years from the date of this permission; or
ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

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

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

4. 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.

5. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the Commencement of the development.

Reason: In the interests of visual amenity.

6. The western part of the side, shaded green, should be planted out, in the first available planting season after the commencement of the development.

Reason: In the interests of protecting residential and visual amenity.

7. The dwelling should be sited on eastern part of the site, as shaded blue on stamped approved location plan.

Reason: To protect the amenity of the dwelling from the adjacent site of an existing farm complex.

8. The proposed dwelling shall have a ridge height of less than 8.0 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 and with the adjacent residential dwellings.

Informative:

Any potential occupants of the site hereby approved, should be aware that they are located adjacent to an existing agricultural land use and may experience issues with odour, vermin or noise.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0387/O	Target Date:
Proposal: Single dwelling and garage within a cluster	Location: 82m West of 64 Carraloan Road The Woods Magherafelt
Referral Route: To Committee - Refusal - Contrary to CTY 1, 2a, 14 and 15 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr John Gribbin 132 Moneynick Road Randalstown	Agent Name and Address: P J Carey Architecture 21 Slaght Lane Ballymena BT44 9QE
Executive Summary: Refusal	
Signature(s): Peter Henry	

For committee decision



20 | 7 | 2020

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

To Committee - Refusal - Contrary to CTY 1, 2a, 14 and 15 of PPS 21.

Characteristics of the Site and Area

The site is located just outside the development limits of the small settlement of the Woods, from such the site is located within the open countryside as per defined in the Magherafelt Area Plan 2015. The site is identified as 82m west of Carraloan Road, The Woods, in which the red line covers a portion of an agricultural field. I note that the site intends to utilise the use of an existing access that already serves a number of other dwellings. I note that the northern boundary remains undefined given the nature of the red line wherein the southern and western boundaries are defined by mature vegetation and landscaping. Finally, the eastern boundary is defined by the recently constructed

dwelling. The surrounding area is characterised by a mix of development inclusive of residential, agricultural and a church and hall.

Representations

There were five neighbour notifications sent however there were no representations received.

Description of Proposal

This is a proposed outline application for a single dwelling and garage within a cluster, the site is identified as 82m West of 64 Carralooan Road, The Woods, Magherafelt.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 2a - New Dwellings in Existing Clusters

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Within the supporting statement the application was proposed to comply under CTY 2a and CTY 8 respectively. To take each one separately, to start CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

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

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

In terms of the first criteria, I am content that the site lies outside of a farm, however I note that the site is reliant on buildings that are located within the development limits to constitute being a cluster. From such, I note that any buildings located within the development limits cannot be counted when using PPS 21. From such, I note that there are no buildings in the vicinity of the site within the countryside to constitute as a cluster therefore it also cannot be seen as a cluster nor a visual entity in the local landscape.

Again the site is reliant on buildings within the development limits to demonstrate that it is associated with a focal point, I note that there St. John's Church and Church hall within close proximity of the site. However, again these unfortunately cannot be used in the use of this policy, subsequently the site would fail this part of the policy.

The fourth criteria of the policy, requires that the proposed development to be able provide suitable degree of enclosure and to be bounded on at least two sides with other development in the cluster. I note that the site does bound on two sides with development but again given the nature of the development limits of the Woods that both these buildings are located within the development limits. Again then it would fail under this part of the policy.

As I hold the opinion that there is in fact no cluster at this site therefore it is clear that this cannot be seen as rounding off, in fact it is seen as marring the distinction between the open countryside and the settlement limits which would significantly alter the character of the area as a result. Finally, in this location I am of the opinion that a dwelling is unlikely to have an adverse impact on residential amenity.

For the above reasons it is evident that the proposed development has failed under policy CTY 2a.

I note that the concerns of the failure of policy have been relayed on to the agent, who was happy for the application to proceed to committee, and offered no other case for this site to be considered. In that I note the site is not located within a dispersed rural community, nor is there a valid replacement case/farm case/infill opportunity at the site. I note that there have been no personal or domestic circumstances provided, nor is this for social or affordable housing, nor is there a valid conversion on site. Finally, no argument for a dwelling for a non-agricultural business enterprise. From this, this application has failed under CTY 1 of PPS 21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this an outline application no design details etc. have been submitted however an indicative position has been provided. From review of the plans I am of an opinion that an appropriately designed dwelling would not be prominent in the landscape. The proposed site has existing vegetation along the southern and western

boundaries which should be retained where possible and supplemented with additional landscaping along any new boundaries to further aid integration. Therefore, a landscaping scheme would be required in any 'Reserved Matters' application. Finally, given the context of the surrounding development I am of the opinion that if permitted the dwelling should be restricted to an 8.0m ridge height from finished floor level.

Policy CTY 14 deals with rural character and states that planning permission will be granted where the building it does not cause detrimental change to, or further erode the rural character of the area. As stated I am content that an appropriately designed dwelling will not be prominent feature. I note that the application would add to the suburban style build-up of development in the area which is unacceptable in the countryside wherein this does not respect the pattern of development in the area.

As previously noted, that a dwelling in this location would result in the marring the distinction between the countryside and the settlement given the nature of the settlement of the Woods, which resultantly would fail under CTY 15 of PPS 21.

PPS 3 - Access, Movement and Parking

DFI Roads were consulted and responded stating The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The DfI Roads has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. Responsibility for the access way and parking areas rests solely with the developer. DfI Roads has no objections to approval being granted to this application subject to conditions.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th ~~March~~ ^{September} for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

I have no flooding, ecological or amenity concerns, on balance I am content that the application fails under CTY 1, 2a, 15 of PPS 21 and refusal is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that is considered not to be within an existing cluster.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that 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 (further erode) the rural character of the countryside.

4. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of The Woods and the surrounding countryside.

Signature(s)

Date: 15/6/20.

ANNEX	
Date Valid	18th March 2020
Date First Advertised	31st March 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 134 Ballyronan Road Magherafelt Londonderry The Owner/Occupier, 79 Carraloan Road, Magherafelt, Londonderry, BT45 6HT The Owner/Occupier, 81 Carraloan Road, Magherafelt, Londonderry, BT45 6HT The Owner/Occupier, 83 Carraloan Road Magherafelt Londonderry The Owner/Occupier, Woods Parish Hall, 64 Carraloan Road, Magherafelt, Londonderry, BT45 6HT	
Date of Last Neighbour Notification	18th May 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0387/O Proposal: Single dwelling and garage within a cluster Address: 82m West of 64 Carraloan Road, The Woods, Magherafelt, Decision: Decision Date: Ref ID: LA09/2019/0298/O Proposal: Proposed residential development (7 no. units), private amenity space, landscaping and accesses. Address: Lands at No. 134 Ballyronan Road, Magherafelt, BT45 6HR., Decision: PG Decision Date: 31.10.2019 Ref ID: H/2004/1506/O Proposal: Site Of Housing Development Address: 20 Metres East Of 62 Carraloan Road, The Woods, Magherafelt. Decision: Decision Date: 21.07.2005 Ref ID: H/2014/0353/F	

Proposal: Proposed housing development of 8 no. dwellings and garages, comprising of 2 no detached and 6 no semi detached dwellings and detached garages Address: Lands approx 35m west of 64 Carroloan Road, The Woods, Magherafelt, Decision: PG Decision Date: 16.06.2016
Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0564/0	Target Date:
Proposal: Proposed dwelling and garage	Location: Lands between 121 & 127 Thornhill Road Pomeroy BT70 3EG
Applicant Name and Address Cathal Hayden 127 Thornhill Road Pomeroy Dungannon	Agent name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street
Summary of Issues: The site originally was presented as a refusal based on CTY8 and 14 and PPS3, however following the submission of a farm case and amended sightlines an approval with conditions is now recommended.	
Summary of Consultee Responses: DFI Roads had requested 2.4 x 70m sightlines. The agent had previously provided 2.4 x 60m so therefore it could not be accepted as a satisfactory means of access, however they have now amended this to show 2.4 x 70m and a condition has been provided by DFI Roads. DAERA have confirmed there has been an active and established farm business for over 6 years.	
Characteristics of the Site and Area: The application site is located on lands between No.121 and No. 127 Thornhill Road, Pomeroy. The site lies within the rural area outside any defined settlement limits as identified in the Cookstown Area Plan 2010. The surrounding area is characterised by single detached dwellings, sprawling agricultural fields and dispersed farm complexes.	

The site comprises a rectangular portion of a large, roadside agricultural field, the topography of which is relatively flat on land slightly lower, approximately 0.5 metres, than that of the ground level of the road. The site is currently accessed via an existing agricultural gate on to Thornhill Road. A mature deciduous hedge boundary defines the northern and southern boundary. The eastern boundary is defined by established trees and hedging and the western boundary is currently undefined.

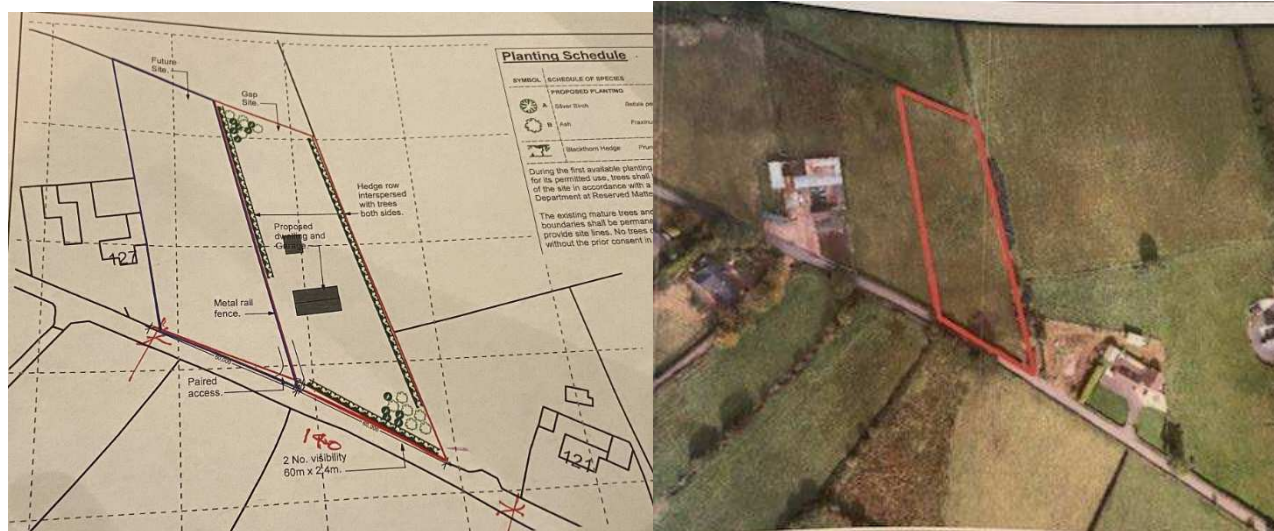
Description of Proposal

This is an outline planning application for a dwelling and garage located on lands between 121 and 127 Thornhill Road, Pomeroy. The dwelling is now being applied for as a farm dwelling under Planning Policy Statement 21, Policy CTY 10 – dwellings on a farm.

Deferred Consideration:

This application was initially presented as a refusal to Planning Committee in August 2020 under CTY1, 8, 14 and PPS3, and following a deferral by Committee members, a virtual office meeting was held on 13th August 2020 with the Area Planning Manager. It was agreed the site would be re-visited and re-assessed, taking into particular account the land to the west of No.121 and if it would be viewed as part of its curtilage or not.

It was then again presented as a refusal in December 2020 for the same reasons but subsequently was deferred by Committee to consider a potential farm case.



The farm dwelling will be assessed under Policy CTY10 of PPS21. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- a) the farm business is currently active and has been established for at least 6 years
- b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008

- c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
- demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed the business ID has been in existence for more than 6 years on the date 15/05/2021 and claims have been made on the lands. The information submitted along with DAERAs consultation response sufficiently demonstrate that the farm business has been established on the site for an excess of 6 years along with activity over this time.

With respect to (b) have carried out a check of the land associated with the farm map provided, as well as a search of the Farm Business ID provided and there are no records indicating that any dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c), the applicant lives at No.127 and the landowner at No.129. It is considered a dwelling on the site will visually link successfully with the existing farm grouping at No.127 to the west, which includes a dwelling, garage and farm shed on its plot. It therefore meeting this part of the policy by visually linking with the existing farm grouping.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is an outline application therefore the design will consideration for any forthcoming reserved matters application. There is a good degree of existing established natural vegetation along the eastern boundary which should be retained to reduce its visual impact. Additional planting will be required however I do not consider it is being relied on to meet policy and it is considered appropriate to condition a landscaping plan to accompany any forthcoming reserved matters application. I am content the proposal complies with the Policy Criteria of CTY13.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The dwelling has been amended from 'a storey and half' to ensure that a new dwelling on this site will not be a prominent feature in the landscape, and with a 6.5m ridge height I content this will be the case. It can visually link with the existing dwelling & garage and shed located on the farm. There should also be a siting condition to the southern part of the site, where the proposed dwelling has been indicated on the location plan, to ensure it is keeping with the existing building line. It is considered that the site and its surrounding environment is suitable for absorbing a dwelling without suburban build up. I am content the proposal will not be a prominent feature in the landscape and it therefore is considered compliant with Policy CTY14.

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

assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the late of the reserved matters to be approved.

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

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

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

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

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

4. The existing hedgerow and vegetation along the eastern boundary of the site shall be permanently retained. No looping, felling or removal shall be carried out without the prior written approval of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to Council in writing within one week of work being carried out.

Reason: To ensure the development integrates into the countryside.

5. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Any trees or shrubs that die within 5 years of planting shall be replaced in the next planting season with others of similar size and species.

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

6. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 and with the adjacent residential dwellings.

7. The proposed dwelling shall be sited in the area shaded green on plan 01/02 date stamped

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 and remains in keeping with the adjacent residential dwellings.

8. . 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.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

Signature(s):

Date

Deferred Consideration Report

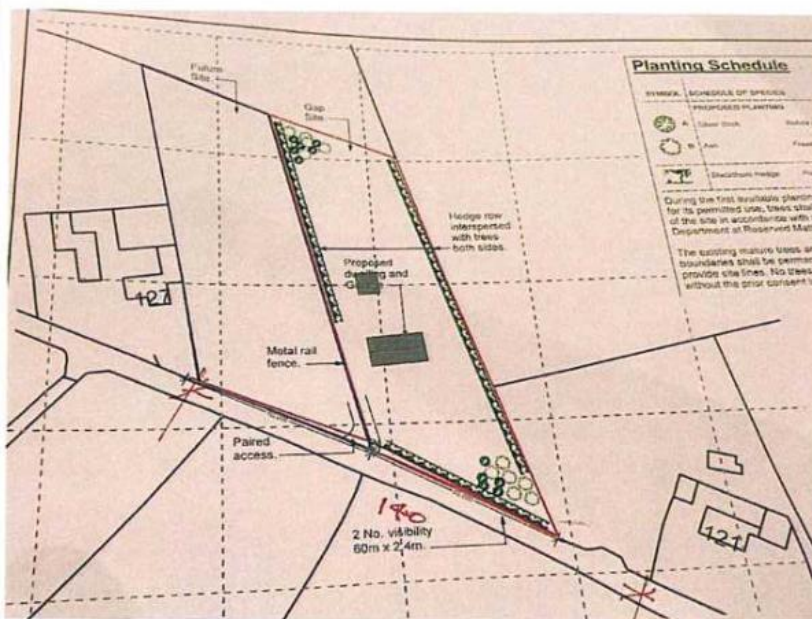
Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0564/0	Target Date:
Proposal: Proposed storey and a half dwelling and garage	Location: Lands between 121 & 127 Thornhill Road Pomeroy BT70 3EG
Applicant Name and Address Cathal Hayden 127 Thornhill Road Pomeroy Dungannon	Agent name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street
Summary of Issues: Following a deferred office meeting and re-assessment the proposal is still recommended as a refusal based on CTY8 and 14 and PPS3.	
Summary of Consultee Responses: DFI Roads have requested 2.4 x 70m sightlines. The agent has only provided 2.4 x 60m so therefore it cannot be accepted as a satisfactory means of access has not been shown.	
Characteristics of the Site and Area: <p>The application site is located on lands between No.121 and No. 127 Thornhill Road, Pomeroy. The site lies within the rural area outside any defined settlement limits as identified in the Cookstown Area Plan 2010. The surrounding area is characterised by single detached dwellings, sprawling agricultural fields and dispersed farm complexes.</p> <p>The site comprises a rectangular portion of a large, roadside agricultural field, the topography of which is relatively flat on land slightly lower, approximately 0.5 metres, than that of the ground level of the road. The site is currently accessed via an existing agricultural gate on to Thornhill Road. A mature deciduous hedge boundary defines the northern and southern boundary. The eastern boundary is defined by established trees and hedging and the western boundary is currently undefined.</p>	

Description of Proposal

This is an outline planning application for a storey and a half dwelling and garage located on lands between 121 and 127 Thornhill Road, Pomeroy. The dwelling is being applied for as a gap site for infill development, an exception under Planning Policy Statement 21, Policy CTY 8 Ribbon Development

Deferred Consideration:

This application was previously presented as a refusal to Planning Committee in August 2020 under CTY1, 8, 14 and PPS3, and following a deferral by Committee members, an office meeting was held on 13th August 2020 with the Area Planning Manager. It was agreed the site would be re-visited and re-assessed, taking into particular account the land to the west of No.121 and if it would be viewed as part of its curtilage or not.



CTY8 states 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 sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage.

In this case, the site is part of a larger agricultural field with road frontage. To the west of the field is a detached single storey dwelling (No.127 Thornhill Road) and an outbuilding. To the east of the site is a single storey dwelling (No.121). Between the site and No.121, there is a field, which as previously seen by the case officer, stored hard fill and round bales on a further site visit on 11th Sept 2020. The boundaries of this field are well defined with tall mature trees and hedging to the west and mature hedging defining the eastern boundary, which clearly separates it from No.121 and its curtilage, and it is viewed as a field in its own right.



The evergreen hedging shown here clearly separates the dwelling No.121 and the adjacent land to its west.

It is my opinion this field could accommodate a dwelling, and that the proposal does not constitute a small gap site sufficient to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage.

At the office meeting the agent submitted 3 approved location plans in an attempt to support their infill argument. I have researched these applications and conclude as follows;

LA09/2019/1154/O – 2 infill dwellings, 100m South of 24 Derrylaughan Road, Dungannon, the boundary shown on the map doesn't exist on the ground and it clearly is part of the curtilage of No.24.

LA09/2020/0045/O – Proposed dwelling and detached domestic garage (Infill site under CTY8 of PPS21) - Approx 25m North East of 12 Murnells Road Pomeroy - the area of land in front of No.15 is part of its front garden, and there are two accesses into the dwelling.

LA09/2020/0123/O Erection of Dwelling and Domestic Garage in a gap site under CTY 8 of PPS 21, Land between No's 29 & 35 Tullyglush Road, Ballygawley – this is the side garden of No. 31 and not a separate field.

All 3 of these examples had an area of land which was clearly part of the exiting curtilage of an existing dwelling and therefore would not have been seen as a gap which could accommodate a third dwelling. These are not the same as is with this case, where the gap would accommodate up to 3 houses and therefore would not meet policy criteria of CTY8 as the others did.

CTY14 is a relevant consideration and it states that permission will be granted for a building where it does not cause detrimental change or further erode the rural character of the area. As detailed above, given the adjacent field to the east, the small does not represent a small gap site within a line of 3 or buildings within a common frontage, sufficient to accommodate up to a maximum of two houses. The proposal would however add to a ribbon of development which is detrimental to the surrounding rural character of the area contributing to build-up and therefore remaining contrary to CTY14.

As previously, DFI Roads recommended sight lines of 2.4 x 70m in both directions. 2.4 x 60m have been shown on the plans are again amendments have not been requested as the proposal is being recommended as a refusal. If an approval was being recommended it would need to be shown that these splays can be achieved.

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

Refusal reasons –

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the gap is sufficient to accommodate more than two dwellings and the proposal would, if permitted, add to ribbon development along Thornhill Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted would further erode rural character as a consequence of a build-up of dwellings.
4. The proposal is contrary to PPS3, Access, Movement, and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0564/O	Target Date: 01/09/20
Proposal: Proposed storey and a half dwelling and garage	Location: Lands between 121 & 127 Thornhill Road Pomeroy BT70 3EG
Referral Route: Recommended refusal – contrary to PPS21 Policy CTY8	
Recommendation:	Refusal
Applicant Name and Address: Cathal Hayden 127 Thornhill Road Pomeroy Dungannon	Agent Name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice – Provisional Reply

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The application site is located on lands between No.121 and No. 127 Thornhill Road, Pomeroy. The site lies within the rural area outside any defined settlement limits as identified in the Cookstown Area Plan 2010. The surrounding area is characterised by single detached dwellings, sprawling agricultural fields and dispersed farm complexes.

The site comprises a rectangular portion of a large, roadside agricultural field, the topography of which is relatively flat on land slightly lower, approximately 0.5 metres, than that of the ground level of the road. The site is currently accessed via an existing agricultural gate on to Thornhill Road. A mature deciduous hedge boundary defines the

northern and southern boundary. The eastern boundary is defined by established trees and hedging and the western boundary is currently undefined.

Description of Proposal

This is an outline planning application for a storey and a half dwelling and garage located on lands between 121 and 127 Thornhill Road, Pomeroy. The dwelling is being applied for as a gap site for infill development, an exception under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

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 far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Cookstown Area Plan 2010
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation period will close on 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

Representations

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

History on Site

I/2006/0517/O - 100m South East of 127 Thornhill Road, Pomeroy - Proposed dwelling – Permission Refused

I/2001/0394/O - 90m North West of 121 Thornhill Road, Pomeroy – Permission Refused

I/2000/0164/O - Approx 220 M South East of 127 Thornhill Road, Pomeroy - Dwelling House and Domestic Garage – Application Withdrawn

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside

are retained. 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.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY 1 provides clarification on circumstances in which development will be permitted in the countryside. In this instance, the application is for a dwelling on an infill site and as a result, the development must be considered under CTY 8 of PPS 21.

PPS21 - CTY 8 states 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 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental 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.

In this case, it is my opinion that the proposal does not constitute a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage.

The application site comprises the eastern portion of an existing agricultural field with a roadside frontage along the public road. To the west of the agricultural field, adjacent to the blue line there is a detached single storey dwelling (No. 127 Thornhill Road) and outbuilding. Approximately 40 metres to the east of the application site there is a detached single storey dwelling (No. 121 Thornhill Road). Between the proposal site and No. 121 Thornhill Road, there is a field which on the date of site inspection appeared to be used for the storage of round bales with some hardfill present at the access. The boundaries of this field are well defined with established tall trees and hedging defining the western boundary and mature hedging of approximately 4 metres defining the eastern boundary separating the field from the curtilage of No. 121 Thornhill Road. The adjacent field to the east of the proposal site provides a visual break, therefore in my opinion the proposal site does not constitute a continuously built up frontage. Furthermore, if the proposed dwelling were to be permitted it could potentially provide an infill opportunity to the adjacent field to the east which would result in more than two houses along the road frontage reinforcing a built-up appearance in this rural context and adding to ribbon development.

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. The application site is located along the roadside frontage on land with flat topography. Given the existing, established vegetation to the northern, eastern and southern boundaries, I consider the proposal site could provide a suitable degree of enclosure for a dwelling and garage without appearing as an overly prominent feature in the landscape. The design of the proposed dwelling would be a matter for consideration at the Reserved Matters stage, however I consider a maximum ridge height of 6 metres

would be appropriate and in keeping with the existing built form to ensure integration into the setting.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As stated above, given the adjacent field to the east I do not consider the proposal site represents a small gap site within a line of 3 or more buildings with a common frontage. In my opinion, the proposal would add to a ribbon of development which is detrimental to the surrounding rural character contributing to a localised sense of build-up of development and therefore is contrary to Policy CTY 14.

Additional considerations

In addition to checks on the planning portal online, environmental map viewers have been checked and identified no natural or built heritage interests of significance on site.

It was identified a small portion in the south-eastern section the site is within a surface flood zone. Given the minimal amount of site within floodplain and that this is an outline application it was not considered necessary to consult DfL Rivers in this instance, however should permission be granted it may be appropriate to condition the siting of the proposed dwelling.

DfL Roads were consulted and have recommended sightlines should be 2.4 x 70 metres in both directions. Drawing No. 01 proposes 2.4 x 60 metre sightlines. Amendments reflecting the sightlines required by DfL Roads has not been requested by the Planning Authority at this stage in the processing of the application as I am recommending the proposal for refusal. However should permission be granted this will need to be addressed and the vehicular access standard required by DfL Roads in the RS1 Form should be conditioned.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal, as it does not comply with CTY8 and CTY 14 of Planning Policy Statement 21.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to ribbon development along Thornhill Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if

permitted would further erode rural character as a consequence of a build-up of dwellings.

4. The proposal is contrary to PPS3, Access, Movement, and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1192/O	Target Date:
Proposal: Erection of a dwelling on a farm	Location: 70m NW of 90 Moneysharvan Road Maghera
Applicant Name and Address: Ronan Bradley 8 Pinehill Avenue Maghera BT46 5HD	Agent name and Address: Patrick Bradley Architects 30 Gortinure Road Maghera BT46 5PA
Summary of Issues: The application was deferred to address DFI issues, the applicant has made amendments and an approval with conditions is now recommended.	
Characteristics of the Site and Area: The site is located in the rural countryside outside any settlement limits as depicted within the Magherafelt Area Plan 2015. The site is located approx. 1.7 km northwest of Upperlands and 2 km south of Swatragh. The site comprises a large roadside field currently used for agricultural purposes. Land rises gradually from south to north and falls to the west and beyond the red line of the site. The proposal is located adjacent to the protected route, Moneysharvan Road. There is an existing agricultural gate for access to the field and a wide verge between the road and the application site. The proposal seeks to use an existing laneway, south of the field, which currently serves two existing dwellings and a farm holding. The roadside boundary is defined by established trees and hedging. The southern boundary is defined by a mixture of trees and maintained hedging which bounds the existing laneway. Established trees and hedging also bound the northern and western boundary. Despite the adjacent busy road, the surrounding area is rural in character with agricultural fields interspersed with detached dwellings and farm holdings.	

Description of Proposal

This is an outline planning application for a dwelling on a farm on lands 70m NW of 90 Moneysharvan Road, Maghera. The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 10 Dwelling on a Farm.

Deferred Consideration:

This application was presented to Committee in Feb 2021 for the following reason;

'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 intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.'

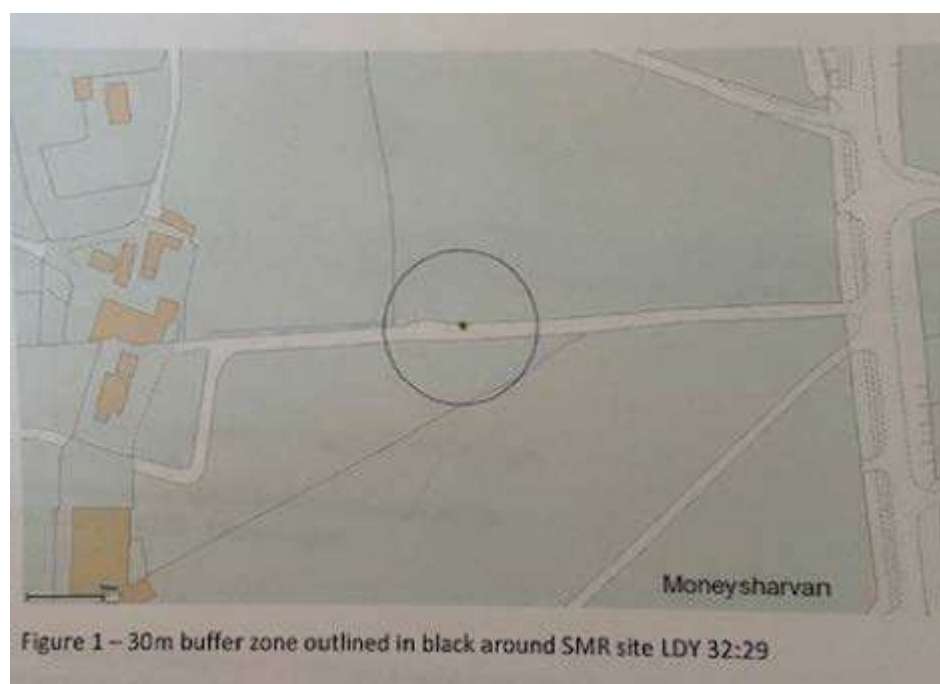
The application was deferred for a virtual office meeting, held on 11th Feb 2021 with the Area Planning Manager, and following this meeting amendments were submitted to address DFI concerns. The existing agricultural access onto the protected route is to be permanently closed, and the proposed access onto the site is to be moved further up the existing access on the protected route, as shown in map below.

DFI were re-consulted and their latest response of 23/03/21 put the onus on Planning service to ensure road safety is not compromised. They raise their initial concern of the number of accesses within close proximity at this location along the protected road network with high traffic speeds. However it is now shown the existing access on the public road will be permanently closed up and conditioned to be so.

The layout below will result in one less access point along this part of the main road and the point of access is being now shown along the existing laneway, which will reduce the risk of accidents of the main road. I am satisfied the changes made, along with the conditions provided by DFI Roads will ensure road safety is not compromised.



HED have recommended conditions as the site contains part of archaeological recorded site. To avoid disturbing potential remains any dwelling should be outside the 30m buffer zone surrounding the monument. They also want consulted at full or RM stage.



Following the amendments made an approval is recommended with the following conditions.

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

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
i. the expiration of 5 years from the date of this permission; or
ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

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

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

4. The vehicular access including visibility splays 2.4 x 160 metres and a 160 metre forward sight distance, shall be provided in accordance with Drawing No 01 (rev 1) bearing the date stamp 17 Feb 2021 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.

5. The existing field access indicated on Drawing No 01 (rev1) bearing the date stamp 17 Feb 2021 shall be permanently closed and the footway / verge properly reinstated to DfI Roads satisfaction within 2 months of the date of approval.

Reason: In order to minimize the number of access points on to the public road in the interests of road safety and the convenience of road users.

6. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the Commencement of the development.

Reason: In the interests of visual amenity.

7. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

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

Reason: In the interest of visual amenity.

9. The proposed dwelling is located in the eastern edge of the field and no part of the proposed development including septic tank and run off are located within the buffer area around the recorded archaeological site.

Reason: To ensure that no archaeological remains associated with the adjacent archaeological site (LDY 32: 29) are disturbed during site works.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1192/O	Target Date: 12/01/21
Proposal: Erection of a dwelling on a farm	Location: 70m NW of 90 Moneysharvan Road Maghera
Referral Route: Recommended refusal – Contrary to AMP 2 of PPS3 as advised by DfI Roads	
Recommendation:	Refusal
Applicant Name and Address: Ronan Bradley 8 Pinehill Avenue Maghera BT46 5HD	Agent Name and Address: Patrick Bradley Architects 30 Gortinure Road Maghera BT46 5PA
Executive Summary: Proposal considered against prevailing planning policy – Proposal complies with CTY 1 and CTY10 of PPS21 however DfI Roads have advised the proposal would prejudice road safety and have recommend refusal. No objections received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DAERA	Advice
Statutory	Historic Environment Division	Advice

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits as depicted within the Magherafelt Area Plan 2015. The site is located approx. 1.7 km northwest of Upperlands and 2 km south of Swatragh. The site comprises a large roadside field currently used for agricultural purposes. Land rises gradually from south to north and falls to the west and beyond the red line of the site. The proposal is located adjacent to the protected route, Moneysharvan Road. There is an existing agricultural gate for access to the field and a wide verge between the road and the application site. The proposal seeks to use an existing laneway, south of the field, which currently serves two existing dwellings and a farm holding. The roadside boundary is defined by established trees and hedging. The southern boundary is defined by a mixture of trees and maintained hedging which bounds the existing laneway. Established trees and hedging also bound the northern and western boundary. Despite the adjacent busy road, the surrounding area is rural in character with agricultural fields interspersed with detached dwellings and farm holdings.

Description of Proposal

This is an outline planning application for a dwelling on a farm on lands 70m NW of 90 Moneysharvan Road, Maghera.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 10 Dwelling on a Farm.

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 far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 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. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Representations

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

History on Site

LA09/2019/0579/F - Change of house type from previous planning approval - H/2014/0281/F and proposed garage - 45m SW of 91 Moneysharvin Road, Maghera – Permission Granted 01/08/19

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. The current proposal falls under one of these

instances, the development of a dwelling on a farm in accordance with Policy CTY10 – Dwellings on Farms.

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
- c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed the business ID has been in existence for more than 6 years however advised the farm business has not claimed payments in each of the last 6 years. The agent subsequently submitted further information including evidence of ground maintenance which included fencing, digging, hay bales, fertiliser, mowing, and hedge cutting. The information submitted has been carefully considered along with DAERA's consultation response and I am content that it has been sufficiently demonstrated that the farm business has been established on the site for an excess of 6 years along with activity over this time.

With respect to (b) I have carried out a check of the land associated with the farm map provided, as well as a search of the Farm Business ID provided and there are no records indicating that any dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c), the planning application was accompanied by one farm map which highlights the parcel of land subject to this application. The applicant has confirmed that the land indicated in this farm map is the only land associated with the farm business and there are no farm buildings. It is established practice by Mid Ulster District Council Planning Committee to permit a new building on an active and established farm business if it is confirmed there is no established group of buildings anywhere on the farm. The application seeks to obtain access to the new dwelling from an existing lane.

It is considered the proposal is acceptable and compliant with Policy CTY10.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is an outline application therefore the design will be considered for any forthcoming reserved matters application. The proposal site comprises a large roadside field. There are existing buildings to the rear of the application site, which will assist in providing a backdrop for integration purposes. I am content that a new dwelling on this site will not be a prominent feature in the landscape as it benefits from established, existing trees to the roadside boundary which limits views

from the public road. There is a good degree of existing established natural vegetation along each boundary, which should be retained to aid visual impact. Given the extent of the application site, it is considered additional planting will also be required to define a reasonable curtilage. It is considered appropriate therefore to condition a landscaping plan to accompany any forthcoming reserved matters application should the planning committee consider the application should be approved. I am content the proposal complies with the Policy Criteria of CTY 13.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environment is suitable for absorbing a dwelling without suburban build up. I am content the proposal will not be a prominent feature in the landscape and it will not create or add to a ribbon of development therefore is considered compliant with Policy CTY14.

Additional considerations

In addition to checks on the planning portal, Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online have been checked, no natural heritage interests of significance were identified on site however it was identified the site encompasses part of an archaeological site reordere with the SMR as an enclosure (LDY 32: 29). HED were consulted and have responded with no objections however have requested a condition is attached to any forthcoming approval ensuring the proposed dwelling or any site works are not located within the enclosure zone and that they are re-consulted should a Reserved Matters or Full application be forthcoming. Should the Planning Committee consider approval is appropriate, it is considered necessary to attach an appropriately worded siting condition so as to avoid disturbance to these remains.

It was identified a small portion of the site is within pluvial floodplain as defined within the Department for Infrastructure Strategic Flood Maps. Given this is an outline application with no details of siting and the extent of the application site, it was not considered necessary to consult DfI Rivers in this instance. However, should planning permission be granted, again it is considered appropriate and necessary to attach a condition to any forthcoming approval to ensure the siting of the dwelling or any associated works is not within this floodplain.

Access and Movement

The application proposes to utilise an existing unaltered access, which currently serves two existing dwellings. DfI Roads were consulted and have advised the adjacent road network, A29 Moneysharvan Road, is a Protected Route and two refusal reasons were provided in their response. The first refusal reason is as follows - *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 access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.*

The proposal seeks permission for a farm dwelling and Policy AMP 3 of PPS 3 provides an exception involving direct access onto a protected route for a dwelling on the farm. Annex 1 of PPS21 'Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking' states "*Planning permission will only be granted for a*

development proposal involving access onto this category of Protected Route in the following cases - (b) where a farm dwelling would meet the criteria set out in Policy CTY 10 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route."

It has been demonstrated above that the proposal meets the criteria set out in Policy CTY 10. The proposal is making use of an existing vehicular access onto the protected route and from a review of the site location plan; it is evident that access cannot be reasonably obtained from an adjacent minor road. It is my opinion therefore that the proposal does not conflict with Policy AMP 3 and this refusal reason could not be sustained.

DfI Roads have also recommended the below refusal under Policy AMP 2 of PPS 3 - *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 intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.*

The proposal seeks to utilise an existing, unaltered access, which currently serves two dwellings. I sought further clarification from DfI Roads and advised that it is considered the proposal meets an exception test under Policy AMP 3. The DfI Roads case officer advised the necessary visibility splays of 2.4 x 160m are in place, however advised that the access will create intensification adjacent to a road junction situated on the opposite side of this A class road referring to DCAN 15 paragraph 7.3. Paragraph 7.3 of DCAN 15 refers to the spacing between a proposed major access and existing junctions; when on opposite sides, the spacing should be sufficient to separate conflicting turning movements and avoid 'straight across' vehicle movements. This planning application is not proposing to create a new access, rather the intensification of an unaltered, existing access. Nevertheless DfI Roads are the relevant statutory consultee under The Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) to provide advice on road safety. DfI Roads have recommended refusal in that the proposed development if permitted would prejudice the safety and convenience of road users. As such, I consider the proposal is contrary to PPS 3 AMP 2 and refusal is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal as it offend Policy AMP 2 of Planning Policy Statement 3.

Reasons for Refusal:

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 the intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created

by the slowing down and turning movements of vehicles entering and leaving the access.

Signature(s)

Date:



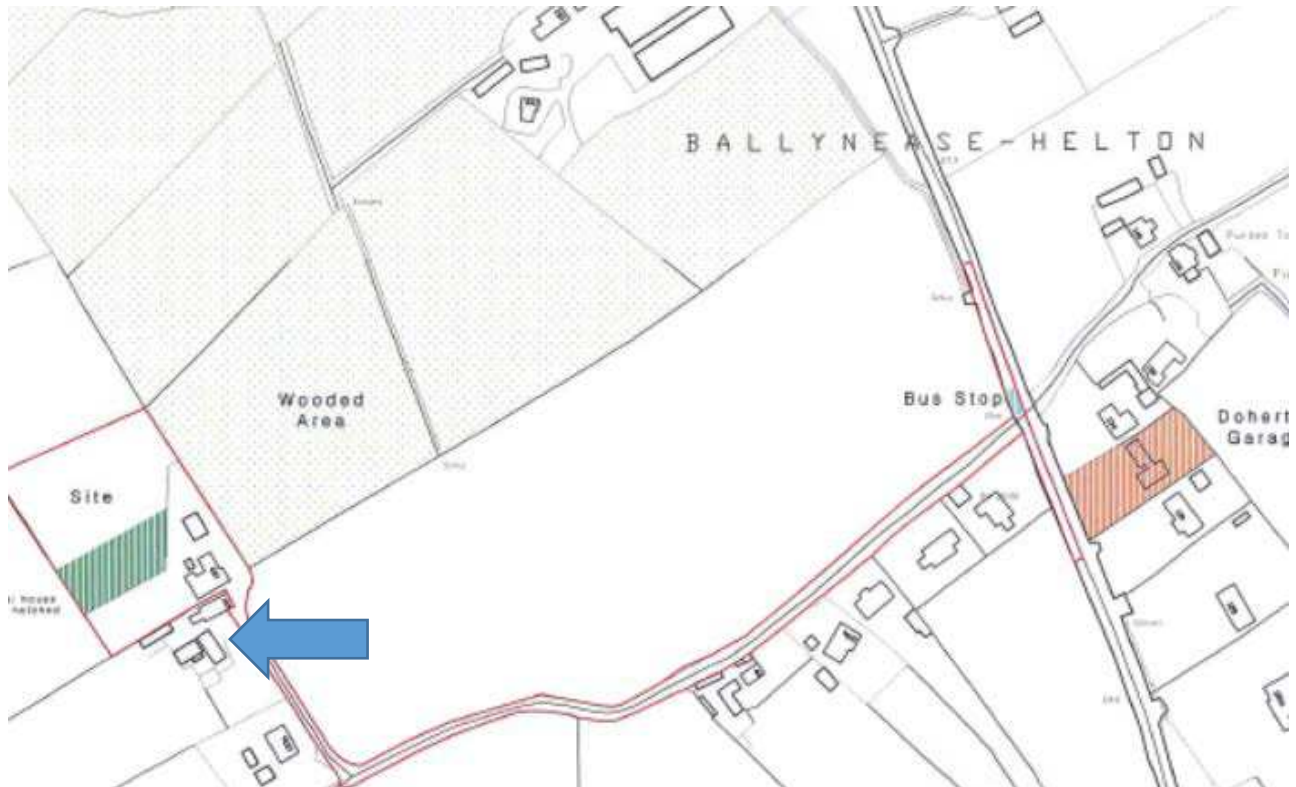
Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1660/O	Target Date:
Proposal: Proposed dwelling and garage under PPS 21 CTY2a	Location: Site adjacent to 135 Ballynease Road Portglenone BT44 8NU.
Applicant Name and Address: Jim McAuley 135 Ballynease Road Portglenone BT44 8NU	Agent name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located within the open countryside, approximately 1.3 miles south of the settlement limits of Clady as defined in the Magherafelt Area Plan 2015. The application is set back considerably from the public road, approximately 380 metres. The application seeks to utilise an existing laneway on to Ballynease Road which currently serves a number of existing dwellings. Along the public road, the area has come under a degree of development pressure in recent years. However, the immediate locality of the application site is characterised predominantly by agricultural land, with three residential properties in a row present immediately south. There is a large wooded area directly east of the site. The site comprises the dwelling, garage and garden of No.135 and a portion of the adjacent agricultural field. The topography of the site is relatively flat. The northern, eastern and western boundaries of the site are defined by established trees and hedging. The site is bounded to the south by the dwelling and associated outbuilding of No.133.	

Description of Proposal

This is an outline planning application for a dwelling and garage on lands adjacent to 135 Ballynease Road, Portglenone.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 2a New Dwellings in Existing Clusters.



Deferred Consideration:

This application was presented as a refusal to Planning Committee in March 2021 for the following reasons;

Refusal Reasons

1. The proposal is contrary to the SPPS 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.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the dwelling is not located within an existing cluster of development consisting of 4 or more buildings; the cluster does not appear as a visual entity in the local landscape and the cluster is not associated with a focal point or it is not located at a cross-roads.

It was subsequently deferred for a virtual office meeting with the Area Planning Manager and a meeting was held on 11 March 2021.

Certain criteria must be met in order to meet the policy for Policy CTY2a – New dwellings in existing clusters. In the policy this states it should be a focal point 'such as' a social/community building/facility. Initially the agent was using the crossroads, bus stop and 'Dohertys garage' as the associated focal points in order to try and meet the criteria. However I would be of the opinion these are too far removed to be associated with the proposed site and there is no visual linkage between them.

However at the deferred meeting, the agent advised there is a workshop building to the south east of the site, within the existing cluster (shown by blue arrow on map above). It is used for Woodturning and local people and schools have come there for demonstrations and workshops. Following a site visit it was evident there existing workshop building and inside there was machinery and many handmade wooden items. The man who owns this was able to produce a business card for his 'Woodturning. It is known well known to the local community as it is a tradition which is dying out and so this building being utilised is keeping it going in the area.

There must also be a cluster of development which lies outside a farm and consist of 4 of more buildings, of which at least 3 are dwellings. This excludes garages and outbuildings, however after entering the building below I would view it as a workshop/store, so I would consider this cluster has 3 dwellings and a workshop which would constitute the required number. The existing cluster appears as a visual entity in the local landscape.





In the policy there is no exhaustive list of what constitutes a focal point, but rather some examples are given. A focal point is considered as giving a place a 'sense of identity' and somewhere that is well known to the local community with a sense of presence, and so keeping within the spirit of the policy. I would consider the Woodturning workshop/shed would fall under this.

This should not be seen as setting a precedent for dwellings approved under CTY2a, but rather that is in the spirit of the policy. A dwelling on the site would not have any detrimental impact on the existing rural character of this area and it would constitute a rounding off within an existing cluster of development.

In terms of CTY13 the site has a good degree of enclosure and it is considered the existing vegetation would aid in integrating a dwelling. To ensure the dwelling is in keeping with the existing character of the area I would add a 6.5m ridge height condition.

Policy CTY14 states permission will be granted where a dwelling does not cause any detrimental change for further erode the character of the area. This site would not alter the character of the area and therefore I feel complies with this policy.

Approval with conditions is therefore recommended in this case.

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

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
i. the expiration of 5 years from the date of this permission; or
ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

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

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

4. 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.

5. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the Commencement of the development.

Reason: In the interests of visual amenity.

7. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

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

Reason: In the interest of visual amenity.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1660/O	Target Date:
Proposal: Proposed dwelling and garage under PPS 21 CTY2a	Location: Site adjacent to 135 Ballynease Road Portglenone BT44 8NU.
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Jim McAuley 135 Ballynease Road Portglenone BT44 8NU	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY2a of PPS21. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Historical Environment Division	Content

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site is located within the open countryside, approximately 1.3 miles south of the settlement limits of Clady as defined in the Magherafelt Area Plan 2015. The application is set back considerably from the public road, approximately 380 metres. The application seeks to utilise an existing laneway on to Ballynease Road which currently serves a number of existing dwellings. Along the public road, the area has come under a degree of development pressure in recent years. However, the immediate locality of the application site is characterised predominantly by agricultural land, with three residential properties in a row present immediately south. There is a large wooded area directly east of the site. The site comprises the dwelling, garage and garden of No.135 and a portion of the adjacent agricultural field. The topography of the site is relatively flat. The northern, eastern and western boundaries of the site are defined by established trees and hedging. The site is bounded to the south by the dwelling and associated outbuilding of No.133.

Description of Proposal

This is an outline planning application for a dwelling and garage on lands adjacent to 135 Ballynease Road, Portglenone.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 2a New Dwellings in Existing Clusters.

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 far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Magherafelt Area Plan 2015
Planning Policy Statement 3: Access, Movement and Parking
Planning Policy Statement 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. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Representations

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

History on Site

No relevant planning history.

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland – 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 retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. SPPS advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all of the following criteria are met.

- *the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;*

The proposal site is set back considerably from the road and lies outside of a farm. There are three dwellings immediately south of the application site with associated garages and outbuildings. It is noted that the required number of buildings is four or more and this excludes *garages and outbuildings*. I do not consider it is a cluster of development and does not consist of the required number of buildings to be meet the first criterion in my opinion.

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

The site is set back approximately 360 metres from public road. It is recognised that there appears to be two distinct clusters of development which appear as a visual entity approximately 270m NE of the application site and 390m SE of the application site. However given the separation distance, I do not consider the proposal site is associated with either of these clusters and given the limited public views of the application site or adjacent buildings, I do not consider the proposal site is a cluster which appears as a visual entity in the local landscape.

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

The applicant has relied on a bus stop and a car mechanics 'Dohertys Garage' as a "focal point" for the purposes of meeting Policy CTY2a. It is not considered a small scale, privately owned mechanic business represents a social/community building/facility, and furthermore this is located 410 metres east of the site therefore there is limited association. Similarly, even if the bus stop was to be considered as a focal point for the purpose of this policy, there is little to no visual linkage and the site is not considered to be associated with the bus stop. The site is also not located at a cross-roads.

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

The applicant has provided an indicative siting for the proposed dwelling hatched in green on Drawing No.02 date stamped 21st December 2020. Considering the siting proposed, I am content the site is bound on the necessary two sides by development. Immediately to the east, the site is bounded by the garage of No.135 and south of the site the outbuilding associated with No.133. Given the existing vegetation and the large wooded area to the east, I am content the site provides a suitable degree of enclosure.

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

As stated previously, I do not consider the proposal site is located within an existing cluster. However, given the limited public views and degree of enclosure I also do not consider the proposed development would significantly alter the existing character of the area or visually intrude in the open countryside.

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

The indicative siting of the proposed dwelling as hatched green on Drawing No.02 would provide a separation distance between the proposed dwelling and No.133 and No.135 of around 20 metres. This is considered minimal, however it is accepted this is an outline application with no detailed plans on design, orientation etc. Given the mature hedging screening surrounding the proposed siting, on balance I consider an appropriately designed dwelling would not adversely impact on residential amenity.

I do not consider that the proposed development meets all the criteria outlined under CTY2a to merit the granting of permission under this policy.

Policy CTY13 states that planning permission will be granted of a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The site has a good degree of enclosure being bound on three sides by existing mature vegetation. It is considered the existing vegetation would assist in integrating a dwelling on this site and I therefore consider it appropriate to condition that the retention of existing vegetation. There is a large wooded area between the application site and the public road, therefore public views are limited. The site is to be located to the rear of the existing dwelling No.135. Should the Planning Committee consider the proposal acceptable and planning permission be granted, I consider a ridge height restriction of 6 metres would be required to respect the existing built form. On balance it is considered the proposal complies with CTY13, in my opinion a dwelling and garage would successfully visually integrate into the surrounding landscape.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I have no concerns with ribbon development or build up. The proposal site has an adequate degree of enclosure and natural screening and I do not consider the addition of a single dwelling on the site will detrimentally alter the rural character of this area.

PPS 3: Access, Movement and Parking - The application site seeks to use an existing access on to Ballynease Road. DfI Roads have been consulted and have advised the proposal site is using a laneway that serves at least 7 other dwellings accessing onto Ballynease Road. DfI Roads have advised the developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The DfI Roads has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. Should permission be granted, this could

be added as informative to the approval notice. DfI Roads has no objections to approval being granted to this application subject to the following conditions. Therefore, it is considered a dwelling on the site will not prejudice road safety or significantly inconvenience the flow of traffic and accords with Policy AMP2 of PPS3.

Additional considerations

In addition to checks on the planning portal, the Natural Environment map viewer available online have been checked and identified no natural heritage assets interests of significance on site. It was identified the proposal site is located in proximity to an Archaeological Site/Monument (Enclosure POLREF: LDY037:053) therefore DfC Historic Environment Division were consulted. HED have considered the application and responded that the proposal is satisfactory to SPPS and PPS6.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings; the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and is not located at a cross-roads.

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Ciaran Devlin	
Application ID: LA09/2021/0060/F	Target Date:
Proposal: Proposed garage and store within the curtilage of existing dwelling	Location: 65A Lissan Road Cookstown
Applicant Name and Address: Mr Paul Donnelly 65A Lissan Road Cookstown	Agent name and Address: Manor Architects Stable Buildings Manor House 30a High Street Moneymore BT45 7PD
Summary of Issues: Two objections have been received from a neighbouring property raising concerns about the impact the proposal would have on their amenity in terms of loss of light and overshadowing. The objector also raised concerns regarding the size and location of the proposed garage. These objections have been fully considered as part of this assessment	
Summary of Consultee Responses:	
Characteristics of the Site and Area: The site is located within the settlement limits of Cookstown as per the Cookstown Area Plan 2010. The site currently has a large detached two storey dwelling located here, with access taken from the Lissan Road, with a small driveway leading to the dwelling, with the a spacious garden extending further north. The site is bounded on all sides with existing mature planting on all boundaries, screening the site well from the surrounding area which is mainly residential, with a housing development to the east and a single dwelling to the western boundary.	

Description of Proposal

This is a full planning application for a proposed garage and store within the curtilage of the existing dwelling at 65A Lissan Road, Cookstown.

Deferred Consideration:

This application was presented to the planning committee on 12th April 2021 with the recommendation to approve. Following a discussion by members of the planning committee and the Planning Manager the application was deferred for a month to ask the applicant to consider moving the proposed garage and store a further 2 metres back from the eastern boundary of the site.

Following this meeting, I have contacted the agent & applicant who have stated they are unwilling to move the garage & store any further, as the proposal has already been moved 5 metres away from the boundary in a gesture of good faith, from what was originally proposed.

I am content that the proposal is acceptable and the original recommendation to approve this proposal remains.

Conditions

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.

2. The building hereby approved shall only be used for domestic purposes ancillary to 65A Lissan Road, Cookstown, BT80 8EW.

Reason: To protect the amenity of neighbouring properties

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Signature(s):**Date**

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0060/F	Target Date:
Proposal: Proposed garage and store within the curtilage of existing dwelling	Location: 65A Lissan Road Cookstown
Referral Route: Objection received	
Recommendation:	Approval
Applicant Name and Address: Mr Paul Donnelly 65A Lissan Road Cookstown	Agent Name and Address: Manor Architects Stable Buildings Manor House 30a High Street Moneymore BT45 7PD
Executive Summary:	
Signature(s):	

And to the



Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Summary of Issues

Two objections have been received from a neighbouring property raising concerns about the impact the proposal would have on their amenity in terms of loss of light and overshadowing. The objector also raised concerns regarding the size and location of the proposed garage. These objections have been fully considered as part of this assessment

Characteristics of the Site and Area

The site is located within the settlement limits of Cookstown as per the Cookstown Area Plan 2010. The site currently has a large detached two storey dwelling located here, with access taken from the Lissan Road, with a small driveway leading to the dwelling, with the a spacious garden extending further north. The site is bounded on all sides with

existing mature planting on all boundaries, screening the site well from the surrounding area which is mainly residential, with a housing development to the east and a single dwelling to the western boundary.

Description of Proposal

This is a full planning application for a proposed garage and store within the curtilage of the existing dwelling at 65A Lissan Road, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

Addendum to PPS 7- Residential Extensions and Alterations

The SPPS provides a regional framework of planning policy that will be taken into account of in preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore; transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Paragraph 6.137 of the SPPS advises that residential extensions should be well designed.

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

- (a) The scale, massing, design and external material of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

I am content that the design and materials proposed are sympathetic with the built form and appearance of the existing property as they are to match the finishes of the existing dwelling, with a mixture of red brick and smooth render finishes to the walls. Views of the garage will be limited from the public road. In terms of the scale and massing of the proposal, the objector raised some concerns regarding this, as the garage is proposed to have a ridge height of 7.7m from finished floor level, with a garage on the ground floor and a store at first floor level. Although, I am content a garage of this size is sympathetic with the existing dwelling, which is a large two-storey dwelling, and with the existing screening at the site, it will not detract from the appearance and character of the surrounding area.

The objector raised concerns that the original proposed siting of the garage was close to the boundary (approximately 2m away) and this would have a negative impact on their amenity in terms it may cause issues regarding the loss of light. It was agreed at a group meeting that the garage should be sited further away from the eastern boundary as to

alleviate concerns surrounding impacts on the amenity of neighbouring residents. The applicant then submitted amended plans, which show the garage is located 5m from the western boundary, and approximately 9m away from the sunroom located at the rear of the objectors property. It was agreed at a group discussion this was a more acceptable distance and it has been felt this would alleviate the concerns raised by the objector. However, following re neighbour notification, a further objection has been received stating they believe the proposal will still cause issues with a loss of light on the sunroom. They stated it would be preferable if the garage were located closer to the Lissan Road, away from the rear of their property.

However, I am content there is sufficient space between the proposed garage and the objectors dwelling that it will not result in a loss of light. I have no concerns that the proposed garage would result in a loss of privacy on any neighbouring property.

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

Given the size of the existing curtilage which extends to the north, I am content that sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Other policy and material considerations

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

Neighbour Notification Checked	Yes/No
Summary of Recommendation:	
Approval	
Conditions	
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.	
2. The building hereby approved shall only be used for domestic purposes ancillary to 65A Lissan Road, Cookstown, BT80 8EW.	
Reason: To protect the amenity of neighbouring properties	

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Signature(s)

Date:

ANNEX	
Date Valid	18th January 2021
Date First Advertised	2nd February 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) Joachim McErlane . The Owner/Occupier, 4 Liscoole Cookstown Tyrone The Owner/Occupier, 5 Liscoole Cookstown Tyrone The Owner/Occupier, 6 Liscoole Cookstown Tyrone The Owner/Occupier, 65 Lissan Road Cookstown Tyrone The Owner/Occupier, 67 Lissan Road Cookstown Tyrone Joachim & Lorraine McErlane	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0060/F Proposal: Proposed garage and store within the curtilage of existing dwelling Address: 65A Lissan Road, Cookstown, Decision: Decision Date: Ref ID: LA09/2020/0818/O Proposal: Proposed site for 4 No dwellings (Amended Plan) Address: 20m East of 67 Lissan Road, Cookstown, Decision: Decision Date: Ref ID: I/2012/0232/F Proposal: New two storey dwelling and garage Address: Between 65 And 67 Lissan Road, Cookstown, Co Tyrone, Decision: PG	

Decision Date: 25.10.2012 Ref ID: I/1996/0019 Proposal: Dwelling Address: LISSAN ROAD, OLDTOWN, COOKSTOWN Decision: Decision Date:
Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 REV 01 Type: Site Layout or Block Plan Status: Submitted Drawing No. 03 Type: Proposed Floor Plans Status: Submitted Drawing No. 04 Type: Proposed Elevations Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department: