



05 October 2021

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 05 October 2021 at 19:00 to transact the business noted below.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. Apologies
2. Declarations of Interest
3. Chair's Business

Matters for Decision

Development Management Decisions

4. Receive Planning Applications

9 - 278

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2019/0387/F	Retention of dwellings (not constructed in accordance with I/2005/0596/F) and minor additional levels to rear garden at 19 & 21 Lucy Street Pomeroy for Laurence McDonald.	APPROVE
4.2.	LA09/2020/0007/O	Residential development with open space, landscaping, new	APPROVE

		road infrastructure and associated site works including the demolition of farm outbuildings at lands adjacent to 185 Ballyronan Road, Ballyronan Magherafelt for Sylvia Watt.	
4.3.	LA09/2020/0480/F	Erection of 3 additional commercial units and associated car parking (Amended Plan) at existing yard at 3A Desertmartin Road, Tobermore, for Asphalt Burner Services.	APPROVE
4.4.	LA09/2020/0521/F	Residential Development of 30 Semi-Detached & 7 Detached Dwellings with associated access, Roads, Footway, Landscaping & Parking at Site Between Nos 6 & 8a Drumearn Road and to the rear of Nos 1, 1a & 1b Killicurragh Road Orritor Cookstown for Gallion Development (NI) Ltd	APPROVE
4.5.	LA09/2020/0739/F	Site for 2 detached dwellings and garages at 25m W of 76 Gortgonis Road Coalisland for Mr Conor Tennyson.	APPROVE
4.6.	LA09/2020/0759/F	Housing development consisting of 8 dwellings with associated access, roads, landscaping and provision of temporary treatment plant (Amended Plan) at lands adjacent to 121 Ruskey Road, The Loup, for Mr McVey	APPROVE
4.7.	LA09/2020/1046/F	Retention and relocation of partially constructed Farm Shed for Farm machinery storage, and animal shelter and amendments to approved under LA09/2017/0977/F at 40m NE of 28A Toomog, Galbally for Noel Mc Elduff.	REFUSE
4.8.	LA09/2020/1098/F	Retention of existing structure to outdoor drinks area at Regans Bar, 19 Hall Street, Maghera for Bernard Regan.	REFUSE
4.9.	LA09/2020/1322/O	Dwelling adjacent to 59 Drumaspil Road Drumcrow Dungannon for Eamonn Donnelly.	REFUSE

4.10.	LA09/2020/1497/F	20 x 30m 3G multi use games area (MUGA) at the Presbyterian Church with ancillary works including floodlighting infrastructure (no Lighting) and fencing; upgrading of the existing carpark, new footpath, link with raised kerb to the school and the MUGA and new railings and gates along Edendoit Road frontage at land adjacent to 1 Edendoit Road, Pomeroy, Dungannon for Mid Ulster District Council.	APPROVE
4.11.	LA09/2020/1570/O	Site for dwelling and garage at 20m SW of 128 Lisclare Road Lisclare, Dungannon for Joe Quinn.	REFUSE
4.12.	LA09/2020/1590/F	Farm building to incorporate stables, farm office, central heating plant room, agricultural storage and farm machinery garage, creation of farm laneway & alterations to public road access at 50m SE of 21 Tandragee Road, Pomeroy, for Mr Kyle Smyth.	REFUSE
4.13.	LA09/2020/1643/F	Walking trails within Pomeroy forest, on the site of the existing trails, and a sensory garden to the S of the vacant site of the previously abandoned new forestry building at 56 Pomeroy Road Tanderagee Road, Pomeroy, for Mid Ulster District Council.	APPROVE
4.14.	LA09/2021/0095/O	Infill dwelling and garage 35m NE Of 8 Drumconready Road, Maghera, for Joe Heron	APPROVE
4.15.	LA09/2021/0273/O	Site for dwelling and garage at Land at Tullaghmore Road Roughan Road Cross Roads opposite and 30m S of 57 Tullaghmore Road Dungannon for Joanne Badger & Jamie Allen.	REFUSE
4.16.	LA09/2021/0317/O	Infill dwelling and garage between 23 and 27a Macknagh Lane, Upperlands, Maghera for Mr Paddy Mc Eldowdoney.	REFUSE

4.17.	LA09/2021/0352/F	Stable and store at lands approx. 55m W of 303 Battleford Road Dungannon for Mr Patrick McKenna.	REFUSE
4.18.	LA09/2021/0443/O	Dwelling & garage in gap site 30m W of 154 Battery Road Cookstown for Shauna Quinn	REFUSE
4.19.	LA09/2021/0645/A	4 signs 100mm x 200mm x100mm above ground level ay Moneymore Road roundabout, Magherafelt for Mid Ulster District Council.	APPROVE
4.20.	LA09/2021/0646/A	4 signs 100mm x 200mm x100mm above ground level at Ballyronan Road roundabout, Magherafelt for Mid Ulster District Council.	APPROVE
4.21.	LA09/2021/0647/A	4 signs 100mm x 200mm x100mm above ground level at Aughrim Road, roundabout, Magherafelt for Mid Ulster District Council.	APPROVE
4.22.	LA09/2021/0678/O	Dwelling at land adjacent to and SE of 39 Brookend Road Ardboe, for Seamus Mc Guckin	REFUSE
4.23.	LA09/2021/0749/F	Change of use from existing part forest and provision of car park (110m SW of 25 Brackagh Road, Iniscarn Road, Iniscarn, Desertmartin) and provision of play park within the existing forest (275m SW of 25 Brackagh Road, Iniscarn Road, Iniscarn, Desertmartin). Upgrade of existing forest trails and ancillary trail signage / waymarker posts - Iniscarn Forest, Iniscarn Road, Desertmartin for Mid Ulster District Council.	APPROVE
4.24.	LA09/2021/0831/F	Application to vary condition 14 of LA09/2019/0665/F to facilitate early occupation of the completed new school building prior to the completion of all site works which will include in curtilage turning/drop off areas at Holy Trinity College 9-29 Chapel Street Cookstown. for St Patrick's Educational Trust Limited.	APPROVE

4.25.	LA09/2021/0874/O	Dwelling and garage 30m NE of 122 Creagh Road, Anahorish, Castledawson for Mr Malachy Gribbin.	REFUSE
4.26.	LA09/2021/0910/O	Dwelling in an infill site at land 200m SW of 211 Ardboe Road Moortown for Patrick Quinn	REFUSE

5. Receive Deferred Applications

279 - 518

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2019/0733/O	Infill dwelling at 156m SW of 30 Mulnavoo Road, Draperstown, for Cormac Mc Cormick	APPROVE
5.2.	LA09/2019/0763/O	Dwelling and garage for a Lough Neagh fisherman at 29m S of 6 Annaghmore Road, Cookstown for Sean Quinn.	REFUSE
5.3.	LA09/2019/1183/F	Retention of Building for Communal Site Canteen, Locker Room + First Aid Facilities, Adjacent to 18 Cookstown Road, Dungannon for Barry O'Neill.	REFUSE
5.4.	LA09/2020/0841/O	Site for a dwelling and domestic garage at approx 45m W of 59 Lurgaboy Lane, Dungannon, for Darren McKenna.	REFUSE
5.5.	LA09/2020/0881/O	Dwelling & garage at approx 140m NW of 57 Tullyodonnell Road, Rock for Mr Enda Mallon	REFUSE
5.6.	LA09/2020/0899/O	Site for a dwelling & domestic garage at approx 15m N of 69 Anneeter Road, Coagh, Cookstown for Mr Charles Mallon.	APPROVE
5.7.	LA09/2020/1027/F	Infill site for 2 dwellings and garages between 11B and 11E Hillside Road, Upperlands for Mr Danny Mc Master.	REFUSE
5.8.	LA09/2020/1093/F	Agricultural general purpose storage shed adjacent to 68 Lurgylea Road, Dungannon, for James Gerard McElroy.	APPROVE
5.9.	LA09/2020/1119/O	Domestic dwelling and garage in a cluster at 10m W of 44 Ballyscullion Road, Bellaghy, for Mr Brian Milne.	REFUSE
5.10.	LA09/2020/1217/F	2 dwellings with domestic garage (amended scheme) immediately	APPROVE

		adjacent to 12 Station Road, Moneymore for Cherrybrook Developments Ltd.	
5.11.	LA09/2020/1225/O	Infill dwelling at land adjacent to 214 Hillhead, Castledawson for Jim Mc Pherson.	REFUSE
5.12.	LA09/2020/1317/O	Site for dwelling and garage at lands between 17-19a Drumrot Road, Moneymore for Miss Z McClintock.	REFUSE
5.13.	LA09/2020/1394/O	Dwelling on a farm between 112 & 118 Ardboe Road, Moortown, Cookstown for Ruairi Donnelly and Aimee O'Neill.	APPROVE
5.14.	LA09/2021/0103/F	Dwelling under I/2006/0905/RM, 20m W of 24 Annahavil Road, Dungannon for Miss Lyn Somerville.	APPROVE
5.15.	LA09/2021/0331/O	Site for dwelling at approx 30m SE of 43 Ardagh Road, Coagh, for Mr Pat Mc Guckin.	APPROVE
5.16.	LA09/2021/0333/O	Site for dwelling at approx 20m NW of 90 Ballinderry Bridge Road, Coagh for Mr Pat Mc Guckin	APPROVE
5.17.	LA09/2021/0495/O	Infill dwelling at site NW of 7a Killycurragh Road Orritor, Cookstown (with access via Craigs Road) for Mr Maurice Freeburn.	REFUSE

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| 6. | Receive response to DAERA on draft Cycle River Basin Plan | 519 - 526 |
| 7. | Receive report on correspondence from Dalradian Gold | 527 - 530 |
| 8. | Receive Report on HED Public Consultation | 531 - 590 |

Matters for Information

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|----|--|-----------|
| 9 | Planning Committee minutes of meeting held on 7 September 2021 | 591 - 618 |
| 10 | Receive correspondence from the Ulster Farmer's Union | 619 - 626 |

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

Matters for Information

11. Special Planning Committee confidential minutes of meeting held on 7 September 2021
12. Planning Committee Confidential minutes of meeting held on 7 September 2021
13. Enforcement Cases Opened
14. Enforcement Cases Closed



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0387/F	Target Date:
Proposal: Retention of dwellings not constructed in accordance with approved planning approval I/2005/0596/F and minor additional levels to rear garden. (Amended plans 02/4 and 04/3 received)	Location: 19 & 21 Lucy Street Pomeroy Co Tyrone.
Referral Route: This application is being referred to Committee as it has attracted one letter of objection.	
Recommendation:	APPROVE
Applicant Name and Address: Laurence McDonald 19 Lucy Street Pomeroy BT70 2QR	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response

Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Content
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		
<p>There has been one letter of objection received in respect of the planning application which raised the following issues:-</p> <ul style="list-style-type: none">- Significant importation of material resulting in substantial increase in ground levels over the approved levels on I/2005/0596/F;- The knock-on effect on finished floor and ridge levels for dwellings which are a lot closer to the neighbours dwelling;- Lack of defined screening along the neighbouring boundary;- Inter-visibility between habitable rooms of the proposed dwelling and the objectors dwelling;- Loss of privacy;- Loss of screening provided by wall and railing due to the increase in site levels;- Given the extent of the material brought onto the site, is this material wholly within the site outline or does it extend beyond the site boundary;- Previous approval I/2005/0596/F indicated 9 no. Alder and 10 no. Ash trees to be planted along the boundary between the site and the objectors property. This has not been done to the detriment of residential amenity;- The levels indicated on the block plan and cross-sections are confusing and seeks assurances that the applicant will reduce the levels to the indicated proposed levels.- The level of detail shown on section B-B;- The current use of the rear garden space of the site is for the storage of building materials;- The lack of a landscaping schedule for the eastern boundary adjacent to the public road.- The proposal is contrary to PPS 7 Policy QD1;- Raised ground levels will impact the structural integrity of the neighbours boundary wall;- Site levels should be reduced;- Amended plans should be submitted showing reduced site levels and provision of boundary fencing, which should be subject to a time limit condition;- The tin along the boundary should be removed and replaced with planting which should again be conditioned by way of time-limit;- Permitted development rights should be withdrawn.		
Description of Proposal		
<p>The proposal is for the retention of two dwellings not constructed in accordance with approved planning approval I/2005/0596/F and minor additional levels to rear garden.</p>		

Characteristics of the Site and Area

The site is currently occupied by a pair of large 2 storey semi-detached dwellings which has the appearance of a single dwelling. The pair of semi's have a single front entrance door to the dwelling next to no.17, hereinafter referred to as No.19, with a second front door to the other dwelling, hereinafter referred to as No.21, at the western side.

The dwellings have been moved further back on the site from the original approved position by approximately 6m and there has been a considerable amount of infilling taken place. There would appear to be approximately 1.2m difference between the finished floor levels of No.17 and those of the proposed dwellings. The ground levels have been raised to such an extent that they extend above the level of the boundary wall and have resulted in the use of sheets of corrugated tin and timber sheeting to hold the fill back from falling over the boundary wall.





It is noted that the boundary wall is not a retaining wall but simply a single skin concrete block wall which extends from 0.4m high at the rear of no.17 to 0.75m high at the front. A 0.75m high decorative rail fence is erected on top of the wall. Ground levels at the side and rear of No.19 exceed the height of the wall by as much as 0.5m, which has resulted in the need for unsightly corrugated iron sheeting to be positioned along the wall to prevent the fill from falling over the wall/fence.



No.17 has two windows and a pair of french doors with side windows along the gable next to the site. The position of these windows and doors has resulted in the occupants of No.19 being able to look over the wall/railings and into the habitable rooms of No.17.



This situation has been exacerbated by the amount of infilling that has taken place on the site in addition to the non-provision of the boundary treatment.

Planning Assessment of Policy and Other Material Considerations

Assessment of planning policies and other considerations

The relevant policies for consideration of this application are:

Cookstown Area Plan 2010

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Creating Places

The lands in question are contained within the settlement development limits of Pomeroy as defined in the Cookstown Area Plan 2010. The site sits immediately adjacent to and outside the Area of Townscape Character.

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

The proposed development is assessed against these criteria as follows:-

(a) The proposal fails to meet the first of these criteria in that whilst it respects the surrounding context in terms of layout, density, scale proportions, massing and

appearance of the building, it fails to respect the surrounding context due to the elevated nature of the rear of the site. This has been raised to such an extent that it has an overbearing effect on the neighbouring property.

(b) There are no features of archaeological or built heritage on this site. There are no TPO's near the site.

(c) This layout is for 2 dwellings and therefore there is no requirement for the provision of public open space. However, there is a requirement for the proposed development to, where appropriate, provide planted areas or groups of trees along site boundaries in order to soften the visual impact of the development. The proposed scheme, as exists on site, fails to do so in that no boundary planting exists nor is any planting proposed along the site boundaries. In fact, so much infilling has taken place on the site that the ground levels exceed the height of the neighbouring boundary wall to such an extent that the applicant has inserted sheets of corrugated iron cladding against the wall to prevent the fill from spilling over the wall/railing. The previous approved scheme indicated the existing mature trees to be retained in addition to the planting of 19 new trees around the new site boundaries, however, the existing mature trees were removed and no new trees were planted.

Amended plans were submitted to address these issues, showing boundary landscaping and the removal of the corrugated tin sheeting, and provided they are appropriately conditioned and enforced, then the proposal could be acceptable in this respect.

(d) As the site is close to and within walking distance of the centre of Pomeroy, the provision of neighbourhood facilities are not deemed necessary within the site;

(e) The site has good access onto Lucy Street and will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system;

(f) Adequate provision is made for parking of vehicles at each dwelling within the site.

(g) The design of the proposed development is acceptable in terms of form, materials and detailing. Careful attention needs to be given to the boundary treatment along the eastern boundary adjacent to No.17 so as to ensure the existing ground levels are reduced to an acceptable level thereby protecting the privacy and residential amenity of No.17.

(h) At present the proposal creates a conflict with the adjacent dwelling at No.17 due to the proposed dwellings having been repositioned on the site which are now approximately 6m forward of the previous approved position. Consequently the ground levels of the rear yards have been substantially infilled, bringing these up to and above the level of the boundary wall with No.17. The boundary wall is approximately 1.5m from the gable wall of No.17 which has two windows and a pair of French doors with side lights, all of which are into habitable rooms. Finished floor level of No.17 is approximately 0.3m below the top of the retaining wall, so given the levels of the filled ground directly opposite these windows and doors, there is a substantial loss of privacy to the occupants of No.17. This has only been exacerbated by the removal of the existing trees along the common boundary to the front and the non-provision of the approved planting to the rear. This is also heightened by the excessive infilling along the side of No.19 and the unsightly use of the corrugated iron sheeting on the boundary which has a detrimental impact on the enjoyment of both the habitable rooms as well as the front amenity space of No.17.

The aforementioned amended plans show reduced ground levels along the side and rear of the proposed dwellings, the removal of the corrugated sheeting and provision of boundary fencing and landscaping, all of which if carried out in its entirety would reduce

the impact of the proposed development on the neighbouring amenity to an acceptable level.

(i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

Transport NI advised that the proposed development is acceptable subject to the suggested conditions.

Recommendation

On consideration of the above and taking into consideration the amendments as indicated on the most recently submitted drawing, it is my opinion that planning permission should be approved subject to the following conditions:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions:

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The existing ground levels shall be reduced to and permanently retained at those as indicated on drawing no 02/4 date stamped 10th May 2021 within six weeks of the date of this decision.

Reason: In the interest of residential amenity.

3. The corrugated iron sheeting along the rear south eastern boundary of the site adjacent No.17 Lucy Street shall be permanently removed within six weeks of the date of this decision.

Reason: In the interest of residential amenity.

4. The screen fence as detailed on the stamped approved drawing no. 02/4 date stamped 10th May 2021 shall be erected in full within 8 weeks of the date of this decision and permanently retained thereafter.

Reason: In the interest of residential amenity.

5. All proposed planting as indicated on the stamped approved drawing no. 02/4 shall be undertaken during the first available planting season following the date of this decision and shall be retained at a minimum height of 1.8m.

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	22nd March 2019
Date First Advertised	4th April 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 17 Lucy Street Pomeroy Tyrone Mace Pomeroy Email Theresa Cassidy Town & Country Planning Consultants, Unit C12, The Business Centre, 80-82 Rainey Street, Magherafelt, BT45 5AJ	
Date of Last Neighbour Notification	21st May 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: I/2004/0844/F Proposal: Proposed Replacement of Existing Dwelling with New Two Storey Dwelling and Garage Address: 17 Lucy Street, Pomeroy Decision: Decision Date: 09.11.2004 Ref ID: I/1998/0466 Proposal: Erection of 2 No. Semi-Detached Dwellings and Estate Road Address: ADJACENT TO 17 LUCY STREET POMEROY Decision: Decision Date: Ref ID: I/2005/0596/F Proposal: 2 No Dwellings & Associated Site Works Address: Lands 30m North West of 15 Lucy Street, Pomeroy Decision: Decision Date: 20.09.2006	

Ref ID: LA09/2019/0387/F

Proposal: Retention of dwelling not constructed in accordance with approved planning approval I/2005/0596/F and minor additional levels to rear garden.

Address: 19 & 21 Lucy Street, Pomeroy, Co Tyrone.,

Decision:

Decision Date:

Ref ID: I/2001/0774/O

Proposal: Proposed 2 No Dwellings

Address: 25 M West of 15 Lucy Street, Pomeroy

Decision:

Decision Date: 29.03.2002

Ref ID: LA10/2018/1475/PAD

Proposal: Heart of Ancient Ulster Landscape Partnership 2019-2024

Address: Lands on Carrickmore Plateau and the Pomeroy Hills, Co Tyrone,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 02/4

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 04/3

Type: Levels and Cross Sections

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



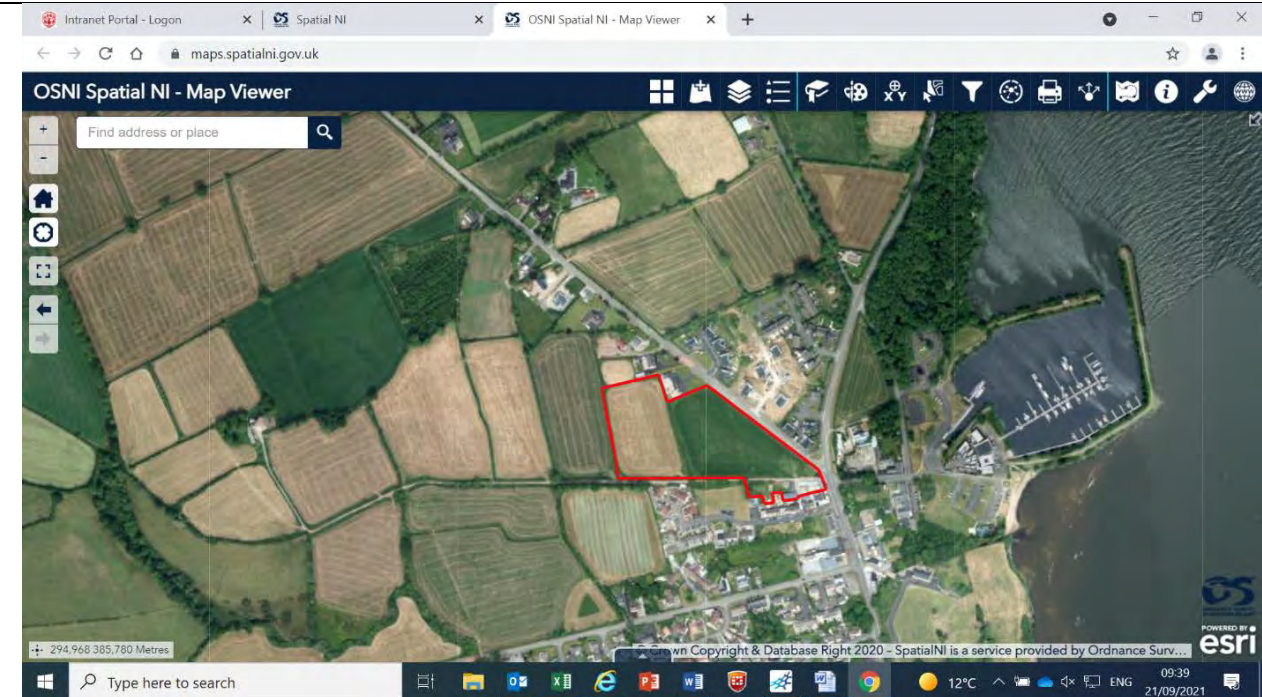
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0007/O	Target Date: 30/7/20
Proposal: Proposed residential development with open space, landscaping, new road infrastructure and associated site works including the demolition of farm outbuildings	Location: Lands adjacent to 185 Ballyronan Road Ballyronan Magherafelt
Referral Route: Major application.	
Recommendation:	APPROVE
Applicant Name and Address: Sylvia Watt 42 Forthill Road Dromore BT25 1RF	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Water - Multi Units West - Planning Consultations	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	Advice
Statutory	NIEA	Content
Advice and Guidance	Shared Environmental Services	Substantive Response Received

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

Details of the Proposal:

Proposed residential development with open space, landscaping, new road infrastructure and associated site works including the demolition of farm outbuildings in compliance with Planning Policy Statement 7 (PPS 7): Quality Residential Environments

Characteristics of the Site and Area

The site is located within the limit of development for Ballyronan as defined within the Cookstown Area Plan 2010. Located between an agricultural laneway and the Ballyronan Road, from which access is proposed, the site is over 3 hectares in size. The site is made up of two fields with internal and boundary hedge lines. Landform is mainly flat with a general fall from west to east. Within the south eastern portion of the site are building which include old post office as well as agricultural buildings. A laneway defines the southern boundary with the Ballyronan Road defining the north eastern boundary. All other boundaries are defined by hedge lines. Land use adjacent to the site includes detached residential units to the north with residential estates to the north east and south. The western site boundary defines the limit of development for the settlement.

Relevant Site Histories:

The only recent relevant site history identified is LA09/2021/0757/F: approval for Change of use from the old Post office to a Café, approved 23/8/21. Close to the junction of the Ballyronan and Shore roads.

Representations:

No representations received from press notice or neighbourhood notification. Consultation with Department for Infrastructure - Roads, Department for Infrastructure - Rivers, Department for Agriculture Environment and Rural Affairs, Northern Ireland Water and Shared Environmental Service has raised no concerns subject to conditions and informatives.

Planning Assessment of Policy and Other Material Considerations

The site is located within the limit of development for Ballyronan as defined by the Cookstown Area Plan 2010 (CAP) where Planning Policy Statement 7 (PPS 7): Quality Residential Environments applies. As this application is for outline permission there is no requirement for detailed proposal however a concept plan is required and has been submitted. This plan sets out an approach to the site development in general terms only and it may not be the only concept available for the land. In my opinion, the proposal respects the surrounding context, character and topography in terms of layout, scale and proportions. No features of archaeological or built heritage have been identified, and identified landscape features will be protected and integrated in a suitable manner into the overall design and layout of the development by way of condition; adequate provision is made for public and private open space and landscaped areas. The movement pattern can support walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and will incorporate traffic calming measures; adequate and appropriate provision can be made for parking; the design of the development will be required to draw upon the best local traditions of form, materials and detailing; the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and the development can be designed to deter crime and promote personal safety.

Other Policy and Material Considerations:

Planning Policy Statement 8 (PPS8): Open Space, Sport and Outdoor Recreation is a material consideration for this proposal. The Concept Plan indicates, in general terms proposal for public open space, which in my opinion is acceptable. Conditions will ensure provision of same.

Northern Ireland Water has indicated that wastewater capacity is not available for the site, however the applicant intends to provide a separate sewerage treatment plant within the site and conditions regarding sewerage servicing of the site should be attached.

This application being categorised as major has complied with the requirements of the Planning (Development Management) Regulations (Northern Ireland) 2015

Mid Ulster Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 31/08/2021. This found that the project would not be likely to have an adverse effect on the integrity of any European site.

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 7: Quality Residential Environments and Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation are retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area, no other issues have been identified.

Neighbour Notification Checked

Yes

Recommendation:

I recommend that planning permission is granted subject to conditions.

Conditions

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

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

Reason: Time Limit

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

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

3. The development hereby approved shall incorporate such a mix of dwelling types and such a range of unit sizes as may be approved by the Council.

Reason: To provide a comprehensive mix of housing units in accordance with the provision of Planning Policy Statement 7: Quality Residential Environments.

4. All existing trees, shrubs and hedges/natural screening on the boundaries of the site shall be permanently retained unless otherwise agreed in writing with the Council. If any such tree, shrub or hedge is removed, uprooted, destroyed, dies or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species shall be planted at the same place during the next planting season, unless the Council gives its written consent to any variation.

Reason: To ensure the development integrates in a satisfactory manner into the locality.

5. The development shall include delineated areas of private and public open space (the public open space comprising not less than 10% of the total site area), incorporating planted areas, play areas and informal recreational areas, laid out and maintained in accordance with a Landscape Scheme, comprising planting details including species, size at time of planting, siting and planting distances with a programme of planting. The Scheme shall also include a Management and Maintenance Schedule which includes the long term objectives, performance indicators and management responsibilities for all landscaped areas, including privately owned domestic gardens, where they are used as an integral part of the overall landscaping scheme. Trees and shrubs dying within 5 years of planting shall be replaced with trees and shrubs similar in size to that dying. The Landscape Scheme shall be submitted to and agreed with the Council at Reserved Matters stage and the details shall be carried out as agreed.

Reason: To ensure that there is a satisfactory standard of open space provided and maintained in perpetuity in accordance with the provisions of Planning Policy Statement 8 (PPS8) - Open Space, Sport and Outdoor Recreation.

6. The open space areas referred to in condition 5 above shall be managed in perpetuity by a Management Company the details of which shall be submitted to and agreed with the Council at reserved matters stage. (See informative no 3).

Reason: To ensure that the open space provision is managed in perpetuity in accordance with Planning Policy Statement 8 (PPS8) Open Space, Sport and Outdoor Recreation.

7. No dwelling shall be occupied in the proposed development until the Landscape Scheme referred to in Condition 5 above has been agreed in writing by the Council.

Reason: To ensure that there is provision for the long-term maintenance of common open space.

8. No development including site clearance works, lopping, topping or felling of trees, trucking machinery over tree roots, shall take place until full

details of both and hard and soft landscape works have been submitted to and approved in writing by the Mid Ulster Council and these works shall be carried out as approved. These details shall include: proposed finished levels/existing and proposed contours/means of enclosure.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

9. Prior to the commencement of any other development on the site, hereby approved the developer shall submit to the Mid Ulster Council details of all boundary treatments defining both the site boundary and the curtilage of each unit and receive approval in writing. The boundary treatments shall be constructed as per the approved drawing(s) and provided prior to the occupation of any unit within the development.

Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment in accordance with Planning Policy Statement PPS 7 - Quality Residential Environments.

10. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The development shall be in accordance with the requirements of the Council's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Council shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

11. The visibility splays of 4.5 metres by 70 metres at the junction of the proposed access road with the Ballyronan Road, shall be provided prior to the commencement of any other works or other development.

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

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

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

13. All direct access to dwellings shall be from the new development access road. Direct access for dwellings shall not be permitted onto the Ballyronan Road.

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.

14. No other development hereby permitted shall be commenced until a minimum 2 metre wide footway along the site frontage with appropriate connection to the existing footway network has been fully completed in accordance with details to be submitted to and approved by the Council at Reserved Matters stage.

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

15. The appointed contractor shall submit a Final site specific Construction Environmental Management Plan (CEMP) for approval by Mid Ulster District Council Planning before commencement of any works on site. This plan should contain all the appropriate pollution prevention mitigation as contained within the Outline CEMP by Sheehy Consulting dated 25/02/2021 and as advised by NIEA WMU and NED in their response to the consultation dated 18/08/2021.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase that will prevent adverse effects on features of European Sites in Lough Neagh.

16. Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) shall be submitted to the Planning Authority for their written agreement prior to works commencing on site.

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

17. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure a practical solution to sewage disposal is possible at this site that will protect the features of European Sites in Lough Neagh from adverse effects and To ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available.

18. There shall be no demolition/modification works carried out on the buildings with known bat roost until a NIEA protected species licence has been obtained and evidence of this has been submitted to the planning authority.

Reason: To protect bats.

19. At Reserved Matters, Drawings must be submitted which details the provision of like-for-like compensatory bat roosts for the loss of known roosts on the site and as noted within the Bat Survey report, i.e. a minimum of 2 no. Schwegler 2F (or similar) bat boxes to be installed on boundary walls of retained structures/trees, provision of a void space suitable for brown long-eared bat, and provision of internal bat boxes within the structure of the new buildings.

A Bat Mitigation Plan (BMP) must be submitted which details all mitigation and compensation measures to be undertaken in relation to bat roosts. All bat boxes must be in place prior to demolition of buildings with known bat roosts.

If no works are to take place on these buildings, drawings must be submitted which clearly indicates that they will be retained and unaltered.

Reason: To protect bats and to compensate for loss of any bat roosts.

20. At Reserved Matters a Lighting Plan shall be submitted which provides details of proposed artificial lighting to include a map showing predicted light spillage across the site, and to include a light spill of less than 1 Lux at the vegetated boundaries and the laneway at the southern boundary and compensatory roosts.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species.

21. No works on buildings or structures or vegetation clearance/removal of hedgerow or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

22. Plans at Reserved Matters shall show retention of trees and hedgerow on the site boundaries and retention of the adjacent access lane as indicated on the conceptual site layout and details of sufficient compensatory planting with native species for removal of hedgerow within the site.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species and priority habitat.

23. At reserved matters stage a level 5 meter maintenance strip shall be shown adjacent all watercourses and marked up on all layout drawings and be protected from impediments (including tree planting), land raising or future unapproved development.

Reason: to ensure that DfI Rivers can implement its obligations to maintain the watercourse.

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. The design concept plan submitted 28th April 2021 is considered to be generally acceptable for the development of the site. The Concept Plan may not be the only design that would be considered acceptable to the Council. If the developer wishes to discuss alternative proposals, then the Council will enter into discussions based on PPS7 - Quality Residential Environments, PPS8 - Open space, Sport and Outdoor Recreation and other relevant publications.

3. Attention is drawn to conditions 5 and 6 which require a commitment in respect of the provision and maintenance of open space. Implementation of the work required and arrangements for the long term management of maintenance works may require the establishment of a resident's management company set up between the developer and future house-owners. Prospective purchasers should be aware of the implications of these matters and should seek legal advice.

4. Department of Agriculture, Environment and Rural Affairs informatives:

Water Management Unit

Water Management Unit has considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant noting the advice in the Explanatory Note, the applicant referring and

adhering to Standing Advice, and obtaining any relevant statutory permissions, including compliance with PPS 15: FLD 04.

Recommended conditions and informatives are set out in DAERA Standing Advice on Multiple Dwellings, available at: <https://www.daera-i.gov.uk/publications/standing-advicedevelopment-may-have-effect-water-environment-including-groundwater-and-fisheries>

Water Management Unit notes drawing A1 Site Drainage Plan 06?, as uploaded to the Planning Portal on 18th May 2021, where the proposal is for foul sewage to be disposed of to a treatment plant.

All proposed developments should connect to a mains sewer, where available, and providing the sewer and associated Waste Water Treatment Works (WWTW) can accommodate the additional load. Northern Ireland Water Limited (NIW) can advise if this is possible. Water Management Unit notes the response of NIW uploaded to the NI Planning Portal on 17th February 2020.

If it is not possible to connect to a NIW sewer then Discharge Consent, issued under the Water (Northern Ireland) Order 1999 will be required for the discharge of sewage from this proposal.

However the applicant should be aware that there is no guarantee that discharge consent will be granted, as a number of site specific factors need to be taken into account in assessing the suitability of the proposed means of effluent disposal.

It should be noted that Discharge Consent can only be assessed whenever the Department has received an application deemed complete accompanied by the appropriate fee. To this end Water Management Unit strongly recommends the applicant contact the Water Regulation Team at industrialconsents@daera-ni.gov.uk at their very earliest convenience to discuss the matter.

Water Management Unit has reviewed the Construction Environmental Management Plan (CEMP) submitted by the applicant/agent for those areas that fall within our remit, and would advise:

Water Management Unit would request clarification regarding the refuelling area is it situated on impermeable ground with no pathways to environmental receptors.

Section 1.87 - Regarding storage of stockpiles and their management, silt management principles should also be considered, in order to minimise and reduce risk to environmental receptors, and best practice guidelines as per CIRIA and GPP/PPGs should be considered for inclusion;

Water Management Unit notes references to settlement being adequately designed so that no silty water is permitted to enter the waterway, and also in Section 1.94 where discharge points will be located far enough from watercourse to allow infiltration and settlement prior to any discharged water entering the water course. All such mitigation measures should be designed, monitored and maintained in accordance with CIRIA specifications to ensure they function effectively and that discharges are monitored to minimise against the risk of pollution.

Water Management Unit does not need to be reconsulted on any alterations at this moment, but would welcome clarification of these points in the final CEMP to be submitted for Water Management Unit's approval ahead of the commencement of works on the site. Water Management Unit's Pollution Prevention Team (nieapollutionprevention@daerani.gov.uk) will be happy to advise on the contents of any CEMP or provide any pollution prevention advice that may be required.

Water Management Unit recommends that any Construction Environmental Management Plan (CEMP) should be submitted at least 8 weeks prior to works beginning on site in order to help ensure adequate time is available for agreement prior to any scheduled start date.

The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Multiple Dwellings.

Due to the close proximity of the site to several watercourses, care will need to be taken to ensure that polluting discharges do not occur during the demolition, construction and operational phases of the development. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Pollution Prevention Guidelines.

Water Management Unit notes that there is an intention to culvert two sections of different watercourses as part of the proposal (as per Section 1.109 of the CEMP issued by Ronan Sheehy and dated 25/02/21). The construction of new culverts should be avoided unless no practicable alternative exists. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice on Culverting. Details of mitigating measures to address the environmental impacts of the construction and operation of the culvert on the aquatic environment should be presented in any CEMP submitted for Water Management Unit's assessment. The Construction Industry Research and Information Association (CIRIA) have published a document titled -Culvert Design and Operation Guidance C689- and Culvert, Screen and Outfall Manual C786, which the applicant may find useful.

Where culverting is proposed it should comply with Planning Policy Statement 15: Planning and Flood Risk Policy FLD 4.

Care should be taken to ensure that only clean surface water is discharged to the nearby watercourses. Water Management Unit recommends the applicant refers and (where applicable) adheres to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems in order to minimise the polluting effects of storm water on waterways.

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for the disposal of contaminated surface water during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment.

All DAERA Standing Advice is available at: <https://www.daerani.gov.uk/publications/standing-advice-development-may-have-effect-water-environmentincluding-groundwater-and-fisheries>

The applicant is informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

Please note that this proposal is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).

The application site contains bats which are a European protected species under the Habitats Regulations and nesting birds, which are protected by the Wildlife (Northern Ireland) Order 1985(as amended) (known as the Wildlife Order).

The application site is hydrologically connected to the following national, European and International designated sites:

- Lough Neagh and Lough Beg Special Protection Area (SPA) which is designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);
- Lough Neagh Area of Special Scientific Interest (ASSI), which is declared under the Environment Order (Northern Ireland) 2002.

Natural Environment Division (NED) acknowledges receipt of the Construction Environmental Management Plan, date stamped 28th April 2021 by Mid Ulster District Council NED has considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided, is content with the proposal subject to conditions and informatives.

Please note this is a desk based response.

Natural Heritage

The applicant's attention is drawn to the following link, for standing advice on protection of the terrestrial and water environment:

- <https://www.daera-ni.gov.uk/articles/standing-advice-0>

Bats

The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place, which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

To avoid any breach of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), all mature trees and buildings which require works should be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines (<http://www.bats.org.uk>). If evidence of bat activity is discovered all works should cease immediately and further advice sought from the Wildlife

Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

Wild Birds

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

kill, injure or take any wild bird; or
 take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 obstruct or prevent any wild bird from using its nest; or
 take or destroy an egg of any wild bird; or
 disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August). No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

Badger

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

[If there is evidence of badger on the site, all works must cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557]

Additional comments:

Bats

The previously submitted Preliminary Ecological Appraisal (PEA), noted that 3 of the 6 outbuildings proposed to be removed from the site, had a Low Bat Roost Potential (BRP). Mature/semi-mature trees were all assessed as having negligible or Low BRP. A subsequent Bat Survey report (date stamped 19th December 2019 by Mid Ulster District Council reclassified a further outbuilding as Low BRP. Subsequent emergence/re-entry surveys of the outbuildings on site found 2 bat roosts - a transitional/occasional day roost used by small numbers of *Myotis* species in the ivy on Building 6, and a night/feeding roost used sporadically by individual *P. auritus* (brown long-eared bat) in Building 1.

The report notes a number of management and protection measures to compensate for the loss of these roosts as the concept plan indicated that these outbuildings will be demolished. NED

notes that the revised Concept Plan (Drawing 04/1) now indicates that the proposed development does not include the area of these buildings. NED are content that the proposal is unlikely to have a significant impact on the local bat population provided the recommended measures are followed and advises that a condition is attached to the decision notice to ensure that a Wildlife Licence is granted prior to the removal/modification of the buildings with known bat roost. NED advises that at Reserved Matters stage, further updated surveys may be required.

NED advises that no works shall be carried out on these buildings until a NIEA Wildlife Licence has been obtained. NED advises that at Reserved Matters, Drawings must be submitted which detail the provision of like-for-like artificial roosting habitats as noted by the ecologist within the Bat Survey Report, and a Bat Mitigation Plan detailing all mitigation and compensation measures to be undertaken in relation to the bat roosts found for the demolition/modification of these buildings.

NED advise that, if these buildings are to be retained, drawings at Reserved Matters shall be submitted which clearly indicate their retention. NED recommend a condition to this effect is appended to any planning approval, and as noted below.

Further, the report noted that bat activity on the site was consistently moderate-high, and the farm laneway along the southern boundary of the site is an important foraging resource and provides a commuting corridor for bats to the wider countryside. NED request that, at Reserved Matters, drawings are submitted which note the retention of this laneway and hedgerows along the site boundaries.

Bats are a nocturnal species and are highly sensitive to artificial lighting in their environments. This can have a significant adverse effect on their natural behaviour such as foraging and commuting, causing disturbance and/or displacement and affecting their ability to survive. Illumination of a bat roost can also prevent or delay emergence from the roost, reducing the time available for foraging and potentially leading to starvation and/or abandonment of the roost. NED request that at Reserved Matters a Lighting Plan is submitted which provides details of proposed artificial lighting to include a map showing predicted light spillage across the site, to include a light spill of less than 1 Lux at the vegetated boundaries and the laneway at the southern boundary.

Further information on bats and lighting can be found here:

<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Other Protected Species

As noted in the previous response, NED acknowledge receipt of the Badger Survey report, emailed by the planning officer on 4th November 2020. A survey of the area of the application and a 50m buffer area was undertaken in accordance with NIEA specifications. NED are content that, based on the information provided, the proposal is unlikely to have a significant impact on the local badger population, but advise that depending on the timeframe to the Reserved Matters application, a further updated survey may be required.

Priority Habitat

As noted in previous responses, NED acknowledges the proposal is only at Outline stage, however, submitted drawings indicate retention of existing hedgerow, and NED acknowledge receipt of a revised Site Concept Plan (Drawing No. 04/1) indicates the retention of existing hedgerow and proposed new hedgerow of native species. NED request that at Reserved Matters, drawings are submitted which note the retention of hedgerows along the site boundaries, and enhanced with planting of native species if deemed necessary, with compensatory planting with native species for removal of any hedgerow within the site. NED

refers the applicant to the following guidance: <https://www.daera-ni.gov.uk/publications/native-species-planting-guidance>

NED also recommends that retained trees are protected in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction.

Wild Birds

The PEA noted that a number of outbuildings contained nests of swallows, starlings and house sparrows. In addition, given the areas of scrub and hedgerow on the site, the vegetation on site has potential to support breeding birds. NED would highlight that all wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), and advise that any removal of vegetation or demolition of buildings is undertaken outside of the bird breeding season which occurs from 1st March to 31st August, or checked by a suitably qualified ecologist, with suitable protective measures taken should any nest be found. NED advise a condition to this effect is appended to any planning approval.

Other animals

Survey reports make reference to the presence of rabbits on the site. The applicant's attention is drawn to the Welfare of Animals Act (Northern Ireland) 2011 which indicates that it is an offence to cause unnecessary suffering to any animal. To avoid any breach of the Act through entombment or injury to animals on site, the applicant should ensure that best practice techniques are applied during construction works.

5. Department for Infrastructure Rivers Informatives:

FLD1 - Development in Fluvial and coastal Flood Plains - The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure ? This site is affected by two undesignated watercourses which traverse the site. DfI Rivers notes in section 1.109 of the Construction Environmental Management Plan, dated 25.02.2021 the applicant's intention to culvert these watercourses.

Under 6.33 of the policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place.

DfI Rivers would recommend that the working strip is shown on a site layout drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times.

In addition by way of a planning informative, perspective purchasers whose property backs onto this watercourse should be made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

FLD4 - Artificial Modification of watercourses - Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. This is a matter for The Planning Authority. Any culverting approved by the Planning Authority will also be subject to approval from DfI Rivers under Schedule 6 of the Drainage Order 1973.

FLD5 - Development in Proximity to Reservoirs - Not applicable to this site.

Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc requires the written consent of DfI Rivers. This should be obtained from the Western Regional Office at 3a St Julians Road, Lisnamallard, Omagh, Co Tyrone, BT79 7HQ.

6. Northern Ireland Water comments:

See attached Northern Ireland Water Consultation sheet dated 17/2/20.

Signature(s)

Date:

ANNEX	
Date Valid	2nd January 2020
Date First Advertised	14th January 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 1 Lough Grove Ballyronan Road Ballyronan Magherafelt BT45 6LN The Owner/Occupier, 10 Lough Mews Shore Road Ballyronan BT45 6GE The Owner/Occupier, 11 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 13 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 15 Lindsay Ville Magherafelt Londonderry The Owner/Occupier, 17 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 183 Ballyronan Road Magherafelt Londonderry The Owner/Occupier, 185 Ballyronan Road Magherafelt Londonderry The Owner/Occupier, 19 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 21 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 23 Lindsay Ville Magherafelt Londonderry The Owner/Occupier, 3 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 36 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 38 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 40 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 42 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 44 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 46 Lindsay Ville Magherafelt Londonderry The Owner/Occupier, 5 Lindsay Ville Ballyronan Magherafelt	

The Owner/Occupier, 6 Lough Mews Shore Road Ballyronan BT45 6GE The Owner/Occupier, 7 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 8 Lough Mews Shore Road Ballyronan BT45 6GE The Owner/Occupier, 9 Lindsay Ville Ballyronan Magherafelt	
Date of Last Neighbour Notification	9th January 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/1267/PAD Proposal: Outline Planning Permission for a residential development with open space, landscaping, new road infrastructure and associated site works including the demolition of farm buildings Address: Lands south of 185 Ballyronan Road, Ballyronan, Magherafelt, Decision: Decision Date: Ref ID: LA09/2018/1269/DETEI Proposal: Request for EIA Determination - Proposed Residential Development Address: Lands South of 185 Ballyronan Road, Ballyronan, Magherafelt, Decision: NRES Decision Date: Ref ID: LA09/2018/1266/PAN Proposal: Residential development with open space, landscaping, new road infrastructure and associated site works including the demolition of farm outbuildings Address: Land adjacent to 185 Ballyronan Road, Ballyronan, Magherafelt, Decision: PANCON Decision Date: Ref ID: LA09/2018/1395/PAN Proposal: Outline planning permission for a residential development with open space, landscaping, new road infrastructure, and associated site works including the demolition of farm outbuildings Address: Land adjacent to 185 Ballyronan Road, Magherafelt, Decision: PANACC Decision Date:	

Summary of Consultee Responses As above
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Approved
Notification to Department (if relevant) Date of Notification to Department: Response of Department: N/A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0480/F	Target Date:
Proposal: Commercial redevelopment of existing commercial yard (erection of 3 additional commercial units and associated car parking) Amended Plan	Location: 3A Desertmartin Road Tobermore
Referral Route: 1no. Objection received	
Recommendation:	Approval
Applicant Name and Address: Asphalt Burner Services 3A Desertmartin Road Tobermore	Agent Name and Address: J E Mc Kernan and Son 12 Cennick Road Gracehill Ballymena
Executive Summary: Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen	Standing Advice
Non Statutory	Environmental Health	Substantive Response
Non Statutory	NI Water	No objection
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen	Standing Advice
Statutory	Historic Environment Division	Content
Non Statutory	Environmental Health	Substantive Response
Statutory	DFI Roads - Enniskillen	Standing Advice
Statutory	NIEA	Standing Advice
Non Statutory	Environmental Health	Substantive Response
Statutory	NI Water – Strategic Applications	Advice
Statutory	NIEA	Content
Statutory	DFI Roads - Enniskillen	Content
Non Statutory	Environmental Health	Substantive Response

Representations:

Letters of Support	None Received
Letters of Objection	1
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 settlement limits of Tobermore on urban Whiteland as defined in the Magherafelt Area Plan 2015. The adjacent road network is defined as a protected route within the extant area plan and the land immediately south of the

application site is zoned as a major area of existing open space. The application site comprises an existing established industrial business 'Asphalt Burner Services' and there are existing commercial units on site. The proposal seeks to utilise the existing access onto Desertmartin Road. There is an existing concrete/gravel yard with informal parking arrangements currently in place. The roadside boundary is defined by a low hedge, whilst the northern boundary is currently defined by a concrete wall and partially by trees. The south and west boundaries are currently defined by vegetation. The topography of the site is relatively flat, however it was noted on the date of the site inspection the ground level appears to rise slightly at the western portion of the site. The western portion of the site is currently overgrown. The surrounding area is urban in character and there are varying land uses in the immediate context including residential, commercial and open space. Immediately north and west of the site is currently residential.

Description of Proposal

This planning application seeks full planning permission for the redevelopment of an existing commercial yard consisting of the erection of 3 additional commercial units and associated car parking located at 3A Desertmartin Road, Tobermore.

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 4: Planning and Economic Development

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

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 no. Objection letter was received and 1 miscellaneous non-committal letter. The details of both are summarised and considered below:

- The letter of objection received 11th June 2020 from a Mr Evans states the maps do not show where the buildings will be erected and protected species including

badgers and hedgehogs have been seen in the rough land of the site adjacent to the gardens of Edmund Court. He questions what can be done to protect their habitat.

In response to the comments raised by the objector, the public access planning portal has been checked and all drawings including the site layout plan which details the precise location of the proposed buildings have been uploaded and are available to view. It is noted that subsequent to the receipt of this letter of objection, the location of the proposed buildings has been amended and is now further from his home within Edmund Court. With respect his concerns with regard the habitats of protected badgers and hedgehogs, following receipt of this objection a biodiversity checklist was requested. The applicant provided a Biodiversity Checklist declare no presence of protected species. NIEA were consulted and have advised NED conducted a desktop assessment and is content that the proposal is unlikely to have a significant impact on any local natural heritage features.

- The non-committal letter received 6th April 2021 from a Mr Wallace requests assurance that access to manholes servicing his adjacent property will not be impeded.

It is noted that this letter did not object to the principle of development. However, with respect rights of way over land, this is a civil matter and not under planning control. The servicing and/or maintenance of manholes would fall under the remit of NI Water. I consulted NI Water again following receipt of this letter, they did not provide any specific comment or raise any concerns.

History on Site

H/2009/0373/O - Site of 2 blocks of 4no apartments – Lands to rear of 22 and 26 Main Street, Tobermore (access is from Desertmartin Road) - Permission Granted 15/09/09

H/2004/1187/F - Apartment development to include 7 units. (Amended scheme) - 14-16 Main Street, Tobermore – Permission Granted 07/09/05

LA09/2016/1400/F – External covered car wash area with valeting facilities in part of existing commercial shed including re-use of existing access and provision of a new vehicular exit onto the Tobermore Road - Immediately South of 3 Desertmartin Road, Tobermore – Application Withdrawn 05/07/17

H/2014/0089/F - Proposed car washing area - 20m South East of no. 10 Main Street Tobermore – Permission Refused 15/12/14

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 - The site is located within the development limits of Tobermore on Whiteland with no specific land use zoning. The Plan states within settlement limits planning applications will be determined in accordance with the provisions of prevailing regional planning policy. The use is established on the site and I am content the proposed development is sensitive to the character of Tobermore and will not have an unacceptable impact on neighbour amenity. Given the proposed use is Class B3 General Industrial, EHD required a noise impact assessment to ensure noise from the proposal will not have a detrimental impact on residential amenity. Following

receipt of an acoustic report and further clarification from the agent, EHD have raised no concerns with respect residential amenity subject to conditions EHD also identified potential ground gas risk from contamination therefore require conditions attached to any forthcoming approval to ensure there are no risks from ground gas. Further consideration will be given below with respect conservation, access and infrastructure however overall it is considered the proposal meets all Plan Policy SETT 2 criteria.

The SPPS does give specific provision for Economic Development, Industry and Commerce subject to a number policy provisions. It does not present any change in policy direction with regards to industrial development in settlements. As such, existing policy will be applied. The relevant policy consideration is PED 1 - Economic Development within Settlements of PPS 4.

Policy PED 1 - Economic Development in settlements states that a Class B3 Uses (General Industrial) will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use. The proposal has been amended and reduced through the processing of the application and now seeks permission for 3no. Commercial units. The largest unit, Unit 1, is located in the southwest portion of the site along the southern boundary adjacent to existing units on the site. Unit 1 is rectangular shaped with a floor area of 390sqm and maximum height of 6m. Units 2 and 3 are located in the centre of the site along the northern boundary and are both 170sqm each with 5.8 ridge height. The agent has advised that all three units will be used by the existing business for the following: flow process, manufacturing of burners, inspection of parts, assembly and build, spraying and testing equipment and despatch. The applicants business is currently established and operational on the site. The footprint of the area to be covered by the proposed buildings is broadly similar to what is currently on site. The proposal will create additional hardstanding to the rear of the site as well as providing more formal arrangements for parking, turning and servicing of units. The proposed buildings are set back from the public road, sited behind exiting buildings which will assist with integration. In my view, given the size, scale and design of the building currently on this site, the proposed buildings are appropriate to the character of the settlement. In light of EHD consultation response, it is considered the proposed siting and separation distance between proposed buildings and existing residential units will not result in a detrimental impact on the amenity of adjacent dwellings to warrant refusal.

In all cases for industrial development, the proposal shall be determined on its individual merits under Policy PED 9- General Criteria for Economic Development. It sets down 13 criteria which all economic development proposals must comply with:

It is compatible with surrounding land uses.

The proposal is within the settlement limits with varying land uses surrounding the site. The proposal is for the erection 3no. Commercial units to be used by the existing established business on the site. I have no concerns regarding compatibility.

It does not harm the amenities of nearby residents.

The closest third party dwelling is located approximately 12m to the north of the site, 4 Ashthorn Manor. EH have been consulted and have recommended conditions to be

attached to any approval in order to protect residential amenity. EHD have not raised any concerns about unacceptable odours or fumes. Parking and turning of vehicles is to be located to the rear western portion of the site, providing a buffer between the new development and existing residential development in Edmund Court. Hours of operation will be restricted through an appropriately worded condition to limit any potential impact on neighbouring occupants.

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

No natural heritage features have been identified on the site or declared on the biodiversity checklist. As stated previously in the report, NIEA were consulted and Natural Environment Division have not raised any concerns. It is noted that the site is located within an area of archaeological potential as defined in the Magherafelt Area Plan 2015. HED were consulted and have raised no concerns with the proposed development. I am content the proposal will therefore not have a detrimental impact on built heritage and is in compliance with Plan Policy and PPS6.

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

This site is not in an area of flood risk.

It does not create a noise nuisance

As previously stated, EHD requested a noise impact assessment to ensure no detrimental impact to residential amenity in terms of noise. This was submitted and considered by Environmental Health and on this basis they have raised no concerns subject to conditions.

It is capable of dealing satisfactorily with any emission or effluent

The P1 form states that any surface water and foul sewage will be disposed of via mains. NIEA have been consulted and have raised no concerns in respect of emissions or effluents.

The existing road network can safely handle any extra traffic.

Adequate access arrangements, parking and manoeuvring areas are provided.

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

DFI Roads have been consulted and initially had concerns with the proposed parking provision advising there was a shortfall of 27 spaces based on Parking Standards. The scheme was subsequently amended and the applicant has reduced the proposal from 4no. Units to 3no. Commercial units. With the reduction of one unit and revised site layout, there remains a shortfall of 8 parking spaces. However having considered this at internal group meeting, the group consensus was that the proposed scheme provides improved parking arrangements with a more formalised layout and dedicated parking area. It is considered that the shortfall in this instance is acceptable and would not warrant refusal. The applicant has indicated the necessary visibility splays on the block

plan and DFI Roads have advised that there is adequate area for the turning of vehicles including HGV. The proposal will utilise an existing access onto the A29 protected route. It is considered that the existing road network can safely handle the intensification of the existing access and the access and parking arrangements proposed are adequate. The movement pattern is considered acceptable, the site caters for private car use for employee parking, visitors and other vehicle movement and circulation. This site is located within the development limits of Tobermore and is primarily accessed via car or van. However given the location there are public transport links within the village and there is a footpath adjacent to the site providing pedestrian and cycle access with the site layout plan providing cycle stands. DFI Roads have offered no objections to this proposal on road safety subject to conditions therefore it is considered the provisions of PPS3 are met.

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

I have no concerns with site layout or design. The proposed units are sited 55 metres from the public road located to the rear of the existing units which will assist with integration and the design is similar to the existing built form. The site layout plan identified some landscaping to the northern boundary and the existing vegetation to the southern and western boundaries can be conditioned to any forthcoming approval to be retained.

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

It is considered adequate means of enclosure existing and as stated above the retention of existing and planting of proposed vegetation will be conditioned to any forthcoming approval. The proposal or drawings do not refer to any outside storage.

Is designed to deter crime and promote personal safety.

A proposed new wall is proposed to the front boundary behind visibility splays. The application site is an existing, established business. I consider the proposed design will deter crime and promote personal safety.

In the case of proposals in the Countryside, there are satisfactory measures to assist in integration into the landscape.

Not applicable.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the prevailing planning policy and all material considerations outlined above, I am of the opinion that this application accords with the relevant policy tests and therefore is recommended for approval subject to the following conditions.

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 vehicular access including visibility splays shall be provided in accordance with Drawing No 02 rev 3 bearing the date stamp 05 March 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.

3. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02 Rev 3 bearing date stamp 05 March 2021 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

4. The business hereby permitted shall not operate outside 08:00-17:00hrs Monday to Friday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity.

5. No construction or manufacture of products shall be undertaken in the external yard areas of the businesses, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

6. Within 4 weeks of a written request by the Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels in the Lester Acoustics Report date stamped 26th March 2021 and letter date stamped 13th August 2021. Details of noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report, and shall

be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity from noise.

7. The development shall not be occupied until remedial measures detailed within section 5.2 of White Young Green Preliminary and Generic Quantitative Risk Assessment (date stamped 10th November 2008) have been fully implemented and validated to the satisfaction of Mid Ulster District Council.

Reason: To manage risks from land contamination.

8. Validation documentation shall be submitted in the form of a validation report and agreed with Mid Ulster District Council. The report shall describe all the remediation and monitoring works undertaken and shall demonstrate the effectiveness of the works in managing and remediating all the risks posed by contamination.

Reason: To manage risks from land contamination.

9. The existing natural screening along the southern and western boundary of the site shall be permanently retained at a height no less than 1.2 metres unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity.

10. During the first available planting season after the commencement of development on site, all trees and hedges indicated in drawing No 02 Rev 3 date received 5th March 2021, shall be planted as shown and be permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

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

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

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. The applicant's attention is drawn to NI Water consultation response dated 4th May 2021.
5. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the DfI Roads for which separate permissions and arrangements are required.
6. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.
7. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0521/F	Target Date:
Proposal: Proposed Residential Development of 30no Semi-Detached & 7 no Detached Dwellings with associated access, Roads, Footway, Landscaping & Parking	Location: Site Between Nos 6 & 8a Drumearn Road and to the rear of No's. 1, 1a & 1b Killycurragh Road Orritor Cookstown
Referral Route: This application is being presented to Committee as it has attracted a number of objections.	
Recommendation:	APPROVE
Applicant Name and Address: Gallion Development (NI) Ltd c/o 89 Bush Road Bush Dungannon BT71 6EZ	Agent Name and Address: DPK Design 46 Scaddy Road Crossgar Downpatrick BT30 8BP
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	NIEA	Advice
Non Statutory	Health & Safety Executive for NI	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Non Statutory	NI Water - Multi Units West - Planning Consultations	
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NIEA	
Statutory	NIEA	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NIEA	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - Enniskillen Office	Content
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		
<p>Three representations have been received in relation to this planning application and relate to the following:-</p> <ul style="list-style-type: none">• Pedestrian and road safety and increase in volume of traffic and ownership of road verges required for visibility splays; DfI Roads have considered the proposed development in terms of access, movement and parking and have not raised any issues of concern in respect of these issues;• Dwellings fronting onto Drumearn Road have pedestrian accesses onto Drumearn Road which will encourage roadside parking and causing obstructions; The site layout has been amended so that sites 1, 2 and 3 have neither pedestrian nor vehicular access directly onto Drumearn Road. As advised above, DfI have not raised any issues in this respect.• The lack of an environmental Impact Assessment; An Environmental Impact Assessment has been completed for the proposed development. A Preliminary Ecological Appraisal, a Construction Method Statement an outdoor lighting report and plan have also been provided for the proposal. These have been considered by the relevant consultees and no issues of concern remain outstanding in this regard.• The site abuts the Gortin Water and its floodplains which should be protected and conditioned to retain/reinstate the natural vegetation; Appropriate conditions have been suggested in respect of the above issues.• Unlikely market for such volume of dwellings. Any approval should be conditioned to ensure the site is kept tidy and units commenced to be completed within a suitable timeframe; The market for such dwellings is not a planning matter and it is not considered appropriate to attach conditions relating to the completion of the development. With respect to litter etc. it is a matter for the developer to ensure that litter from the site does not become an issue.• The proximity to the existing quarry; HSENI and Environmental Health have not raised any issues relating to the existence of the quarry whether it is still in operation or not.		

- Potential light pollution and pollution of the river;
NIEA: Natural Environment Division considered the Outdoor Lighting Report and plan and accepted that it would not cause light pollution subject to the suggested conditions.
- Potential drainage issues from sewage plant and septic tanks;
The proposed development is to be served via the mains sewers and NI Water advised that there is available capacity for this. No septic tanks are proposed.
- Potential environmental pollution and wildlife disturbance from new telecommunication infrastructure;
It is not accepted that any new telecommunications infrastructure will cause any disturbance to wildlife and NIEA: Natural Environment Division have not raised this as an issue.
- Proximity to existing dwellings obscuring views and increasing noise levels.
The development proposes dwellings along the western boundary which back onto the existing dwellings at 1, 1A and 1B Killycurragh Road. However, the existing dwellings are set around 20-25m from the common boundary. The proposed dwellings area set a further 8-10m from the same boundary, with other dwellings being set up to 18 m from the same boundary. This therefore creates a separation distance of 28-35m between the proposed dwellings and the existing dwellings of 1, 1A and 1B Killycurragh Road. The proposed dwelling on site 6 is to be positioned gable to gable with the existing dwelling at no.6 and has a separation distance of 30m.
The right to a view is not a material consideration in the assessment of this application.

Characteristics of the Site and Area

The site is located within the village of Orritor approximately 2.5km west of Cookstown. The site is a greenfield site without any designation as identified within the Cookstown Area Plan 2010. The site is currently in use as an agricultural field with an area of approximately 1.77ha. The site has a road frontage along the Drumearn Road of approximately 125m. The site undulates from the west towards the east and also rises from the road frontage at the southern end of the site towards the northern boundary by around 6m. The site is bounded around the majority by mature tree lined hedgerows with an area of mature vegetation along the eastern boundary adjacent to a substantial watercourse, known as the Gortin Water, which flows under the Drumearn Road. Due to the mature vegetation along the boundaries, there are only fleeting critical views into the site on travelling along the Drumearn Road. A number of large detached dwellings back onto the western boundary of the site and are accessed off a private lane on the Killycurragh Road. There are a number of single storey dwellings, some with attic accommodation opposite the site on the Drumearn Road.

Description of Proposal

The proposal is for the erection of 37no. dwellings which includes 30no. two storey semi-detached and 7no. two storey detached. The access is to be taken directly off the Drumearn Road. All dwellings have ample private amenity spaces and rear garden depths.

The house types are as follows:-

- house type SD1: 4 no. 3 bed semi-detached providing 103m² floor space
- house type SD2: 12 no. 3 bed semi-detached providing 107m² floor space
- house type SD3: 8 no. 3 bed semi-detached providing 101m² floor space
- house type SD4: 6 no. 3 bed semi-detached providing 102m² floor space
- house type D1: 2 no. 4 bed detached providing 102m² floor space
- house type D2: 3 no. 3 bed detached providing 125m² floor space
- house type D3: 2 no. 3 bed detached providing 113m² floor space

Planning Assessment of Policy and Other Material Considerations

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

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP – Draft Plan Strategy has been published for consultation, therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The main policy consideration in the assessment of this application is Cookstown Area Plan 2010 Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Planning Policy Statement 15 - Planning and Flood Risk

Creating Places

The SPPS has superseded PPS 1 (General Principles.). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to any interests of acknowledged importance. The proposed development is not within an area of archaeological importance.

The SPPS gives specific provision for Housing in settlements subject to a number of policy provisions. It does not present any change in policy direction with regards to residential developments in settlements. As such, existing policy will be applied, primarily PPS 7, Quality Residential Environments.

As the site is located on white land as defined within the Cookstown Area Plan 2010, the critical planning policy is therefore PPS 7.

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

As this is a full application the proposed development is being assessed against these criteria as follows:-

(a) The proposal meets the first of these criteria in that it respects the surrounding context insofar as the proposal is for a housing development within a predominantly residential area. In terms of layout, the density at 21 dwellings per hectare is similar to the surrounding areas and in particular the recently

approved development opposite the junction of Orritor Road and Mackenny Road which has 10 dwellings on a 0.38ha sized. This is also similar to the existing development of Craigmount.

(b) Although there are no features of archaeological or built heritage on this site, there is a substantial watercourse with a band of mature deciduous trees on the river bank stretching along the eastern boundary of the site. These trees are to be protected, retained and augmented where necessary within the overall development. There are no TPO's near the site.

(c) This proposal is for 37 dwellings and therefore there is a requirement for the provision of public open space. The area proposed for the public open space extends to approximately 0.3ha (17% of the site area) and whilst this is not centred within the overall layout, in my opinion it does make the best use of the existing area adjacent to the river corridor, which should be protected from development to safeguard both the river and the mature tree belt. This also allows the retention of the mature tree belt which acts as a visual buffer between the settlement and the rural area as the development limit extends along the eastern boundary of the site. The mature tree belt will also aid the integrational potential of the site. Whilst the area of proposed open space is on the edge of the proposed development, it is overlooked by 10 of the proposed dwellings, all of which front onto the area, thereby providing an element of continuous supervision. All dwellings have adequate private amenity space and range from a minimum of 80m² to 216m².

(d) As the site is close to and within walking distance of the centre of Orritor and the existing local facilities, the provision of neighbourhood facilities are not deemed necessary within the site;

(e) The site has direct vehicular access onto Drumearn Road which will enable occupants to access public transport routes and the public network system;

(f) Adequate provision is made for parking of vehicles with all sites having in-curtilage parking.

(g) The design of the proposed dwellings is such that they do not cause a loss of residential amenity to existing dwellings adjacent to the site by way of overshadowing or overlooking.

(h) The proposal will not create a conflict with adjacent land uses. It is acknowledged that there is an existing quarry a short distance from the site which also contains a working concrete plant.

Environmental Health raised concerns regarding noise potentially impacting the proposed development, however, following the submission of an Inward Sound Level Impact Assessment, EHD advised that a number of mitigation measures are required to ensure residential amenity is not adversely impacted from noise. A number of appropriate conditions were therefore suggested to achieve the above.

(i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

PPS 15 Planning and Flood Risk – Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains states that development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. An exception can be made where it is demonstrated through the submission of a flood risk assessment that all sources of flood risk to and from the proposed development have been identified and there are adequate measures to manage and mitigate any increase in flood risk arising from the development. One such exception is the use of land for amenity open space.

The proposed development includes an area of public open space which is adjacent to the river bank. Rivers Agency advised that on considering the proposed development, that they have no objections subject to the suggested conditions and also advised that if the area of flood plain is designated as open space that it should not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.

DfI Rivers requested the provision of a 5m maintenance strip along the watercourse to the east and the open drain to the north of the site. Whilst this may be desirable, in my opinion, it is unreasonable to request this. At present the riverbank is defined by mature trees which would have to be removed to provide the maintenance strip. It is essential however that the trees are retained as they not only defined

the limit between the settlement of Orritor and the rural countryside, but they also provide an essential natural habitat. It should also be noted that due to the location of the propose open space. There will be sufficient access along the riverbank to access the watercourse for maintenance purposes if required.

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Mid Ulster District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site. The above mentioned mitigations is included at conditions 20 and 21.

Consultee responses

Environmental Health advised of conditions required to protect residential amenity from potential noise nuisance;

DfI Roads advised that the access arrangements and parking are acceptable and that the road layout can be adopted;

NIEA: Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.

NIEA: Regulation Unit have no objection to the development provided conditions and informatives are placed on any planning decision notice, as recommended.

Shared Environmental Services advised that the proposed development will not have an adverse effect on site integrity of any European site subject to the suggested conditions.

DfI Rivers requested the provision of a 5m maintenance strip along the watercourse to the east and the open drain to the north of the site. Discussed in the case officers report above.

Health and Safety Executive for Northern Ireland advised that the topography and the location of this development does not cause HSENI any concerns with regard to flyrock. An informative was suggested to make the developer and potential home owners aware that the neighbouring quarry can use explosives to extract rock which will result in ground vibrations, dust and noise.

NI Water did not raise any concerns.

Recommendation

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

Neighbour Notification Checked	Yes
--------------------------------	-----

Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions/Reasons for Refusal:

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

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

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

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

4. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of Mid Ulster District Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 2010 Recommendations for Tree Work.

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

5. All proposed planting on each individual site as indicated on the stamped approved drawing no. 19/3 date stamped 14th June 2021 shall be undertaken during the first available planting season following occupation of the dwelling on that site.

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

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

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

7. A landscape management and maintenance plan covering all areas of communal open space within the site shall be submitted to and agreed with Mid Ulster District Council prior to the occupation of the first dwelling hereby approved.

Reason: To ensure successful establishment and maintenance in perpetuity of the open space and amenity areas in the interests of visual and residential amenity.

8. The visibility splays at the junction of the proposed residential access road with the Drumearn Road, shall be provided in accordance with Drawing No. 20/2 stamped received 14th June 2021, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

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

11. Prior to occupation of the proposed residential development, the proposed 1.8m high acoustic barriers, solid and with no gaps for sound to pass through or under, with a mass of at least 6kg/m², as annotated in FIGURE C within Lester Acoustics, Inward Sound Level Impact Assessment, Dated 5th May 2021, shall be constructed and permanently maintained at all times.

Reason: The protect residential amenity from Noise.

12. Prior to occupation of the proposed residential development, all dwellings shall be fitted with a window and ventilation system, capable of achieving a sound reduction from outside to inside of at least 23dB Rw. This shall be permanently maintained at all times.

Reason: The protect residential amenity from Noise.

13. In the event that previously unknown contamination is discovered, falling outside the scope of previous assessment and remediation scheme, development on the site shall cease, pending submission of a written report. The report shall appropriately investigate the nature and extent of that contamination and present the findings and conclusions of the same, additionally providing details of the appropriate measures to be taken as a result of the contamination, for the prior written approval of Mid Ulster District Council in consultation with the Environmental Health Department.

Reason: To protect the development from land contamination.

14. A final Construction Method Statement must be submitted to and agreed in writing with Mid Ulster District Council in consultation with NIEA, at least 8 weeks prior to the commencement of

the works or phase of works. The CMS must be completed by the appointed contractor and must include a detailed Pollution Incident Response Plan (PIRP).

Reason: To protect designated sites.

15. All lighting must be installed in accordance with the outdoor lighting Report by Daramack Lighting Consultancy dated 31st March 2021 and stamped received 8th April 2021 which shows less than lux at boundary vegetation and the wooded riparian corridor.

Reason: To protect the local bat population and other protected species from light spill.

16. All works must be carried out in accordance with the landscape plan, drawing number 19/3 stamped received 14th June 2021 which shows adequate compensatory native species planting onsite and also states that onsite trees are to be retained and protected in accordance with BS 5837P:2012.

Reason: To protect onsite priority habitat.

17. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

18. After completing all remediation works under Condition 17 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Mid Ulster District Council in consultation with NIEA: Regulation Unit. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

19. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to and agreed with Mid Ulster District Council in consultation with Rivers Agency for its consideration and approval.

Reason: To safeguard against flood risk to the development and elsewhere.

20. The appointed contractor must submit a Final Construction Method Statement plan for approval by Mid Ulster District Council in consultation with Shared Environmental Services before commencement of any works on site. This final plan should contain all the mitigation as described in the Construction Method Statement plan by Sterna Environmental Ltd, dated April 2020.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase.

21. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

22. The ground levels of the area shown as open space shall not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.

Reason: To prevent the risk of increasing flooding elsewhere.

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

23. The Department for Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 20/2 received 14th June 2021.

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

24. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road including footway improvements along the Drumearn Road have been completed in accordance with the details outlined blue on Drawing No 20/2 received 14th June 2021. The Department for Infrastructure hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

Signature(s)

Date:

ANNEX	
Date Valid	30th April 2020
Date First Advertised	26th May 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p> <p>The Owner/Occupier, 1 Killycurragh Road Cookstown Tyrone</p> <p>The Owner/Occupier, 10 Drumearn Road Cookstown Tyrone</p> <p>The Owner/Occupier, 1a Killycurragh Road Cookstown Sandra McKenna 1a Killycurragh Road, Cookstown, Tyrone, BT80 9LB</p> <p>The Owner/Occupier, 1b Killycurragh Road Cookstown</p> <p>The Owner/Occupier, 2 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p> <p>The Owner/Occupier, 2 Killycurragh Road Cookstown Tyrone</p> <p>The Owner/Occupier, 231 Orritor Rd, Cookstown BT80 9NB</p> <p>The Owner/Occupier, 3 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p> <p>The Owner/Occupier, 3 Killycurragh Road Cookstown Tyrone</p> <p>The Owner/Occupier, 3a Killycurragh Road Cookstown</p> <p>The Owner/Occupier, 3b Killycurragh Road Cookstown</p> <p>The Owner/Occupier, 3c Killycurragh Road Cookstown</p> <p>The Owner/Occupier, 4 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p> <p>The Owner/Occupier, 4 Drumearn Road Cookstown Tyrone</p> <p>The Owner/Occupier, 5 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p> <p>The Owner/Occupier, 6 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p> <p>The Owner/Occupier, 6 Drumearn Road Cookstown Tyrone</p> <p>The Owner/Occupier, 7 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p>	

The Owner/Occupier, 7 Drumearn Road Cookstown Tyrone The Owner/Occupier, 8 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ The Owner/Occupier, 8A Drumearn Road, Cookstown, Tyrone, BT80 9JY M & E Thom 8a, Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9JY Lorraine Crooks Email Address	
Date of Last Neighbour Notification	4th December 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/0521/F Proposal: Proposed Residential Development of 30no Semi-Detached & 7 no Detached Dwellings with associated access, Roads, Footway, Landscaping & Parking Address: Site Between Nos 6 & 8a Drumearn Road and to the rear of Nos, 1, 1a & 1b Killycurragh Road, Orritor, Cookstown, Co.Tyrone, BT80 9JY, Decision: Decision Date: Ref ID: I/2002/0323/F Proposal: Proposed Dwelling & Garage Address: Adjacent to 5 Killycurragh Road, Cookstown Decision: Decision Date: 24.07.2002 Ref ID: I/2007/0033/F Proposal: 26 Townhouses 3 bedroom, 4 detached 3 bedroom, 5 apartments 1&2 bedrooms. (35 dwellings units in total) and temporary sewage treatment plant. Address: Site for development (4 Acres) opposite 7, Drumearn Road, Orritor, Cookstown, Tyrone, BT80 9JY Decision: Decision Date: 27.10.2009 Ref ID: I/2001/0228/F Proposal: Deletion of condition No 6 on Outline Planning Approval I/2000/0250/O Address: Adjacent to 5 Killycurragh Road Cookstown Decision: Decision Date: 29.05.2001 Ref ID: I/2000/0250/O Proposal: Dwelling and Domestic Garage. Address: Adjacent to 5 Killycurragh Road, Cookstown.	

Decision:
Decision Date: 07.11.2000

Ref ID: I/1978/0145
Proposal: CHANGE OF USE FROM SHOP TO MANUFACTURING OF BAKERY
GOODS
Address: ORRITOR, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1978/0435
Proposal: HOUSING SCHEME
Address: ORRITOR, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1998/0054
Proposal: Erection of dwelling and garage
Address: 120M SW OF 10 DRUMEARN ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1979/0344
Proposal: LOW-DENSITY HOUSING
Address: ORRITOR, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2006/0740/F
Proposal: Proposed dwelling and garage
Address: Adjacent to 6 Drumearn Road, Cookstown
Decision:
Decision Date: 15.05.2007

Ref ID: I/1998/0484
Proposal: Extension and Alterations to Dwelling
Address: 6 DRUMEARN ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1975/0413
Proposal: CONVERSION OF HUT TO GENERAL MERCHANT STORE
Address: ORRITOR, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2015/0002/F
Proposal: New lean to roof and windows replacement
Address: 1, Killycurragh Road, Cookstown, BT80 4RH,
Decision: PG
Decision Date: 31.03.2015

Summary of Consultee Responses

All consultees responded positively.

Drawing Numbers and Title

Drawing No. 1

Type: Further Particulars

Status: Submitted

Drawing No. 2/1

Type: Further Particulars

Status: Submitted

Drawing No. 8

Type: Road Access Plan

Status: Submitted

Drawing No. 9

Type: Landscaping Plan

Status: Submitted

Drawing No. 10

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 11

Type: Cross Sections

Status: Submitted

Drawing No. 12

Type: Housing Concept Plan

Status: Submitted

Drawing No. 13

Type: Roads Details

Status: Submitted

Drawing No. 14

Type: Cross Sections

Status: Submitted

Drawing No. 15
Type: Proposed Plans
Status: Submitted

Drawing No. 16
Type: Proposed Plans
Status: Submitted

Drawing No. 17
Type: Proposed Plans
Status: Submitted

Drawing No. 18
Type: Proposed Plans
Status: Submitted

Drawing No. 19/3
Type: Proposed Plans
Status: Submitted

Drawing No. 20/2
Type: Proposed Plans
Status: Submitted

Drawing No. 22
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

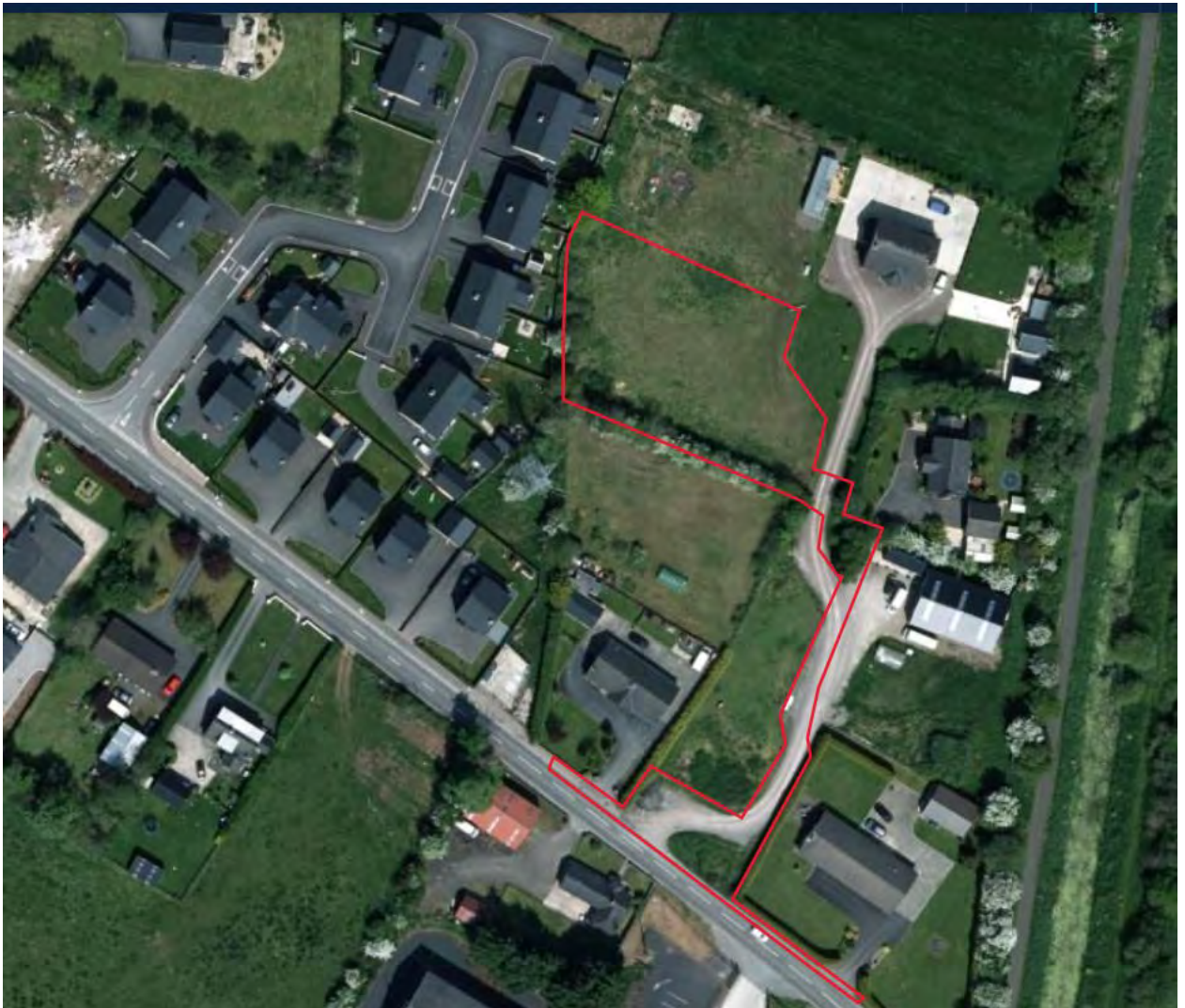
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0739/F	Target Date:
Proposal: Proposed site for 2no detached dwellings and garages	Location: 25m West of 76 Gortgonis Road Coalisland
Referral Route: Objections	
Recommendation: Approval	
Applicant Name and Address: Mr Conor Tennyson 39 Cloghog Road Coalisland BT71 5EH	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
Statutory	DETI - Geological Survey (NI)	Content
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	3	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Description of Proposal		
This is a full planning application for 2 detached dwellings and garages to be located on lands 25m West of 76 Gortgonis Road Coalisland.		
Characteristics of the Site and Area		
The Dungannon and South Tyrone Area Plan 2010 identifies the site as being located within the development limits of Coalisland on Phase 1 housing land CH14: Lands at Gortgonis (see Fig 1, further below).		
The sites is a flat, rectangular shaped plot, set back from and accessed off the Gortgonis Rd via a gravelled lane bound by a mix of fencing and vegetation serving 2 existing properties, nos. 76 and 76a Gortgonis Rd, 2 storey dwellings located to the immediate east and northeast of the site, respectively.		
Access to the site and the aforementioned dwellings, is taken off the Gortgonis Rd, between 2 roadside bungalows, nos. 74 and 78 Gortgonis Rd.		
The site sits one field to the rear of no. 74 Gortgonis Rd and immediately east of a relatively new housing development, ‘Gortmanor’ which comprising a mix of 2 storey detached and semi-detached properties. Nos. 9, 10, 11, 12 & 14 Gortmanor, 5 semi-detached properties bound and back onto the site.		
The site is the southern half of a larger host field sandwiched between Gortmanor to its west and nos. 76 and 76a to its east. LA09/2018/0349/O, an outline approval exists for dwelling (with up to 8m ridge height) on the northern half of the host field (see ‘Planning History’ further below).		
The southern boundary of the site is defined by thick mature trees and hedgerow vegetation; the western / party boundary between of the site and nos.9-14 Gortmanor is defined by approx. 2 high vertical timber fencing; the remaining boundaries are relatively open onto the larger host field, bound only by post and wire fencing.		

There are no views into the site from the Gortgonis Rd due to its location set back from it, screened by existing vegetation and development bounding it. Views are also limited from the lane serving it due to the mature vegetation along its southern boundary.

There are electricity pylons close to the site with 3 phase electricity cables passing over part of the site.

The immediate area surrounding the site to the west, east and south is residential in nature. There are some industrial businesses further to the south. Land to the north of the site is also zoned for housing but has not yet been developed.

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:

Dungannon and South Tyrone Area Plan 2010

SPPS – Strategic Planning Policy Statement for Northern Ireland

PPS 3 – Access, Movement and Parking

PPS 7 – Quality Residential Environments

PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas
Creating Places

DCAN 8 Housing in Existing Urban Areas

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

Planning History

On Site

- M/2005/2427/O – Dwelling House & Domestic Garage – N W of 79 Gortgonis Rd Coalisland – Granted 30th May 2006

This expired application was in lower half of current site.

- M/2006/1505/F – 2 dwellings and domestic garages – N W of 79 Gortgonis Rd – Refused 15th May 2007

This application was refused as it would create an undesirable character of the area resulting in piecemeal development.

Adjacent Site

- M/1996/0490 - Dwelling - Adjacent 78 Gortgonis Rd Coalisland – Granted 16th September 1997

- M/2001/0416/F - Dwelling (Renewal of M/96/0490) - Adjacent to 78 Gortgonis Rd Coalisland – Granted 4th July 2001

The above expired applications related to a 1 ½ storey hipped roof dormer dwelling to be located on lands between nos. 76 and 78 Gortgonis Rd.

- M/2001/0717/F – 2 storey dwelling – Land 120m north of 79 Gortgonis Rd Coalisland – Granted 13th February 2002
- M/2006/2187/F – Domestic garage & Sunroom – 120m North of 79 Gortgonis Rd Coalisland – Granted 14th March 2007
- LA09/2015/0930/F – Proposed domestic storage building including extension of domestic curtilage – 76 Gortgonis Rd Coalisland – 20th November 2015

The above applications relate to no. 76 Gortgonis Rd with LA09/2015/0930/F including lands between nos. 76 and 78 Gortgonis Rd

- M/2002/1316/F – Dwelling – 90 Metres N W of 79 Gortgonis Rd Coalisland – Granted 15th September 2003

The above applications relate to no. 76a Gortgonis Rd.

- M/2004/0160/O – Dwelling – adjacent 78 Gortgonis Rd Coalisland – Granted 4th May 2004

The above expired applications related to small triangular piece of land immediately east and within the curtilage of no. 78 Gortgonis Rd.

- LA09/2018/0349/O - Dwelling and garage - Adjacent 76a Gortgonis Rd Coalisland – Granted 6th June 2018
- LA09/2020/1296/RM - Dwelling and garage - Adjacent 76a Gortgonis Rd Coalisland – Granted 11th December 2020 (See DfI Roads consultation response and Fig 1 further below.)

The above application relates to lands sandwiched between no. 76a Gortgonis Rd and the site to its east and south respectively.

- LA09/2016/0980/F - Proposed Change of House Types – nos. 9 and 11 Gortmanor Gortgonis Rd Coalisland – Granted 13th October 2016

Nos. 9 and 11 are located backing on to the eastern boundary of the current site.

- LA09/2020/1309/O - Proposed dwelling and garage - Adjacent to 78 Gortgonis Rd Coalisland - Ongoing

The above site is located on lands south east of the current site, immediately south of no. 76 Gortgonis Rd. It proposes accessed off Gortgonis Rd via the same lane as the current site. (See DfI Roads consultation response and Fig 1 below.)

LA09/2021/0530/F - Proposed single storey extension to the rear of dwelling - 10 Gortmanor Gortgonis Rd Coalisland – Granted 17th June 2021

Consultees

1. DfI Roads were consulted were consulted in relation to the proposed access arrangements off the Gortgonis Rd and further to an amended Drawing no. 02(Rev.04) bearing the date stamp received 8 JUL 2021 to address initial issues

raised have no objection to this proposal subject to standard conditions and informatives.

Dfl noted that this is development is for houses 4 & 5 on the access lane. There is another application in the system, LA09/2020/1309/O received after the current application, which would for house 6 on the lane and would require Private Street Determination. This application and LA09/2020/1309/O have been considered by Planning and Dfl Roads in receipt order.

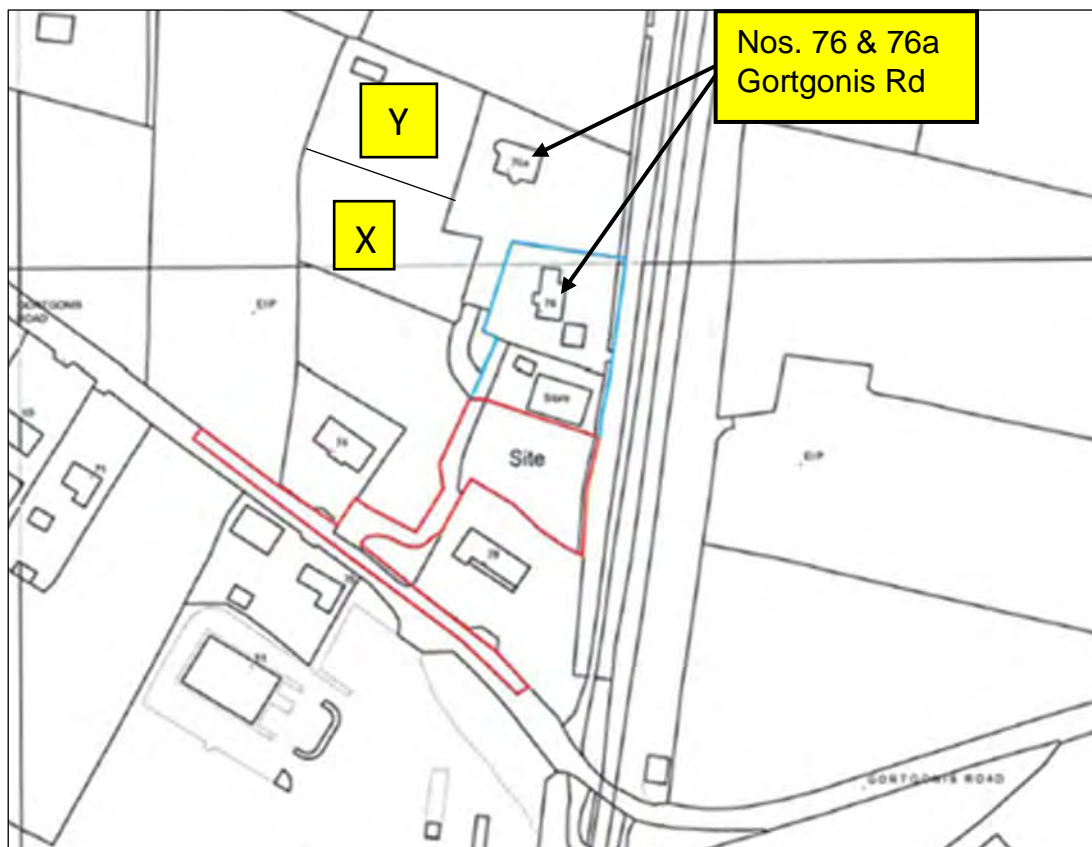


Fig 1: Shows red line around site LA09/2020/1309/O proposed for 1 dwelling, current site being recommend as approval for 2 dwellings marked X; site approved for 1 dwelling under LA09/2018/0349/O & LA09/2020/1296/RM marked Y; and two existing dwellings served via the lane nos. 76 & 76a Gortgonis Rd.

2. Environmental Health Mid Ulster Council were consulted and raised no objection to the proposal involving the use proposed treatment plants. They did however highlight the applicant there are a number of existing industrial businesses situated on the Gortgonis Rd which could potentially impact on future residential amenity due to noise, odour and dust and asked the following informatives, which I think are reasonable, be attached to any subsequent decision notice:
 - The applicant should be aware that this proposal is located in close proximity to a number of existing industrial businesses. Such activities may have a resulting impact upon the amenity enjoyed by the proposal due to noise, odour etc. The applicant should be advised that nuisance action cannot be used to subsequently address these prevailing conditions and that only future increases or intensification of adverse impacts may be considered in the determination of a nuisance. Construction work, which is

audible at any noise sensitive property outside the site, shall only take place between the hours of 07.00 - 19.00 hours on Monday to Friday, 07.00 - 13.00 hours on Saturday with no such working on Sunday. All construction work should be in accordance with BS 5228:2009.

3. Historic Environment Division (HED) were consulted as the site is located within the buffer of an archaeological site and monument ref: TYR047:502 – scheduled canal. HED Historic Monuments responded with no objections, that they were content the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. Due to the scale and nature of the proposed development it will not provide any adverse impact upon the setting of the nearby scheduled canal.
4. DETI Geological Survey Northern Ireland (GSNI) were consulted as the site is located within an area of constraint on abandoned mines – GSNI responded that having assessed the planning proposal in view of stability issues relating to abandoned mine workings a search of the their “Shafts and Adits Database” indicates that the proposed site is not in the vicinity of any known abandoned mien workings
5. NI Water Multi Units West were consulted for information purposes. NI Water advised there is no foul sewer or surface water sewer within 20m of the proposal. This proposal is however to be served via a treatment package plant and NI Water information and advice can be brought to the attention of the applicant via informative.

Key Policy Consideration and Assessment

Dungannon and South Tyrone Area Plan 2010 – the Plan identifies the site as being within the development limits of Coalisland on phase 1 housing land CH14 Lands at Gortgonis (see Fig 2 below) just south west of Annaghmore.

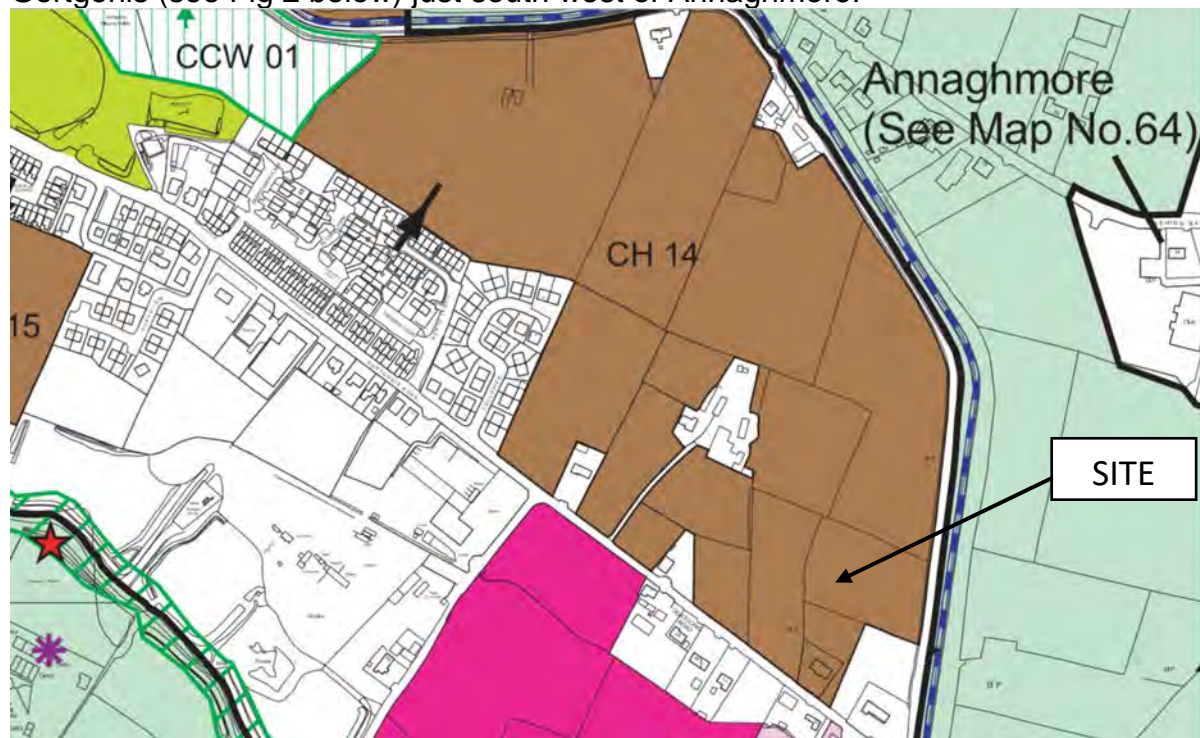


Fig 2: Part of Coalisland Settlement Map from Area Plan

The Plan has defined the settlement limits and allows for development within these limits provided it meets with regional policy requirements of Policy SETT 1 and Policy HOU 1 due to its location on Phase 1 Housing Land

Policy HOU 1 gives favourable consideration normally to proposals for the comprehensive development of housing on Phase 1 land subject to compliance with prevailing regional planning policy and the policies and key site requirements contained in the Plan (i.e. Policy SETT 1). Policy SETT 1 sets out 6 criteria and a general criteria to meet with regional policy. I consider that if the development meets with regional policies contained in PPS 3 – Access, Movement and Parking and PPS7 – Quality Residential Environments it will meet the requirements of SETT1. Policy DES2 of PSRNI is also applicable.

As the land is zoned for housing the principle of development is established. I do not believe its development for 2 dwelling and ancillary garages will conflict with the key site requirements contained in the Plan for this zoning or the future development of this zoning.

This site belongs to a parcel of land that has 2 existing dwellings located on it, and outline approval for a 3rd to the immediate north of the current site (LA09/2019/0348/O – see ‘Planning History’ above), and other small parts of land with no development. While the site forms part of a larger development refused in 2006 for piecemeal development, it is my view that housing land to the north within CH 14 can still be comprehensively developed for housing while meeting the aims and objectives of the area plan and will not be prejudiced should this proposal be granted.

In my view, given the existing development located on this parcel of land, between the site and Gortgonis Road, it is unlikely that access to develop housing land to the north will be gained through this area. There are other access points available at other parts of Gortgonis Road which can access these lands to the north, and which appear to be more desirable than access at this location.

Therefore while there was concern over piecemeal development in 2006, it is my view that development since then, including the adjacent housing development, Gortmanor, to the west, and dwelling approved to the immediate north means that land further north of the site can be considered holistically, even should this proposal be granted on a piecemeal basis. In my view this small portion of land between to the west of no. 76 Gortgonis Rd has lost any potential to be developed as part of a larger scheme. However, housing land to the north can still be developed while respecting all key site requirements contained within the area plan, and approval of this site will not prejudice how housing land to the north will be developed.

Strategic Planning Policy Statement for Northern Ireland – I do not consider the Strategic Planning Policy Statement have provided any change in policy direction or provided clarification in relation to any of the existing policies relevant to this proposal

Planning Policy Statement 3 (PPS3) – Access, Movement and Parking - The site is proposed to be accessed off Gortgonis Rd via a shared lane serving 2 existing dwellings and potential 3rd dwelling if planning application LA09/2018/0349/O &

LA09/2020/1296/RM were acted upon. This proposal would be for the 4th & 5th dwelling on the lane. DfI Roads were consulted (see 'Consultations' further above) and raised no objections to the proposal subject to standard conditions and informatives; and in-curtilage parking for 2 vehicles has been provided to each dwelling. Accordingly, I am content that this proposal complies with the policy provisions of PPS 3.

Planning Policy Statement 7 (PPS7) – Quality Residential Environments - PPS 7 is the relevant material planning policy for this type of development within a settlement. All proposals for residential development will be expected to conform to a number of criteria laid out in the policy. I will deal with these as they appear in the policy.

- the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

I am content that the proposed dwellings (including garages) are of an appropriate size, scale, design and layout. That they should be absorbed onto this relatively flat site set back from the Gortgonis Rd and well enclosed by existing vegetation and development to respect its surrounding residential context and the character and topography of the site.

- features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

Checks of the DfC's Historic Environment Map viewer identified the site as being within the buffer of an archaeological site and monument ref: TYR047:502 – scheduled canal. HED Historic Monuments were consulted and were content that due to the scale and nature of the proposed development it will not provide any adverse impact on the nearby canal (see 'Consultees' above). NIEA's Natural Environment Map viewer showed no natural heritage features of significance on site. Additionally, existing vegetation along the southern boundary of the site can be conditioned to be retained.

- adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

I am dealing solely with an application for 2 dwellings with ancillary domestic garages as such public open space is not a requirement for this type of proposal. I am content based on the block plan submitted adequate private amenity space in excess of the 70m² average promoted in Creating Places has been provided. The existing vegetation along the boundaries of the site can be conditioned to be retained to assist the development integrate and protect neighbouring amenity.

- adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

I am dealing solely with an application for 2 dwellings and I do not consider it is appropriate to require the provision of neighbourhood facilities for this scheme.

- a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

There are no footway links provided between this development and services located within Coalisland. Given the peripheral nature of the development on the outskirts of Coalisland it is my view that the provision of a footway to the front of the site will serve no purpose in terms of supporting walking or cycling, therefore in this case private car access is sufficient.

- adequate and appropriate provision is made for parking;

I am content based on the block plan submitted in-curtilage parking for 2 vehicles to each dwelling, has been provided.

- the design of the development draws upon the best local traditions of form, materials and detailing;

The design of the proposed dwelling and garages are considered appropriate to the site and locality. The dwellings are both 2 storey. They have a simple rectangular form and pitched roof construction with 2 chimneys expressed along their ridgeline adjacent each gable. Whilst House Type 1 has a slightly larger gable depth and ridge height (8.6m above FFL), House Type 2 (8m above FFL) includes a 2-storey dropped pitch rear return located just off centre towards its eastern gable and single storey flat roofed front porch. Material finishes to the dwellings include: smooth render to walls with natural stone detailing to the rear return on House Type 2; flat black/grey slates to roof; white Upvc windows; hardwood doors; and black aluminium seamless gutters with upvc downpipes. Both garages located to the rear / west side of the dwellings are single storey with a simple rectangular form and pitched roof construction (4.2m above FFL) with finishes to match the dwellings. The dwellings are sited, gable-to-gable, facing south onto the lane serving them, which runs along their frontage serving each individually, House Type 1 then 2; and the Gortgonis Rd further south.

- the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

Paragraph 7.16 of Creating Places advises that there should be a minimum separation distance of 10m between the rear of new houses and the common boundary. I am content this proposal adheres to this guidance. House Type 1 exceeds guidance with a distance of 17m between its rear wall and rear / common boundary with a potential dwelling on the northern half of this site's host field if planning applications

LA09/2019/0348/O & LA09/2020/1296/RM were acted upon. House Type 2 has exactly 10m between its rear wall and rear / common boundary with the aforementioned potential dwelling. I am content given their location, orientation, design and the separations distance provided House Type 1 or 2 will not have any significantly detrimental impact on the aforementioned potential neighbouring properties amenity in term of overlooking or overshadowing or that of nos. 76 and 76a Gorgonis Rd located to the east and north east of the site, respectively.

At the outset of this proposal I had concerns about the proximity of House Type 2 to the existing neighbouring properties to its west in particular nos. 11 and 12 Gort Manor, which run in line with the proposed development.

However, an amended block plan to address the potential amenity concerns was sought. Subsequently, an amended block plan was received to show both houses sited further east on the site creating a separation distance of at least 10m between the western gable of House Type 2 and the common boundary of with Gort Manor including nos. 11 & 12. I am now content the proposal should not have any significant detrimental impact on these properties amenities due to its location, orientation and design. House Type 2 closest the aforementioned properties is orientated that its western gable, which has only one bedroom / Juliette balcony window faces the rear of nos. 11 and 12 Gort Manor. This window / balcony is considered largely decorative and not main serving.

- the development is designed to deter crime and promote personal safety

I am satisfied that the dwellings are located in an established residential location where there are enough dwellings close by to deter crime to some degree.

On the basis of the above assessment it is clear that the proposal under consideration complies with all the criteria set out in policy QD 1 of PPS 7 and PPS3

PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas

I am satisfied that this proposal complies with Policy LC 1 of the Addendum to PPS 7, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this area, the proposed designs are in keeping with the existing character of the area and the unit size is not less than recommended in Annex A of this policy.

Other Considerations

Checks of the Planning portal and Flood Maps NI indicate the site is not subject to flooding

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 3 third party objections were received from two 2-storey detached properties which bound and back onto the site. 1 from Mr Duffin the owner/occupier of no. 12 Gortmanor received on the 12th August 2020 and 1 from Mr Hughes the owner/occupier of no. 11 Gortmanor received on the 17th August 2020. Grounds raised for objection as follows:

1. Discrepancy in submitted drawings - 2 1st floor windows in south facing elevation of House Type 2 not replicated on floor plan.
2. Proposal in conflict with Policy QD1(h) of PPS7 requiring design and layout of new development not to create conflict with adjacent land uses including no unacceptable adverse effect on existing and proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
3. House Type 2's close proximity to rear boundaries of properties abutting the site will have a material impact on their amenity. Particularly no.11 Gortmanor, Mr Hughes property as western gable of proposed dwelling will run entire length of its rear boundary with separation distance of just 1-3m between.
4. House Type 2 will result in loss of daylight and sunlight in middle part of morning and significant overshadowing to objectors properties/garden. Mr Hughes adds should scheme include first floor windows in west facing elevation they will overlook his rear garden, even obscure glazed windows would create this perception, given close distances. Mr Duffin states Juliette Balcony in west facing elevation of House Type 2's rear return, effectively a rear elevation, at close proximity to common boundary would overlook his properties rear amenity.
5. House Type 2 will have overbearing visual impact when viewed from properties abutting development plot. Its south elevation would result in a dominant unneighbourly form of development, infringing significantly on amenity levels currently enjoyed by occupants of properties abutting the site. Mr Hughes adds this will result in loss of outlook particularly from the garden but also rear facing windows.
6. Site can comfortably accommodate 2 detached dwellings on generous plots but simply reworking the plots could provide a more appropriate distance, up to 10m between west elevation of House Type 2 and common boundary with existing properties.

The issues raised above have been taken into consideration. However, on the basis of an amended block plan received to show a greater separation distance between the proposed dwellings and objectors properties; and amended elevations of House Type 2 to show the 2 first floor windows referred to in bullet point 1 above removed to match the plans, I am content this proposal is now acceptable. The concerns / issues raised above, have in my opinion been addressed by the amendments received and / or in my assessment of proposal above. I am content the proposed dwellings should have no unacceptable adverse effect on the objectors properties in terms of overlooking, loss of light or overshadowing due to their size, scale, design, orientation, and the adequate separation distance which will now be retained. In terms of noise or other disturbance Environmental Health have raised no concern nor have I any concern given nature of development. As detailed above the bedroom window / Juliette balcony is considered largely decorative and not main serving and will now be set back further from the objectors property. Given the proposed properties are now pulled back further east on

site whilst they will be visible from the objectors property I do not believe they should result in a dominant unneighbourly form of development.

The 3rd objection referenced further above came from Rafferty & Donaghy Solicitors, on behalf on their client Mr Fox, was received on the 14th July 2021. This was a P2 land ownership challenge. They attached a folio map of their client land and stated he did not consent to Mr Tennyson, the applicant, entering any part of his property in relation to turning vehicles or otherwise.

Accordingly, the agent was contacted and advised of the above challenge. He subsequently submitted on updated P2 Certificate of ownership showing notice had been served notice on Mr Fox. With regards ownership / legalities surrounding the development of this site I am content as any planning permission granted will not confer title, it will be the responsibility of the developer to ensure that he controls all the lands necessary to carry out and access the proposed development.

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

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 vehicular access including visibility splays of 2.4m x 45m and any forward sight distance required shall be provided in accordance with Drawing no. 02(Rev.04) bearing the date stamp received 8 JUL 2021, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

3. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. The existing mature trees and vegetation along the boundaries of the site identified in blue on Drawing no. 02(Rev.04) bearing the date stamp received 8 JUL 2021 shall be retained. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual and residential amenity.

5. All proposed landscaping as detailed Drawing no. 02(Rev.04) bearing the date stamp received 8 JUL 2021, shall be carried out during the first available planting season following the occupation of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual and residential amenity.

6. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed as detailed on Drawing no. 02(Rev.04) bearing the date stamp received 8 JUL 2021.

Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment in accordance with the Departments Policy Statement PPS 7 - Quality Residential Environments.

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.
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 garages and does not confer approval on the carrying out of trade or business there from.
5. Please see DfI Roads consultation response received and scanned to the Planning Portal 18th August 2021 for information purposes, including that:

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

The applicant should contact the Department for Infrastructure Roads Service's Maintenance Section in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.

Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

6. Please see Environmental Health Mid Ulster Council consultation response received and scanned to the Planning Portal 14th August 2020 for information purposes, including that:
 - The applicant should be aware that this proposal is located in close proximity to a number of existing industrial businesses. Such activities may have a resulting impact upon the amenity enjoyed by the proposal due to noise, odour etc. The applicant should be advised that nuisance action cannot be used to subsequently address these prevailing conditions and that only future increases or intensification of adverse impacts may be considered in the determination of a nuisance.

Construction work, which is audible at any noise sensitive property outside the site, shall only take place between the hours of 07.00 - 19.00 hours on Monday to Friday, 07.00 - 13.00 hours on Saturday with no such working on Sunday. All construction work should be in accordance with BS 5228:2009.
7. Please see DETI Geological Survey (NI) consultation response received and scanned to the Planning Portal 30th July 2020 for information purposes.
8. Please see Historic Environment Division (HED) consultation response received and scanned to the Planning Portal 24th August 2020.
9. Please see NI Water Multi Units West consultation response received and scanned to the Planning Portal 19th November 2020.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0759/F	Target Date:
Proposal: Proposed housing development consisting of 8 dwellings (4 Semi detached and 4 detached) with associated access, roads, landscaping and provision of temporary treatment plant (Amended Plan)	Location: Lands adjacent to 121 Ruskey Road, The Loup
Referral Route: 1no. Objection received	
Recommendation:	Approval
Applicant Name and Address: Mr . McVey 121 Ruskey Road The Loup Moneymore	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 7AB
Executive Summary: Proposal complies with relevant prevailing planning policy. 2No. objection letters received and considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water – Multi Units West	Substantive Response
Non Statutory	Environmental Health Mid Ulster	Substantive Response
Statutory	DfI Roads – Enniskillen	Advice
Statutory	DfI Roads – Enniskillen	Advice
Statutory	Rivers Agency	Advice
Statutory	DfI Roads – Enniskillen	Advice
Statutory	DfI Roads – Enniskillen	Advice
Statutory	Rivers Agency	Advice
Statutory	DfI Roads – Enniskillen	Standing Advice
Non Statutory	NI Water – Multi Units West	Substantive Response
Non Statutory	Environmental Health Mid Ulster	Substantive Response
Statutory	DfI Roads – Enniskillen	Substantive Response

Representations:

Letters of Support	None Received
Letters of Objection	1
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 proposal site is located within the settlement limits of The Loup as defined in the Cookstown Area Plan 2010. The site is located between St Patricks Primary School, Loup and a large detached dwelling, 121 Ruskey Road. The site comprises a roadside,

agricultural field which is 0.61 hectares in size. The site is currently accessed via an existing agricultural gate, there is a laneway immediately adjacent, which runs along the NW boundary and appears to provide access to fields to the rear of the site. There is a gentle incline from the public road easterly, with the ground level gradually rising to the rear of the site. The roadside boundary is defined by mature trees and vegetation. The north and east boundary are defined by existing, mature vegetation and the southern boundary is currently defined by palisade fencing. The character of the surrounding area is reflective of a small rural village. St. Patrick's Primary School is located immediately to the south and Saltersland Presbyterian Church is located in proximity to the north with a further mix of land uses further west. There is a mix of small scale housing development within the area and detached dwellings on large plots.

Description of Proposal

This application seeks full planning permission for 8no. Dwelling units comprising 4no. Semi-detached and 4no. Detached on lands adjacent to 121 Ruskey Road, the Loup, Magherafelt.

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 7 - Quality Residential Environments
- PPS 3 - Access, Movement and Parking
- Planning Policy Statement 15 - Planning and Flood Risk
- Creating Places

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

History on Site

LA09/2015/1161/F – Proposed modular building to accommodate teaching and office facilities with associative siteworks - 119 Ruskey Road, Moneymore, Magherafelt - Permission Granted 14/03/16

I/2008/0520/F - Construction of vehicle lay-by and access road/footpath to the school provision of 31 car parking spaces 1 disabled car parking space + 4 occasional car parking spaces -119 Ruskey Road- Permission Granted 11/06/2009

I/2011/0428/F – Proposed new dwelling and garage - Land 60 metres South East of St Patricks P.S Loup, Permission Granted 08/02/12

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 objection letter was received on 10th September 2020 from Mr Pat McVey the summary of which is provided and considered below:

- Objects to the proposal stating the required sightlines infringe on 2.5m of a laneway under his ownership and he does not give permission for the land to be used to facilitate this development.

It is the responsibility of the applicant to ensure that they control all the lands necessary or have the necessary permissions to carry out the proposed development. Any planning permission granted does not confer title and land ownership is outside the remit of planning and a civil matter between the applicant and the objectors. Nevertheless, following receipt of the above referenced objection letter I sought clarification as to land ownership. The agent was advised that Certificate C Q.27 of P1 form should be accurately completed and notice should be served on any relevant land owner if land within the red line is not owned by the applicant. The applicant has confirmed that the land is within his ownership and provided land registry documents that confirm that the verge of the road/strip of land in question is under the control and ownership of the Road Service and therefore not owned by the objector as claimed.

Key Policy Considerations/Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Paragraph 4.11 of the SPPS states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development. Following the submission of amended plans I am satisfied that this proposal, including layout and house designs will not have an adverse impact on residential amenity and represents a quality residential development. This will be discussed in detail further in this report.

Paragraph 4.12 of the SPPS states other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas. Design and layout considerations will be considered further in this report. Consultation with NIW confirmed that there are no Waste Water Treatment Facilities at The Loup WWTW currently available to serve this proposal. The applicant has advised that he has been in talks with NI Water and the issue with the WWTW is not capacity rather a filtration issue which is planned to be upgraded. However should connection not be possible in the future, the applicant has provided a Temporary Treatment Plant to facilitate this development. NI Water and EHD have been consulted on the proposed siting and specifications of the Temporary Treatment Plant and have not raised any objections.

The applicant submitted a Drainage Assessment and following consultation with Rivers Agency, no concern were raised however Section 6 consent for discharge was required, which the agent subsequently provided. Rivers Agency have also requested given that the Drainage Assessment states the proposed drainage is indicative, a condition is attached to any forthcoming approval stating "Prior to the commencement of any of the approved development on site a final detailed drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for their consideration and approval". I am content to deal with this by way of applying this condition to any forthcoming decision to safeguard against any potential flood risk. The SPPS gives specific provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements than that provided under PPS7.

Cookstown Area Plan 2010 is the statutory local development plan for the application site. The application site is located within the defined settlement limits of The Loup, located on white land with no specific zoning or designation. Cookstown Area Plan 2010 states comprehensive development within the settlement limits of the Loup will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement. Accordingly, residential developments in excess of ten units will not normally be permitted. The extant Area Plan states that if the proposal meets all relevant, prevailing planning policy; it will meet the policy tests of Cookstown Area Plan Policy SETT 1 - Settlement Limits.

This proposal seeks full planning permission for 8 residential dwelling units. Drawing 03 Rev 3 date stamped 15th December 2020 provides details on the proposed siting, design, scale and access arrangements. Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered against all criteria outlined under Policy QD1.

- a) The proposal is located on urban Whiteland with no specific zoning or designation within the settlement limits of the Loup. The proposed development is residential in nature, there are varying land uses in the surrounding context including a school immediately south and a detached residential unit immediately north and in proximity to the west and southwest. Residential development in the locality varies in densities, scale and design with low to medium density development within Kilreish and along Loup Road and slightly higher density within Birchwood Park. The proposal comprises 8 dwelling units in the form of 4 detached and 4 semi-detached properties. Given the proposed density and varying residential development in the area, I consider the development will respect the surrounding character. There is a slight slope within the site rising gently in an easterly direction towards the rear of the site with a maximum difference in ground level of approximately 2 metres from the road to the rear of the site. There are mature trees and vegetation to the north and rear boundary of the site which are indicated for retention in the landscaping plan. It is considered public views are reduced given this existing and proposed planting particularly travelling along Ballyneill Road and the existing trees to the rear will assist with integration of the units within the development. The layout has been amended during the processing of the application which has resulted in the reduction of the number of units by one. The scale, proportion and massing of each dwelling is considered acceptable and not over dominant and there is adequate separation distances between proposed and existing built form. The development is not dominated by hard surfacing with all dwellings having in-curtilage parking and adequate private amenity space.
- b) No protected archaeological or built heritage features identified have been identified within the site or in close proximity thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.
- c) Each dwelling has adequate private amenity space in excess of the 40m² recommended in Creating Places. A detailed Landscape Plan has also been submitted which shows how the development will be landscaped in order to soften its visual impact. The proposed retention of existing vegetation and additional planting is considered acceptable to allow the development to successfully integrate.
- d) The proposal site is situated within the settlement limits of the Loup thus existing neighbourhood facilities are available in the locality. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area and the scale of development does not merit the provision of its own standalone facilities.
- e) A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, and provides adequate and convenient access to public transport. As the site is within an urban settlement there is an existing movement pattern (e.g.) foot paths and bus routes. The proposal includes the provision of a 2m footpath along the entire front of the site which will adjoin an existing footpath directly south of the

application site. DfI Roads have been consulted and have no objection to the proposal subject to conditions. Having considered the proposed access arrangements and given DfI Roads have offered no road safety objections, it is considered the proposal also complies with Policy AMP2

- f) I considered that adequate provision has been made for the provision of parking on the site. Drawing 03 Rev 3 indicates each dwelling has in-curtilage parking spaces for 2 vehicles. This is in line with Parking Standards Guidance.
- g) The design of the proposed dwellings are considered acceptable and reflect some rural character which is considered appropriate given this is a rural type village. It is considered the proposal includes an appropriate variety of house design and it is noted the front dwellings positioned at the entrance include a dual frontage.
- h) This proposal is residential in nature, there is a mix of land uses in the surrounding area and I do not consider the proposal will conflict with adjacent land uses. Environmental Health were consulted and have raised no concerns subject to conditions to ensure no detrimental impact from the proposed temporary treatment plant. Generally, residential developments by their nature do not generate an unacceptable level of noise, odours or emissions which would impact on residential amenity. There is a detached residential dwelling with large curtilage immediately north of the application site which is the applicants address. St. Patrick's Primary School is located directly south of the site. Dwellings 3-8 are located approx. 7metres from the common boundary with the primary school. The existing boundary treatment between the site and the school is palisade fencing with some dispersed vegetation. The proposal includes the addition of native hedgerow and an additional fence to ensure the proposal will not result in unacceptable overlooking. In terms of overlooking, loss of light and overshadowing, it is considered there is adequate separation distance from neighbouring properties and I do not foresee any unacceptable adverse impact on neighbouring amenity as a result of this proposal.
- i) The proposal seeks permission for a small housing development proposal of 8 units, each with off street parking and private amenity space. I have no significant in terms of crime or health and safety with respect the proposed design.

I conclude that the proposal accords with the extant Area Plan and all prevailing planning policy provisions highlighted above therefore I recommend approval.

Further consideration -

A second objection letter was received on 3 Sept 2021, the day of the Sept committee meeting. It was not considered as part of the assessment in the report presented to Committee so it was not issued in order to fully consider the objection.

The objection relates to a visibility splay to the south of the site and that no consent has been given for this. The agent has been made aware of this and is content the correct certificate has been signed and the land is either under the applicants control or part of the public verge (as shown in image below). As ownership is a civil matter and outside the remit of planning I am content the issues have been covered and an approval is still being recommended as previously.



Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval subject to the below conditions is recommended.

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 existing mature trees and vegetation along the south and west boundaries shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity.

3. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

4. All planting and boundary treatment comprised on drawing number 03 Rev 5 bearing date stamp 15th June 2021 shall be carried out prior to the occupation of any of the dwellings hereby approved and any trees or shrubs which, within a period of 5 years from the occupation of the dwellings, die, are removed, or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and to ensure the protection of residential amenity.

5. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.

Reason: To safeguard against flood risk to the development and elsewhere.

6. The development shall be served by a private sewage treatment plant until such times as the necessary upgrade of the Waste Water Treatment Works has been completed. On completion of the necessary improvements to the Waste Water Treatment Works the development hereby approved shall be connected to the public sewerage system (subject to all necessary agreements being put in place) and the private sewage treatment plant shall be decommissioned and removed from the site within 3 months of successful connection to the public sewerage system.

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

7. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW). Should adoption of the proposed temporary treatment plant not be feasible by Northern Ireland Water (NI Water), then an adequate and effective maintenance programme shall be put in place for a period not less than 20 years. The programme should be submitted and agreed for approval by Mid Ulster District Council prior to the construction of any of the dwellings hereby approved.

Reason: To safeguard residential amenity and public health.

8. The sewerage treatment plant shall be located as per Drawing No. 03 Rev 5 bearing date stamp 15th June 2021 and shall be installed and fully operational prior to the occupation of any dwellings hereby approved. The plant shall be maintained by the developer until such times as it is adopted by NI Water or is no longer necessary to serve the development.

Reason: To protect nearby residential amenity from noise and odour

9. An adequate maintenance programme for the temporary package sewage treatment plant, along with signed contract of those that will be responsible for its maintenance, shall be agreed in writing with Mid Ulster District Council prior to the occupation of any dwelling hereby approved. The agreed maintenance programme shall be carried out for the lifetime of the package sewage treatment plant until such times as the necessary upgrade of the Waste Water Treatment

Works has been completed, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise and odour

10. The odour concentration associated with the package sewage treatment plant shall not exceed 5 ouE/m³ directly above the unit and not more than 3 ouE/m³ at 5 metres from the unit.

Reason: To protect nearby residential amenity from odour

11. The noise level associated with the package sewage treatment plant shall not exceed 5dB (A) below any background level measured at the nearest sensitive dwelling.

Reason: To protect nearby residential amenity from noise

12. Within 4 weeks of a written request by Mid Ulster District Council, following odour or noise complaint from the occupant of a dwelling, which lawfully exists or has planning permission at the date of this consent, the operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of emissions from the sewerage treatment plant. Any works required to resolve noise or odour issues shall be carried out by an approved operator of the package sewage treatment plant and shall comply with the requirements of condition 4 and/or 5. The works shall be completed within a reasonable timeframe to the agreement of Mid Ulster District Council on identification of a nuisance. On completion of the works, the operator shall provide details of a monitoring survey to Mid Ulster District Council for written approval.

Reason: To protect nearby residential amenity from noise and odour

13. The visibility splays of 4.5 metres by 103 metres at the junction of the proposed (access/access road) with the public road, shall be provided in accordance with Drawing No. 08 Rev 3 bearing the date stamp 3 August 2021, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

14. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 08 Rev 3 bearing the date stamp 03 August 2021

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

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

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

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 08 Rev 3 bearing the date stamp 03 August 2021. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

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

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

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. The applicant's attention is drawn to NI Water Consultation Response dated 19th May 2021.

5. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

6. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
7. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Dfi Roads Street Lighting Consultancy, Marlborough House Central Way Craigavon BT64 1AD. The Applicant is advised to contact Roads Service Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.
8. Separate approval must be received from Dfi Roads in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.
9. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Dfi Roads Section Engineer whose address is Loughrey Campus, 49 Tullywigan Road , Cookstown, BT980 8SG. A monetary deposit will be required to cover works on the public road.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1046/F	Target Date:
Proposal: Retention of and relocation of partially constructed Farm Shed for Farm machinery storage, and animal shelter and amendments to the design of that approved under LA09/2017/0977/F	Location: 40m North East of 28A Toomog Galbally Dungannon
Referral Route: There are a number of objections to this proposal from an adjacent neighbouring property.	
Recommendation:	Refusal
Applicant Name and Address: Noel Mc Elduff 66 Killyharry Road Castlecaulfield	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Co Antrim BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DAERA - Omagh	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DFI Roads - Enniskillen Office	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DAERA - Omagh	

Representations:

Letters of Support	None Received
Letters of Objection	4
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Planning permission was previously granted for a much smaller building on a different part of the site. What was built on the application site was not in the location or at the scale approved, resulting in a much larger building almost completely constructed closer to the objector's property and on a much larger scale than was previously granted permission.

Characteristics of the Site and Area

This application site is a square shaped plot of land measuring 0.3 hectares, located along the Toomog Road. The site includes the applicant's dwelling at No 28A and a partially constructed building. It is located just under 4 kilometres south west of Donaghmore village and 2 kilometres south east of Galbally. The site lies in the countryside as is identified in the Dungannon & South Tyrone Area Plan (DSTAP). The area surrounding the site can be described as a rural upland area and is characterised by undulating topography. The immediate area surrounding the site and along the Toomog Road is quite enclosed by landform and mature vegetation and the winding nature of the road network. There is a greater degree of openness in the landscape to the west of the site where more open views across the wider landscape. That is due to less development on that side of the road in comparison with to the south of the road where the site is located.

The applicant's dwelling is a steeply pitched bungalow which is along the roadside and is sited in the western corner of the application site. In the eastern corner of the site is the partially constructed building which has all the block work and steel framework constructed and the wall and roof cladding was absent at the time of the site visit.

There is a wide verge along the roadside where the western boundary of the site comprises a post and wire fence. This dissects the site defining the curtilage of the applicant's dwelling. The post and chicken wire fencing with barbed wire atop continues along the northern boundary of the site. Number 28 Toomog Road is a single storey dwelling which abuts the northern boundary and is the closest property to the partially constructed building. This neighbouring plot includes a number of outbuildings, two are to the rear of the dwelling with one sitting parallel with this site boundary and another with the gable facing it. A hardcore area has been created between the road and the building and a concrete wall sits to the inside of the fence along both the western and northern boundaries. Some small mounds are located close to the corner where land has been cleared, adjacent to the neighbouring outbuildings.

Planning History

This application site has various planning histories on it.

LA09/2017/0977/F went before Planning Committee as there were objections to it and it was granted permission in July 2018 for a proposed farm build as a cattle shed at 40m North East of 28A Toomog Road.

There are a number of enforcement histories on this site.

- LA09/2017/0041/CA - Unauthorised curtilage extension and alterations to domestic dwelling.

- LA09/2018/0150/CA - Development not in accordance with approved plans

(LA09/2017/0977/F).

- LA09/2020/0040/CA - Farm building not built in accordance with planning permission

- LA09/2017/0977/F at 40m NE Of 28a Toomog Road is currently open and awaiting the outcome of this application proposal.

Description of Proposal

This application seeks full planning permission for the retention of and the relocation of partially constructed Farm Shed for farm machinery storage, and animal shelter and amendments to the design and siting of that approved under LA09/2017/0977/F.

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 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 and the period for Counter Representations closed on 18th December 2020. The Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28th May 2021 for them to carry out an Independent Examination. In light of this, the Draft Plan Strategy currently does not yet carry any determining weight.

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

The SPPS advises that the policy provision of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) are retained. Section 6.73 of the SPPS relates to development which is considered acceptable in the countryside and that includes development for agriculture and forestry. 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'.

This application site is located in the rural countryside, outside of any designated settlement limit identified in DSTAP, therefore the relevant policy context is provided by PPS 21. Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered acceptable in the countryside and the circumstances wherein planning permission will be granted for agricultural and forestry developments.

Policy CTY 12: Agricultural and Forestry Development states that planning permission will be granted for development on an active and established agricultural or forestry holding, where the proposal satisfies all the specific criteria listed. Therefore it is necessary to first consider if the farm business is both active and if it has been established for more than the required period of 6 years.

The applicant provided a completed P1C Form (including identification of farm business ID) and has submitted Farm Maps showing the extent of the land within the farm holding. I consulted with DAERA who responded informing that the Business ID No as provided was allocated on 11th January 1992, thus demonstrating the farm has been established for a period in excess of 6 years. DAERA did state the land which includes this application site last claimed SAF in 2014 and this was by a business other than that identified as the applicant's on the P1C form and no claims by any other business have been made since 2014.

Policy CTY 12 lists five further criteria which all proposals must fulfil,

- a) the proposed development is necessary for the businesses efficient use;
- b) it must be appropriate in terms of character and scale to its location;
- c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- d) it will not have an adverse impact on the natural or built heritage; and
- e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

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

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

Exceptionally, consideration may be given to an alternative site away from existing farm, provided there are no other sites available at another group of buildings on the holding, and where:

- is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

LA09/2017/0977/F

As there is a current valid application approved on this site for a similar proposal, the principle of an agricultural building within this site has been established. DAERA's response to this application is the same as what they replied to the original application.

In order to give an accurate assessment of this proposal, I feel it is necessary to understand and to take into account the evaluating of application LA09/2017/0977/F as a material consideration. Initially the applicant applied for a shed which included a series of cattle pens. The Council's Environmental Health Department were concerned and the number of pens in the shed was reduced to a single pen with the majority of the shed being utilised for agricultural storage.



Original Design

Revised and Approved Design

This shed is situated away from the main group of buildings on the applicant's farm holding which are located at 87 Killyharry Road, some 2.3km away. The applicant said there was a need for this building on this site so he can be close at hand to sick/injured animals, machinery and storage facilities and this proposal was considered an exception.

There were a number of revisions to the proposal which was initially submitted, as can be seen from the illustrations provided. The length of the building was reduced 4.5 metres, the width reduced by 1 metres which resulted in the ridge height dropping 0.2 metres. It was repositioned from the neighbours adjoining northern boundary to the rear of the applicant's dwelling and along the eastern boundary.



Original Siting



Revised and Approved Siting

In terms of compliance with CTY 12, it was agreed this proposal would provide a farm building at this part of the farm, away from the established and main group of farm buildings, providing facilities for sick and/or injured livestock as well as the safe storage of farm machinery and equipment. It was also considered as a requirement to aid the efficient running of the farm business. The amended proposal to the rear of the applicant's dwelling was sited as such to cluster with this and would also read with the dwelling/outbuildings to the rear of No. 28, albeit buildings outside of the same farm holding. Proposed landscaping works surrounding the site would also help restrict the level of impact on rural character and the building would not be a prominent feature as it would integrate into the area. There are no sensitive natural or built heritage features of note within the site or the surrounding area to have any impact on.

The closest neighbouring property is the objector's land at 28 Toomog Road which is situated approx. 35m from the closest point of the proposed farm building. The Environmental Health Department (EHD) of the Council initially had concerns with the proposal relative to amenity of the objector. The applicant duly amended the layout of the proposal so that the majority of the building was to be used for the storage of farm machinery and a small corner (furthest away from the neighbouring property) to be retained as a cattle pen for injured or sick cattle or cows. This has reduced any noise, odour, lighting and privacy concerns and EHD are satisfied by this amended increased distance from the neighbouring property.

It was agreed this proposal was an exceptional case as it is sited between two areas of farm land on the holding. The siting of the building to the rear of the applicant's dwelling was accepted as a justified reason for having a farm building at this location which has an equal access to both farm holdings. The building as approved measures 22.5 metres in length and 17.4 metres wide. It covered a footprint of 392 metres squared and had a ridge height of 8 metres FGL. It was sited 20 metres from the rear elevation of the applicant's dwelling and 23 metres from the southern boundary. The finishes proposed are grey dashed render to the lower walls, green tin cladding on the roof and upper walls with some translucent sheets also.

Retention of building as Constructed

Following the site visit and discussion at group with the Principal Planner, a number of concerns were discussed which needed addressing and clarification;

- The proposal description is inaccurate as the building is substantially completed and this application proposes to retain it, therefore the description must accurately reflect the proposal.
- The building as is constructed and the large hardcore area created does not give the appearance of a "proposed cattle shed"
- No details of the concrete wall around the yard area to the front of the building have been submitted.
- Due to the presence of a basement/lower ground level evident on site, the elevations and floorplans as submitted are therefore incorrect.



The agent stated the shed is for a mixture of farming aspects (soft bed pens, meal/feed storage area, equipment storage, machinery storage) tractor, trailers, portable crusher, fertilizer spreader, grass topper. In response to the presence of a basement/lower ground feature the agent said this was constructed in order to stop the floor sinking due to the depth of infill. They also stated the applicant proposes to 'infill these lower level openings', that they were only constructed to allow for the construction of the walls and safer access while building it.



Further discussion at group concluded the building must be reduced in size to reflect the scale of building which was granted approval. The agent submitted these amended drawings illustrating the lower ground level completely removed from the proposal and the demolition of a section of the building which further reduced reduce the length by some 7 metres.

The building as was initially submitted as part of this application measured 30.6 metres in length, 18.6 metres wide with a ridge height of 8.2 metres FGL. This building occupies a footprint of almost 570 metres squared and as is apparently reflective of what is currently on the site. Through the processing of the previous application, both the applicant and agent were fully aware that the siting of the shed along the northern boundary and of that scale was unacceptable and did not meet the policy requirements of CTY 21, hence why the proposal was amended and thus approval was granted for the reduced and re-sited scheme. Not only did the applicant fail to construct the building as approved, they augmented the scale of the building by increasing the footprint by almost 180 metres squared, which resulted in the building being some 45% larger than what was granted permission. The footprint is also over 70 metres squared larger than the building which was deemed unacceptable due to its inappropriate scale. Along with this, the applicant has constructed a basement level also further increases the floorspace of the building.



Initial Drawing Submitted



Proposal incorporating partial demolition



Most recent layout

After much debate and negotiation, amended drawings as illustrated above were submitted which proposed to demolish a section of the building closest to the northern boundary. This would reduce the footprint while also increasing the separation distance from the objector. It was agreed with the Principal Planner that as a portion of what is already constructed on the site is now proposed to be removed, this would have to occur and the site revisited with a member from Enforcement prior to the granting permission of this proposal.

Having progressed the application to this stage through much discussion, the applicant submitted a letter confirming he was changing agents and the newly appointed agent would submit their proposal. In order to further develop this application to a conclusion, I informed the new agent of what discussions were had and made it clear the requirements necessary.

I do not feel these were taken into consideration as the proposal description did not correctly describe the proposal and the most recent site layout submitted also inaccurately illustrated the siting of the approved building.

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed. I am not convinced this proposal respects the surrounding area nor does it integrate into the locality. The excessive scale of the building makes it a prominent feature, failing to integrate into the landscape without a detrimental impact, therefore I do not feel this proposal complies with CTY 13 and CTY 14.

Consultations

Department for Infrastructure Roads (DFI Roads) were consulted on this application and have no objections to this proposal, subject to the provision of visibility splays of 2.4 metres by 45 metres in both directions, as well as a forward sight distance of 45 metres also. Following the implementation and permanent retention of the required visibility splays, I consider the proposal to comply with the policy requirements contained with PPS 3 - Access, Movement and Parking. NI Water have no objections to this proposal.

The Council's Environmental Health Department (EHD) sought further information on the proposed systems in place to deal with manure generated from this shed. Following the proposal description being amended to its most recent description, EHD have taken this and the objectors comments into consideration. They have concluded there is an established land use for an agricultural shed within this application site and therefore have no objections, subject to conditions restricting the use of the building to only that included within the description and that no animals or livestock are to be stored outside of the identified area on the plans. This is in order to protect the residential amenity of the neighbouring property from potential noise and odour nuisances.

Shared Environmental Services (SES) were informally consulted and they did not consider it necessary to formal consult them as they have no concerns about this proposal affecting any European protected sites.

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

Objections

Four letters of objection have been received from the same individual objector. This objector resides at No 28 Toomog Road which is the closest residential dwelling to the site.

The objector has raised a number of concerns regarding this proposal and is concerned as these adversely affect his amenity.

The objector has also noted they will be contacting the Ombudsman regarding this application. They have identified a number of discrepancies from what was granted permission and what has been constructed on site, as is summarised below;

- The area covered exceeds the approved 300 metres squared,
- No basement area was approved but is built,
- The building is of a much larger scale than what was approved,
- The area labelled as a paddock area has been removed,
- A large hardcore/turning area with a commercial appearance has been constructed,
- Ground levels have been altered,
- A concrete wall has been built without permission,
- No earth embankment or hedgerow has been planted as a natural screen to the site,
- The description of the proposal/what is built is incorrect,
- The building has been constructed 22 metres from my dwelling on an area which it was not granted approval on.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The applicant has knowingly constructed a building of which the scale has not been approved, in a location which was not applied for and is much closer to the neighbour who is also the objector to this proposal.

In conclusion, members are reminded the applicant has been given numerous opportunities amend this proposal as was requested and explained above but has failed to do so. It is also worth noting the proposal under application LA09/2017/0977/F which members of the Planning Committee granted permission in July 2018 is still live. The applicant is still able to implement this proposal in the location and at the size as was approved.

Therefore taking into consideration policy requirements of the SPPS and PPS 21, concerns highlighted by the objector, combined with unsuccessful efforts to amend the proposal, I consider this proposal to be unacceptable. I recommend it is refused planning permission and the Enforcement Section be allowed to reconvene with the processing of their case which is currently awaiting the outcome of this application.

Refusal Reasons

1. This proposal is contrary to Policy CTY 12 Agricultural and Forestry Development of PPS 21, Sustainable Development in the Countryside in that it is inappropriate in terms and scale to its location and it fails to visually integrate into the local landscape.
2. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would result in a detrimental impact on the amenity of the neighbouring residential dwelling outside of the holding by reason of dominance.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would be/is unduly prominent in the

landscape and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	1st September 2020
Date First Advertised	14th September 2020
Date Last Advertised	8th June 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 28 Toomog Road, Dungannon, Tyrone, BT70 3BL Lawrence Small 28 Toomog Road, Dungannon, Tyrone, BT70 3BL Lawrence Small 28 Toomog Road, Dungannon, Tyrone, BT70 3BL L Small 28, Toomog Road, Dungannon, Tyrone, Northern Ireland, BT70 3BL The Owner/Occupier, 28a ,Toomog Road,Dungannon,Tyrone,BT70 3BL Laurence Small 28a, Toomog Road, Dungannon, Tyrone, Northern Ireland, BT70 3BL	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1046/F Proposal: Proposed farm building as cattle shed Address: 40m North East of 28A Toomog, Galbally, Dungannon, Decision: Decision Date: Ref ID: M/1984/0575 Proposal: BUNGALOW Address: TOOMOG, CASTLECAUFIELD, DUNGANNON Decision: Decision Date: Ref ID: M/1984/057501 Proposal: BUNGALOW Address: TOOMOG, CASTLECAULFIELD, DUNGANNON Decision: Decision Date: Ref ID: M/1999/4033	

Proposal: Extension to dwelling
Address: 28A TOOMAGH ROAD CASTLECAULFIELD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1988/0619
Proposal: LV O/H Line Extension
Address: TOOMOG DUNGANNON
Decision:
Decision Date:

Ref ID: LA09/2017/0977/F
Proposal: Proposed farm build as cattle shed
Address: 40m North East of 28A Toomog Road, Galbally, Dungannon,
Decision: PG
Decision Date: 06.07.2018

Ref ID: LA09/2020/1046/F
Proposal: Proposed farm building as cattle shed
Address: 40m North East of 28A Toomog, Galbally, Dungannon,
Decision:
Decision Date:

Ref ID: M/1984/0575
Proposal: BUNGALOW
Address: TOOMOG, CASTLECAUFIELD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1984/057501
Proposal: BUNGALOW
Address: TOOMOG, CASTLECAULFIELD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1999/4033
Proposal: Extension to dwelling
Address: 28A TOOMAGH ROAD CASTLECAULFIELD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1988/0619
Proposal: LV O/H Line Extension
Address: TOOMOG DUNGANNON
Decision:
Decision Date:

Ref ID: LA09/2017/0977/F
Proposal: Proposed farm build as cattle shed
Address: 40m North East of 28A Toomog Road, Galbally, Dungannon,
Decision: PG

Decision Date: 06.07.2018

Summary of Consultee Responses

DFI Roads - No objection subject to visibility splays of 2.4 metres by 45 metres in both directions and forward sight distance of 45 metres also. NI Water have no objections to this proposal. Environmental Health have no objections subject to conditions restricting the use of and within the building. This is due to the precedent of an agricultural building being accepted on this site under the previously approved application. Shared Environmental Services (SES) were informally consulted and they did not consider it necessary to formal consult them as they have no concerns about this proposal affecting any European protected sites. DAERA have no objections.

Drawing Numbers and Title

Drawing No. 01 REV 3
Type: Site Location Plan
Status: Submitted

Drawing No. 03 REV4
Type: Proposed Plans
Status: Submitted

Drawing No. 04 REV4
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1098/F	Target Date:
Proposal: Retention of existing structure to outdoor drinks area.	Location: Regans Bar 19 Hall Street Maghera BT46 5DA.
Referral Route: Refused - Contrary SPPS. Letter of objection	
Recommendation:	
Applicant Name and Address: Bernard Regan 19 Hall Street Maghera BT46 5DA	Agent Name and Address: Architectural Services 5 Drumderg Road Draperstown BT45 7EU
Executive Summary: Refusal	
Signature(s):Gerard Lynch	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	

Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Contrary to Planning Policy

Characteristics of the Site and Area

The application site and surroundings are identified as 19 Hall Street, which is located within the settlement development limits of Maghera Town as depicted in the Magherafelt Area Plan 2015 (MAP). The site hosts a 2 storey semi-detached building forming a row incorporating 2 other residential properties (Nos 16 & 15) all with frontages onto Hall Street with shared amenity area to the rear. There is currently on site a Public

House known as Regans Bar with storage area to the side and access to an open area to the rear. The external wall finishes consist of smooth painted render, painted hard wood window and door frames and black slates. Located at the front elevation is a build over archway this entrance is used by the bar long with the other two residential properties.

There is an access to the rear of the pub that opens onto an enclosed communal space, which is surrounded by several outbuildings some appear to be ancillary to the properties backing onto the courtyard. I noted one of the outbuildings had previously been used as a business.

The configuration, size and layout of these buildings restrict public views onto the courtyard which limits natural light onto the courtyard.

The surrounding area consists of a mix of commercial and residential properties there is a large retail facility with car parking to the rear of the bar.



Figure 1. Regans Public House 19 Hall Street, Maghera

Description of Proposal

Permission is sought for the retention of an outside drinking area to the rear of his pub at 19 Hall Street. The structure itself consists of a galvanised mono roof, timber frame structure with timber sides with the upper section open for ventilation purposes with gutters and a drain pipe and measures 7.2m x 5.4m in area. The height above ground level is 3.46m at the highest point and 2.6m at its lowest.

Full design details and materials are annotated on DWG Nos 01 (Rev-1), 05 (Rev-1), 06 (Rev-1) 03 stamp date 03/03/2021.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Site History.**H/1991/6107/F**

Demolition new building and restructuring to existing premises Regans bar 19 hall street Maghera

H/1990/0042/F

Alterations to licensed premises at Regans bar 19 hall street Maghera PG

LA09/2020/0086/CA

Alleged unauthorised extension to licensed premises at Regans bar 19 hall street Maghera (case ongoing).

Statutory consultees

1. MUDC Environmental Health Department were consulted on this application and confirmed it received a noise complaint in August 2020 i their response dard 22/04/2021 they recommended refusal.
2. Department for Communities Historic Buildings Division HED (Historic Buildings) were consulted on 29/09/2020 and in its response deem that it poses no greater demonstrable harm to the setting of the listed buildings on the opposite side of Hall Street 16 Hall St grade B1, 18 Hall St grade B2, 20, 22, 24 Hall St grade B listing.
3. Department for Communities HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing one (1) substantial objection was received on 18th October 2020; 2 letters of objection were received on 26th March 2021 and 6th April 2021). Six (6) neighbouring properties were notified on 14th October 2020; and twelve (12) neighbouring properties were notified on 19th March 2021; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

1. Magherafelt Area Plan 2015;
2. Strategic Planning Policy Statement (SPPS);
3. Regional Development Strategy 2035;
4. A Planning Strategy for Rural N Ireland (Policy DES 2)
5. Draft Mid Ulster Area Plan 2030; and
6. DCAN 7 Public Houses

The Magherafelt Area Plan 2015 operates as the Local Development Plan (LDP) where the application site is located within the development settlement limits of Maghera Town Centre. MAP offers no specific policy or guidance pertinent to this application.

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



Figure 2. External and interior of extension

Assessment Overview.

The key issues in the assessment of the proposal are as follows:

- The principle of the proposal at this location
- Design, layout and impact on the character and appearance of the area

- Impact on amenity.

Regans bar is a family owned pub, which has been in existence for about 50 years and is located alongside two dwellings Nos 17 and 15 these together with the bar form a continuous row fronting onto Hall Street.

The bar is a fairly typical traditional pub which has retained its distinctiveness selling alcohol only. These pubs that served only alcohol are referred to as 'wet pubs' were during first lockdown due to Covid were not allowed to open due to their limited capacity to comply with social distancing requirements.

Paragraphs 3.8 and 5.72 of the SPPS state that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Assessment.

The outside drinking facility to the rear of the bar and its proximity to residential use and the amenity impacts are material considerations as to whether this proposal is acceptable on this site. This is considered further below.

Design, layout and impact on the character and appearance of the area

The structure consists of a galvanised mono roof, timber frame structure with timber sides with the upper section open for ventilation purposes with gutters and a drain pipe and measures 7.2m x 5.4m in area. The height above ground level is 3.46m at the highest point and 2.6m at its lowest.

I am content that the structure's size and layout will not have a significantly greater visual impact on the existing character and will not be any more prominent than what is already on site prior to the structure being erected.

Impact on amenity and human health.

Whilst the site is located within a mixed used area within the development limits of Maghera, there is a number of residential properties in close proximity to the bar including several listed buildings.

It is noted that No 17 Hall Street is the closest property approximate 5m distance from the rear of the bar and the attached outside drinking structure, in my view the proposal would adversely impact the property by way of high noise levels and the loss of privacy and amenity.

DCAN 7 provides guidance for applications relating to the extension of Public Houses. Within the document it states that when considering extensions to existing Public Houses, account will be taken of the likely effects of the intensification of the existing use

on the surrounding area including any loss of amenity due to an increase in noise and disturbance.

This is considered applicable as the site is located immediately adjacent to residential properties. It is anticipated that due to the close proximity to neighbouring residential properties the external noise from the drinking area will significantly impact amenity.

Access, parking and transport.

DFI Roads were not consulted in this application.

Other material considerations.

Three objections have been received in relation to this application with the crux of the issues relating to the impact the development and on an existing right of way, noise, loss of light, change of character to the rear of the objector's property, overlooking onto private amenity area, anti-social behaviour, insufficient properties notified. The objector also brought it to the attention of the Planning Department that the application P1 form was not correct and the maps did not identify the correct property numbers. Since this the applicant has submitted amended site location plan showing the property numbers.

The applicant's solicitor has confirmed in writing the applicant's ownership of the bar.

The above concerns were discussed at a development management group, which it requested amended site location plan. In regards to the number of properties notified additional neighbouring properties located opposite the application site were consulted.

In this respect I am content that neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015, and that all processes were in accordance with the Development Management Practice Note 14 (April 2015).

In terms of noise MUDC Environmental Health were consulted and their response was received and uploaded to the public portal on 22 April 2021. However due to the location, scale and open nature of the outside drinking structure with No 17 it was not considered possible that sufficient noise mitigation measures can be put in place to reduce the impact on residential amenity. Environmental Health have not requested any further information to be submitted and have recommended refusal on the grounds that the outside drinking structure would have an adverse impact on the amenity of No 17 Hall Street, Maghera.

Conclusions.

The proposal is unacceptable having been assessed in light of all material considerations, including weighting against relevant policies and the specific refusal reasons set out in my report.



Figure 3. Buildings surrounding rear courtyard

No architectural or flooding concerns.

The Mid Ulster District Council Local Development Plan 2030.

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommendation: Refusal

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) paragraphs 4.11 and 4.12 in that the retention of the existing structure for an outside drinking area would, if permitted, harm the living conditions of the neighbouring residential properties through noise, nuisance and general disturbance resulting in a loss of residential amenity.

Signature(s)

Date:

ANNEX	
Date Valid	11th September 2020
Date First Advertised	22nd September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 13 Hall Street Maghera Londonderry The Owner/Occupier, 15 Hall Street Maghera Londonderry The Owner/Occupier, 16 Hall Street, Maghera, Londonderry, BT46 5DA The Owner/Occupier, 17 Hall Street Maghera Londonderry Geraldine Regan 17 Hall Street, Maghera, BT46 5DA The Owner/Occupier, 18 Hall Street, Maghera, Londonderry, BT46 5DA The Owner/Occupier, 19a Hall Street, Maghera, Londonderry, BT46 5DA The Owner/Occupier, 22 Hall Street, Maghera, Londonderry, BT46 5DA The Owner/Occupier, 23 Hall Street, Maghera, Londonderry, BT46 5DA The Owner/Occupier, 24 Hall Street, Maghera, Londonderry, BT46 5DA The Owner/Occupier, 26 Hall Street, Maghera, Londonderry, BT46 5DA Geraldine Regan Email Address Geraldine Regan Email Address The Owner/Occupier, Snooker Hall 17a Hall Street	
Date of Last Neighbour Notification	5th March 2021
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2020/1098/F

Proposal: Retention of existing structure to outdoor drinks area.

Address: Regans Bar, 19 Hall Street, Maghera, BT46 5DA.,

Decision:

Decision Date:

Ref ID: H/1995/0570

Proposal: SITE OF EXTENSION TO EXISITNG FACTORY

Address: 11 FAIRHILL MAGHERA

Decision:

Decision Date:

Ref ID: H/1991/6107

Proposal: DEMOLITION NEW BUILDING AND RESTRUCTURING TO EXISTING PREMISES REGAN BAR 19 HALL STREET MAGHERA

Address: REGAN BAR

Decision:

Decision Date:

Ref ID: H/1990/0042

Proposal: ALTS AND ADDS TO LICENSED PREMISES

Address: REGAN'S BAR 19 HALL STREET MAGHERA

Decision:

Decision Date:

Ref ID: H/2001/0486/F

Proposal: Extension to Food Processing Factory

Address: 9-11 Fairhill, Maghera

Decision:

Decision Date: 31.08.2001

Ref ID: H/2000/0112/F

Proposal: Extension to Food Processing Factory

Address: 9-11 Fairhill, Maghera

Decision:

Decision Date: 26.06.2000

Summary of Consultee Responses

Advice

Drawing Numbers and Title

Drawing No. 01 (Rev-1)
Type: Site Location Plan
Status: Submitted

Drawing No. 06 (Rev-1)
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 05 (Rev-1)
Type: Proposed Elevations
Status: Submitted

Drawing No. 04
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 03
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 02
Type: Existing Plans
Status: Submitted

Drawing No. 07
Type: Proposed Elevations
Status: Submitted

Notification to Department (if relevant) N/A

Date of Notification to Department:
Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1322/O	Target Date:
Proposal: Proposed dwelling.	Location: Adj to 59 Drumaspil Road, Drumcrow Dungannon
Referral Route: Refusal – Contrary to CTY 1 of PPS 21.	
Recommendation:	REFUSAL
Applicant Name and Address: Eamonn Donnelly 59 Drumaspil Road Drumcrow Dungannon BT71 6HZ	Agent Name and Address: Peter McCaughey 31 Gortnasaor Dungannon BT71 6DA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	1 (from agent)	
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		
There were no objections received in relation to the proposal.		
Characteristics of the Site and Area		
The site is located at lands adjacent to 59 Drumaspil Road. The red line of the site includes a rectangular portion of a larger agricultural field. There are lands which surround the site which are hatched blue, indicating ownership. The lands are generally quite flat throughout with some hedging and post and wire fencing along the SE boundary. The immediate area surrounding the site is made up with a number of existing dwellings and associated outbuildings, however beyond that the lands are largely rural in nature.		
Description of Proposal		
Outline planning permission is sought for a proposed dwelling.		
Planning Assessment of Policy and Other Material Considerations		
<u>Planning History</u>		
There is not considered to be any relevant planning history associated with this site.		
<u>Representations</u>		
Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 59 Drumaspil Road. At the time of writing, no third party representations have been received.		
<u>Planning Assessment of Policy and Other Material Considerations</u>		
<ul style="list-style-type: none">• Dungannon and South Tyrone Area Plan 2010• Strategic Planning Policy Statement (SPPS)• PPS 21: Sustainable Development in the Countryside• PPS 3: Access, Movement and Parking• Local Development Plan 2030 - Draft Plan Strategy		
The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside. There are no other zonings or designations within the Plan.		

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

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

Policy CTY1 provides clarification on which types of development are acceptable in the countryside. The agent was asked what policy they would like the proposal to be assessed against and a number of policies were suggested, including CTY 2a, CTY 6 and CTY 10 so each of these policies will be addressed within this report.

CTY 2a of PPS 21 permission will only be granted for a dwelling at an existing cluster of development provided 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 dwelling. This proposal site lies outside of a farm and consists of more than 4 buildings thus adhering to this criteria. There is a crossroads located approx. 75m north of the red line of the site which is considered to be too far removed from the site. The site does not have any other focal point and thus fails on this criterion. The identified site is also is not bounded on two sides by development therefore failing on this policy requirement also. Having considered all these points I feel this proposal fails with the requirements of CTY 2a.

Policy CTY 6 of PPS 21 permits a dwelling in the countryside for the long-term needs of the applicant, where there are compelling and site specific reasons for this related to the applicants personal or domestic circumstances and provided the following criteria are met:

- The applicant can provide evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused, and
- There are no alternative solutions to meet the particular circumstances of the case, such as an extension to the existing dwelling, the conversion or reuse of an existing building within the site curtilage, or the use of a temporary mobile home for a limited period of time to deal with immediate short term circumstances.

The agent has submitted a letter in support of this application which details why the applicant feels they meet the Policy requirements of CTY 6. Medical evidence has been sought via phone call on 20th May 2021 from the agent to substantiate the information within the letter provided, however to date nothing further has been received from the

agent or applicant. Due to the sensitive and personal nature relating to the applicant's parent, the specifics of the supporting information will not be detailed in this report.

It is considered that this proposal fails on criterion (b) of CTY 6, where are alternative solutions to meet the particular circumstances of the case. We feel that an extension or annex attached to the existing dwelling would be a possibility in this instance. The curtilage of the existing dwelling which is noted as the applicants address alongside his parents is large enough to be able to accommodate this with ease. In this instance, although we remain empathetic towards the applicant and their families circumstances, we feel that there are alternative available to the applicant and thus the proposal fails criterion (b) of CTY 6 and as such must be recommended for refusal.

We also investigated the possibility of a proposed dwelling being allowed under CTY 10 for a dwelling on a farm. One receipt was received from M. Campbell dated 19th April 2021 which stated that they confirm they carried out agricultural works on the lands for about 8 years. Again, this wouldn't be enough information for us to be able to determine if the farming business is currently active and has been established for over 6 years. No further information was received in relation to a farming business despite requests dating back to May 2021.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. The site benefits from some existing hedging along its southern and western boundaries, however the remainder of the boundaries appear undefined therefore integration may be quite limited at this site. The proposed site may also create or add to a ribbon of development at this location.

DfI Roads were consulted in relation to the proposal and have raised no concerns, subject to condition.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Refusal is recommended.

Conditions/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 the cluster is not associated with a focal point or is not located at a cross-roads. The proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure. The dwelling would if permitted significantly alter the existing character of the cluster visually intrude into the open countryside.

3. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

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

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

6. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

7. 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, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	23rd October 2020
Date First Advertised	3rd November 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) Peter McCaughey 31 Gortnasaor, Dungannon, BT71 6DA The Owner/Occupier, 59 Drumaspil Road Drumaspil Dungannon	
Date of Last Neighbour Notification	26th November 2020
Date of EIA Determination	

ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1322/O Proposal: Proposed dwelling Address: Adj to 59 Drumaspil Road, Drumcrow, Dungannon, Decision: Decision Date: Ref ID: M/1992/0374 Proposal: Extension to dwelling Address: 59 DRUMASPIL ROAD DRUMCROW DUNGANNON Decision: Decision Date:	
Summary of Consultee Responses DfI Roads – Content.	
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:	



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1497/F	Target Date:
Proposal: Development of a 20 x 30m 3G multi use games area (MUGA) at the Presbyterian Church with ancillary including floodlighting infrastructure (no Lighting) and fencing. The works include for the upgrading of the existing carpark, new footpath, link with raised kerb to the school and the MUGA and new railings and gates along Edendoit Road frontage	Location: Land adjacent to 1 Edendoit Road Pomeroy Dungannon
Referral Route: Mid Ulster District Council is the applicant	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council Cookstown Office Burn Road Cookstown	Agent Name and Address: Mc Adam Design 1C Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
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

Characteristics of the Site and Area

The site is located within the settlement limits of Pomeroy as per the Cookstown Area Plan, outside any other designations. The red line of the application site includes a flat level car park, with a rough gravel surface and then extends east into part of an existing agricultural field, which sits at a level slightly below the adjoining carpark. A primary school abuts the application site to the north, with a factory premises on the eastern boundary. A Presbyterian Church hall is located along side the red line boundary in the corner of the car park. There is a small post and wire fence along the northern boundary to separate the primary school grounds from the existing field.

Representations

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

Description of Proposal

This is a full planning application for the development of a 20 x 30m 3G Multi Use Games Area (MUGA) at the Presbyterian Church. The works include for the upgrading of the existing carpark, new footpath, link with raised kerb to the school and the MUGA and new railings and gates along Edendoit Road frontage.

Planning Assessment of Policy and Other Material Considerations

The following policies have been considered in the assessment of this application:

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 3- Access, Movement and Parking

PPS8 - Open Space, Sport and Outdoor Recreation

PPS 15 (Revised)- Planning and Flood Risk

The SPPS recognises that open space, sport and outdoor recreation is important to society now and in the future. Everyone, particularly children, older people and people with disabilities should have easy access to open space and the opportunity to participate in sport and outdoor recreational activity or simply enjoy and have contact with nature.

Policy COM1- Community Uses of the Cookstown Area Plan states that planning permission will be granted will be granted for community uses within settlement limits provided this would not prejudice comprehensive development, particularly on zoned sites, and where all the following criteria are met:

- *there is no significant detrimental effect on amenity;*

I am content that the proposal will not have a detrimental effect on amenity of any nearby residents. There are no residential properties close enough to be affected by the proposal. The proposal does not include the use of floodlighting. Environmental Health were consulted and provided a condition requesting the facility only to be used between 09:00- 22:00 Monday to Sunday in order to protect residential amenity from noise, light and anti-social behaviour.

- *there is no significant conflict with conservation interests;*

The site is not located within a designated area, so will not conflict with any conservation interests.

- *The proposal is in keeping with the size and character of the settlement and its surroundings;*

I am content that the proposal is of a small scale and given the presence of the primary school adjacent and the community hall, the proposal is in keeping with the character of the settlement and its surroundings.

- *Where necessary, additional infrastructure is provided by the developer*

The only additional infrastructure being provided by the developer includes a foot path and access gates to the adjoining primary school. Further fencing is provided around the perimeter of the MUGA. An existing NIE pole is to be removed and the cable placed underground. I am content this is acceptable.

- *There are satisfactory access, parking and sewage disposal arrangements.*

I am content there will be no issues with sewage given the proposed use of the site. The proposal includes an existing car park and existing points of access, which is to be extended to include an additional 11 car parking spaces as part of the proposal. DfI Roads were consulted as part of the application and requested further information around the number of car parking spaces available and expected number of vehicles accessing the site. This was provided and DfI Roads are content that the proposed footway link to the MUGA site addresses previous concerns regarding pedestrian accessibility to the site.

PPS8- Open Space, Sport and Outdoor Recreation

Policy OS4- Intensive Sports Facilities states for the purposes of this PPS, include stadia, leisure centres, sports halls, swimming pools and other indoor and outdoor sports facilities that provide for a wide range of activities. Although the proposal may not be considered an intensive sports facility, it does provide for a wide range of activities with being a Multi Use Games Area. Permission will only be granted for intensive sports facilities where these are located within a settlement.

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- *there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated*

As previously covered, I am content the proposal will not have an unacceptable effect on the amenity of nearby residents. A condition will be attached limiting the use between the hours of 09:00 and 22:00.

- *there is no adverse impact on features of importance to nature conservation, archaeology or built heritage*

There will be no adverse impact on any of these features.

- *buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment*

I am content that the design of the development is of a high standard and is of an appropriate scale to the local area. I am satisfied the proposal is of a small enough scale as to not be a dominant feature within the local area.

- *the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport*

I am content that the proposal takes into account the needs of people with disabilities as it provides for disabled parking and access to the proposal is easily accessible with flat ground leading down to the MUGA. Although parking is provided at the site, the site is also readily accessible by walking and cycling in the local area as it is located within the settlement limits of Pomeroy, with a footpath formed to the adjoining primary school. Existing footpaths are in place leading to the existing site.

- *The road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.*

The applicant has advised on the transport assessment form that it is not likely to generate 30 or more vehicle movements per hour. The site currently has 29 spaces for car parking, with the proposal providing an additional 12 spaces to provide 41 spaces in total, including 3 DDA spaces.

With regards the drainage at the site, DfI Rivers were consulted and have requested a condition to be attached requesting a drainage assessment to be provided prior to the commencement of development.

PPS 3- Access, Movement and Parking

Policy AMP 2 states permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. The applicant has stated in a Transport Assessment form that the development is not likely to generate 30 or more vehicle movements per hour. The proposal also plans to create an additional 11 parking space and from such I am content the proposal will not result in the intensification of the existing access. DfI Roads have confirmed they are content with the proposal subject to condition provided.

PPS15 (Revised)- Planning and Flood Risk

The applicant submitted a Drainage Assessment as part of this planning application, which DfI Rivers have reviewed. DfI Rivers have offered no objection to the proposal and advised a planning condition be attached to any planning permission.

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 subject to conditions	
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. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.

Reason: To safeguard against flood risk to the development and elsewhere

3. The facility (including floodlighting) shall only be used during the following hours:

09:00 – 22:00 Monday to Sunday

Outside these hours, the facility shall be inaccessible

Reason: To protect residential amenity from noise, light and anti-social behaviour

4. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 10 Rev 1 bearing the date stamp 03 September 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 Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 10 Rev 1 bearing the date stamp 03 September 2021.

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

6. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 10 Rev 1 bearing the date stamp 03 September 2021. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreements under Article 3 (4C) and Article 32.

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

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.
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 Department or other statutory authority. The developer's attention is expressly drawn to the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 which has application to the development hereby granted planning permission.
4. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.
Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the DfI Roads to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.
5. Separate approval must be received from DfI Roads in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.
6. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Central Way, Craigavon, BT64 1AD. The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.
7. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.
8. Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges.
9. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system

Signature(s)

Date:

ANNEX	
Date Valid	17th November 2020
Date First Advertised	8th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Edendoit Road, Pomeroy, Tyrone, BT70 2RW The Owner/Occupier, Presbyterian Church Hall, 1 Edendoit Road, Pomeroy, Tyrone, BT70 2RW The Owner/Occupier, Queen Elizabeth II (Pomeroy) Primary School 3 Edendoit Road Pomeroy	
Date of Last Neighbour Notification	11th December 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: I/2005/1196/F Proposal: Housing development, site road and associated site works Address: Lands to the rear of Queen Elizabeth Primary School and opposite PSNI Station, Tanderagee Road, Pomeroy Decision: Decision Date: 24.07.2007 Ref ID: I/1980/0073 Proposal: HOUSING DEVELOPMENT Address: CAVANKEERAN, POMEROY, CO TYRONE Decision: Decision Date: Ref ID: I/1981/0056 Proposal: HOUSING DEVELOPMENT Address: CAVANKEERAN, POMEROY Decision: Decision Date: Ref ID: LA09/2016/0364/F Proposal: Proposed extension to existing workshop to accommodate wood saw and log splitter and the erection of store for wood chip. Address: Unit 1, Forest Park Industrial Estate, Cavanakeeran Road, Pomeroy, Dungannon, Decision: PG Decision Date: 29.11.2016 Ref ID: I/1990/0135 Proposal: 2 No Factory Units with associated Test Track	

Address: SITE 2 FOREST PARK INDUSTRIAL ESTATE POMEROY

Decision:

Decision Date:

Ref ID: I/1987/0403

Proposal: ENGINEERING FACTORY

Address: POMEROY, ON DUNGANNON ROAD

Decision:

Decision Date:

Ref ID: LA09/2017/0410/O

Proposal: Provision of 3G sports pitch/MUGA 20m x30m

Address: Lands south of Queen Elizabeth II Primary School, 3 Edendoit Road, Pomeroy,

Decision: WITHDR

Decision Date: 13.10.2017

Ref ID: I/1996/0146

Proposal: Alterations and Extension to Church and Hall

Address: 7 MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1998/0504

Proposal: Proposed Store room extension to Church Hall

Address: POMEROY PRESBYTERIAN CHURCH EDENDOIT ROAD POMEROY

Decision:

Decision Date:

Ref ID: I/2007/0561/F

Proposal: Extension to kitchen adjoining church hall and new ramped access

Address: 7 Edendoit Road, Pomeroy

Decision:

Decision Date: 19.10.2007

Ref ID: LA09/2020/1497/F

Proposal: Development of a 20 x 30m 3G multi use games area (MUGA) at the Presbyterian Church with ancillary including floodlighting infrastructure (no Lighting) and fencing. The works include for the upgrading of the existing carpark, new footpath, link with raised kerb to the school and the MUGA and new railings and gates along Edendoit Road frontage

Address: Land adjacent to 1 Edendoit Road, Pomeroy, Dungannon,

Decision:

Decision Date:

Ref ID: I/2004/0025/F

Proposal: Replacement temporary mobile classroom accommodation relocated from another site.

Address: Queen Elizabeth II Primary School, 3 Edendoit Road, Pomeroy, Dungannon.

Decision:

Decision Date: 19.02.2004

Ref ID: I/1976/0153

Proposal: ERECTION OF 2 TEACHER PRIMARY SCHOOL

Address: POMEROY

Decision:

Decision Date:

Ref ID: I/1980/0374
 Proposal: DOCTORS SURGERY
 Address: EDENDAIT ROAD, POMEROY
 Decision:
 Decision Date:

Ref ID: I/1996/0314
 Proposal: New Mobile Classroom
 Address: QUEEN ELIZABETH II PRIMARY SCHOOL 3 EDENDOIT ROAD POMEROY
 Decision:
 Decision Date:

Ref ID: I/2009/0176/F
 Proposal: Installation of photovoltaic panels
 Address: Queen Elizabeth II Primary School, 3 Edendoit Road, Pomeroy, Dungannon, BT70 2EZ
 Decision:
 Decision Date: 28.04.2009

Ref ID: I/1992/0308
 Proposal: Re-location of Mobile Classroom
 Address: POMEROY PRIMARY SCHOOL POMEROY CO TYRONE
 Decision:
 Decision Date:

Ref ID: I/1978/0048
 Proposal: MV O/H LINE
 Address: COOKSTOWN ROAD, POMEROY
 Decision:
 Decision Date:

Ref ID: LA09/2017/0169/PAN
 Proposal: Public realm improvements comprising street scape resurfacing and new paving to pedestrian footpaths and Pomeroy Square, upgrades to existing street lighting, safety/lighting bollards, outdoor furniture/planting, painting to selected existing buildings and resurface to link from Queen Elizabeth II Primary School and existing Main Street footpath
 Address: Main Street, Pomeroy, Dungannon,
 Decision: PANACC
 Decision Date:

Ref ID: LA09/2017/0658/PAD
 Proposal: Public realm scheme
 Address: Main Street, Pomeroy,
 Decision:
 Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01
Type: Site Location Plan
Status: Submitted

Drawing No. 02
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 06
Type: Proposed Plans
Status: Submitted

Drawing No. 07
Type: Proposed Plans
Status: Submitted

Drawing No. 08
Type: Proposed Plans
Status: Submitted

Drawing No. 09
Type: Proposed Plans
Status: Submitted

Drawing No. 10REV01
Type: Roads Details
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

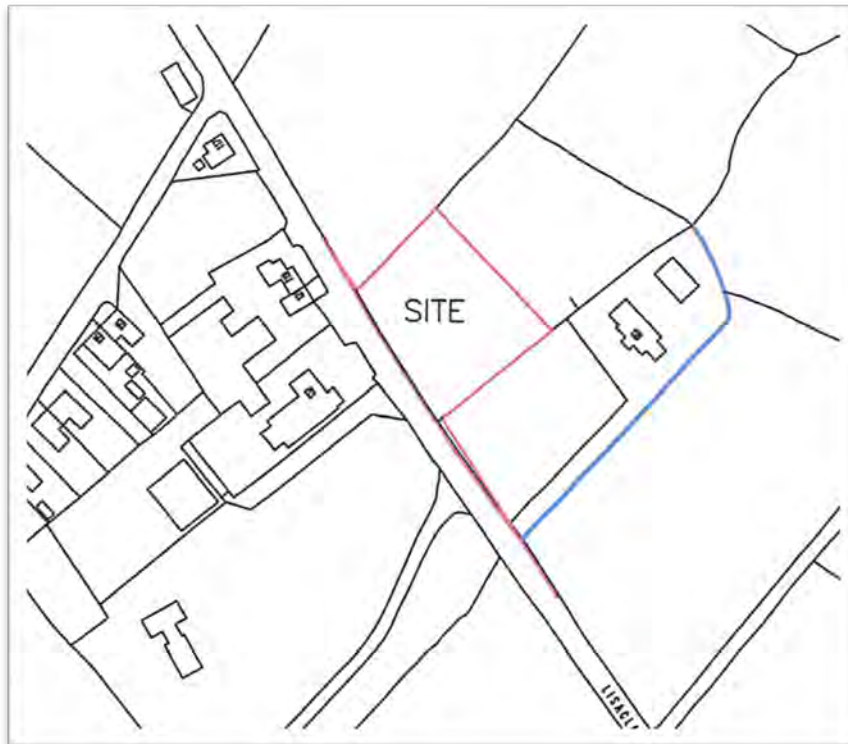


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1570/O	Target Date:
Proposal: Proposed site for dwelling and garage	Location: 20m South West of 128 Lisacclare Road Lisacclare Dungannon
Referral Route: Refusal – contrary to CTY 6 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Joe Quinn 128 Lisacclare Road Lisacclare Dungannon	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing 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	
Summary of Issues		
No representations received.		
Characteristics of the Site and Area		
<p>The site is located at lands 20m South West of 128 Lisacclare Road. The red line of the site includes a roadside portion of a larger agricultural field. There are lands to the east which are outlined in blue indicating ownership. The boundaries of the site are mainly bounded by post and wire fencing with low lying hedging in parts also. The surrounding area includes a number of residential dwellings to the west and to the north the lands are largely rural in nature. Killeen settlement is located to the south which is generally made up with high density residential dwellings.</p>		
Description of Proposal		
Outline planning permission is sought for a proposed dwelling and garage.		
Planning Assessment of Policy and Other Material Considerations		
<u>Planning History</u>		
There is not considered to be any relevant planning history associated with this site.		
<u>Representations</u>		
Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 119, 121, 128 and 137 Lisacclare Road. At the time of writing, no third party representations have been received.		
<u>Planning Assessment of Policy and Other Material Considerations</u>		
<ul style="list-style-type: none"> • Dungannon and South Tyrone Area Plan 2010 • Strategic Planning Policy Statement (SPPS) • PPS 21: Sustainable Development in the Countryside • PPS 3: Access, Movement and Parking⁷⁶ • Local Development Plan 2030 - Draft Plan Strategy 		
<p>The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside, located North of Killeen. There are no other zonings or designations within the Plan.</p>		

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

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

Policy CTY1 of PPS 21 provides clarification on which types of development are acceptable in the countryside. Policy CTY 6 of PPS 21 permits a dwelling in the countryside for the long-term needs of the applicant, where there are compelling and site specific reasons for this related to the applicants personal or domestic circumstances and provided the following criteria are met:

- The applicant can provide evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused, and
- There are no alternative solutions to meet the particular circumstances of the case, such as an extension to the existing dwelling, the conversion or reuse of an existing building within the site curtilage, or the use of a temporary mobile home for a limited period of time to deal with immediate short term circumstances.

The agent has submitted a statement in support of this application which details why the applicant is applying under Policy CTY 6. Medical evidence has been provided by way of letter from the applicant himself, his Doctor's surgery and a letter detailing the results of MRI Scan. Due to the sensitive nature of the applicant's personal circumstances, the specifics of the supporting information and reports will not be detailed in this report. We are satisfied with the evidence and information provided from the agent that the applicant has special circumstances which may mean they would suffer genuine hardship if planning permission were to be refused.

It is considered that this proposal fails on criterion (b) of CTY 6, where are alternative solutions to meet the particular circumstances of the case. We feel that an extension or annex attached to the existing dwelling would be a possibility in this instance. The curtilage of the existing dwelling which Mr Quinn resides at is large and would be able to accommodate this with ease. The supporting statement refers to the applicant not having the financial means to build an extension and is intending to use the sale of his existing two storey property at 128 Lisaclore Road to fund this proposed bungalow. The agent was asked if the applicant has tried to apply for any funding or grants that may be available to him. The agent responded noting that they have not went down the route of grant aid for adaption for his needs, as the applicant wants to downsize completely as the present house is too large and for him difficult to manage.

In this instance, although we remain empathetic towards the applicants circumstances, we feel that there are alternative available to the applicant and thus the proposal fails criterion (b) of CTY 6 and as such must be recommended for refusal. We have teased out any other possible policies within PPS 21 including CTY 10 and CTY 2a, but to no avail.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. The land is generally flat throughout and a dwelling should not appear prominent at this site if approval were to be forthcoming, especially given that the applicant has noted they would be proposing a bungalow. The site benefits from some existing landscaping along its boundaries, however the red line of the site is essentially just a cut out of an open field. Therefore, it is considered the proposal would be contrary to the criterion held within CTY 13 and CTY 14 where the proposal would result in suburban style build-up of development and the existing landscaping would not be able to provide a suitable degree of enclosure for the site to allow for integration for any proposed dwelling.

DfI Roads were consulted in relation to the proposal and have raised no concerns, subject to condition.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration. The proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

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.

Signature(s)
Date:

NNEX	
Date Valid	9th December 2020
Date First Advertised	22nd December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 119 Lisclare Road Stewartstown Tyrone The Owner/Occupier, 121 Lisclare Road Stewartstown Tyrone The Owner/Occupier, 128 Lisclare Road, Stewartstown, Tyrone, BT71 5QJ The Owner/Occupier, 137 Lisclare Road Stewartstown Tyrone	
Date of Last Neighbour Notification	8th January 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1570/O Proposal: Proposed site for dwelling and garage Address: 20m South West of 128 Lisclare Road, Lisclare, Dungannon, Decision: Decision Date: Ref ID: M/1994/0194 Proposal: Site for dwelling Address: OPPOSITE 117 LISACLARE ROAD, COALISLAND, CO TYRONE. Decision: Decision Date: Ref ID: M/2008/0477/F Proposal: Minor amendments to previously approved house design Address: Opposite 137 Lisclare Road, Stewartstown Decision: Decision Date: 16.07.2008	

Ref ID: M/2007/0618/O

Proposal: Proposed variation to condition 4 of previous outline planning application M/2005/0647 for extension of green area

Address: Opposite 137 Lisacclare Road, Stewartstown

Decision:

Decision Date: 06.07.2007

Ref ID: M/2007/0964/RM

Proposal: 1no. two storey dwelling and detached double garage

Address: Opposite 137 Lisacclare Road, Stewartstown

Decision:

Decision Date: 17.09.2007

Ref ID: M/2005/0647/O

Proposal: Proposed site for dwelling

Address: Opposite 137 Lisacclare Road, Stewartstown

Decision:

Decision Date: 07.03.2006

Summary of Consultee Responses

DfI Roads – Content.

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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1590/F	Target Date:
Proposal: Proposed erection of farm building to incorporate stables, farm office, central heating plant room, agricultural storage and farm machinery garage, creation of farm laneway & alterations to public road access	Location: 50metres South east of 21 Tandragee Road Pomeroy Dungannon
Referral Route: This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Kyle Smyth 21 Tandragee Road Pomeroy Dungannon BT70 3DS	Agent Name and Address: UEL HENRY 42 Knockanroe Road Stewartstown BT71 5LX
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

Statutory	Historic Environment Division (HED)	Content
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	
Non Statutory	DAERA - Omagh	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues including Representations		
<p>Two representations have been received in respect of this proposed development and relate to the following issues:-</p> <ul style="list-style-type: none">- Increase in traffic on the shared laneway; <p>Dfi Roads considered the proposed access and did not raise any issues regarding the increase in traffic on what is a private laneway. Dfi further advised that they have no objection to the use of the proposed access, subject to the suggested conditions;</p> <ul style="list-style-type: none">- Maintenance and widening of the lane; <p>The upkeep of and/or the widening of the private laneway is a civil matter between those parties concerned and is not a planning matter.</p>		
Characteristics of the Site and Area		
<p>The site is located in a rural area approximately 1.5Km south east of Pomeroy. The site is at a sharp bend in the Tandragee Road and is opposite Pomeroy Forest. The land is gently undulating and is characterised by dwellings and associated buildings sited along the roadside and set back from the road.</p> <p>There is a small single storey building on the site which is used as shelter for donkeys in addition to a wood pellet burner. The building has four pedestrian doors in the northern elevation in addition to a single roller shutter door in the north western gable. The building has a mono-pitch roof with a small canopy overhanging the pedestrian doors. There are a number of small holding pens outside the front of the building which open into the adjoining field. At the time of inspection there were three donkeys grazing in the field.</p>		
Description of Proposal		
<p>Proposed erection of farm building to incorporate stables, farm office, central heating plant room, agricultural storage and farm machinery garage, creation of farm laneway & alterations to public road access.</p> <p>The proposed shed measures 18.173m x 9.364m with a ridge height rising from 4.3m at the western gable of the shed and with falling ground levels, the ridge measures 6.8m at the eastern gable. The shed provides three donkey stables, an animal feed store, a drop-off area, a plant room and a farm office of the lower ground floor level, with one large area of storage on the upper floor level for machinery, fodder and wood chips.</p>		

The shed has two pedestrian doors and a larger roller shutter door on the northern elevation at lower ground floor level with three windows over at the upper floor level. There is a single pedestrian door and one roller shutter type door on the western gable of the upper floor, with access directly from the applicants driveway.

The external finishes area render to match the existing dwelling house and slate grey metal roofing.

Planning Assessment of Policy and Other Material Considerations

Relevant planning history

Reference	Location	Proposal/Complaint	Status	Date
/1996/0463	50M SOUTH OF NO. 37 TANDRAGEE ROAD	Domestic Garage	PERMISSION GRANTED	
/1995/0285	50M SOUTH OF 37 TANDRAGEE ROAD	Dwelling	PERMISSION GRANTED	
/1996/4042	50M SOUTH OF 37 TANDRAGEE ROAD	Domestic Garage	APPLICATION REQUIRED	
/2006/1071/F	37 Tandragee Road, Pomeroy, Dungannon	Proposed extension & improvements to dwelling	PERMISSION GRANTED	20.12.2006
/2013/0317/D	Lands between 29 and 33 Tandragee Road	Site for dwelling under policy CTY 8 PPS 21	PERMISSION GRANTED	16.04.2014
/2003/0304/RM	80 Metres East of 21 Tandragee Road	Erection of dwelling and garage	APPLICATION WITHDRAWN	21.11.2003
/2003/1027/F	Approx 80m East of 21 Tandragee Road	New Dwelling	PERMISSION GRANTED	11.02.2004
/1994/0129	130M EAST OF 21 TANDRAGEE ROAD	Dwelling	PERMISSION GRANTED	
/2002/0663/D	80 Metres East of 21 Tandragee Road	New Dwelling	PERMISSION GRANTED	30.12.2002
/2007/0497/F	21 Tandragee Road, Pomeroy	Proposed alterations with one and a half storey extension	PERMISSION GRANTED	23.06.2008
/1980/0198	THE GATE LODGE, POMEROY, DUNGA	EXTENSION TO DWELLING HOUSE	PERMISSION GRANTED	
LA09/2020/1590/F	50metres South east of 21 Tandragee Road	Proposed erection of farm building to incorporate stable	VALID APPLICATION RECEIVED	
/2000/0049CA	Tandragee Road Pomeroy	Operational Devt	ENFORCEMENT CASE CLOSED	24.03.2009
/2003/0044CA	80m East of 21 Tandragee Road, Pomeroy	Operational Devt	ENFORCEMENT CASE CLOSED	

Development Plan and key policy considerations

The site lies outside any defined settlement limits and is open countryside as identified in the Cookstown Area Plan 2010. No other constraints have been identified.

PPS 21 Policy CTY 12 Agricultural and Forestry Development states the planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies certain criteria.

It must therefore be considered if the farm business is both active and established. DAERA have advised that the farm business ID number was allocated on 2nd March 2005 and therefore it is accepted that it has been established for more than 6 years. It is stated on the P1C form that the farm business owner, Ronnie Smyth, has let out the outlying farm several years ago as it was proving too difficult to supervise stock. Mr Smyth's son took over the running of the land which mainly involved grazing donkeys and other small animals. Mr Smyth's grandson now wishes to farm the land by keeping sheep on the outlying farm but needs a shed for lambing purposes which needs to be in Pomeroy. The outlying field is approximately 4.5Km north west of Pomeroy and 6Km from the proposed site. The applicant also has several items of farm machinery which would be stored in the proposed shed.

No other supporting information has been provided in respect of how the applicant's farm business is active or what stock they hold at present. The applicant has therefore failed to demonstrate how the farm business is active.

The proposal must also meet all the following criteria;

- It is necessary for the businesses efficient use;

The only reason given for the need for the proposed building is that the farm owner's grandson wishes to keep sheep. No evidence has been provide to demonstrate that he has any stock at present.

Notwithstanding that point, it is noted that the proposed building only shows accommodation for donkeys and no area is indicated for sheep. The existing building already provides accommodation for donkeys so I remain unconvinced that the proposed building is in any way necessary. The P1C also states that the outlying farm was let out and from the accompanying farm map provided, it would appear that another farm business is currently farming that land. The applicant has failed to satisfactorily demonstrate that the proposed development is necessary.

- it is appropriate in terms of character and scale;

At present there is a small low lying shed sited on the same footprint as the propose building. That building is a low single storey building which is inconspicuous in the landscape. The proposed building is a much larger two storey building which will have a much greater visual impact on the surrounding landscape. In my opinion, the scale of the proposed building is inappropriate for the site in question.

- it visually integrates;

At present there is a complete lack of natural vegetation around the existing building. Given the proposed building is much larger in terms of both the footprint and the height, it will suffer from a definite lack of integration;

- there will be no adverse impact on natural or built heritage;

the proposed development will not have an adverse impact on either natural or built heritage;

- there will be no detrimental impact on residential amenity;

The proposed building, which is being sought for housing sheep, will be approximately 36m from the nearest third party dwelling. Environmental Health were consulted regarding the potential impact on third party residential amenity and have advised that

'Agricultural buildings have the potential to cause loss of amenity due to odour, noise and pests. The minimum recommended separation distance between agricultural buildings and residential amenity is 75m. It is noted that the separation distance between this proposed development and existing nearby sensitive receptors is less than 30m. Therefore, due to the potential impact of odour, noise and pests, Environmental Health cannot support this application.'

CTY 13 – Integration and design of buildings in the countryside requires all buildings in the countryside to achieve an acceptable degree of integration into the surrounding landscape. As the proposed building would be sited on an open site which is clearly visible from the public road and without any sense of enclosure, the scale and massing of the building would result in it being unable to achieve an acceptable degree of integration. Although additional trees are to be planted, these will take some time to mature to such a height that they will provide a sufficient degree of integration for the proposed building. Until such times as the proposed planting would mature, the building would therefore suffer from a lack of integration. The proposal is therefore contrary to this policy.

CTY 14 – Rural Character allows for a building in the countryside provided it does not cause a change to or further erode the rural character of the area. Although there is a small building existing on the site, due to its size and low set position in the landscape, the gap between the dwellings to either side at No's 21 and 25 appears as a visual break in the landscape. If the proposed building were approved, then due to its scale and massing, it would erode this visual break and would appear as a ribbon of development as the buildings would be visually linked. Therefore, the proposed building is considered to be detrimental to rural character as it would result in a build-up of development.

Recommendations

In my opinion the applicant has failed to satisfactorily demonstrate;

How the existing farm business is active;

Why a new building is necessary for the efficient use of the farm business;

Why the existing building cannot be utilised for the proposed use; How the scale of the building is appropriate for its location; How the building will integrate into the surrounding landscape; How the building will not result in a detrimental impact on residential amenity.	
Therefore planning approval should be refused for the reasons listed below:-	
Neighbour Notification Checked	Yes
Summary of Recommendation:	
Refuse for the reasons stated below:-	
Refusal Reasons	
<p>1. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:</p> <ul style="list-style-type: none"> the applicant has failed to satisfactorily demonstrate how the existing agricultural holding is currently active; it is not necessary for the efficient use of the active and established agricultural holding; it is not appropriate to this location due to the unacceptable character and scale of the development; the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping; the development, if permitted, would result in a detrimental impact on the amenity of residential dwellings outside the holding by reason of noise, smell and pests. <p>The proposal is also contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used.</p> <p>2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:</p> <ul style="list-style-type: none"> the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop. <p>3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:</p> <ul style="list-style-type: none"> the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the building would, if permitted create or add to a ribbon of development; and would therefore result in a detrimental change to further erode the rural character of the countryside. 	
Signature(s)	
Date:	

ANNEX	
Date Valid	11th December 2020
Date First Advertised	22nd December 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 25 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>The Owner/Occupier, 27 Tanderagee Road, Pomeroy, Dungannon, BT70 3DS</p> <p>The Owner/Occupier, 29 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>The Owner/Occupier, 33 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>The Owner/Occupier, 37 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>The Owner/Occupier, 39 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>The Owner/Occupier, 41 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>The Owner/Occupier, 43 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>Kathleen McGeary 43, Tanderagee Road, Pomeroy, Tyrone, Northern Ireland, BT70 3DS</p> <p>Anonymous</p>	
Date of Last Neighbour Notification	14.01.2021
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: I/1996/0463 Proposal: Domestic Garage Address: 50M SOUTH OF NO. 37 TANDERAGEE ROAD, POMEROY, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: I/1995/0285 Proposal: Dwelling Address: 50M SOUTH OF 37 TANDERAGEE ROAD POMEROY Decision:</p>	

Decision Date:

Ref ID: I/1996/4042

Proposal: Domestic Garage

Address: 50M SOUTH OF 37 TANDERAGEE ROAD POMEROY

Decision:

Decision Date:

Ref ID: I/2006/1071/F

Proposal: Proposed extension & improvements to dwelling

Address: 37 Tandragee Road, Pomeroy, Dungannon

Decision:

Decision Date: 20.12.2006

Ref ID: I/2013/0317/O

Proposal: Site for dwelling under policy CTY 8 PPS 21

Address: Lands between 29 and 33 Tandragee Road, Pomeroy,

Decision: PG

Decision Date: 16.04.2014

Ref ID: I/2003/0304/RM

Proposal: Erection of dwelling and garage

Address: 80 Metres East of 21 Tanderagee Road, Pomeroy

Decision:

Decision Date: 21.11.2003

Ref ID: I/2003/1027/F

Proposal: New Dwelling

(RE-ADVERTISEMENT)

Address: Approx 80m East of 21 Tanderagee Road Pomeroy

Decision:

Decision Date: 11.02.2004

Ref ID: I/1994/0129

Proposal: Dwelling

Address: 130M EAST OF 21 TANDERAGEE ROAD POMEROY

Decision:

Decision Date:

Ref ID: I/2002/0663/O

Proposal: New Dwelling

Address: 80 Metres East of 21 Tanderagee Road, Pomeroy

Decision:

Decision Date: 30.12.2002

Ref ID: I/2007/0497/F

Proposal: Proposed alterations with one and a half storey extension to side of dwelling

Address: 21 Tandragee Road, Pomeroy

Decision:

Decision Date: 23.06.2008

<p>Ref ID: I/1980/0198</p> <p>Proposal: EXTENSION TO DWELLING HOUSE</p> <p>Address: THE GATE LODGE, POMEROY, DUNGANNON</p> <p>Decision:</p> <p>Decision Date:</p>
<p>Ref ID: LA09/2020/1590/F</p> <p>Proposal: Proposed erection of farm building to incorporate stables, farm office, central heating plant room, agricultural storage and farm machinery garage, creation of farm laneway & alterations to public road access</p> <p>Address: 50metres South east of 21 Tandragee Road, Pomeroy, Dungannon,</p> <p>Decision:</p> <p>Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>Environmental Health advised that they could not support the proposed development due to the potential impact on of odour, noise and pests on third party dwellings located around 30m from the building.</p> <p>DAERA advised that the farm business has not been active withi`n the past 6 years.</p> <p>Rivers, Roads, SES and HED have no objections.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 03</p> <p>Type: Farm Boundary Map</p> <p>Status: Submitted</p> <p>Drawing No. 04</p> <p>Type: Farm Boundary Map</p> <p>Status: Submitted</p> <p>Drawing No. 02</p> <p>Type: Elevations and Floor Plans</p> <p>Status: Submitted</p> <p>Drawing No. 01</p> <p>Type: Site Location Plan</p> <p>Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1643/F	Target Date:
Proposal: The proposal is to up the walking trails within Pomeroy forest, on the site of the existing trails, and provide a sensory garden to the south of the vacant site of the previously abandoned new forestry building.	Location: 56 Pomeroy Road Tanderagee Road Pomeroy.
Referral Route: Objection received and the applicant is MUDC	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council Burn Road Cookstown BT80 8DT	Agent Name and Address: McAdam Design 1c Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Historic Environment Division (HED)	

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

One third party representation was received relating to concerns over vehicular access to the site. This has been considered as part of the planning application process and DfI Roads also provided a response to the objection received which is detailed further within the report.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits. The red line of the application is currently within the grounds of Pomeroy Forrest and the existing walking trails within this. It also includes a piece of land south of the now demolished forestry school, which is to be used as a sensory garden. Within the existing site there are a number of existing and established walking trails, with a children's play park and car parking facilities. There are three residential properties located within close proximity of the site. The walking trails extend as far west as Pomeroy, with an existing trail located adjacent to the Rowan Tree Centre. The site also includes established and active forestry service roads.

Description of Proposal

This is a full planning application for, 'The proposal is to up the walking trails within Pomeroy forest, on the site of the existing trails, and provide a sensory garden to the south of the vacant site of the previously abandoned new forestry building.'

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.

Strategic Planning Policy Statement (SPPS)
Cookstown Area Plan 2010
PPS 21 - Sustainable Development in the Countryside
PPS 2 - Natural Heritage
PPS 6 - Planning, Archaeology and the Built Heritage
PPS 8 - Open Space, Sport and Outdoor Recreation

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause 'demonstrable harm to interests of acknowledged importance'.

Cookstown Area Plan

The site is not located within any designations as detailed in the Cookstown Area Plan, it is north east of the settlement limits of Pomeroy. However, the site is located within the Historic Park, Garden and Demense known as Pomeroy House. As such issues surrounding this and the natural environment considerations will be fully assessed under PPS 2: Planning and Nature Conservation, and PPS 6: Planning, Archaeology and the Built Heritage.

PPS 2: Natural Heritage

Given the site is located within the area identified as Pomeroy House and given the nature of the development, NIEA were consulted on the proposal. Advice was provided by the Water Management Unit and Inland Fisheries, Regulation Unit and Natural Environment Division who considered the impacts of the proposal and had no concerns subject to conditions and informative being applied. Water Management Unit considered the impacts of the proposal and on the basis that there is no foul sewage discharge and no plans to undertake any culverting

associated with this proposal. They have also requested that once a contractor has been appointed, a full Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction. This can be conditioned on any approval.

The Regulation Unit considered a Preliminary Risk Assessment (PRA) submitted in support of this application which stated there is no significant risk in relation to the trails. The Regulation Unit identify no significant potential pollutant linkages and a low risk to environmental receptors, in relation to the proposed development as no significant ground works are being carried out. Regulation Unit offer no objection to the development provided conditions and informatives are placed on any planning approval.

NIEA Natural Heritage Division (NED) has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided has no concerns subject to conditions. Their response was based on the indication that no mature trees are to be removed and if any are to be removed, further ecological surveys may be required and NED must be re-consulted. They also raised some concerns regarding potential illumination of tree lines but acknowledge the ecologist has highlighted that if lighting is necessary, it should be low level and this is deemed acceptable by NED using wildlife friendly lighting and light spill on the onsite trees and understory vegetation is avoided.

NED note that a single stand of Japanese knotweed was recorded in close proximity to one of the walking trails. NED have encouraged the eradication of all Japanese knotweed on site. If it is to be retained, appropriate mitigation measures must be implemented. NED also noted extensive stands of Salmonberry across the site and Rhododendron and Cherry Laurel which are non-native plant species which out compete native flora. NED would encourage the management of these species.

NIEA's full response can be found on the planning portal associated with this application. Recommended conditions from NIEA are to be attached to any planning approval.

PPS 6: Planning, Archaeology and the Built Heritage

Historic Environment Division were consulted on the proposal given the fact the application site is located within the historic designed landscape of Pomeroy House, a Supplementary site on the Department's Register of Historic Parks, Gardens and Demesnes of Special Historic Interests. Policy BH6 of PPS 6 and paragraphs 6.16 & 6.17 of the SPPS apply. On first assessment HED stated most of the proposed development was acceptable to Policy BH 6 although some issues were identified. In summary HED advised the 'Little Red Hen' set on the nursery trail should be located on the opposite side of the path. Access to the outdoor classroom should be gained from elsewhere, away from the main avenue which potentially dates back to the 18th century. HED also suggested the proposed sensory garden should be located elsewhere to allow for the potential future reinstatement of the lawn of Pomeroy House. Full details can be found within the consultation response.

Following from this a meeting occurred between HED, members of the planning team and the applicant to discuss these issues and determine what additional information is needed. The applicant then provided further information to respond to HED and set out the reasoning for the design and location of the proposals, and a formal re-consultation was issued to HED. Having considered the additional information submitted by the applicant HED have since responded to state they are content with the proposal subject to conditions being attached to any planning approval.

PPS 8 - Open Space, Sport and Outdoor Recreation

In terms of the proposed development Policy OS 3 - Outdoor recreation in the Countryside. In which the policy states the following that development for outdoor recreational use in the countryside will be permitted if the following criteria is met:

(i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

HED and NIEA were both consulted on this application and as previously discussed HED are content the proposal complies with policy requirements of SPPS and PPS 6.

(ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

Given the location of the site within an existing forest I am content that the proposal is unlikely to result in the permanent loss of the most versatile agricultural land and it is unlikely to have an unacceptable impact on nearby agricultural activities.

(iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

Given the development is taking place within the existing grounds of Pomeroy Forest and is to upgrade the existing walking trails, these will have limited impact. In terms of the additional development such as art structures and the sensory garden, these will be absorbed within the local landscape of the forest setting.

(iv) there is no unacceptable impact on the amenities of people living nearby;

Although there are a few properties within close proximity to the grounds of the existing forest, I do not believe the proposed development will impact on the amenities of the people living nearby. Environmental Health were consulted and raised no concerns. One objection was received and this related to road safety issues.

(v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

I am content public safety will not be prejudiced as it is within an existing active forest setting where paths and a play park are currently available. The proposed works to upgrade the paths will ensure public safety to the site is improved and following consultation with DfI Roads, appropriate conditions will be attached to ensure public safety is not prejudiced. I am content the development is compatible with the uses within the site and the wider countryside.

(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

I am content that the ancillary structures are designed to a high standard and the scale of the structures are sympathetic to the surrounding environment. These structures will enhance the overall appearance of the forest and will be absorbed into the existing area without being dominant features.

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car;

The proposed upgrading to the walking trails will allow for easier access for all to the forest trails. The applicant has provided a design and access statement, which provides details of how each trail and other new structures will be accessible to all, something which has been considered throughout the design of the proposal. Parking is provided and DfI Roads are content that the Transport Assessment Form advise that parking and access has been considered and facilitated for.

(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

An objection was received which raised concerns regarding the access to the site and safety concerns relating to numerous collisions over the years. DfI Roads responded to state there is one recordable accident on the PSNI database in 2017 which was not directly connected to the forest park entrance. DfI Roads do not dispute there may have been other incidents as noted in the objection, but have no record of these as they may not all have been reported to the PSNI. Acceptable sightlines from the established forest access are being provided in accordance with DCAN 15. The Stagger distance of the access from the Tandragee Road/ Slat Quarry Road junction is not to a recommended standard, however the access is established and there no proposal to alter the existing access arrangement. The traffic intensification would not considered significant enough to require the access to be relocated. From this, I am content the road network can safely handle the extra vehicular traffic and adequate access and parking is available. Adequate drainage and waste disposal is currently available on site.

From this, I am content the proposal complies with Policy OS 3 of PPS 8.

Other Material Considerations

Environmental Health were consulted on this application to determine if the proposal was likely to have any detrimental impact on residential amenity or other environmental considerations. Initially EH requested a phase 2 Generic Quantitative Risk Assessment (GQRA) and advised NIEA were the regulatory body in respect groundwater and should be consulted. The GQRA was subsequently submitted and consultation issued to NIEA and EH were re-consulted following this. They were content no further action was required and provided a condition to attach to any planning approval.

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

Neighbour Notification Checked	Yes/No
Summary of Recommendation:	
Approval subject to conditions	
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. Once a contractor has been appointed, a full Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

3. As part of site clearance works, all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Guidance on Pollution Prevention Guidance No. 27 (PPG27). Soil and groundwater sampling shall be undertaken for a suitable analytical suite. Should contamination be identified the requirements of Condition 2 will apply.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

4. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-howto-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

5. After completing all remediation works under Condition 2 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

6. Any trenches or deep pits created within the development site that are left open overnight must have a means of escape should a badger enter. This could be through the use of rough wooden planks placed within them overnight or outside construction periods. All trenches/deep pits must be inspected each morning to ensure that badgers (or other wildlife) have not become trapped.

- Soil mounds on site should be minimised in order to prevent Badgers from excavating setts within them.

- Any pipes over 200mm in diameter should be capped off at night to prevent badgers and other animals from entering them and becoming trapped.

Reason: To protect badgers

7. No vegetation clearance/removal of hedgerows, trees or shrubs/demolition of buildings or structures shall take place between the 1st March and 31st August inclusive, unless a competent ornithologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

8. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*.

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

9. External lighting on the site (if necessary) shall be positioned to ensure illumination/light spill of less than 1 LUX onto the onsite trees and understory vegetation.

Reason: To protect bats and Badgers.

10. In the event that previously unknown contamination is discovered, falling outside the scope of previous assessment and remediation scheme, development on the Site shall cease, pending submission of a written report. The report shall appropriately investigate the nature and extent of that contamination and present the findings and conclusions of the same additionally providing details of the appropriate measures to be taken as a result of the contamination, for the prior written approval of Planning Department (in consultation with the Environmental Health Department).

Reason: Protection of environmental receptors to ensure the site is suitable for use.

11. The visibility splays of 4.5 metres by 90 metres at the junction of the forest access road with the public road (at Tandragee Road / Slate Quarry Junction) shall be provided prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

12. The development hereby permitted shall not commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02 bearing date stamp 11 December 2020 to provide facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

13. Informal pedestrian only access points to the proposed forest trail area of the park that have not a footway link from Pomeroy village should be closed up prior to the operation of the forest trails hereby permitted.

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

Signature(s)

Date:

ANNEX	
Date Valid	18th December 2020
Date First Advertised	12th January 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 50 Pomeroy Forest, Tanderagee Road, Pomeroy, Tyrone, BT70 3DS The Owner/Occupier, 52 Pomeroy Forest, Tanderagee Road, Pomeroy, Tyrone, BT70 3DS The Owner/Occupier, 54 Pomeroy Forest, Tanderagee Road, Pomeroy, Tyrone, BT70 3DS The Owner/Occupier, 58 Tanderagee Road, Pomeroy, Tyrone, BT70 3DS Irene McIvor 58, Tanderagee Road, Pomeroy, Tyrone, Northern Ireland, BT70 3ED	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0409/O Proposal: Demolition and clearance of existing abandoned forestry school and replace with new forestry Building Address: 56 Pomeroy Road, Tanderagee Road, Pomeroy, Decision: PG Decision Date: 06.07.2017 Ref ID: LA09/2020/1499/F Proposal: Proposal of a new single storey multi-use building with a footprint of approximately 818msq on the site of the previous Forestry School in Pomeroy Forest. The development will provide a welcome area with casual seating, multi purpose rooms, a large kitchen , a large double height adaptable multi use space with retractable audience seating for approx. 150 people, a kitchen area and toilet changing facilities which are accessible both internally and externally. Car parking will be created for approx. 38 cars with additional overflow car parking provided by the existing car park located north of the building site Address: 56 Pomeroy Road, Tanderagee Road, Pomeroy, Decision: Decision Date: Ref ID: LA09/2016/1266/F Proposal: Redevelopment of existing maintenance yard to a public car park, extension to an existing footpath and the introduction of passing bays along the existing access/laneway Address: Pomeroy Forest, Tanderagee Road, Pomeroy, Decision: PG	

Decision Date: 09.02.2017

Ref ID: LA09/2020/1643/F

Proposal: The proposal is to up the walking trails within Pomeroy forest, on the site of the existing trails, and provide a sensory garden to the south of the vacant site of the previously abandoned new forestry building.

Address: 56 Pomeroy Road, Tanderagee Road, Pomeroy.,

Decision:

Decision Date:

Ref ID: I/2006/1153/Q

Proposal: Future Development of Site

Address: Pomeroy Forestry School

Decision:

Decision Date:

Ref ID: I/1979/0182

Proposal: EXTENSIONS AND ALTERATIONS TO FORESTRY SCHOOL

Address: POMEROY

Decision:

Decision Date:

Ref ID: I/2007/0862/RM

Proposal: Proposed storey and three quarter dwelling with single storey front rear and side projections also detached single storey domestic garage (amended plans)

Address: 120m NE of 65 Slatequarry Road

Decision:

Decision Date: 20.05.2008

Ref ID: I/2004/0892/O

Proposal: Proposed dwelling - Renewal of I/2001/0368/O

Address: 120m N.E of 65 Slatequarry Road, Pomeroy

Decision:

Decision Date: 16.10.2004

Ref ID: LA09/2015/1084/PAD

Proposal: Change of use. Proposal to redevelop existing maintenance yard to public car park facility. Creation of additional car park spaces to reduce congestion and improve traffic management on site. Environmental impact, likelihood of increased traffic volumes to forest location, visitor development proposals.

Address: Pomeroy Forest, Tanderagee Road, Pomeroy,

Decision:

Decision Date:

Ref ID: I/2004/0019/F

Proposal: Proposed one and a half storey dwelling and garage

Address: 70m NW of 47 Slatequarry Road, Pomeroy

Decision:

Decision Date: 15.06.2004

Ref ID: I/2014/0353/F

Proposal: Installation of a 30m high lattice mast with 6 no. Antenna and 2 no Dishes. 4 no Equipment cabinets at ground level and all ancillary equipment surrounded by a 1.8m high chainlink fence. Proposed 6.0m-8.3m wide x 10m long permanent type 1 access track.

Address: Lands approx 650m west of junction of Slate Quarry Road, Pomeroy, Co Tyrone, BT70 3EB,
Decision: PG
Decision Date: 27.02.2015

Drawing Numbers and Title

Drawing No. 01
Type: Site Location Plan
Status: Submitted

Drawing No. 02
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 03
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 04
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 05
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 06
Type: Proposed Plans
Status: Submitted

Drawing No. 07
Type: Proposed Plans
Status: Submitted

Drawing No. 08
Type: Proposed Plans
Status: Submitted

Drawing No. 09
Type: Proposed Plans
Status: Submitted

Drawing No. 10
Type: Proposed Plans
Status: Submitted

Drawing No. 11
Type: Proposed Plans
Status: Submitted

Drawing No. 12
Type: Proposed Plans
Status: Submitted

Drawing No. 13
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

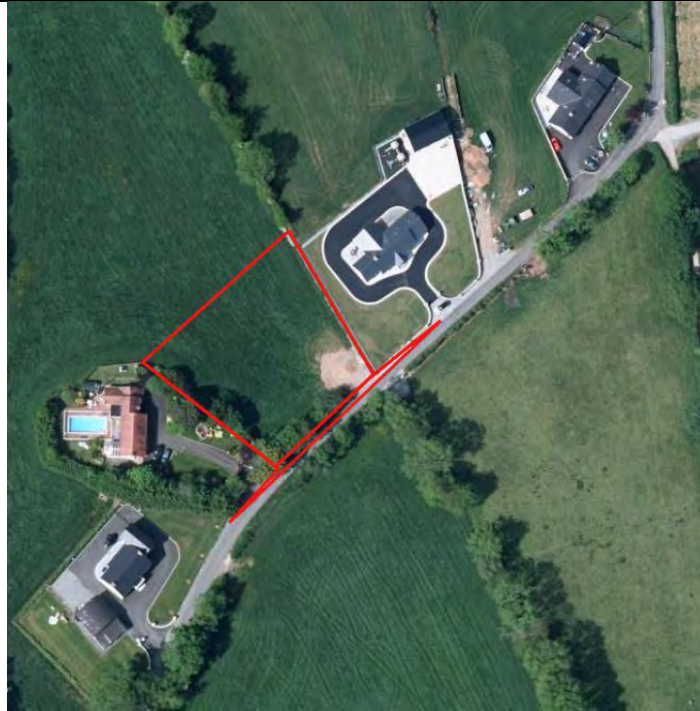


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0095/O	Target Date:
Proposal: Proposed infill dwelling and garage	Location: 35m N.E. Of 8 Drumconready Road Maghera
Referral Route: Objections have been received.	
Recommendation:	Approval
Applicant Name and Address: Joe Heron 1a Drumard Lane Draperstown	Agent Name and Address: Arcen 3a Killycolp Road Cookstown BT80 9AD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NIEA	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	13
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

13 letters of objection have been received from a number of local residents. All the issues raised have been fully considered within the report. The main issues have been summarised below. Concerns were raised with the following:

- Increase traffic on the Drumconready Road, potential road safety issues.
- Creation a ribbon of development along Drumconready Road.

- The infill will result in the sterilization of the back land.
- Development will affect wildlife in the area. If hedges are removed, it will impact on the wildlife. Claims by an objector there are bats in the area.
- A dwelling would negatively impact the character of the area.
- A dwelling would negatively affect the privacy and amenity of No.8 & No.10 Drumconready Road.
- Concerns that the applicant will be selling on the site for profit and amounts to a commercial development.
- Questioning if an Environmental Impact Assessment is required for this development.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. Part of the site is located within an archaeological site and monument. The red line of the application is a roadside portion of a larger agricultural field. The site is a flat in nature, with strong mature trees and hedges located along the southern and south-western boundary at the time of the site visit. The north/north western boundary is currently undefined and extends into the existing agricultural field. A small post and wire fence defines the eastern boundary. Access to the field is via a large field gate on the south-eastern corner of the field.

The surrounding area is a mix of agricultural and residential land uses, with two dwellings located east of the site and another two dwellings to the west, with other dwellings located sporadically throughout the countryside. The river Moyola is located approximately 200m south of the application site.

Description of Proposal

This is an outline planning application for a proposed infill dwelling and garage at lands 35m NE of No.8 Drumconready Road, Maghera.

The initial description was for 2 infill dwellings & garages but this has since been amended by the applicant.

Planning Assessment of Policy and Other Material Considerations

EIA Determination- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

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)

PPS 21: Sustainable Development in the Countryside

PPS 2- Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 6- Planning, Archaeology and the Built Heritage.

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

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

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

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

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

The first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built up frontage present. To the east of the application site is the dwelling identified as No.10 Drumconready Road, a small gap and then No.12 Drumconready Road. To the west are the two dwellings identified as No.8 & No.6 Drumconready Road, with an agricultural outbuilding located adjacent to No.6. From this I am content there is a substantial and continuously built up frontage

present along the Drumconready Road with the dwellings all having a common road frontage.

I am content that the proposed site is of a sufficient size in that it could only reasonable accommodate one house at this location. The original application proposed for two dwellings to be located within this site, however, it was determined that two dwellings would be too cramped and would not respect the existing development patten along the Drumconready Road.

Policy CTY 8 also requires that the existing pattern of development be respected in terms of size, scale, siting and plot size. As mentioned one dwelling was determined to be suitable within this site as it would respect the siting and plot size of neighbouring properties. The agent has provided an indicative siting for the dwelling and garage and I am content this would respect the existing development patten along the Drumconready Road. This can be agreed at Reserved Matters stage to ensure the final siting and design is acceptable. Regarding concerns relating to the sterilization of back land, the applicant has shown on the site location plan they own the agricultural field where the dwelling is sited, which runs to the rear of No.8 and No.6 to a point where it can be accessed adjacent to No.6 therefore, I am content access to the remainder of the agricultural land is possible at this point.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is an outline application in which the exact design and siting details have not been submitted; however, I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. The site has established boundaries on the southern and western sides and these should be retained and augmented where necessary, unless required to be removed for visibility splays. There is some planting along the eastern boundary; however, this will require additional planting. Full details of landscaping proposals should be submitted as part of the reserved matters application. The ridge height of the dwelling should be no greater than 7metres above finished floor level. Full detailed plans showing the existing and proposed site levels should be submitted part of the reserved matters application.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. From all of this I am satisfied that the application is able to comply with CTY 14.

PPS 2- Natural Heritage

A number of objections raised concerns over the impact a dwelling may have on the wildlife. In response the applicant was asked to provide a biodiversity checklist and a consultation was issued to NIEA when this was received. Natural Environment Division responded to say they have no concerns in relation to natural heritage and provided a number of informatives for the applicant. NED states they are content that the proposed development is unlikely to significantly impact protected or priority species. No badger setts or evidence of badgers using the site was record during the site visit by the

Ecologist. The trees were also assessed within the boundary vegetation to be negligible for bat roosting. NED has reviewed the site location plan and welcomes the additional planting proposed. From this, I am content that the objections relating to impacts on wildlife and natural heritage have been addressed.

PPS 3 - Access, Movement and Parking

DfI Roads were consulted on the proposed development and offered no objection subject to access being provided in accordance with the attached RS1 form which requires visibility splays of 2.4m x 45m. The hedge and fence will also be required to be set back as indicated on the submitted plans. In regards to the objections received relating to road safety, roads have confirmed a safe access onto the public road can be achieved.

PPS 6- Planning, Archaeology and the Built Heritage.

Historic Environment Division were consulted on the proposal given part of the site was located within an area identified as an archaeological site and monument. HED assessed the application and are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval subject to conditions

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

Reason: To ensure the dwelling integrates into the landform.

4. The dwelling hereby permitted shall have a ridge height not exceeding 7 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.

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

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

6. A detailed scheme of structured landscaping for the site including along all site boundaries, shall be submitted at Reserved Matters stage at the same time as the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during first available planting season after the occupation of the dwelling which is hereby approved.

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

Signature(s)

Date:

ANNEX	
Date Valid	25th January 2021
Date First Advertised	9th February 2021
Date Last Advertised	18th May 2021
Details of Neighbour Notification (all addresses) Daniel & Patrice Kerr 10 DRUMCONREADY ROAD, MAGHERA, BT46 5LW Daniel & Patrice Kerr 10 DRUMCONREADY ROAD, MAGHERA, BT46 5LW The Owner/Occupier, 10 Drumconready Road Maghera Londonderry Niall Kerr 12 Drumconready Road, Maghera, BT46 5LW Niall Kerr 12, Drumconready Road, Maghera, Londonderry, Northern Ireland, BT46 5LW Patrick & Eileen Kerr 16 Forgetown Road, Maghera, BT46 5LN Pat & Eileen Kerr 16 Forgetown Road, Maghera, BT46 5LN Christopher McCusker 17 Drumconready Road, Maghera, BT46 5LW The Owner/Occupier, 6 Drumconready Road Maghera Londonderry The Owner/Occupier, 8 Drumconready Road Maghera Londonderry Jude Dixon 8 Drumconready Road, Maghera, BT46 5LW Jude Dixon 8, Drumconready Road, Maghera, Londonderry, Northern Ireland, BT46 5LW Gerard & Marguerite O'Donovan 9C DRUMCONREADY ROAD, MAGHERA, BT46 5LW Seamus Campbell 9a Drumconready Road, Maghera, BT46 5LW Chalie Campbell 9a Drumconready Road, Maghera, BT46 5LW Christopher McCusker Email	
Date of Last Neighbour Notification	3rd June 2021
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: LA09/2021/0095/O

Proposal: Proposed 2 infill dwellings and garages

Address: 35m N.E. of 8 Drumconready Road, Maghera,

Decision:

Decision Date:

Ref ID: H/2013/0260/O

Proposal: Dwelling on a farm

Address: 50m SW of 12 Drumconready Road Maghera,

Decision: PG

Decision Date: 14.11.2013

Ref ID: H/1990/0361

Proposal: ALTS AND ADDS TO HOUSE

Address: 8 DRUMCONREADY ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/1994/6021

Proposal: SITE OF DWELLING BETWEEN 8 + 12 DRUMCONREADY ROAD
MAGHERA

Address: BETWEEN 8 + 12 DRUMCONREADY ROAD

Decision:

Decision Date:

Ref ID: H/1984/0124

Proposal: SITE OF DWELLING

Address: DRUMCONREADY ROAD, MAGHERA

Decision:

Decision Date:

Drawing Numbers and Title

Drawing No. 01 REV 01

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Layout or Block Plan

Status: Superseded

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0273/O	Target Date:
Proposal: Site for dwelling and garage	Location: Land at Tullaghmore Road Roughan Road Cross Roads opposite and 30m south of 57 Tullaghmore Road Dungannon BT71 4EW
Referral Route: Refusal – contrary to CTY 1 and CTY 2a of PPS 21. Objection also received.	
Recommendation:	Refusal
Applicant Name and Address: Joanne Badger & Jamie Allen 59 Roughan Road Dungannon BT71 4EW	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

There was one objection received by a local representative on behalf 7 households which are directly attached to Tullaghmore Road. The issues within this objection will be discussed in detail later in this report, however the main concerns raised were:

- Contrary to policies within PPS 21
- Visual Impact
- Lack of natural screening
- Right of Way
- Traffic Issues
- Consent to discharge
- Protection of Wildlife

There was also a supporting statement provided by a planning agent acting on behalf of the applicant and from the applicant themselves to support their case.

Characteristics of the Site and Area

The application site is located at lands located approx. 30m South of 57 Tullaghmore Road, Dungannon. The site is located at a crossroad which joins Roughan Road and Tullaghmore Road. The site is quite flat throughout and has existing hedging along most of its boundaries at present. There is existing dwellings and their associated outbuildings to the north of the site and to the south of the site is Roughan Lough.

Description of Proposal

Outline planning permission is sought for dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Planning History

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

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 – Draft Plan Strategy

The Cookstown Area Plan 2010 identify the site as being outside any defined settlement limits, located South West of Stewartstown Settlement Limits within the green belt. There are no other zonings or designations within the Plan.

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

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

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A

range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being new dwellings in existing clusters in accordance with CTY 2a.

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided that a number of criteria are met. The cluster of development lies outside of a farm and consists of four or more buildings to the north. I am content that there is at least three dwellings within this cluster. The cluster is read together and appears as a visual entity in the local landscape. The third criterion of CTY 2a requires the cluster to be associated with a focal point such as a social/community building/facility, or is located at a cross roads. The site is located at a crossroads and therefore it can be concluded that the first 3 criterion within CTY 2a have been met.

It is our view that the proposal fails on the 4th and 5th criterion and therefore is contrary to CTY 2a. Although the proposal has existing hedging along its boundaries, the issue is that the proposal is not bounded on at least two side with development within the cluster. The existing development is only located to the north of the site. A supporting statement which accompanied the application notes that “the southern boundary is bounded by the established jetty structures and carpark” which they feel represents development in line with Section 23 of The Planning Act. They continue their argument by referring to the historical buildings on the site which can be seen on google maps (2012), shown below in figure 1. However, it is noted that this building has since been removed and that at present there only is a container on the site, shown below on figure 2.



Figure 1 – Google Maps 2012 (image from agents supporting statement)



Figure 2 – Existing container on site (Photo taken 16/04/21)

It is also our view that the proposed site visually intrude into the open countryside and would also not be able to be absorbed into the existing cluster and would if approval was to be forthcoming. The proposal fails on criterion 5 of CTY 2a. I am satisfied that the proposed site would not have significant adverse impact on neighbouring amenity, this would be further considered at RM stage if approval was to be forthcoming. The sixth criterion of CTY 2a has been met. Policy CTY 2a states that all criteria must be met, therefore the proposal is contrary to the policy and as such refusal is recommended.

It may be worth noting that alternative sites were discussed with the applicant, particularly in relation to the possibility of a dwelling on a farm under CTY 10 as it appears lands to the SW of the site were under their control. The applicant has noted that neither themselves or their family operate a farm business and therefore would not be possible. They note that the farmyard and adjoining land at 59 Roughan Road is owned by a neighbour at the crossroads.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. 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. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed site has some degree of enclosure given the existing hedging which surrounds the site and therefore would not be relying solely on new landscaping. A potential dwelling within the red line raises some concern as it would be the first dwelling located along the outer edge of the Lough and thus may have a negative impact on the overall rural character of this area as it would may result in a suburban style build-up of development and therefore is contrary to CTY 14. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 57 Tullaghmore Road. At the time of writing, one representations was received. The objection received was from local representative Linda Dillon on behalf 7 households which are directly attached to Tullaghmore Road. The issues within this objection include:

- Contrary to policies within PPS 21 – CTY 2a, CTY 13 and CTY 14
- Visual Impact
- Lack of natural screening
- Right of Way
- Traffic Issues
- Consent to discharge
- Protection of Wildlife

The assessment of the site against the policies within PPS 21 has already been discussed within the report. We would agree that the proposal fails to meet the criteria required within PPS 21. The objection refers specifically to the criterion held within CTY 2a and reinforces our view that the proposal would visually intrude into the open countryside. There is concerns from the objector that if allowed, this application would open a floodgate for future applications surrounding Roughan Lough however our view would be that each application would be assessed on its own merits.

Concerns surrounding the right of way from the public to Roughan Lough is mentioned several times within the objection. This is not considered a material planning consideration as any potential forthcoming approval would not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands. The applicant has noted on the P1 form that the lands are all within the ownership of their parents. In terms of traffic issues, DfI Roads are the competent authority in dealing with the concerns relating to access to and from the proposed site. They have raised no concerns in relation to the proposal, subject to condition. The consent to discharge would be granted by NIEA.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/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 the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of

enclosure and the dwelling would if permitted significantly alter the existing character of the cluster and would visually intrude into the open countryside.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted 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.

Signature(s)

Date:

ANNEX	
Date Valid	25th February 2021
Date First Advertised	9th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 57 Tullaghmore Road, Dungannon, BT71 4EW Linda Dillon Email	
Date of Last Neighbour Notification	20th July 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0273/O Proposal: Site for dwelling and garage Address: Land at Tullaghmore Road, Roughan Road Cross Roads, opposite and 30m south of 57 Tullaghmore Road, Dungannon, BT71 4EW, Decision: Decision Date: Ref ID: LA09/2015/0389/F Proposal: Extension to existing bed and breakfast run from dwelling, to form new self contained holiday unit Address: 59 Roughan Road, Newmills, Dungannon, Decision: PG Decision Date: 20.10.2015 Ref ID: I/1993/0344 Proposal: Proposed Ski Club Rooms and Demolition of existing unapproved structure Address: ROUGHAN ROAD NEWMILLS DUNGANNON Decision: Decision Date: Ref ID: I/1992/0147	

<p>Proposal: Temporary changing rooms Address: APPROX. 120M NORTH EAST OF 59 ROUGHAN ROAD NEWMILLS DUNGANNON Decision: Decision Date:</p> <p>Ref ID: I/1981/0169 Proposal: SITE FOR DWELLING Address: TULLAGHMORE, NEWMILLS, DUNGANNON Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>Dfl Roads – content.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0317/O	Target Date:
Proposal: Proposed infill dwelling & garage.	Location: Between 23 & 27a Macknagh Lane Upperlands Maghera.
Referral Route: Contrary to Planning Policy Statement 21 - CTY8	
Applicant Name and Address: Mr Paddy McElDowney 48 Halfgayne Road Maghera BT46 5NL	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s): Gerard Lynch	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
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

Neighbour Notifications and press advertisement has been carried out in line with the Council's statutory duty. No third-party representations have been received. All other material considerations have been addressed within the determination within the report.

Description of Proposal

The applicant is seeking an outline planning permission for a proposed infill dwelling and garage between Nos 23 and 27a Macknagh Lane, Maghera.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves the construction of a new access.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk.

Site History.

Reference	Location	Proposal/Complaint	Status	Date
LA09/2021/0317/O	Between 23 & 27a Macknagh Lane, U	Proposed infill dwelling & garage.	VALID APPLICATION RECEIVED	
H/2008/0259/RM	180m North East of 24 Macknagh Lane	Proposed dwelling and detached double domestic gara	PERMISSION GRANTED	17.09.2008
H/2004/0327/O	180m North East of 24 Macknagh Lane	Site of dwelling and garage.	PERMISSION GRANTED	26.07.2005
H/2009/0690/F	180m north east of 24 Macknagh Lane	Re-location of existing approved dwelling and extension	PERMISSION GRANTED	15.02.2010
H/2009/0454/F	35m South of 25 Macknagh Lane, Upp	Proposed 1? storey detached dwelling	PERMISSION GRANTED	16.10.2009
H/2001/0476/RM	Junction of Macknagh Lane & Tigarvil	Dwelling and garage	PERMISSION GRANTED	21.08.2001
H/2007/0898/O	Lands at the junction of Macknagh Lar	Site of proposed dwelling & garage	APPLICATION WITHDRAWN	16.11.2007
H/2010/0562/O	Site located 70metres north west of No	Proposed site for a dwelling in accordance with Policy C	APPLICATION WITHDRAWN	29.06.2011
H/2010/0160/F	180m NE of 24 Macknagh Lane, Magh	Change of house type from previously approved under	PERMISSION GRANTED	23.07.2010
H/2015/0065/O	Land approx. 120 metres North East of	Proposed detached dwelling and domestic garage to in	APPLICATION WITHDRAWN	15.06.2015

Consultees.

1.DFI Roads were consulted in relation to access, moving and parking arrangement and have responded with no objection subject to standard conditions and Informatives, which I am satisfied the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and parking.

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 15.03.2021 (Publication date 16.03.2021). One (1) neighbouring properties was notified on 15.03.2021, and two (2) neighbouring properties were notified on 17.09.2021; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS);
2. Regional Development Strategy 2035;
3. Magherafelt Area Plan 2015;
4. PPS 21 Sustainable Development in the Countryside (CT8, CTY 13 & 14);
5. PPS 3 Access, Movement and Parking & DCAN 15 vehicular Standards;
6. Draft. Mid Ulster District Council Area Plan 2030.

Supplementary planning guidance:-

Building on Tradition A sustainable design guide for rural NI; and

Planning Advice Note (PAN) on 'Implementation of Strategic Planning Policy for Development in the Countryside' August 2021.

Magherafelt Area Plan 2015.

The site lies in the rural countryside and outside any designated settlement limits as depicted in the MAP 2015, which has no specific planning policies relevant to this application.

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

Planning Policy Statement 21: 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 being met. These are listed in Policy CTY1 of PPS21.

The applicant has applied for a dwelling and garage as an infill site under Policy CTY 8 of PPS 21. Sustainable Development in the Countryside.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

There was no supporting statement with this application however the agent was contacted to ask if he wanted to submit why he considered the site an infill opportunity. No response was forthcoming.

I have visited and noted my observations and have reviewed the policies I do not consider this site meets the requirements in accordance with Policy CTY3 of PPS21.

Whilst I can content the site has the capacity to absorb a dwelling and ancillary garage of an appropriate size, scale and design would fail to meet the policy test in accordance with planning policy CTY8 of PPS 21.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for one infill dwelling CTY 8 is the relevant policy in the assessment.

I have screened the proposal against two additional policies which it did not meet the criteria in CTY 2a for a new dwelling in an existing cluster and failed to meet the criteria in CTY3 for a replacement dwelling as there is no dwelling at the site to be replaced.

The application site is a small agricultural field accessing onto Macknagh Lane via a field gate, Upperlands near Maghera. There is a farm lane located on the site's eastern boundary, further to the east of the site is a dwelling and garage at No. 27. There is a garden area to the front of this property and I am content the dwelling has a frontage onto Macknagh Lane. I note there is a garage at No. 27 but recent Planning Guidance states that for garages and outbuildings to be considered as buildings for infill they have to be substantial. Paragraph 22 states that a domestic garage is not a substantial building for infill policy. The garage at No. 27 a small single storey building which is set back behind the dwelling so I do not consider the garage at No. 27 can be considered a building for infill policy in this case.

To the west of the site is a dwelling at No. 27 Macknagh Lane. However, the dwelling is set back from the public road and is concealed from public view does not in my view represent a dwelling with a frontage.

Further west is a dwelling No 20 Macknagh Lane, which has 2 outbuildings within its curtilage and would in my view represent a road frontage. However, this property whilst having a road frontage would be a considerable away from the proposed site.

The site is not in my view located within an otherwise substantial and continuously built frontage i.e. line of 3 or more buildings running along Macknagh Lane, without accompanying development to the rear

Other Considerations

Checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online identified no built heritage assets of interest or natural features of significance on site.

NI Flood Maps have been checked no flooding issues have been identified on the site.

Mid Ulster Development Plan 2030 Draft Plan Strategy

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommendation. Refuse
<p>Reasons for Refusal:</p> <ol style="list-style-type: none">1. The proposal is contrary to CTY 1 of Planning Policy Statement 21 in that there is no overriding reason why the development cannot be located within a settlement.2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.
<p>Signature(s)</p> <p>Date:</p>

ANNEX	
Date Valid	1st March 2021
Date First Advertised	16th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 23 Macknagh Lane Upperlands Maghera The Owner/Occupier, 25 Macknagh Lane Maghera Londonderry The Owner/Occupier, 25a Macknagh Lane Maghera The Owner/Occupier, 27 Macknagh Lane Upperlands Maghera	
Date of Last Neighbour Notification	15th March 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0317/O Proposal: Proposed infill dwelling & garage. Address: Between 23 & 27a Macknagh Lane, Upperlands, Maghera. Decision: Decision Date:	
Ref ID: H/2008/0259/RM Proposal: Proposed dwelling and detached double domestic garage Address: 180m North East of 24 Macknagh Lane, Maghera Decision: Decision Date: 17.09.2008	
Ref ID: H/2004/0327/O Proposal: Site of dwelling and garage. Address: 180m North East of 24 Macknagh Lane, Maghera. Decision: Decision Date: 26.07.2005	
Ref ID: H/2009/0690/F Proposal: Re-location of existing approved dwelling and extension of curtilage from previously approved applications H/2004/0327/O and H/2008/0259/RM) Address: 180m north east of 24 Macknagh Lane, Maghera Decision:	

Decision Date: 15.02.2010

Ref ID: H/2009/0454/F

Proposal: Proposed 1? storey detached dwelling

Address: 35m South of 25 Macknagh Lane, Upperlands

Decision:

Decision Date: 16.10.2009

Ref ID: H/2001/0476/RM

Proposal: Dwelling and garage

Address: Junction of Macknagh Lane & Tirgarvil Lane, Upperlands

Decision:

Decision Date: 21.08.2001

Ref ID: H/2007/0898/O

Proposal: Site of proposed dwelling & garage

Address: Lands at the junction of Macknagh Lane and Tirgarvil Lane, Maghera

Decision:

Decision Date: 16.11.2007

Ref ID: H/2010/0562/O

Proposal: Proposed site for a dwelling in accordance with Policy CTY10 of PPS21

Address: Site located 70metres north west of No.23 Macknagh Lane, Maghera,

Decision:

Decision Date: 29.06.2011

Ref ID: H/2010/0160/F

Proposal: Change of house type from previously approved under application ref H/2009/0690/F

Address: 180m NE of 24 Macknagh Lane, Maghera

Decision:

Decision Date: 23.07.2010

Ref ID: H/2015/0065/O

Proposal: Proposed detached dwelling and domestic garage to include all associated site works.

Address: Land approx. 120 metres North East of 24 Macknagh Lane Maghera,

Decision: WITHDR

Decision Date: 15.06.2015

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 01
Type: Site Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



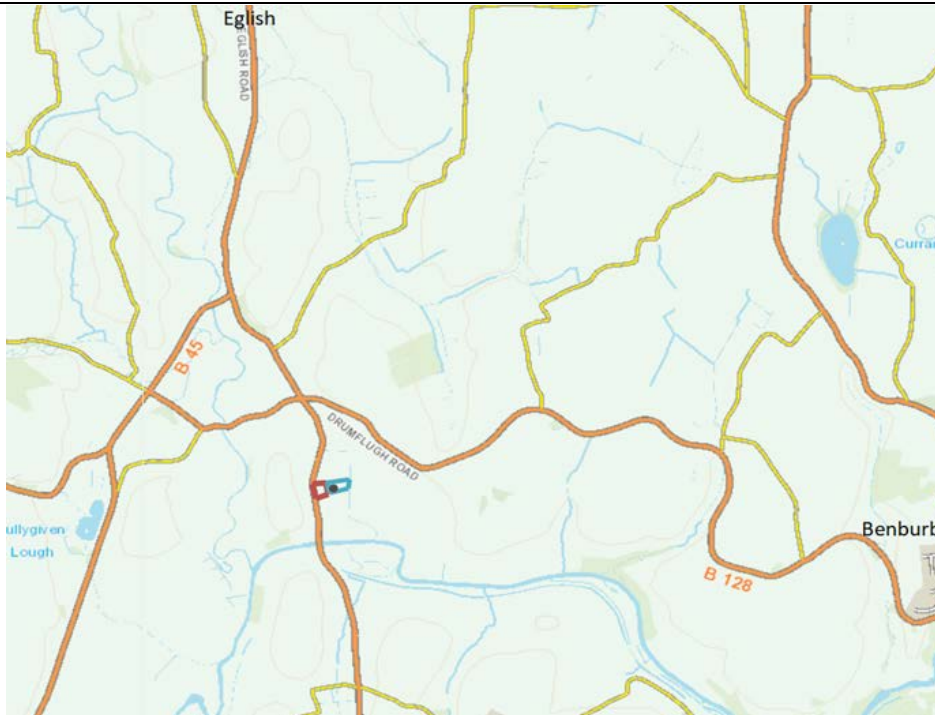
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0352/F	Target Date:
Proposal: Proposed stable and store.	Location: Lands approx. 55m West of 303 Battleford Road Dungannon Co Tyrone BT71 7NP.
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Patrick McKenna 79a Drumflugh Road Benburb Dungannon BT71 7QF	Agent Name and Address: CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Summary of Issues

No objections were received.

Characteristics of the Site and Area

The site is located to the West of number 303 Battleford road, which is situated within the open countryside a short distance to the South of the settlement limits of Eglis and outside all other areas of constraint as depicted in the DSTAP.

The red line of the site includes a small square field 55 metres west of number 303 Battleford road. The field lies slightly below road level and is surrounded on 3 sides, the east, west and south by mature hedging including a scattering of trees and along the north by a timber D Rail fence, which runs parallel to the existing concrete driveway.



There are two existing dwellings located along this private lane to the rear of the site and a dwelling and a number of farm buildings across the Battleford road to the west of the site. The applicant also owns a small square field to the East of the bounding dwelling.



Description of Proposal

The proposal seeks full planning permission for a stable and store.



Planning Assessment of Policy and Other Material Considerations

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.

Representations

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

Planning History

There is no relevant planning history on this site.

Mid Ulster Development Plan 2030 - Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

As the site is located away from the applicants existing home it is not assessed under the Addendum to PPS7 Residential Extensions and Alterations. The application is seeking planning consent for the erection of a standalone stable and store and I do not consider there are any

specific policy provisions for this type of development, as such the proposal must be assessed in accordance with the SSPS, PPS 21 - CTY 1 and PPS 3.

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

The SPPS is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within 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. The SPPS retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

PPS21- sustainable development in the countryside

The overarching policy for development in the countryside is PPS21. There are certain instances where development is considered acceptable in the countryside subject to certain criteria.

These are listed in CTY1 Development in the Countryside.

In this case the applicant is seeking planning permission for a small stable and store to house his own private horses in the winter months, no farming case or Equestrian use has been submitted.

Policy CTY 1 of PPS21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Departments published guidance.

There is no provisions within PPS 21 CTY 1 for the erection of a stable or store at a standalone site in the countryside. The applicant has suggested that they need the stable to house the horses in the winter months, however, this site in total is less than 1 acre and it would be unreasonable to suggest that a store is required. The applicant lives a few miles away at 79a Drumflugh Road, at a site with existing housing facilities for horses as well as a sand arena, see below, and has provided no relevant case as to why there is a need for a stables at this particular location.

Therefore the proposal is contrary to PPS 21 CTY 1.



PPS21 Policy CTY 8 - Ribbon Development is also applicable in this case.

This policy starts off by stating that “planning permission will be refused for a building which creates or adds to a ribbon of development.” Members will be aware that the policy is applicable to footpaths and private lanes.

In this instance it is my opinion that a stable at this particular site will add to a ribbon of development along this lane and as such be detrimental to the character, appearance and amenity of this area. In my opinion the proposed stable and associated new access would add to a built up appearance of this area when viewed from the Battleford Road, on approach from the west as it would be seen with the existing two dwellings and garage. Therefore, I consider the proposal is contrary to PPS 21 CTY 8.

The applicant also makes reference to PPS 8 - Open space and outdoor recreation in his supporting statement, suggesting that this stable is an outdoor recreational use and as such should be permitted under the provisions of PPS21. The submission indicates that PPS8 allows for a non-residential use for outdoor recreational use so long as it has no adverse effect on the impact of importance to nature conservation, archaeology or built heritage, no permanent loss to agricultural ground, no impact on the character of the area, no impact on public safety or no impact on nearby residential amenity.

It is my opinion that this stables does not represent an outdoor recreational use on its own, the applicant has not suggest this is for a riding school, or equestrian centre etc and therefore I do not consider this policy is not applicable.

Recommendation Refusal

CTY 1 & CTY8

Neighbour Notification Checked	Yes
Refusal Reasons <ol style="list-style-type: none">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.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 this private lane, off the Battleford.Road, and would, if permitted, adversely impact on the amenities of neighbouring residents.	
Signature(s) Date:	

ANNEX	
Date Valid	5th March 2021
Date First Advertised	16th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 303 Battleford Road Dungannon Tyrone The Owner/Occupier, 305 Battleford Road, Benburb, Dungannon, Tyrone, BT71 7NP The Owner/Occupier, 308 Battleford Road Benburb Tyrone	
Date of Last Neighbour Notification	23rd March 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0352/F Proposal: Proposed stable and store. Address: Lands approx. 55m West of 303 Battleford Road, Dungannon, Co Tyrone BT71 7NP., Decision Date: Ref ID: M/2002/1059/O Proposal: Proposed dwelling and garage Address: Opposite 308 Battleford Road, Dungannon, Co. Tyrone Decision Date: 15.11.2002 Ref ID: M/2003/0248/RM Proposal: Proposed dwelling and garage Address: Opposite 305 Battleford Road, Dungannon Decision Date: 15.04.2003 Ref ID: M/2006/0565/F Proposal: Dwelling house Address: 100m East of 308 Battleford Road, Dungannon Decision Date: 30.08.2007 Ref ID: M/2005/0053/O Proposal: Bungalow and Garage Address: 100m East of 308 Battleford Road, Carrowbeg, Eglis	

Decision Date: 19.04.2005 Ref ID: M/2004/1105/O Proposal: Dwelling House Address: 100m East of 308 Battleford Road, Dungannon - amended plans Decision Date: 26.10.2004
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

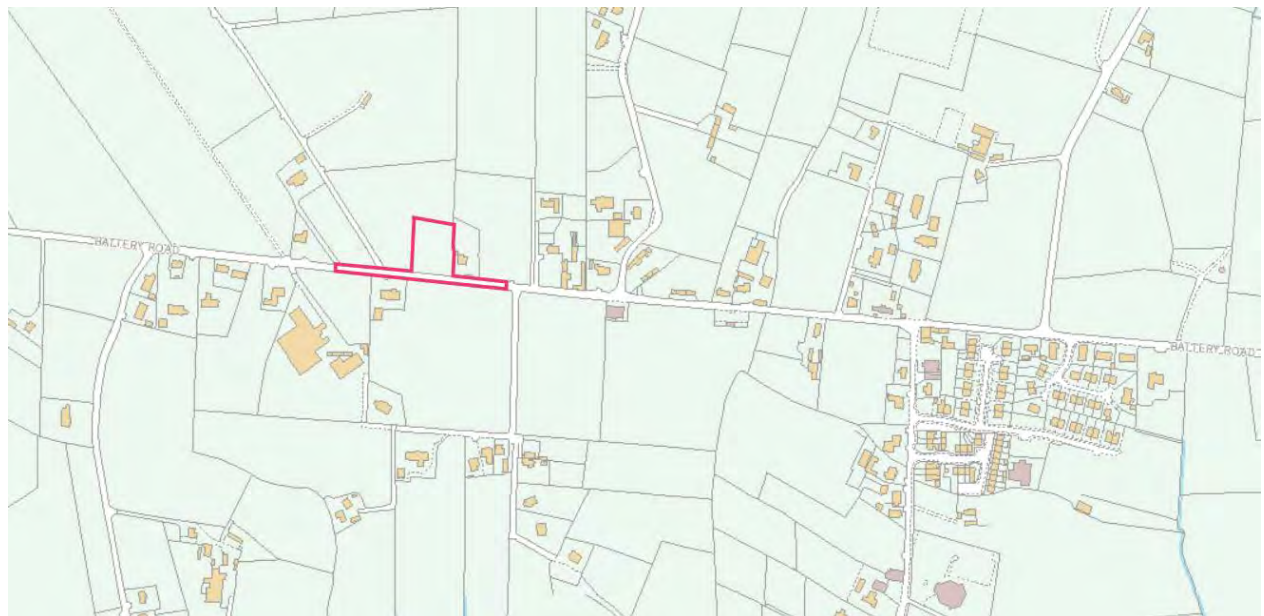
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0443/O	Target Date:
Proposal: Proposed dwelling & garage in gap site.	Location: 30m W of 154 Battery Road Cookstown.
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Shauna Quinn 59 Drumads Road Dungannon BT71 5BA	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	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

Description of Proposal
This is an outline planning application for a dwelling and garage in a gap site located 30m W of 154 Battery Road Cookstown. The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Characteristics of the Site and Area
The site, which sits adjacent the Battery Rd, is located in the rural countryside, as depicted within the Cookstown Area Plan, just west of Moortown settlement limits (see Fig: 1).



Fig 1: Extract of northern portion of Moortown settlement limits taken from CAP 2010 with location of site identified in blue.

The site is a relatively flat rectangular shaped plot cut from the roadside frontage of a much larger agricultural field. The site in effect cuts the roadside frontage of this field in half, occupying the east side. A low mature hedgerow approx. 1.2 metres high defines the southern / roadside frontage boundary of the site and the eastern boundary of the site. The western and northern boundaries of the site are undefined and open onto the host field.

The site which is to be accessed directly off the Battery Rd is located immediately west of an existing line of roadside development consisting of dwellings, ancillary outbuildings/garages and agricultural sheds, extending along the north side of the

Battery Rd and out of Moortown settlements limits. The properties in the aforementioned line located outside of Moortown settlement limits, extending east to west, include nos. 156a & 156 Battery Rd, two relatively newly approved and constructed detached bungalow style dwellings; and no. 154 Battery Rd, a detached bungalow with small outbuilding to its rear/west side. No. 156 Battery Rd has a detached garage located to its rear / east side.

Critical views of this site will be limited until passing along the roadside frontage of the host field due primarily to its location. The roadside development to its east screen it on that approach; and the mature high hedgerow and trees along the western boundary of the host field screen it on that approach.

Whilst the site sits just west of Moortown and the immediate stretch of road heading out of the settlement limits has come under some development pressure in recent years the wider area to the north, south and east of the site is typically rural in character comprising largely flat agricultural lands interspersed with single dwellings and farm holdings.

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
Planning Policy Statement 3: Access, Movement and Parking
Development Control Advice Note 15: Vehicular Standards
Planning Policy Statement 15: Planning and Flood Risk
Planning Policy Statement 21: Sustainable Development in the Countryside
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

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

Representations

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.

Relevant Planning History

On site - None

Adjacent site

- I/1999/0669/O - Dwelling - Adjacent to 150 Battery Rd Coagh – Granted 26th January 2001
- I/2002/0786/F - New Dwelling - Site adjacent to 150 Battery Rd Coagh – Granted 16th May 2003
- I/2007/0593/F - Proposed new access and gates to existing dwelling - Lands at 150A Battery Rd Coagh – Granted 14th November 2007

The above applications relate to the lands now occupied by no. 150a Battery Rd, a two-storey detached dwelling set back from the Battery Rd to the northwest of the site. (See Figs 2 & 3 below)

- LA09/2015/1163/O - Infill site for 2no dwellings - Lands adjacent to and East of 154 Battery Rd Moortown - Granted 14th June 2016
- LA09/2016/1194/F - Proposed 2 Dwellings 1 garage - Lands adjacent to and East of 154 Battery Rd Moortown Granted 14th November 2016

The above application relate to lands now occupied by no. 156 & 156a Battery Rd, 2 roadside bungalow style dwellings with approx. 6.5m ridge heights located one dwelling (no. 154 Battery Rd) to the west of the site.

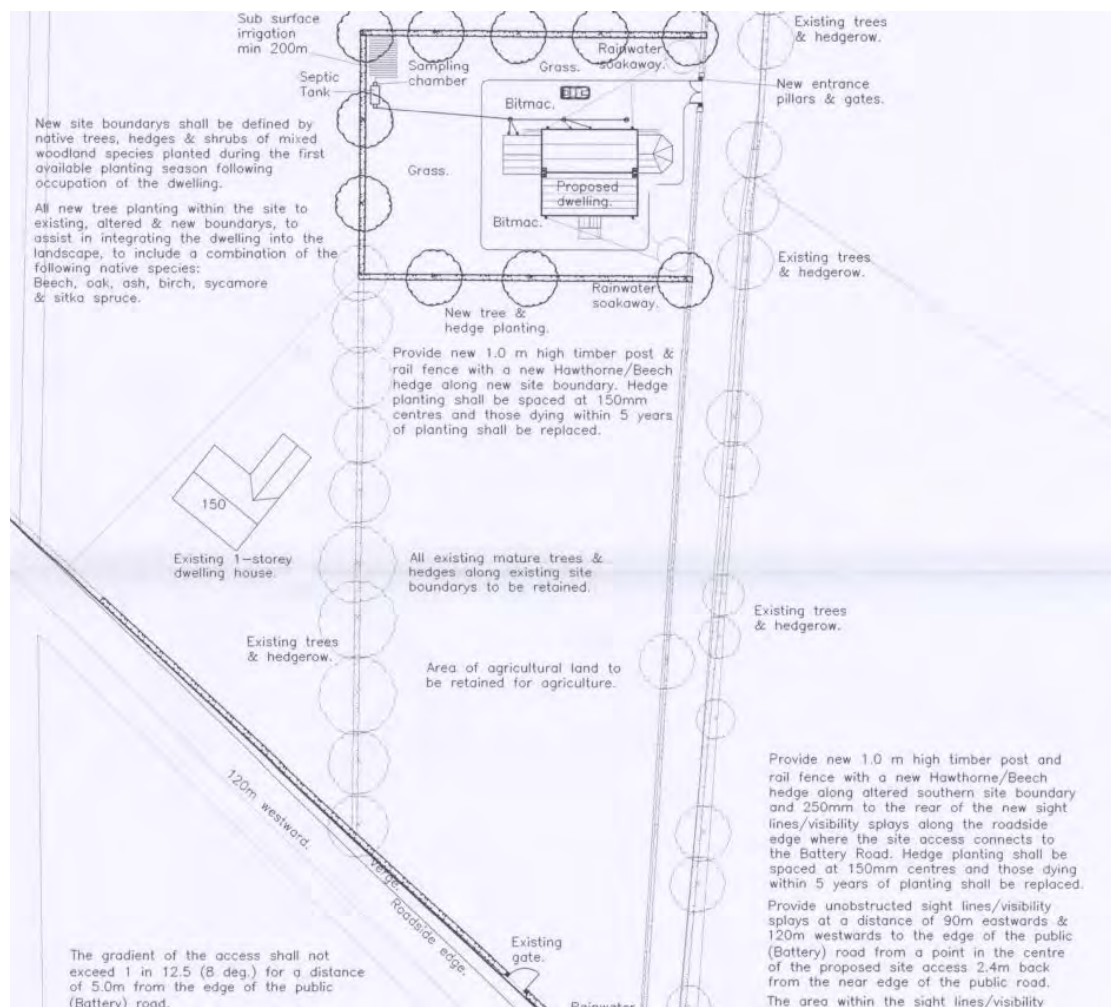


Fig 2: Block plan granted under planning application I/2002/0786/F show land to front of dwelling to be retained for agriculture.

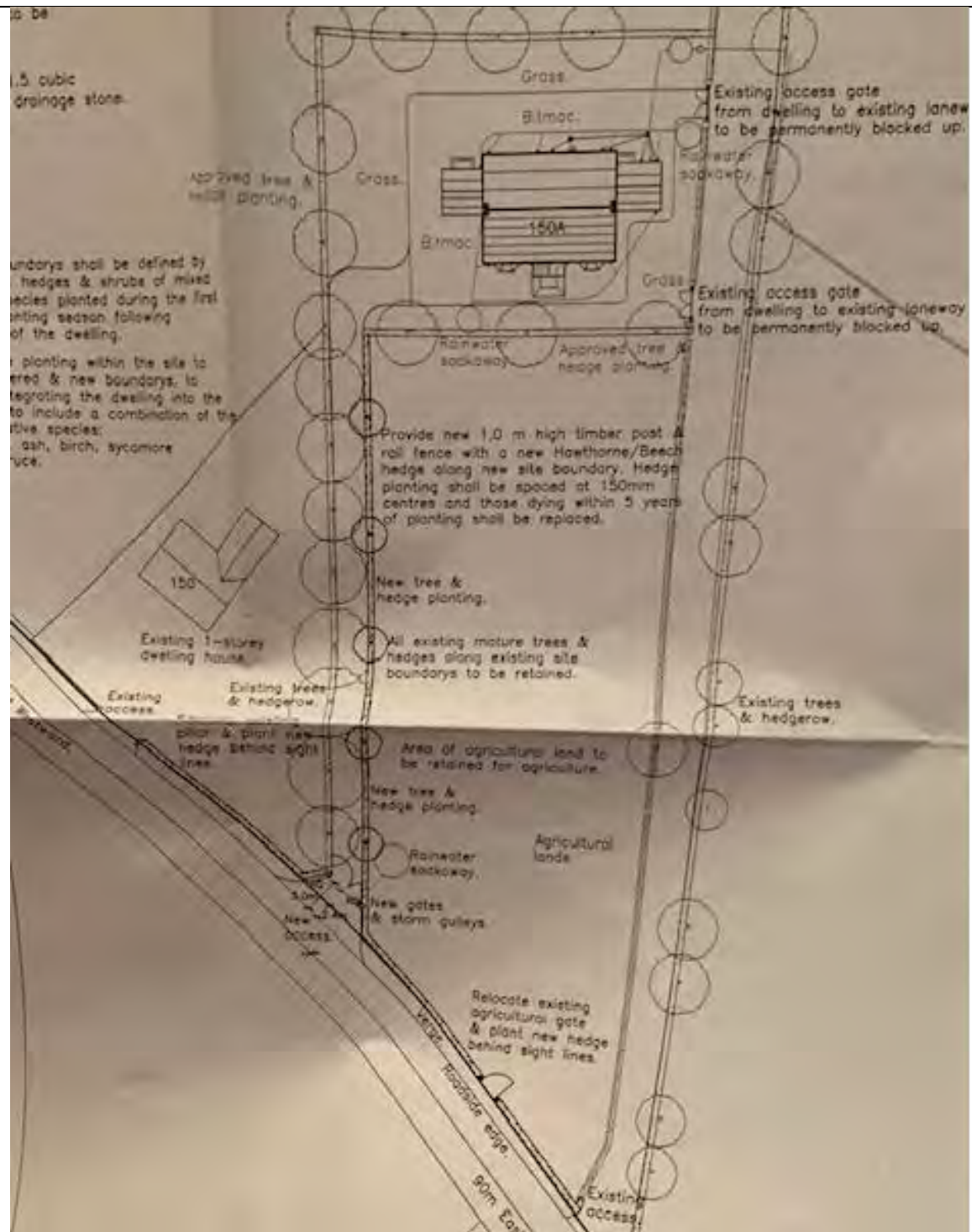


Fig 3: Block plan granted under planning application I/2007/0593/F showing land to front of dwelling to be retained for agriculture.

Consultees

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

2. River Agency were consulted as Flood Maps NI indicate a small area of surface water flooding to the west side of the site. Under PPS 15 Planning and Flood Risk, Policy FLD3 Development and Surface Water, Rivers Agency responded that a Drainage Assessment (D.A) is not required by the policy but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

Key Policy Considerations/Assessment

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

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside 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. These are listed in Policy CTY1 of PPS21.

One instance, and that which the applicant has applied under, is the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Having assessed the site and surround area I do not consider the site meets with the requirements of Policy CTY8. The site / host field is not located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along Drummurrer Lane, without accompanying development to the rear.

Whilst the site / host field is bound by at least 3 buildings running along and fronting onto the Battery Rd to the east (nos. 154, 156, & 156a Battery Rd, as detailed in Characteristics of the Site and Area) it is not bound to its west by buildings with a frontage onto the Battery Rd.

The site is bound to its west by an agricultural field. This field is located to the front of no. 150a Battery Rd, a large 2 storey dwelling set back from and accessed off the Battery Rd via a lane along the west side of the field. This dwelling and access was granted under planning applications I/2002/0786/F and I/2007/0593/F respectively. Under the aforementioned applications, the field / lands to the front of the dwelling adjacent the site were conditioned to be, and currently are, retained in agricultural use.

This proposal, which is not bound by roadside development to the west, will result in the extension of ribbon development along the Battery Rd leading to the further erosion of the area rural character.

Given the opinion above, Planning on the 9th August 2021 via email asked the agent has all other cases for a dwelling in the countryside been explored? E.g. does the applicant farm, is there any investment and return from farming, does opportunity exist under Policy CTY 10 of PPS21 for a dwelling on a farm? If there is a possible farm case information should be submitted to demonstrate compliance with Policy CTY10 of PPS21. The information required was to be submitted to Mid Ulster District Council's Planning Department on a without prejudice basis by the 23rd August 2021. The agent was advised that If no additional information was received within the specified timeframe this application would proceed to the next available committee meeting based on the information on file.

To date no additional information for further consideration has been received.

Additional considerations

Checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online identified no built heritage assets of interest or natural heritage features of significance on site.

Had the proposal met with Policy CTY8 of PPS 21 the surface water flooding on the west portion of the site would need further consideration to establish whether a dwelling could have sited outside the area indicated by Flood Maps or if a Drainage Assessment (D.A) would be required. PPS 15 requires a D.A for any development proposal except for minor development, which this proposal is not, located in an area where there is evidence of a history of surface water flooding.

Recommendation: Refuse

The site / host field is not located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along the Battery Rd, without accompanying development to the rear. It will result in the extension of ribbon development along the Battery Rd leading to the further erosion of the area rural character.

Neighbour Notification Checked	Yes
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Summary of Recommendation	Refuse
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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 CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if

permitted, result in the extension of ribbon development along the Battery Rd leading to a further erosion of the areas rural character.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0645/A	Target Date:
Proposal: 4No. signs on roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme.	Location: Moneymore Road Roundabout.
Referral Route: This application is for 4 No signs advertising local businesses at the Moneymore roundabout as part of MUDC sponsorship programme.	
Recommendation:	
Applicant Name and Address: Mid Ulster District Council 50 Ballyronan Road Magherafelt BT45 6EN	Agent Name and Address:
Executive Summary:	
Signature(s):	

eptabler

Site Location Plan

Consultations:		
Consultation Type	Consultee	Response
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

DFI Roads were consulted and responded on 15/09/2021 stating the proposal acceptable

Characteristics of the Site and Area

The application site is located at a roundabout developed in 2017 during the construction of the Magherafelt By Pass as it connected with the Moneymore Road at its junction with Coolshinney Road, which is located outside the settlement development limits of Magherafelt as defined in the Magherafelt Area Plan 2015 and as such is located in the countryside.

Description of Proposal

Planning permission is sought for the retention of 4No. Signs on the Moneymore roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme. This application is one of three being assessed separately.

Planning history.

There is a live enforcement file opened and this application is as a result of a submission notice requesting the applicant to submit a planning application to a resolution.

LA09/2020/0043/CA - at Moneymore, Ballyronan and Aughrim Roundabouts, Magherafelt
Unauthorised advertisement case under determination.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Statutory Consultations.

DFI Roads were consulted on this application and responded on 15/09/2021 to state the proposal was acceptable. However, in an earlier response to LA09/2021/0647/A received on 01/06/2021 relating to the Aughrim roundabout they objected on the basis MUDC should consider alternative sites within its control and not DFI lands. However, following clarification provided by MUDC Grounds and Cemeteries Department Roads withdrew its objections.

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain provided by PPS 17 and the SPPS

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

1. Strategic Planning Policy Statement (SPPS):
2. Magherafelt Area Plan 2015: The site is located within the development limits of Magherafelt.
3. Planning Policy Statement (PPS) 17 Control of Outdoor Advertisements:
4. Mid Ulster Development Plan 2030 Draft Plan Strategy

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

The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS states that the regional strategic objectives for the control of advertisements are to:

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

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

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

The guidance set out in Annex A for different categories of outdoor advertisement will be taken into account in assessing the proposal.

Amenity.



Fig 1. Moneymore Roundabout



Fig 2. Signs size 500mm by 200mm by 100mm.

When assessing the amenity impact of an advertisement or sign it must take account of all of the following matters:

(a) the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;

Given the location of the advertisement I am content that it is unlikely to have an adverse on any features of importance of the area.

(b) The position of the advertisement on the host building and its scale and size in relation to that building; N/A.

The sign is ground standing and not on a building.

(c) The cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;

It is noted the size of the signs approx. 500mm x 200mm x 100mm the existing ground standing sign, from such I am content that the application is unlikely to result in clutter.

(d) The size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;

I am content that the application is acceptable with regards to the surrounding area.

(e) The design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;

The sign is ground standing and not attached to any buildings.

(f) In the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located; and

I am content that the design and materials of the proposed ground standing sign are acceptable with regards to the appearance and character of the area.

(g) The impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.

I first note that the proposed sign is not to be illuminated and I am content that the size is acceptable.

Public Safety

DFI roads were consulted and responded on 05/09/2021 indication the proposal is acceptable. The assessment of the advertisement Roads response would be the crucial factor as the roundabout is on lands controlled by Roads. In the latest response received on 15/09/2021 the proposal was acceptable.

Neighbour Notification Checked

N/A

Summary of Recommendation:

Content granted

Conditions:

1.The sign shall be erected in the position shown on the approved plan date stamped 01 7 02 stamp date 21/04/2021.

Reason: In the interests of road safety and the convenience of road users

Informatives

1

Signature(s)**Date:**

ANNEX	
Date Valid	27th April 2021
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, N/A	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0780/F Proposal: Proposed Petrol Filling Station (PFS) and cafe with associated drive thru (sui generis) Address: Lands at 108-114 Moneymore Road, Magherafelt, Decision: PG Decision Date: 22.06.2018 Ref ID: LA09/2016/1749/F Proposal: Alterations and subdivision of an existing (Class A1) retail unit to 4 (Class A1) retail units Address: Lands at 108-114 Moneymore Road, Magherafelt, Decision: PG Decision Date: 06.03.2017 Ref ID: H/2002/1172/F Proposal: Extension to existing factory facilities and construction of a new paint shop to replace existing. Address: 108 - 114 Moneymore Road, Magherafelt. Decision: Decision Date: 28.08.2003 Ref ID: H/1992/0109 Proposal: NEW ROAD ENTRANCE Address: MONEYMORE ROAD MAGHERAFELT Decision: Decision Date:	

Ref ID: H/1997/0590

Proposal: CHANGE OF USE TO WASTE TRANSFER RECYCLING OPERATION

Address: 6 BALLYMOUGHAN ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2001/0406/F

Proposal: Extension to existing factory facilities and construction of a new office block

Address: 108 - 114 Moneymore Road, Magherafelt

Decision:

Decision Date: 20.09.2001

Ref ID: H/2003/0393/F

Proposal: Erection of a new storage facility and installation of a 7.5 tonne double leg gantry travelling crane.

Address: 108 - 114 Moneymore Road, Magherafelt.

Decision:

Decision Date: 18.04.2004

Ref ID: H/2002/1033/F

Proposal: Factory extension including storage and despatch.

Address: 108 - 114 Moneymore Road, Magherafelt.

Decision:

Decision Date: 05.03.2003

Ref ID: H/2010/0379/F

Proposal: Retrospective planning application for erection of clad portal frame building for the purposes of storage (timber building materials)

Address: Approx 65m East of No.2 Ballymoghnan Road, Magherafelt(amended plans)

Decision:

Decision Date: 30.12.2010

Ref ID: H/2001/0213/F

Proposal: Factory Extension To Include Storage And Dispatch

Address: 4-10 Ballymoughan Road, Magherafelt

Decision:

Decision Date: 08.07.2001

Ref ID: H/2007/0140/F

Proposal: Erection of shed to house gantry crane.

Address: Land at Henry Brothers Building and Civil Engineering Contractors, Nos. 108 to 114 Moneymore Road, Magherafelt

Decision:

Decision Date: 30.12.2010

Ref ID: H/2007/0632/F

Proposal:

4 semi-detached houses.

Address: 100 Moneymore Road, Magherafelt

Decision:

Decision Date: 23.03.2011

Ref ID: H/2001/0426/F

Proposal: Conservatory To Rear Of Dwelling

Address: 60 Coolshinney Road, Coolshinny, Magherafelt, Northern Ireland, BT45 5JF

Decision:

Decision Date: 04.07.2001

Ref ID: LA09/2021/0645/A

Proposal: 4No. signs on roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme.

Address: Moneymore Road Roundabout.,

Decision: CG

Decision Date:

Ref ID: LA08/2018/0155/DC

Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of the Seskinore River, Corkhill Road)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/1710/DC

Proposal: Discharge of Condition 29 (Construction Method Statement) of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2019/1403/DC

Proposal: Discharge of condition 24 of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision:

Decision Date:

Ref ID: LA08/2019/0022/DC

Proposal: Discharge of Condition 5 (works affecting A5WTC preferred route) of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1126/DC

Proposal: Discharge of Condition 2 (programme of archaeological work) of planning approval LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Pressu

Decision: AL

Decision Date:

Ref ID: LA08/2018/0965/DC

Proposal: Discharge of Condition 4 (Traffic Management Plan) of planning permission LA08/2016/1328/F - Gas to the West. (HP Line - RDX80: Ballagh Road section)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2016/1328/F

Proposal: Construction of an underground gas pipe line and associated infrastructure comprising: a new 85 bar High Pressure (HP) cross-country gas transmission pipeline, approximately 78km in length and varying between 300-400mm diameter; New Intermediate Pressure (IP) gas pipelines, (approximately 107km and varying between 250-315mm diameter) laid primarily in the public road, 7 Above Ground Installations (AGI) and 8 District Pressure Governors (DPG); temporary ancillary development comprising temporary construction compounds, temporary pipe storage areas and temporary construction accesses.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: PG

Decision Date:

Ref ID: LA08/2018/1354/DC

Proposal: Ecological Monitoring Report relating to Condition 24 of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision:

Decision Date:

Ref ID: LA08/2018/0964/DC

Proposal: Discharge of Condition 4 (Traffic Management Plan) of Planning Permission LA08/2016/1328/F - Gas to the West (HP Line - RDX19: Pedan's Road Section)
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2018/0146/DC
Proposal: Discharge of Condition 21 (Habitat Management Plan) of Planning Permission LA08/2016/1328/F - Gas to the West (Traditional Orchard locations)
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2018/0157/DC
Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of Colebroke River, Maguiresbridge)
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2017/1016/DC
Proposal: Discharge of Conditions 20 (CEMP), 21 (HMP) and 22 (ECOW) of planning permission LA08/2016/1328/F.
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2018/0156/DC
Proposal: Discharge of Condition No. 27 (Construction Management Statement) of Planning Permission LA08/2016/1328/F - Gas to the West. (Quiggery Stream, Corkill Road)
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2018/1467/DC
Proposal: Discharge of Condition 29 (Construction Method Statement) of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2017/1352/DC

Proposal: Discharge of Condition 15 of planning permission LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA09/2016/0468/PAN

Proposal: Proposed gas pipeline to supply natural gas to west of Northern Ireland

Address: High pressure (HP) gas transmission pipeline of approximately 80 kilometres in length between Portadown and Tullykenneye (just west of Fivemiletown). Intermediate pressure (IP) gas pipeline, approximately 100 kilometres in length from HP I

Decision: PANACC

Decision Date:

Ref ID: LA08/2017/1619/DC

Proposal: Discharge of Condition 27 (Construction Method Statement) of planning permission LA08/2016/1328/F (G2W) - (Off road - IP Crossing - Colebrook River, Maguiresbridge)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2018/1422/DC

Proposal: Discharge of condition 5 (works affecting the A5 preferred route) of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0145/DC

Proposal: Discharge of Condition 21 (Habitat Management Plan) of planning permission LA08/2016/1328/F - Gas to the West. (3 areas of Purple Moor Gass and Rush Pasture)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

<p>Ref ID: LA08/2017/0914/DC</p> <p>Proposal: Discharge of Condition 2 (programme of archaeological work) of planning approval LA08/2016/1328/F.</p> <p>Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press</p> <p>Decision: AL</p> <p>Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>Content</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 02 Type: Site Location Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0646/A	Target Date:
Proposal: 4No. signs on roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme.	Location: Ballyronan Road Roundabout.
Referral Route: This application is for 4 No signs advertising local businesses at the Ballyronan roundabout as part of MUDC sponsorship programme.	
Recommendation:	APPROVE
Applicant Name and Address: Mid Ulster District Council 50 Ballyronan Road Magherafelt BT45 6EN	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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

This application is for 4 No signs advertising local businesses at the Ballyronan roundabout as part of MUDC sponsorship programme.

Characteristics of the Site and Area

The application site is located at a roundabout developed in 2017 during the construction of the Magherafelt By Pass as it connected with the Ballyronan Road, which is located outside the settlement development limits of Magherafelt as defined in the Magherafelt Area Plan 2015 and as such is located in the countryside.

Description of Proposal

Planning permission is sought for the retention of 4No. Signs on the Ballyronan roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme. There are 3 sites identified and are being assessed in 3 applications.

Planning history

There is a live enforcement file opened and this application is as a result of a submission notice requesting the applicant to submit a planning application to a resolution.

LA09/2020/0043/CA - at Moneymore, Ballyronan and Aughrim Roundabouts, Magherafelt
Unauthorised advertisement case under determination.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Statutory Consultations.

DFI Roads were consulted on this application and responded on 15/09/2021 to state the proposal was acceptable. However, in an earlier response to LA09/2021/0647/A received on 01/06/2021 relating to the Aughrim roundabout they objected on the basis MUDC should consider alternative sites within its control and not DFI lands. However, following clarification by MUDC Grounds and Cemeteries Department Roads withdrew its objections.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS):
2. Magherafelt Area Plan 2015: The site is located within the development limits of Magherafelt.
3. Planning Policy Statement (PPS) 17 Control of Outdoor Advertisements:
4. Mid Ulster Development Plan 2030 Draft Plan Strategy.

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

The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS states that the regional strategic objectives for the control of advertisements are to:

- ensure that outdoor advertisements respect the amenity and do not prejudice public safety, including road safety; and

- help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and countryside.

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

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

The guidance set out in Annex A for different categories of outdoor advertisement will be taken into account in assessing the proposal.

Amenity.



Fig 1. Ballyronan Roundabout.



Fig 2. Sing size 500mm by 200mm by 100mm.

When assessing the amenity impact of an advertisement or sign it must take account of all of the following matters:

(a) the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;

Given the location of the advertisement I am content that it is unlikely to have an adverse on any features of importance of the area.

(b) The position of the advertisement on the host building and its scale and size in relation to that building; N/A.

The sign is ground standing and not on a building.

(c) The cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;

It is noted the size of the signs approx. 500mm x 200mm x 100mm the existing ground standing sign, from such I am content that the application is unlikely to result in clutter.

(d) The size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;

I am content that the application is acceptable with regards to the surrounding area.

(e) The design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;

The sign is ground standing and not attached to any buildings.

(f) In the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located.

I am content that the design and materials of the proposed ground standing sign are acceptable with regards to the appearance and character of the area.

(g) The impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.

I first note that the proposed sign is not to be illuminated and I am content that the size is acceptable.

Public Safety.

DFI roads were consulted and responded on 05/09/2021 indication the proposal is acceptable. The assessment of the advertisement Roads response would be the crucial factor as the roundabout is on lands controlled by DFI Roads.

Neighbour Notification Checked

N/A

Summary of Recommendation: Content granted.
Conditions: 1.The sign shall be erected in the position shown on the approved plans No 01 date stamped 02/02/2021 and approved plans 02 date stamp 21/04/2021. Reason: 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.
Signature(s) Date:

ANNEX	
Date Valid	27th April 2021
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, N/A	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History. LA09/2020/0043/CA - at Moneymore, Ballyronan and Aughrim Roundabouts, Magherafelt Unauthorised advertisement case under determination.	
Summary of Consultee Responses Content	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Layout or Block Plan Status: Submitted Drawing No. 02 Type: Site Location Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0647/A	Target Date:
Proposal: 4No. signs on roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme.	Location: Aughrim Road Magherafelt.
Referral Route: This application is for 4 No signs advertising local businesses at the Ballyronan roundabout as part of MUDC sponsorship programme.	
Recommendation:	APPROVE
Applicant Name and Address: Mid Ulster District Council 50 Ballyronan Road Magherafelt BT45 6EN	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Summary of Issues

This application is for 4 No signs advertising local businesses at the Aughrim roundabout as part of MUDC sponsorship programme.

Characteristics of the Site and Area

The application site is located at a roundabout developed in 2017 during the construction of the Magherafelt By Pass as it connected with the Aughrim Road, which is located outside the settlement development limits of Magherafelt as defined in the Magherafelt Area Plan 2015 and as such is located in the countryside.

Description of Proposal

Planning permission is sought for the retention of 4 No. Signs on the Ballyronan roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme. There are 3 sites identified and are being assessed in 3 applications.

Planning history.

There is a live enforcement file opened and this application is as a result of a submission notice requesting the applicant to submit a planning application to a resolution.

LA09/2020/0043/CA - at Moneymore, Ballyronan and Aughrim Roundabouts, Magherafelt Unauthorised advertisement case under determination.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Statutory Consultations.

DFI Roads were consulted on this application and responded on 15/09/2021 to state the proposal was acceptable. However, in an earlier response to LA09/2021/0647/A received on 01/06/2021 relating to the Aughrim roundabout they objected on the basis MUDC should consider alternative sites within its control and not DFI lands. However, following clarification by MUDC Grounds and Cemeteries Department Roads withdrew its objections.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS):
2. Magherafelt Area Plan 2015: The site is located within the development limits of Magherafelt.
3. Planning Policy Statement (PPS) 17 Control of Outdoor Advertisements:
4. Mid Ulster Development Plan 2030 Draft Plan Strategy

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

The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to

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

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

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

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

The guidance set out in Annex A for different categories of outdoor advertisement will be taken into account in assessing the proposal.

Amenity



Fig 1. Aughrim Roundabout.



Fig 2. Sing size 500mm by 200mm by 100mm.

When assessing the amenity impact of an advertisement or sign it must take account of all of the following matters:

(a) the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;

Given the location of the advertisement I am content that it is unlikely to have an adverse on any features of importance of the area.

(b) The position of the advertisement on the host building and its scale and size in relation to that building; N/A.

The sign is ground standing and not on a building.

(c) The cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;

It is noted the size of the signs approx. 500mm x 200mm x 100mm the existing ground standing sign, from such I am content that the application is unlikely to result in clutter.

(d) The size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;

I am content that the application is acceptable with regards to the surrounding area.

(e) The design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;

The sign is ground standing and not attached to any buildings.

(f) In the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located.

I am content that the design and materials of the proposed ground standing sign are acceptable with regards to the appearance and character of the area.

(g) The impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.

<p>I first note that the proposed sign is not to be illuminated and I am content that the size is acceptable.</p> <p>Public Safety.</p> <p>DFI roads were consulted and responded on 05/09/2021 indication the proposal is acceptable. The assessment of the advertisement Roads response would be the crucial factor as the roundabout is on lands controlled by DFI Roads.</p>	
<p>Neighbour Notification Checked</p>	<p>N/A</p>
<p>Summary of Recommendation:</p> <p>Content granted.</p>	
<p>Conditions:</p> <p>1.The sign shall be erected in the position shown on the approved plan No 01 date stamped 04/02/2021 and plan 02 date stamp 21/04/2021</p> <p>Reason: In the interests of road safety and the convenience of road users</p> <p>Informatives</p> <p>1.This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.</p>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	27th April 2021
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, N/A	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0647/A Proposal: 4No. signs on roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme. Address: Aughrim Road Magherafelt., Decision: Decision Date: Ref ID: LA09/2016/1739/A Proposal: 2no shop signs relocated from existing positions to proposed to accommodate new by pass road layout. Position agreed with Transport NI Address: Lands 40m West and 145m East of 55 Aughrim Road, Magherafelt, Decision: CG Decision Date: 08.08.2017 Ref ID: H/1994/0022 Proposal: SITE OF DWELLING Address: 50M NORTH OF 58 AUGHRIM ROAD MAGHERAFELT Decision: Decision Date: Ref ID: H/2005/0481/F	

Proposal: Development of existing agricultural building & yard area to facilitate an agricultural supplies business
Address: Farmyard 50m West of 69 Aughrim Road, Magherafelt
Decision:
Decision Date: 29.11.2005

Summary of Consultee Responses**Drawing Numbers and Title**

Drawing No. 01
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 02
Type: Site Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

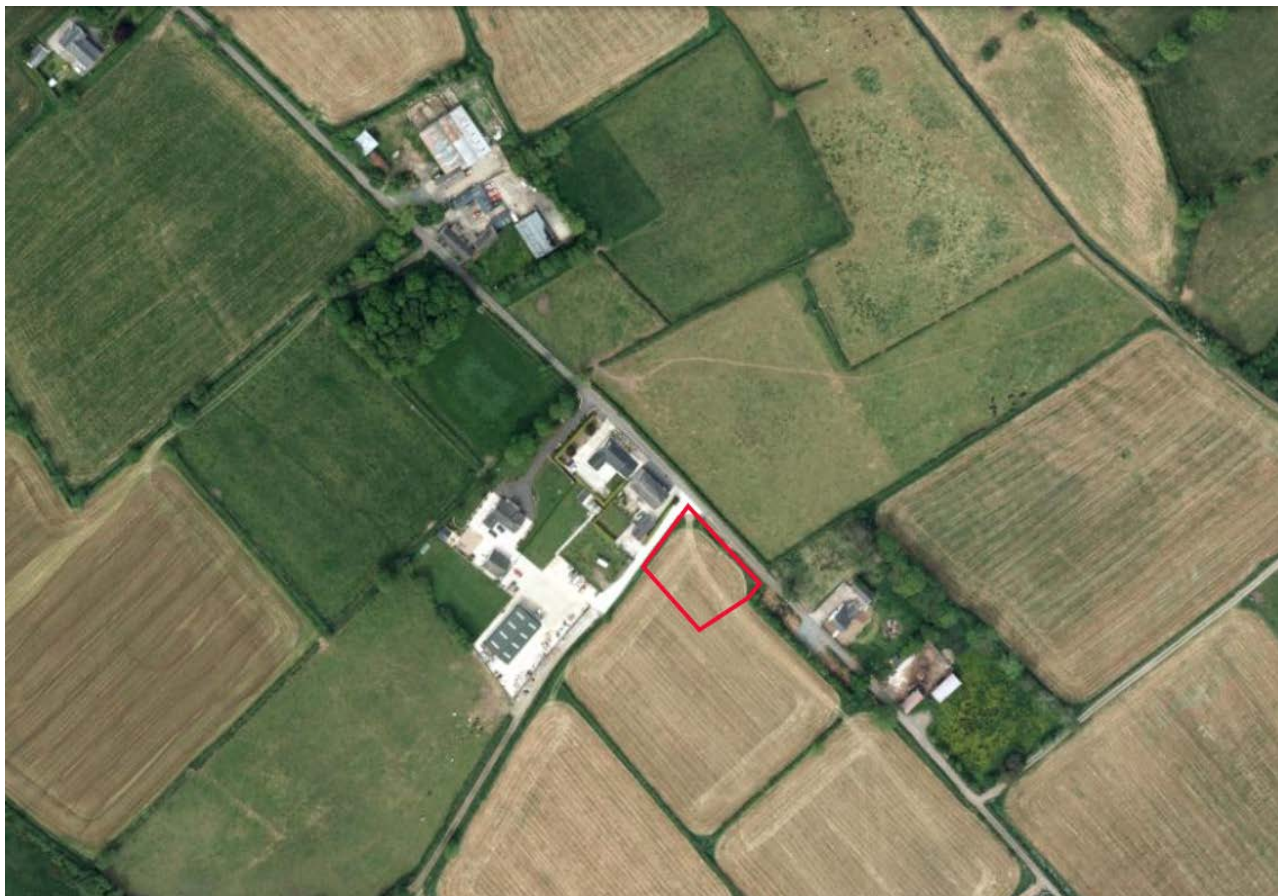
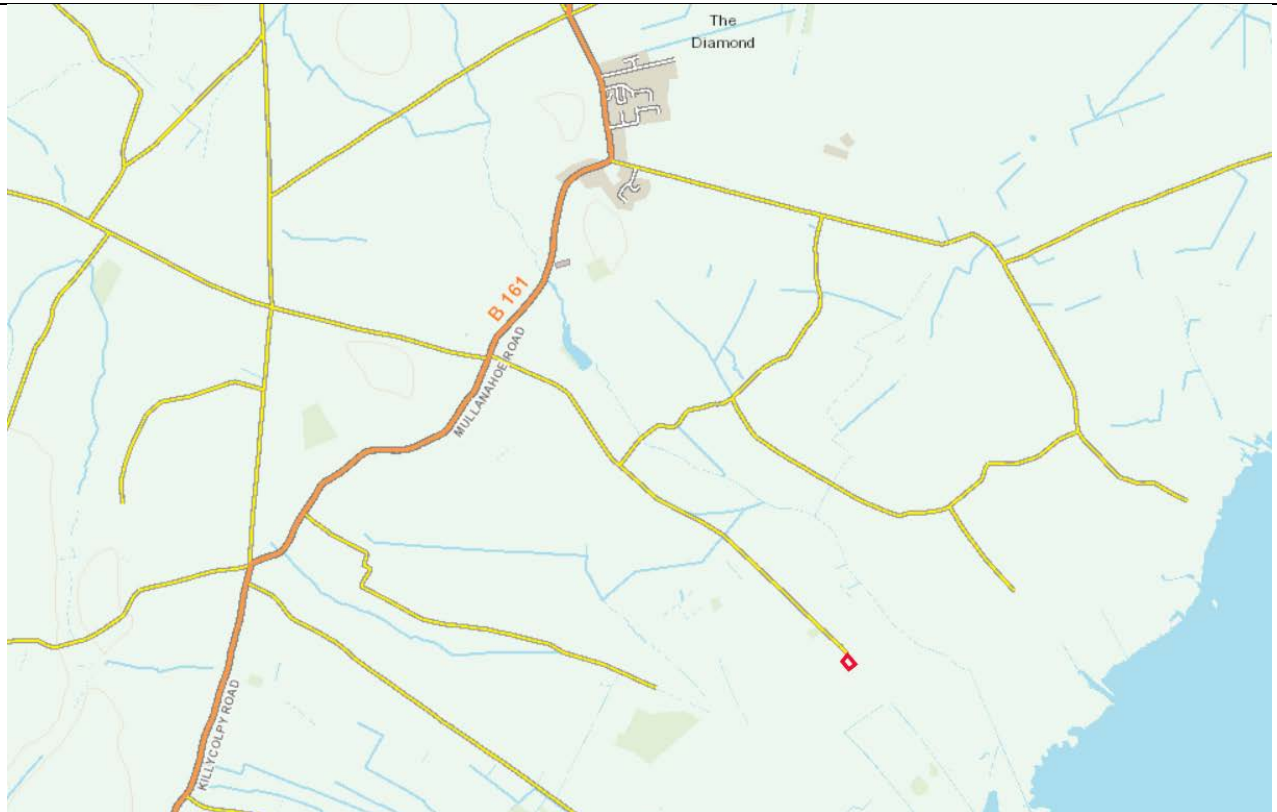
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0678/O	Target Date:
Proposal: Proposed dwelling	Location: Land adjacent to and South East of 39 Brookend Road Ardboe
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Seamus Mc Guckin 99 Kilmascally Road Ardboe	Agent Name and Address: Darcon Architectural Services 6 Ardean Close Moortown BT80 0JN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
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
Description of Proposal This is an outline application for a proposed dwelling to be located on lands adjacent to and South East of 39 Brookend Road Ardboe.		
Characteristics of the Site and Area The site is located in the rural countryside as defined by the Cookstown Area Plan 2010, approx. 2.2km southeast of Ardboe and approx. 1.2km west of Lough Neagh. The area is largely characterised by agricultural land interspersed with single dwellings, ancillary buildings and farm holdings. The site is a relatively flat, square shaped plot, cut from the northern corner of a much larger roadside field. The host field is located running along Brookend Rd, a dead end road, to the southeast of nos. 37 & 39 Ardboe Rd, two single storey roadside dwellings. A lane runs between the site and the aforementioned properties serving an existing large shed and a potential dwelling further southwest of the site if recent planning approvals LA09/2020/0347/O & LA09/2020/1311/RM were implemented. A mix of mature vegetation bounding the host field defines the northwest (laneside) boundary and northeast (roadside) boundary of the site. The southwest and southeast boundaries of the site are undefined and open onto the host field. Critical views of the site are limited from Brookend Rd until just before and passing the roadside frontage of the site. The existing bungalows and ancillary development located immediately to its northwest (nos. 37 & 39 Brookend Rd) screen views on the northwest approach; and existing vegetation bounding the host field and within the wider vicinity, in particular along the roadside, screen views on the southeast approach.		
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

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Planning History

- I/2011/0362/O - The rear of 104 Kilmascully Road Ardboe - Proposed site for dwelling and garage on a farm for Mr Seamus McGuckin - Granted November 2012 (expired and no reserved matter received)
- LA09/2019/1632/O - 25m West of 104 Kilmascully Road Ardboe - Dwelling & garage on a farm for Ms Karla McGuckin - Granted 14th May 2020
- LA09/2020/0889/RM - 25m West of 104 Kilmascully Road Ardboe - Dwelling & garage on a farm for Ms Karla McGuckin - Granted 12 November 2020

Ms McGuckin's applications, were granted on the current applicant's farm holding (i.e. same Farm Business ID); and Ms McGuckin's address on the applications was listed as that of the current applicant. (See Fig 2, further below)

Consultees

1. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted with a P1C Form and Farm maps submitted alongside the application. DAERA confirmed the farm business identified on P1C Forms and Farm maps has been active and established for over 6 years.

Consideration

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 'Development in the Countryside' and include dwellings on farms in accordance with Policy CTY 10 of PPS 21 'Dwellings on Farms'.

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

1. the farm business is currently active and has been established for at least 6 years,

The applicant has a farm business and as confirmed with the Department of Agriculture, Environment and Rural Affairs (DEARA) this farm business (identified on P1C Forms and Farm maps submitted along with the application) has been active and established for over 6 years. Criterion (1) of CTY 10 has been met

2. 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 or since PPS 21 was introduced on 25th November 2008.

There is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from Mr McGuckins's farm holding within the last 10 years from the date of the application or since PPS 21 was introduced. Criterion (2) of CTY 10 has been met.

3. the new building is visually linked or sited to cluster with an established group of buildings on the farm. 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 group(s).

The P1 Form and farm maps submitted as part of this application show the applicant's home, a 2-storey roadside dwelling and garage to be located at no.99 Kilmasally Rd, approx. 1.5km to the northeast of the proposed site within the settlement limits of Ardboe. The applicant's farm buildings are located on lands approx. 250m southeast of his dwelling, also adjacent but to the opposite side of the Kilmasally Rd and in the rural countryside. As such, the new building does not visually link or cluster with an established group of buildings on the applicant's farm holding (See Figs 1 & 2 below). The agent has submitted supporting info for siting away from the farm buildings, however this it is not sufficient given an existing opportunity for a dwelling on the farm holding already exists. See 'Planning History' further above. Criterion (3) of CTY 10 has not been met.

In addition to the 3 bullet points above, Policy CTY 10 of PPS21 states that planning permission granted under this policy will only be forthcoming once every 10 years; and the proposal must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16; and

'Planning History' shows planning permission on Mr McGuckins farm holding under Policy CTY 10 has already been forthcoming within the last 10 years. Accordingly, I rang the agent on the 25th August 2021 to advise the current proposal fails to comply with Policy CTY10 in that, planning permission granted under this policy will only be forthcoming once every 10 years and the current application is for the second planning permission within 10 years. I advised agent to discuss this with his client to see how they wanted to proceed with the application and / or if they had anything else they wanted planning to consider. The agent said he would speak to his client and get back in touch. Having had no response in the intervening time I contacted the agent again on the 10th September 2021. I advised if no further information was received in the next week the application would likely proceed to the next available committee meeting with a recommendation to refuse based on the information on file. The agent advised he had nothing further to add at that time and he was content for proposal to be put forward Committee.

Had there not been the previous permissions on the holding the proposed site would still fail to meet one of seven criteria of Policy CTY13, in that it would not visually link or cluster with an established group of buildings on the farm holding as detailed earlier under bullet point 3 of CTY 10. It would also fail to meet one of the five criteria of Policy CTY 14 in that it would create a ribbon of development along the west side of Brookend Rd. Accordingly, also failing to meet Policy CTY 8 Ribbon Development.



Fig 1: Applicant's site, dwelling and farm buildings identified.

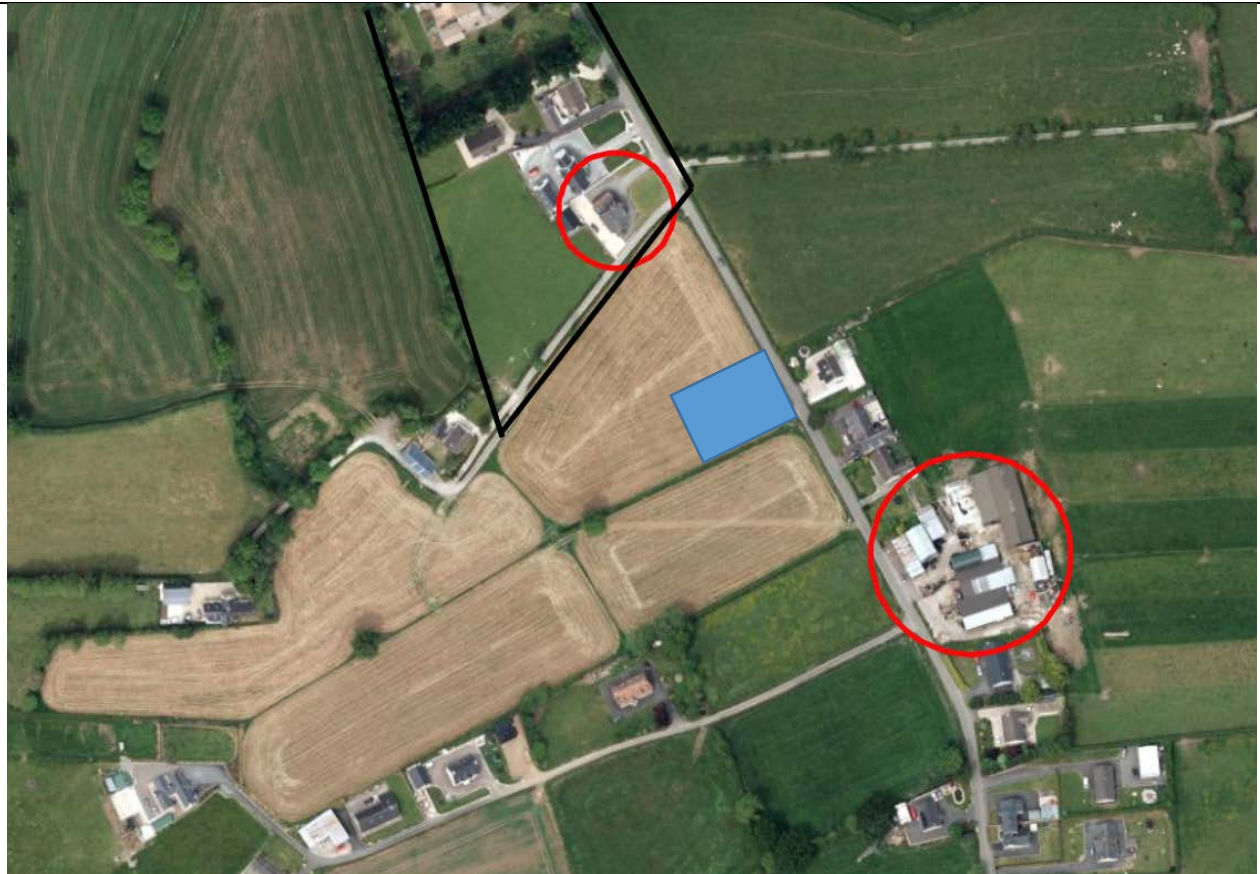


Fig 2: Applicant's dwelling within settlement limits (outlined in black); applicant's farm buildings to southeast outside settlements identified; and location of dwelling approved under LA09/2019/1632/O & LA09/2020/0889/RM highlighted blue.

Additional considerations

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked and whilst there are no built heritage features of significance on site, NED's map viewer shows the site to be within a Ramsar Site and within an area known to breeding waders. However, as this site is on improved grassland this proposal is unlikely to support or harm a European protected species in accordance with Policy NH 2 - Species Protected by Law European Protected Species. Additionally, having considered the nature, scale and location of the proposal, it should not have any significant impact on the features, conservation objectives or status of Lough Neagh Ramsar site.

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

The site is located within SG Defence Estates relating to Met Office Radar however this proposal would be under the 15.2m height threshold for consultation to Defence Estates. The site is also located within an area of constraint on wind turbines however proposal is for a dwelling.

Recommendation: Refuse - Planning permission granted under Policy CTY10 has already been forthcoming on the applicant's farm holding within the last 10 years under planning permissions LA09/2019/1632/O & LA09/2020/0889/RM.

Neighbour Notification Checked	Yes
Summary of Recommendation	Refuse
Refusal Reasons <ol style="list-style-type: none"> 1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that planning permission granted under Policy CTY10 has already been forthcoming on the applicant's farm holding within the last 10 years under planning permissions LA09/2019/1632/O & LA09/2020/0889/RM. 	
Signature(s) Date:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0749/F	Target Date:
Proposal: Change of use from existing part forest and provision of car park (110m SW of 25 Brackagh Road, Iniscarn Road, Iniscarn, Desertmartin) and provision of play park within the existing forest (275m SW of 25 Brackagh Road, Iniscarn Road, Iniscarn, Desertmartin). Upgrade of existing forest trails and ancillary trail signage / waymarker posts	Location: Iniscarn Forest Iniscarn Road Iniscarn Desertmartin
Referral Route: <ul style="list-style-type: none"> Mid Ulster District Council Planning Application. 	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council 80 Burn Road Cookstown BT80 8DT	Agent Name and Address:
Executive Summary: Proposal considered against prevailing planning policy and all material considerations below. No letters of representation received	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Characteristics of the Site and Area

The proposal is located in the open countryside, outside any settlement limits as defined within the Magherafelt Area Plan 2015. The application site is within an existing area of woodland and comprises a portion of Iniscarn Forest which includes the entrance point with layby currently used as a small area for parking with a bus shelter, as well as an existing walking trail and existing hardstand gravel area which currently has picnic benches. The surrounding area is rural in character with low development pressure. The adjacent road network is minor and the predominant land use is agricultural with dispersed dwellings and farm holdings in the locality. There is a gradual incline from east to west within the site.

Description of Proposal

This application seeks full planning permission for the provision of a car park and play park and upgrade of existing forest trails and signage posts at Iniscarn Forest, Desertmartin.

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
- PPS 2 - Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- PPS 8 - Open Space, Sport and Outdoor Recreation

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

Representations

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The proposal seeks permission for a car park, enhances walking trails with signage posts and play park within the existing Iniscarn Forest. The play park aspect of the proposal is to be located within an existing open, gravelled area of the forest where picnic benches are currently situated, surrounded by trees. The provision of the proposed gravel car park will require the felling of some trees and will provide parking at the access of the existing forest, where currently visitors park at the small layby at the entrance. It is considered the provision of a formalised car park will be safer and secure for visitors. The car park will be located at the roadside and the NE boundary will be enclosed by timber post and 3 rail fence. It is considered that this

will integrate into the siting given the existing landscape and backdrop of woodland. The closest residential property to the application site is approx. 95 metres NE of the site, therefore it is considered there will be no detrimental impact on residential amenity. It was noted the proposal is located close to a Hydrological Link, therefore SES were informally consulted to ensure no impact to a designated site. SES has considered the nature, scale, duration and location of the project and concluded it could not have any conceivable effect on a European site and Council is a competent authority as the project proposer. The proposal has been considered at internal group and it has been considered the proposal represents sustainable development and no potential demonstrable harm has been identified to interests of acknowledged importance.

Magherafelt Area Plan 2015: The application site is located in the rural countryside and comprises a portion of the existing Iniscarn Forest Park. The site is located within the Sperrin's AONB. The plan does not include any specific AONB criteria, this will be dealt with under PPS 2.

Planning Policy Statement 2: Natural Heritage - Policy NH6 of PPS2 is applicable as the application is located within the Sperrin's AONB. Policy NH6 states that permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. It is considered the proposal will respect the character of the rural area and given the proposed works will enhance the existing forest attraction, I consider the development will respect the special character of the AONB. NIEA Natural Environment Map Viewer has been checked and identified no other environmental designations on the site.

Planning Policy Statement 3: Access, Movement and Parking - The proposal will accommodate visitors to an existing facility providing additional parking in a designated, safe and accessible space. The car park aspect of the proposal provides 30 parking spaces. DFI Roads have been consulted and have raised no concerns with respect road safety or parking subject to conditions. In light of this, it is considered the proposal complies with the policy provisions of PPS3 AMP2.

PPS 8: Open Space, Sport and Outdoor Recreation

Policy OS 3 - Outdoor recreation in the Countryside states that development for outdoor recreational use in the countryside will be permitted if the following criteria is met:

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

No features of importance to natural conservation or built heritage have been identified which would be adversely impacted by the proposal.

- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

Given the location of the site within an existing forest I am content that the proposal is unlikely to result in the permanent loss of the most versatile agricultural land and it is unlikely to have an unacceptable impact on nearby agricultural activities.

- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

I am content that this type of development is typical in the Forest setting and that the proposal is unlikely to have an adverse impact on the visual amenity or the character of the area.

(iv) there is no unacceptable impact on the amenities of people living nearby; Given the separation distances between the site and any residential properties, I am content that it is unlikely to impact on neighbouring amenity.

(v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

I am content that public safety is unlikely to be prejudiced, the proposal provides a designated parking area which will enhance public safety. I am content that this development is compatible with the uses within the site and the wider countryside.

(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

I am content that all relevant structures associated with the proposed play park element of the proposal will be built to a high standard and will be absorbed into the local area.

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and

The proposal will utilise an existing access onto the Iniscarn Road. DFI Roads were consulted and have no objections subject to conditions. The proposal includes a car park which should take into account the needs of people with disabilities and the upgrade of an existing walking trail which will be accessible to pedestrians.

(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

The drawings submitted provide adequate access, parking and drainage arrangements. DFI Roads have provided no objections and therefore I am content that the local road network will be able to cope with any additional traffic generated from the proposal.

Additional Considerations

It was identified a small portion of the northern portion of the site is within a pluvial floodplain as defined within the Department for Infrastructure Strategic Flood Maps. Given the minimal portion of the site within floodplain and that this portion of the site will be finished in gravel it was not considered necessary to consult DfI Rivers in this instance.

It is noted on the P1 Form that the applicant has signed Certificate C and a P2a Form was served on the land owner NI Forest Service who have not provided any representation to this application

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposed development will provide enhanced facilities to be used by the local district and residents and visitors to the district. It is considered the proposal will benefit the existing forest park without any adverse impact on nearby residents, natural or built heritage or the local character of the area. It is considered the proposal complies with the above policy criteria and approval is recommended.

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 vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 04 bearing the date stamp 03 August 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.

3. No other operation in or from any development hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 04 bearing date stamp 03 August 2021 to provide facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.
5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system

Signature(s)

Date:



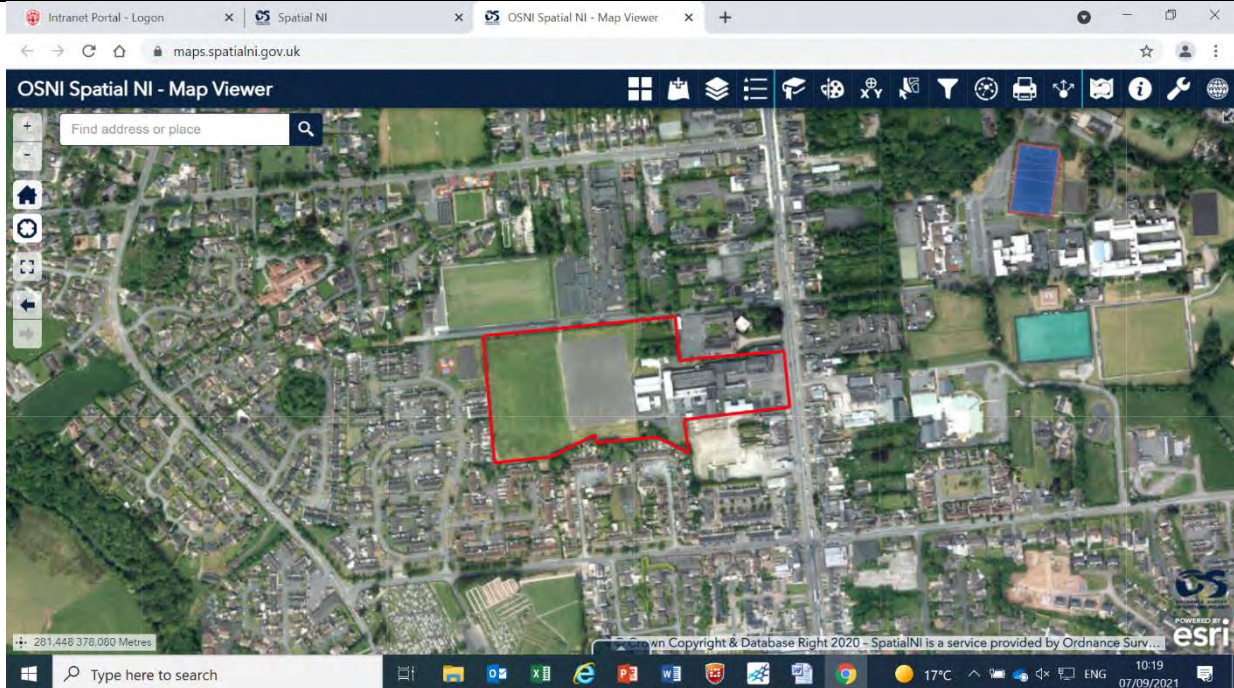
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0831/F	Target Date: 14/9/21
Proposal: Applicant is seeking permission to vary condition 14 of LA09/2019/0665/F in order to maintain continuity of education provision on the site. Variation will facilitate early occupation of the completed new school building for a period of no more than 6 months prior to the completion of all site works which will include in curtilage turning/drop off areas as shown on approved proposed site plan drawing. after completion of the site works the turning/drop off area shall remain open at all times for the use, when children are being left to and collected from the school.	Location: Holy Trinity College 9-29 Chapel Street Cookstown
Referral Route: Member of the council is a member of the Board of Governors of Holy Trinity College.	
Recommendation:	APPROVE
Applicant Name and Address: St Patrick's Educational Trust Limited Ara Coeli Cathedral Road Armagh	Agent Name and Address: Hamilton Architects LLP Hamilton House 3 Joy Street Belfast BT2 8LE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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

Details of the Proposal:

Applicant is seeking permission to vary condition 14 of LA09/2019/0665/F in order to maintain continuity of education provision on the site. Variation will facilitate early occupation of the completed new school building for a period of no more than 6 months prior to the completion of all site works, which will include in curtilage turning/drop off areas as shown on approved proposed site plan drawing. After completion of the site works the turning/drop off area shall remain open at all times for the use, when children are being left to and collected from the school.

Characteristics of the Site and Area:

The site is located within the limit of development for Cookstown as defined in the Cookstown Area Plan 2010. On site at present is a school complex which consists of a

large two story flat roofed school building with a number of temporary type classrooms, playing fields and car parking.

The site frontage is defined by a pier and metal railing fence which defines the eastern boundary alongside Chapel Street. The remainder of the site is defined by metal railings. Site area some 5.5 hectares.

Land use beyond the site boundaries is.

Southern boundary; commercial and residential,

Northern boundary; church and convent grounds, scout hall, school and playing field.

Western boundary; residential and play area.

Eastern boundary; on opposite side of Chapel Street residential and fire station.

Relevant Site Histories:

The relevant site history is Planning approval LA09/2019/0665/F, granted 12/8/20, which gave permission for;

Demolition of existing school building construction of new 16,000m², 1300 pupil school building and associated works on the existing school site to accommodate in-curtilage bus, car park drop offs and turning areas, 3G synthetic pitch and Multi-Use games area.

Representations:

No representations received from press notice or neighbourhood notification. Consultation with Department for Infrastructure - Roads, has resulted in agreement to vary condition 14.

Planning Assessment of Policy and other Material Considerations:

The proposed new school is to be constructed on ground to the rear of the existing school building. In order to maintain educational provision the existing school will remain in operation. On completion of the new school building the pupils and staff will decant to same and the existing school building will be demolished to provide car parking, turning and drop off areas.

The permission for the new school included a Department of Infrastructure Roads condition (14), which stipulated that;

The building hereby permitted shall not be occupied until the turning / drop off area shown on Drawing No.20/1 bearing date stamp 10/7/20 has been provided and thereafter the turning / drop off area shall remain open at all times for that use, when children are being left to and collected from the school.

Reason: In the interest of road safety

Such condition would mean that having constructed the new school building it could not be occupied until the turning / drop off area was provided. In order to provide the turning / drop off area the existing school building would have to be demolished, this would take some time to achieve leaving the new school unoccupied and education provision interrupted. By allowing a 6 months' time frame between occupying the new school and providing the turning / drop off area the new school could be occupied when completed. During the construction of the new school, parking and busing operations will remain as existing. On completion and occupation of the new school busing arrangements will remain similar, with staff car parking provided within walking distance in a private car parking area in Cookstown town centre. The car parking area is capable of holding 75 – 100 cars.

Neighbour Notification Checked

Yes

Recommendation:

I recommend that planning permission is granted subject to conditions.

Conditions

1. Mid Ulster Council hereby gives consent to vary the above mentioned condition 14 of planning permission LA09/2019/0665/F, which shall take effect from the date of this decision notice and which is granted under section 54 of the Planning Act (Northern Ireland) 2011. The condition shall now read.

The building hereby permitted shall not be occupied for more than 6 months prior to the provision of the turning / drop off area shown on Drawing No.20/1 bearing date stamp 10/7/20 of planning approval LA09/2019/0665/F. Thereafter the turning / drop off area shall remain open at all times for that use, when children are being left to and collected from the school.

Reason: In the interest of road safety.

2. The permission hereby granted permits a variation of Condition No.14 of previous approval LA09/2019/0665/F and shall be read in conjunction with that decision notice.

Reason: To ensure that all other conditions of the previous approval are adhered to.

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. The applicant should note that all other conditions and informatives attached to planning permission LA09/2019/0665/F remain valid and should be adhered to.

Signature(s)

Date:

ANNEX	
Date Valid	1st June 2021
Date First Advertised	15th June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Chapel Street Cookstown Tyrone The Owner/Occupier, 12 Rathbeg Cookstown Tyrone The Owner/Occupier, 13 Rathbeg Cookstown Tyrone The Owner/Occupier, 14 Rathbeg Cookstown Tyrone The Owner/Occupier, 15 Rathbeg Cookstown Tyrone The Owner/Occupier, 16 Rathbeg Cookstown Tyrone The Owner/Occupier, 17 Rathbeg Cookstown Tyrone The Owner/Occupier, 18 Rathbeg Cookstown Tyrone The Owner/Occupier, 24 Chapel Street Cookstown Tyrone The Owner/Occupier, 24 Sullenboy Park Cookstown Tyrone The Owner/Occupier, 25 Sullenboy Park Cookstown Tyrone The Owner/Occupier, 26 Sullenboy Park Cookstown Tyrone The Owner/Occupier, 27 Ratheen Avenue Cookstown Tyrone The Owner/Occupier, 27 Sullenboy Park Cookstown Tyrone The Owner/Occupier, 28 Chapel Street Cookstown Tyrone The Owner/Occupier, 28 Sullenboy Park Cookstown Tyrone The Owner/Occupier, 29 Ratheen Avenue Cookstown Tyrone The Owner/Occupier, 29 Sullenboy Park Cookstown Tyrone The Owner/Occupier, 30 Chapel Street Cookstown Tyrone The Owner/Occupier, 30 Sullenboy Park Cookstown Tyrone	

The Owner/Occupier,
 31 Chapel Street Cookstown Tyrone
 The Owner/Occupier,
 31 Ratheen Avenue Cookstown Tyrone
 The Owner/Occupier,
 31 Sullenboy Park Cookstown Tyrone
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 32 Chapel Street Cookstown Tyrone
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 36 Chapel Street Cookstown Tyrone
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 The Owner/Occupier,
 55 Rathbeg Cookstown Tyrone

The Owner/Occupier, Holy Trinity Catholic Church Church 3 Chapel Street Cookstown The Owner/Occupier, Holy Trinity Primary School 44 Fairhill Road Cookstown The Owner/Occupier, Parochial House 1 Convent Road Cookstown	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1152/DC Proposal: Discharge of Conditions 2,3 and 4 of Approval LA09/2019/0665/F Address: Holy Trinity College, 9-29 Chapel Street, Cookstown, Decision: Decision Date: Ref ID: LA09/2019/0665/F Proposal: Demolition of existing school building construction of new 16,000m2 , 1300 pupil school building and associated works on the existing school site to accommodate in-curtilage bus, car park drop offs and turning areas, 3G synthetic pitch and Multi-Use games area. Address: Holy Trinity College, 9-29 Chapel Street, Cookstown, BT80 8QB., Decision: PG Decision Date: 12.08.2020	
Summary of Consultee Responses See above	
Drawing Numbers and Title	
Drawings not required.	
Notification to Department (if relevant) Date of Notification to Department: Response of Department: N/A	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0874/O	Target Date:
Proposal: Dwelling and garage on a rounding off site in a cluster	Location: 30m N.E. of 122 Creagh Road Anahorish Castledawson Magherafelt
Referral Route: To Committee - Refusal - Contrary to CTY 1, 2a, 8 and 14 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Malachy Gribbin 154a Creagh Road Castledawson Magherafelt BT45 8EY	Agent Name and Address:
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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, 8 and 14 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 1km north west of the development limits of Creagh and it is designated to be within the open countryside as per the Magherafelt Area Plan 2015. The red line covers a roadside agricultural field that is covered with a mix of trees and hedging throughout the site. The immediate area is defined by a mix of residential, commercial and agricultural with the wider being predominately agricultural.

Relevant planning history

H/2002/0347/O - Site of Dwelling & Garage. - 70 Metres South East of 124 Creagh Road, Castledawson - Permission Refused - Appeal dismissed

H/1999/0453 - Site of Dwelling - Adjacent to 122 Creagh Road, Castledawson ? Permission Refused - 25.05.2000

2003/A233 - Site of Dwelling & Garage. - 70 Metres South East of 124 Creagh Road, Castledawson - Appeal dismissed - 30.03.2004

Representations

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

Description of Proposal

This is an outline application for a dwelling and garage on a rounding off site in a cluster, the site is identified as 30m N.E. of 122 Creagh Road, Anahorish, Castledawson.

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

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking;

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

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

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

With regards to the first criteria, I am content that the cluster lies outside a farm and consists of four or more buildings in that at least three of these are dwellings. Furthermore I am content that

the cluster appears as a visual entity wherein I am content that the old 'Gribbin House' factory building is able to provide a focal point for the cluster.

In terms of suitable degree of enclosure I am not content that the site is bounded on two sides with other development within the cluster. I note that No.122 sits north west of the site with no direct bounding with the site, only the laneway into No.122 runs along the northern boundary of the site but I would not be content that this is sufficient to categorised as bounding on one side. I note that No.120 sits to the west of the site with the laneway into the property running through the site and along the western boundary. After group discussions it has been concluded that the site unfortunately not bound on two sides with development with other development in the cluster. Furthermore as the site lies at the outer limit of the cluster I am content that it can be absorbed into the cluster as it would round the cluster off in the south eastern corner of the site. However upon review of the site I would contend that a dwelling in this location would actually extend a ribbon of development which would visually intrude into the open countryside. Finally, I am content that an appropriately designed dwelling would not have an adverse impact on neighbouring amenity.

I note that no other case has been put forward by the applicant, in that there is no replacement or conversion opportunity, no farm case provided, it has been argued that it fails the infill policy as extends the ribbon of development. Finally there has been no personal and domestic circumstances provided nor any case for a dwelling for non-agricultural business.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore there are no exact design or siting details have been provided, however, I am content that an appropriately designed dwelling will not appear as visually prominent. I note that there is existing landscaping which should be retained where possible with additional landscaping added where necessary to aid integration. Therefore a landscaping scheme will be required in any reserved matters application. Taken into consideration the landform, surrounding development and I feel it necessary to restrict the ridge height to be no more than 6.5m from finish floor level. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that there is already a suburban style build-up of development feel to the area given the number of houses already in place and that any dwelling would become part of this. In addition, a dwelling in this location would lead to the extending of a ribbon of development along the Creagh Road. As such, I am of the opinion that this application is likely to cause detrimental change to the character of the area, failing under CTY 14.

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

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

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

I have no flooding, ecological or residential amenity concerns.	
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 the proposed site is not bounded on at least two sides with other development in the cluster and the dwelling would if permitted further erode the existing character of the cluster and visually intrude into the open countryside 3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of a ribbon development along the Creagh Road. 4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that if permitted would add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.	
Signature(s)	
Date:	

ANNEX	
Date Valid	9th June 2021
Date First Advertised	22nd June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 120 Creagh Road, Castledawson, Londonderry, BT45 8EY The Owner/Occupier, 121 Creagh Road Castledawson Londonderry The Owner/Occupier, 122 Creagh Road Castledawson Londonderry The Owner/Occupier, 123 Creagh Road Castledawson Londonderry	
Date of Last Neighbour Notification	9th July 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0874/O Proposal: Dwelling and garage on a rounding off site in a cluster Address: 30m N.E. of 122 Creagh Road, Anahorish, Castledawson, Magherafelt, Decision: Decision Date: Ref ID: H/1999/0453 Proposal: SITE OF DWELLING Address: ADJACENT TO 122 CREAGH ROAD CASTLEDAWSON Decision: Decision Date: 25.05.2000 Ref ID: H/2002/0347/O Proposal: Site of Dwelling & Garage. Address: 70 Metres South East of 124 Creagh Road, Castledawson Decision: Decision Date: Ref ID: H/1988/0320 Proposal: ALTERATIONS AND ADDITIONS BUNGALOW Address: 122 CREAGH ROAD CASTLEDAWSON Decision:	

Decision Date:

Ref ID: H/1999/0153

Proposal: SITE OF DWELLING AND GARAGE

Address: 250M SOUTH OF 122 CREAGH ROAD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1998/0618

Proposal: DWELLING

Address: TO REAR OF 122 CREAGH ROAD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1998/0211

Proposal: SITE OF DWELLING AND GARAGE

Address: REAR OF 122 CREAGH ROAD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2014/0435/F

Proposal: New 33kv 3x200mm AAAC system reinforcement between Creagh Sub Station and Tobermore. Overhead line will consist of single wood pole structures and double wood pole structures (H Poles)

Address: From: 122 Creagh Road Castledawson (VIA) Creagh Annaghmore Killyneese Aghagaskin Glenmaquill Grange Dromore Drumsamney Moyasset To 42 Desertmartin Road Tobermore,

Decision: PG

Decision Date: 15.12.2016

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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

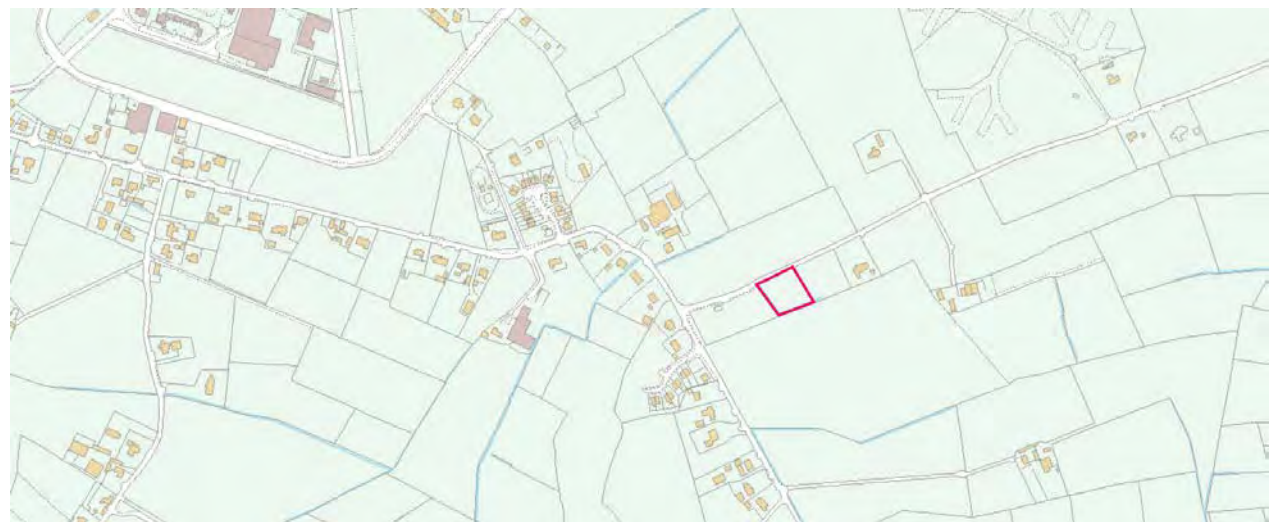
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

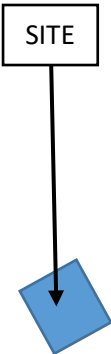
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0910/O	Target Date:
Proposal: Dwelling in an infill site in compliance with CTY8 PPS21	Location: Land 200m SW of 211 Ardboe Road Moortown
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Patrick Quinn 148 Ardboe Road Moortown	Agent Name and Address: Darcon Architectural Services 6 Ardean Close Moortown BT80 0JN
Executive Summary: The site applied for is infill and does not meet the criteria under CTY8.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
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
Description of Proposal This is an outline planning application for a dwelling in an infill site located on lands 30m 200m SW of 211 Ardboe Road Moortown. The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.		
Characteristics of the Site and Area The site, which sits adjacent the Ardboe Rd, is located in the rural countryside, as depicted within the Cookstown Area Plan, just outside and at the edge of Ardboe settlement limits (see Fig: 1).		
		
Fig 1: Extract of eastern portion of Ardboe settlement limits taken from CAP 2010 with location of site identified in blue.		

The site is a relatively flat square shaped plot. It comprising the western half of a larger agricultural roadside field bound on all four sides by a mix a mature hedgerow and tree vegetation. This vegetation bounds the site to the north, west and south. However as the site is cut from the host field, its eastern boundary is undefined.

The site which is to be accessed directly off the Ardboe Rd is located immediately east of an overgrown and partially hard cored / gravelled rectangular plot of lands within Ardboe settlement limits containing foundations for a new building and what appears to be the concrete footprint of an old outbuilding that at some point has been demolished. The site's host field is located immediately west of a single storey detached dwelling with a small ancillary detached garage located to it rear / east side.

Critical views of this site will be largely be limited until passing along the roadside frontage of the host field. There may be glimpses of the site when travelling north and south along the Kilmascully Rd just before passing its junction with the Ardboe Rd. This is due primarily to the flat topography of the area; the site's location along a straight stretch of road; the mature vegetation bounding the site; and existing development and vegetation within the wider vicinity.

The surrounding area is characterised primarily by detached roadside frontage dwellings within Ardboe settlement limits extending along both sides of the Kilmascully Rd to the west of the site; and agricultural lands in the rural countryside interspersed with single dwellings, ancillary building and farm holdings in the rural countryside to the north, west and south of the site. Ardboe abandoned airfield is also located a short distance to the north west of the site.

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

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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.

Relevant Planning History

On site - None

Adjacent site

- I/2005/1551/F - Housing Development of 14 units - 8 No semi-detached and 6 No detached dwellings - Land Alongside 218 Ardboe Rd Coagh Cookstown – Granted 16th October 2009.

The above application relates to the rectangular plot of land located with Ardboe settlement limits and immediately west of the site containing foundations for a new building and what appears to be the concrete footprint of an old outbuilding.

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and have no objection subject to standard conditions and informatives, subject to which I am content the proposal would comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside just outside and at the edge of Ardboe settlement limits.

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.

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. These are listed in Policy CTY1 of PPS21.

One instance, and that which the applicant has applied under, is the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Having assessed the site and surround area I do not consider the site meets with the requirements of Policy CTY8. The site / host field is not located within an otherwise substantial and continuously built up frontage within the countryside. The host field is bound only to one side by a roadside plot containing a detached bungalow with a small

ancillary garage to its rear east side. The rectangular plot of land bounding the site to the west contains only foundations of a dwelling, which even if substantially completed alongside others approved on the site could not be considered to bookend the site, as they would occupy lands within Ardboe settlement limits.

Policy CTY 8 requires all buildings along the frontage to be substantially complete and located within the countryside. This is not the case here.

Given the opinion above, Planning on the 9th August 2021 via email asked the agent has all other cases for a dwelling in the countryside been explored? E.g. does the applicant farm, is there any investment and return from farming, does opportunity exist under Policy CTY 10 of PPS21 for a dwelling on a farm? If there is a possible farm case information should be submitted to demonstrate compliance with Policy CTY10 of PPS21. The information required was to be submitted to Mid Ulster District Council's Planning Department on a without prejudice basis by the 30th August 2021.

The agent responded via email on the 11th August 2021. He advised his clients intention to have a site approved now for his son to build on, and another in the future for a younger son (see Fig 2) whilst retaining a strip through the site for access to agricultural lands to its rear, narrowing the width of the '2 potential sites'. That he had anticipated the response regarding the lands to the west (housing development) not being significantly developed and on the 12th August 2021 forwarded photos he said showed works on the land to the west has resumed and by the time of a Committee Meeting would be further developed.

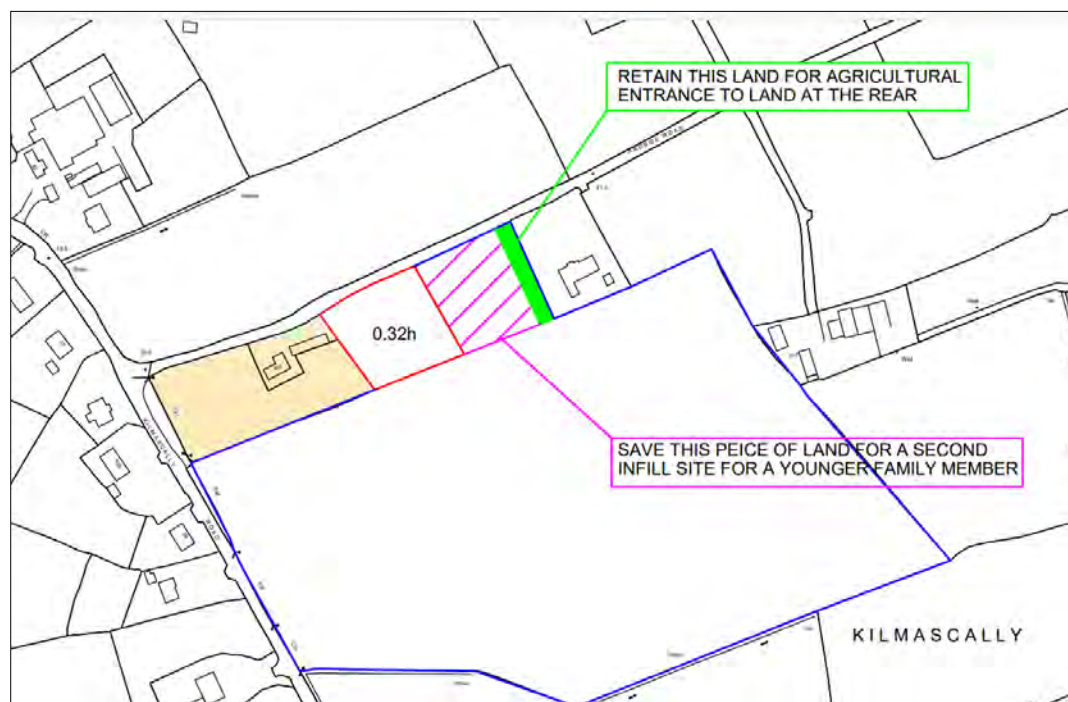


Fig 2: Applicant's intention map

Further to the above, I contacted the agent by phone on the 25th August 2021. I advised him that even if the building on lands to the west were substantially complete, which at present they are not, they could not be used under Policy CTY 8 to form a line of development in the countryside, as they are located within Ardboe settlement limits.

The agent subsequently asked Planning to consider planning application LA09/2016/1194/F when making a decision on this application. Advising similarities exist between the two in that this was also an application for a dwelling in a gap site adjoining Moortown settlement limits.

Taking account of the above, planning application LA09/2016/1194/F was approved on the back of outline planning permission LA09/2015/1163/O, which was presented to Committee twice as a refusal on the grounds that:

- The proposal does not meet the policy tests as contained in CTY 1 and CTY 8 of PPS 21 Sustainable Development in the Countryside in that the proposal relies on development inside a settlement limit and would create a ribbon extending from the settlement into the PPS 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside.

Planning's recommendation on LA09/2015/1163/O was overturned by Committee Members to an approval. As such, the dwelling under subsequent application LA09/2016/1194/F had already been established on the site in principle.

Whilst planning application LA09/2016/1194/F has been taken into consideration my opinion on the current application remains. There is no provision under Policy CTY 8 of PPS21 for a dwelling on the current site. Unlike application LA09/2015/1163/O and LA09/2016/1194/F this proposal does not rely on buildings within the settlement limits as there are none substantial complete on lands to the west. Additionally given the host field is bound only to the east, by one dwelling with ancillary garage and there is a gap between this dwelling and the site, the proposal will not result in ribbon development. However, like the previous applications this proposal is contrary to Policy CTY 15 of PPS 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits of Ardboe and the surrounding countryside.

Additional considerations

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked and whilst there are no built heritage features of significance on site, NED's map viewer shows the site to be within an area known to breeding waders. However, as this site is on improved grassland this proposal is unlikely to support or harm a European protected species in accordance with Policy NH 2 - Species Protected by Law European Protected Species.

Flood Maps NI indicate no flooding on the site / west half of host field but does show surface water flooding on east half of host field.

The site is located within SG Defence Estates relating to Met Office Radar however this proposal would be under the 15.2m height threshold for consultation to Defence Estates. The site is also located within an area of constraint on wind turbines however proposal is for a dwelling.

Recommendation: Refuse

The proposal is contrary to Policy CTY1 of PPS 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; and Policy CTY 15 of PPS 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits of Ardboe and the

Neighbour Notification Checked

Yes

Summary of Recommendation

Refuse

Reasons for Refusal:

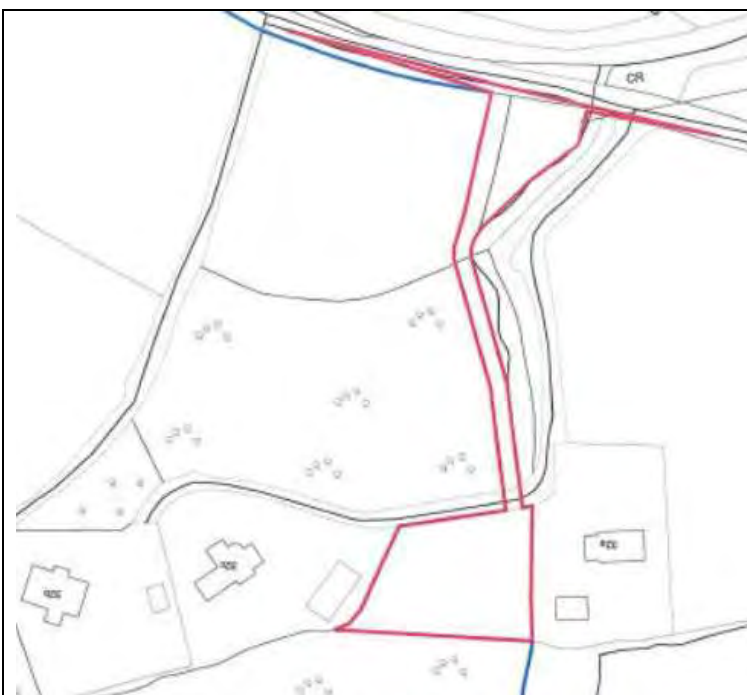
1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits of Ardboe and the surrounding countryside.

Signature(s)

Date:

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/0733/O	Target Date:
Proposal: Infill dwelling	Location: 156m S.W. of 30 Mulnavoo Road Draperstown
Applicant Name and Address: Cormac Mc Cormick 87 Drumbane Road Swatragh Maghera	Agent name and Address: OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
Summary of Issues: This application was presented as an approval to Planning Committee and was subsequently deferred to consider a late objection. Following full consideration of this objection, an approval is being recommended.	
Characteristics of the Site and Area: 	



Description of Proposal

Infill dwelling

Deferred Consideration:

This application was presented as an approval to Planning Committee in May 2021 and subsequently deferred to consider a late objection received from No.32a Mulnavoo Road (who have previously objected). The objection states they do not consider there is a substantial or continuously built up frontage and they are not visually linked due to existing vegetation and that the site creates a visual break and should not be removed as such. They go on to say that it would create a ribbon of development. Policy CTY8 states the line of buildings should be visually linked OR share a common frontage. I would be of the opinion the dwellings in the building line do share a common frontage, so although the vegetation makes it difficult to view them all together it still meets the criteria for an infill as per the policy.

The objectors also mention the document - Building on Tradition, which states where, if 2 houses are separated by an important area of woodland, there is no scope for infill in such a ribbon - this is acknowledged but is guidance only. The full policy consideration is set out in CTY8 which states the criteria for allowing an infill dwelling and I am content this site meets the criteria laid out. The vegetated area on the site is not considered as an important visual break and a dwelling here would not in my opinion detrimentally impact on the rural character of the area.

Following a site visit and re-assessment and taking full account of the objection, I would consider the site meets the policy requirements for a dwelling under CTY8. There are two dwellings to the west of the site and one to the east, all of which have a building beside the house but do not rely on these to make up the required numbers, all the dwellings can

be counted towards the 'line of three' buildings, which is required by policy to allow an infill opportunity. The gap would be sufficient to accommodate no more than two dwellings.

All other issues were satisfactorily dealt with in the previous case officer report. I would therefore recommend approval with conditions, including those from NIEA - Natural heritage, as listed below.

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 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.

5. At Reserved Matters stage, details of the developments proposed landscaping/planting scheme must be provided, to include details of all necessary vegetation removal and efforts to compensate for the loss of habitats worthy of

protection.

Reason: To compensate for the loss of natural heritage features worthy of protection.

6. At Reserved Matters stage, full surveys for red squirrel and pine marten must be submitted, with particular attention given to potential impacts on any dreys/dens located within the application site. Mitigation must also be provided if necessary.

Reason: To protect red squirrel and pine marten.

7. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active birds nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

8. Prior to the commencement of any other works or other development hereby permitted, the vehicular access, including visibility splays of 2.4 m x 60m in both directions and 60m forward sight line, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s):

Date



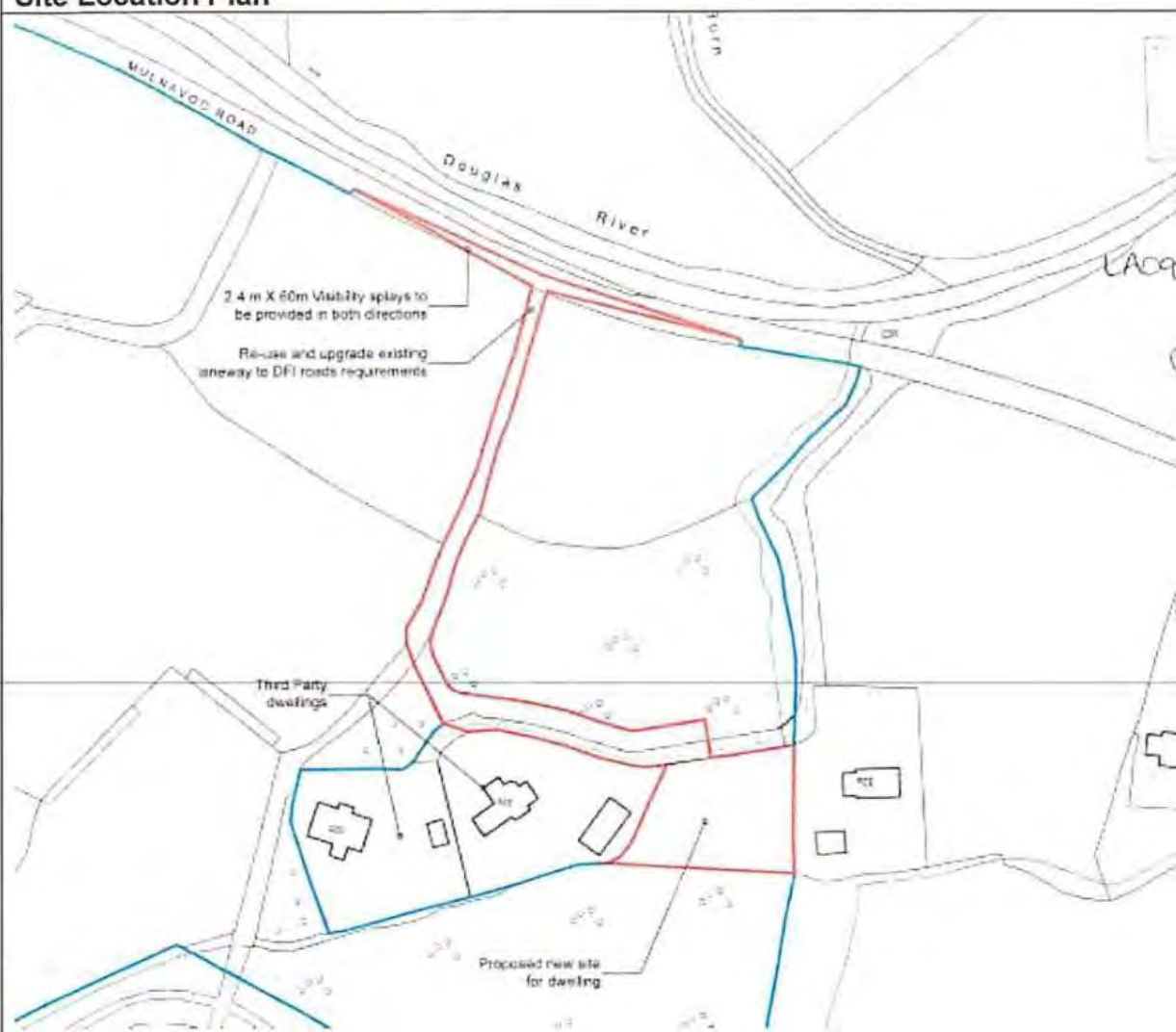
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0733/O	Target Date:
Proposal: Infill dwelling	Location: 156m S.W. of 30 Mulnavoo Road Draperstown
Referral Route: Approval – Objections Received.	
Recommendation:	Approval
Applicant Name and Address: Cormac Mc Cormick 87 Drumbane Road Swatragh Maghera	Agent Name and Address: OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	No Objection

Representations:	
Letters of Support	None Received
Letters of Objection	6
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues <p>There were six objections received in relation to the proposal, the details of these objections will be discussed in detail later in the report. The main issues raised were:</p> <ul style="list-style-type: none"> • Principle of Development • Inaccuracies on P1 form (ownership, address and current use of land) • Natural Heritage Issues • Access • Protected Species within site 	
Characteristics of the Site and Area <p>The site is located approx. 156m SW of 30 Mulnavoo Road, Draperstown. The site is located within the countryside as designated within the Magherafelt Area Plan 2015. The site is noted on the P1 form as being agricultural land however from the site visit, it appears to be a woodland area at present. The site is generally flat throughout and the immediate surrounding area has a number of existing dwellings but beyond that, land is generally quite rural in nature with scattered dwellings and their associated outbuildings.</p>	
Description of Proposal <p>Outline planning permission is sought for an infill dwelling.</p>	
Planning Assessment of Policy and Other Material Considerations <p><u>Representations</u></p> <p>Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 32a, 32b and 32c Mulnavoo Road. At the time of writing, six representations were received. Three of the objections were received from 32a, one objection received from 32b and the other two objections were received from two separate planning agents acting on behalf of the owners/occupiers of 30 and 32c Mulnavoo Road.</p> <p>The principle of development was raised in the objections, noting that as some of the houses along this laneway didn't have a frontage to the road, it couldn't be counted as an infill. The report will detail later exactly why we feel it meets the criteria of CTY 8 of PPS 21 for a gap site. All of the dwellings, 32a, 32b and 32c all share a common frontage with the laneway which accesses from Mulnavoo Road. There is a line of 3 or more buildings and the gap site is not considered big enough to accommodate any more than two dwellings, therefore meeting the criteria set out in CTY 8.</p>	

There were a number of alleged inaccuracies on the P1 form, including the address, ownership (certificate filled in) and the current use of the site. The objections note that the address should be noted as lands between two existing dwellings to highlight that it is an infill, however we feel that the address given is still accurate in determining where the proposed site is and therefore amendments relating to the address were not sought after. Occupied properties either side have also been directly neighbour notified. Ownership queries related to the original access which was proposed, noting that the applicant did not own the access and did not fill in Cert C and serve notice on relevant landowners. The access was subsequently amended as a result of DfI Roads concerns and there have been no further objections relating to ownership issues since the submission of the amended access.

There were a number of issues raised in relation to concerns relating to natural heritage and protected species which inhabit the lands of the proposed site. The site is identified in the objections as Derrynoyd Forest and sighting of the red squirrel species was noted within objection also. A biodiversity checklist and an ecological appraisal was submitted from the agent and NIEA were consulted. In their most recent response, the Natural Environment Division within NIEA have stated that they have considered the impacts of the proposal on natural heritage interests and on the basis of the information provided, they have no concerns subject to conditions. On this basis, given that NIEA are the competent authority in dealing with these concerns, we consider the proposal acceptable subject to conditions given.

In the most recent objection received, issues relating to site water levels were raised. The flood maps were checked and it didn't appear that the site itself was in an area at risk of flooding and therefore no further consultation was carried out. NIEA would be the relevant body who would provide the consent to discharge at the site.

Planning History

There is not considered to be any relevant planning history associated with the site. There were two recent refusals just east of the site, which one of the objectors referred to in their objection (LA09/2019/0846/O and LA09/2019/0849/O).

Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy

The Magherafelt Area Plan identify the site as being outside any defined settlement limits, located east of Moneyneany Settlement Limit. There are no other specific designations or zonings within the Plan.

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

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

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.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of the 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. Weight is only given to substantially complete buildings rather than permissions or foundations.

It is considered that the proposed site meets the policy test in that there is a continuous built up frontage along this road frontage of the laneway. At present, there is two dwellings west of the site and to the east of the site is a further dwelling. These dwellings also have accompanying buildings to the sides of them which all can be counted towards the line of three buildings. Therefore, taking into consideration what is on the ground at present, I am satisfied that there is a line of three or more buildings along this laneway frontage and therefore the proposal meets this policy requirement. I consider that the gap between existing dwellings and buildings would be sufficient to accommodate no more than two dwellings, given the existing frontages along this laneway.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. 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. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. I find no reason why a dwelling could not be designed to integrate successfully with its surrounding and the wider character of the area.

DfI Roads were consulted and have no objection to the proposal subject to condition. They noted within their response that they were aware of other applications which were in the system and that if all were to be granted they would be asking for the road to be brought up to adoptable standard. It should be noted that two of these applications were

refused and therefore this would leave 4 dwellings up this laneway and therefore would not meet the threshold to be adopted.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:

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. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 60m in both directions and 60m forward sight line, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. At Reserved Matters stage, details of the developments proposed landscaping/planting scheme must be provided, to include details of all necessary vegetation removal and efforts to compensate for the loss of habitats worthy of protection.

Reason: To compensate for the loss of natural heritage features worthy of protection.

5. At Reserved Matters stage, full surveys for red squirrel and pine marten must be submitted, with particular attention given to potential impacts on any dreys/dens located within the application site. Mitigation must also be provided if necessary.

Reason: To protect red squirrel and pine marten.

6. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

Informatives

1. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- Disturb a badger while it is occupying a structure or place which it uses for shelter or protection.
- Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

2. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- Disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

3. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

4. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the red squirrel (*Sciurus vulgaris*);
- damage or destroy, or obstruct access to, any structure or place which red squirrels use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- Disturb a red squirrel while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of red squirrel on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

5. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the pine marten (*Martes martes*);
- damage or destroy, or obstruct access to, any structure or place which pine martens use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- Disturb a pine marten while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of pine marten on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

Signature(s)
Date:

ANNEX	
Date Valid	29th May 2019
Date First Advertised	13th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 32a Mulnavoo Road Draperstown Steven and Violet Linton 32a Mulnavoo Road, Draperstown,BT45 7LR Steven and Violet Linton 32a Mulnavoo Road, Draperstown,BT45 7LR Steven & Violet Linton 32a, Mulnavoo Road, Draperstown, Londonderry, Northern Ireland, BT45 7LR The Owner/Occupier, 32b Mulnavoo Road Draperstown Freda McCluskey 32b, Mulnavoo Road, Draperstown, Londonderry, Northern Ireland, BT45 7LR The Owner/Occupier, 32c Mulnavoo Road Draperstown Russell Finlay Building Design Consultant,350 Hillhead Road,Knockloughrim,Magherafelt,BT45 8QT Brendan Johns Town Planning Consultants,13 Sperrin View,Omagh,Co. Tyrone,BT78 5BJ	
Date of Last Neighbour Notification	24th October 2019
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2019/0733/O

Proposal: Infill dwelling

Address: 156m S.W. of 30 Mulnavoo Road, Draperstown,

Decision:

Decision Date:

Ref ID: H/2002/0744/F

Proposal: Dwelling and Garage

Address: 250m W of 32 Mulnavoo Road, Draperstown

Decision:

Decision Date: 21.01.2003

Ref ID: H/2002/0349/F

Proposal: Dwelling & Garage.

Address: 200m W of 30 Mulnavoo Road, Draperstown.

Decision:

Decision Date: 27.01.2003

Ref ID: H/2002/0454/F

Proposal: Dwelling and Garage

Address: Mulnavoo Road, Mullaghnamaragh, Draperstown

Decision:

Decision Date: 18.10.2002

Ref ID: H/2001/0457/O

Proposal: Site of dwelling & garage

Address: 120m West of 30 Mulnavoo Road, Mullaghnamaragh, Draperstown

Decision:

Decision Date: 24.09.2001

Ref ID: H/1991/0036

Proposal: DWELLING

Address: MULNAVOO ROAD DRAPERSTOWN

Decision:

Decision Date:

Summary of Consultee Responses

NIEA: Content, subject to conditions and informatives.

DfI Roads: Content, subject to conditions and informatives.

Drawing Numbers and Title

Drawing No. 01b
Type: Amended site location map
Status: Submitted

Drawing No. 01
Type: Site Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/0763/O	Target Date: <add date>
Proposal: Proposed dwelling and garage for a lough Neagh fisherman	Location: 29m South of 6 Annaghmore Road Cookstown
Applicant Name and Address: Sean Quinn 6 Annaghmore Road Cookstown	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Summary of Issues: No representations received. Refusal as proposal based on draft plan, also refused under CTY 2a and CTY 8 of PPS 21.	
Summary of Consultee Responses: DFI Roads - development not inside 1 in 100 year flood area DEARA Fisheries – no concerns from aquaculture/sea fisheries aspect	
Characteristics of the Site and Area: The site comprises a small slightly off square field located at 29 metres South of Number 6 Annaghmore Road, Cookstown. The field is accessed at the North Eastern corner via an existing agricultural gap, the field is currently covered with overgrown grass, weeds and other scrub including a scattering of small trees. There was a shipping container located to the north of the site on the day of the site visit. Immediately North of the site is a bungalow (No.6 Annaghmore Road) which is separated from the site by a closed board timber fence. All the remaining boundaries of the site are defined by a mixture of native species hedgerow and mature trees. The site lies just outside and North of the settlement limit of Moortown in the open countryside as identified in the Cookstown Area Plan 2010. The surrounding area is predominantly agricultural fields with a scattering of single dwellings and farm holdings located along the roadside.	

Description of Proposal

Outline planning permission is sought for a proposed dwelling and garage.

Deferred Consideration:

This application was before the Planning Committee in October 2019 and it was agreed to defer for an office meeting with the Planning Manager. This meeting was held on 10 October 2019 and discussion took place about the policy context and Draft Plan status. There were discussions about possible infill development, though this was dependent on a successful CLUD application being submitted to demonstrate the lawfulness of existing development.

The site has a long planning history of refusals as set out in the previous report to committee, this includes an appeal that assessed the site against Policy CTY8 of PPS21 and dismissed the appeal as it was not considered to be a gap site and a refusal by Mid Ulster District Council for this same site in October 2016, ref LA9/2016/0544/O. There is a lorry body on the site and the agent has advised the applicant has been using the area to park his boat on as an expansion to the curtilage of the dwelling. Aerial photograph below were taken in July 2017 and May 2020, these do not show any parking of vehicles on the site in 2017 and are not supportive of any expansion of the curtilage of the dwelling. As advised the appropriate method for demonstrating this was through the submission of a CLUD, however to date, despite a number of reminders, there has not been any further information presented to support the claim about the expansion of the curtilage or the use of the site for the parking and storage of the boat.





Enlargement of aerial photograph taken 29 May 2020

From the above photographs it is my view that the site represents a visual break in development at this location that should be defended and is not an infill opportunity as set out in CTY8 of PPS21. This application was also assessed against CTY2a of PPS21, however there is no focal point and the site is not bounded by development on 2 sides.

Members will be aware of Policy CT2 in Draft Plan Strategy which sets out considerations for dwellings in the countryside and part j relates to commercial fishermen. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

As has already been concluded in the previous report to Committee, the proposed development does not meet with the published planning policies and as such it is recommended for refusal.

Conditions/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: the cluster is not associated with a focal point and is not located at a cross-roads; also the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.
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 to the North and the building would, if permitted create or add to a ribbon of development and would therefore further erode the rural character of the countryside.
4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Annaghmore Road and would, if permitted, result in a detrimental impact on the rural character, appearance and amenity of the countryside.

Signature(s)

Date:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0763/O	Target Date:
Proposal: Proposed dwelling and garage for a lough Neagh fisherman	Location: 29m South of 6 Annaghmore Road Cookstown
Referral Route: Refusal – policy held within Draft Plan which hasn't been adopted. Also contrary to Policy CTY 8 of PPS 21.	
Recommendation:	Refuse
Applicant Name and Address: Sean Quinn 6 Annaghmore Road Cookstown	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DAERA - Fisheries Division	Content
Statutory	DFI Roads - Enniskillen Office	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

Summary of Issues

No representations received. Refusal as proposal based on draft plan, also refused under CTY 2a and CTY 8 of PPS 21.

Characteristics of the Site and Area

The site comprises a small slightly off square field located at 29 metres South of Number 6 Annaghmore Road, Cookstown. The field is accessed at the North Eastern corner via an existing agricultural gap, the field is currently covered with overgrown grass, weeds and other scrub including a scattering of small trees. There was a shipping container located to the north of the site on the day of the site visit. Immediately North of the site is a bungalow (No.6 Annaghmore Road) which is separated from the site by a closed board timber fence. All the remaining boundaries of the site are defined by a mixture of native species hedgerow and mature trees. The site lies just outside and North of the settlement limit of Moortown in the open countryside as identified in the Cookstown Area Plan 2010. The surrounding area is predominantly agricultural fields with a scattering of single dwellings and farm holdings located along the roadside.

Description of Proposal

Outline planning permission is sought for a proposed dwelling and garage.

Planning Assessment of Policy and Other Material ConsiderationsRepresentations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 5, 6, 7 and 8 Annaghmore Road. At the time of writing, no third party representations have been received.

Planning History

LA09/2016/0544/O - 29m South of 6 Annaghmore Road, Cookstown, BT80 0JQ - Proposed dwelling and garage – PERMISSION REFUSE

(History below as noted in the report for the above application)

I/2000/0146/O - Site for dwelling - Refusal

I/2005/0310/O - Site for a dwelling - Refusal

I/2006/1286/F - Dwelling - Withdrawn after recommendation for refusal by planning department.

I/2007/0669/F - Dwelling - Refusal

2010/A0180 - Appeal upheld for planning refusal I/2007/0669/F

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- Regional Development Strategy 2035
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. At present, the proposal is not in line with the policies held within this document. The agent/applicant has provided a P1C form and information from Lough Neagh Fishermen's Co-Operative Society which states that the applicant has held a fishing license for approx. 25 years. There is a policy within the draft plan under criterion (j) of Policy CTY 2 which relates to a dwelling for holder of commercial fishing license. Although it appears that the applicant may be entitled to apply under this policy if the Draft Plan was to be adopted, however it must be noted that the initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

The Cookstown Area Plan 2010 identify the site as being outside any defined Settlement Limit, located North of Moortown.

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

The same site was applied for under both CTY 8 and CTY 2a of PPS 21. The site was assessed under each of these policies, however both were presented to two separate committee meetings with the recommendation to refuse. These recommendations were agreed by the committee and permission was refused on the site therefore I feel it is unnecessary to consider the proposal against each of these policies again as there doesn't appear to be any change in policy or physical changes on the ground.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. 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. The site is generally quite flat throughout and benefits from existing landscaping along the site boundaries. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted however I feel that the proposal would add to a ribbon of development and therefore would be contrary to criterion (b) and (d) of CTY 8 as already considered within the previous application LA09/2016/0544/O.

It is considered that this application has been submitted prematurely under a policy which has not been adopted and the site doesn't appear to meet the policy requirements of any other current policies, thus refusal is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

Refusal 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: the cluster is not associated with a focal point and is not located at a cross-roads; also the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.
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 to the North and the building would, if permitted create or add to a ribbon of development and would therefore would further erode the rural character of the countryside.
4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Annaghmore Road and would, if permitted, result in a detrimental impact on the rural character, appearance and amenity of the countryside.

Signature(s)**Date:****ANNEX****Date Valid**

5th June 2019

Date First Advertised

20th June 2019

Date Last Advertised**Details of Neighbour Notification** (all addresses)

The Owner/Occupier,
5 Annaghmore Road, Ardboe, Cookstown, Tyrone, BT80 0JQ
The Owner/Occupier,
6 Annaghmore Road Ardboe Cookstown
The Owner/Occupier,
7 Annaghmore Road, Ardboe, Cookstown, Tyrone, BT80 0JQ
The Owner/Occupier,
8 Annaghmore Road Ardboe Cookstown

Date of Last Neighbour Notification

11th June 2019

Date of EIA Determination**ES Requested**

No

Planning History

Ref ID: LA09/2019/0763/O

Proposal: Proposed dwelling and garage for a lough Neagh fisherman

Address: 29m South of 6 Annaghmore Road, Cookstown,

Decision:

Decision Date:

Ref ID: I/2003/0934/O

Proposal: Proposed dwelling and garage

Address: 120m north of no 164 Battery Road, Coagh, Cookstown, County Tyrone

Decision:

Decision Date: 04.02.2004

Ref ID: I/2005/0064/F

Proposal: Extension to dwelling

Address: 30m South of 8 Annaghmore Road, Coagh

Decision:

Decision Date: 15.03.2005

Ref ID: I/1993/0173

Proposal: Dwelling and Garage

Address: OPPOSITE 7 ANNAGHMORE ROAD CLUNTOE COAGH

Decision:

Decision Date:

Ref ID: I/2009/0635/F

Proposal: Retrospective application for the resiting and change of house type to that approved under, I/2006/0298

Address: 120m north of No.164 Battery Road, Coagh, Cookstown, BT80 0HS

Decision:

Decision Date: 12.02.2010

Ref ID: I/1997/0179

Proposal: Site for bungalow

Address: 80M SOUTH OF 8 ANNAGHMORE ROAD COAGH

Decision:

Decision Date:

Ref ID: I/1990/6077

Proposal: Housing Development 30m South of 10 Annaghmore Road Coagh

Address: 30m South of 10 Annaghmore Road Coagh

Decision:

Decision Date:

Ref ID: I/1993/0174

Proposal: Dwelling and Garage

Address: 40M SOUTH OF 10 ANNAGHMORE ROAD CLUNTOE COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2006/1286/F

Proposal: Proposed dwelling

Address: Approx 80m South of 10 Annaghmore Road, Coagh

Decision:

Decision Date: 17.05.2007

Ref ID: I/2007/0669/F

Proposal: Proposed dwelling.

Address: Approx 80m South of No10 Annaghmore Road, Coagh

Decision:

Decision Date: 21.10.2010

Ref ID: I/2005/0310/O

Proposal: Proposed site for new dwelling

Address: Approx 80m South of No10 Annaghmore Road, Coagh.

Decision:

Decision Date: 26.10.2005

Ref ID: I/2000/0146/O

Proposal: Site for dwelling and garage

Address: 30m approx south of 8 Annaghmore Road Coagh

Decision:

Decision Date:

Ref ID: I/2004/0942/RM

Proposal: Proposed dwelling and garage.

Address: 30m South of 8 Annaghmore Road, Coagh.

Decision:

Decision Date: 13.11.2004

Ref ID: I/1991/0209

Proposal: Dwelling

Address: ADJACENT TO 10 ANNAGHMORE ROAD CLUNTOE COOKSTOWN

Decision:

Decision Date:

Ref ID: LA09/2016/0544/O

Proposal: Proposed dwelling and garage

Address: 29m South of 6 Annaghmore Road, Cookstown, BT80 0JQ,

Decision: PR

Decision Date: 11.10.2016

Summary of Consultee Responses

DfI Roads – Content subject to condition.

DAERA fisheries – general response.

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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/1183/F	Target Date: <add date>
Proposal: Proposed Retention of Building to Provide Communal Site Canteen, Locker Room + First Aid Facilities	Location: Adjacent to 18 Cookstown Road Dungannon
Applicant Name and Address: Barry O'Neill 18 Cookstown Road Dungannon	Agent name and Address: McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
Summary of Issues: Intensification of use of a substandard access onto a protected route	
Summary of Consultee Responses: DFI Roads – site lines of 4.5m x 120.0m have not been implemented EHO – no objections in principle	
Characteristics of the Site and Area: The application site is located approximately 36 metres north-east of 18 Cookstown Road, Dungannon within the Dungannon Green Belt and outside any settlement limits as identified within the Dungannon and South Tyrone Area Plan 2010. The application relates to the retention of one building on site, there is also a number of other buildings of a similar scale to the rear of the subject building. The immediate surrounding area is comparable to a small business park with a mixed use of retail, storage and industrial uses on site. The wider surrounding context is predominantly rural in character with green fields, as well as dispersed dwellings, farm holdings and industrial works in proximity. The site is accessed via the A29 protected route and located on elevated ground approximately 3/4 metres higher than the ground level of the road.	

Description of Proposal

The proposal seeks full planning permission for the retention of building to provide Communal Site Canteen, Locker Room + First Aid Facilities. The agent has made an argument that there is a need for such an ancillary facility to cater for the existing businesses on this site. The agent has provided information to show that there is 44 no. existing employees at this site. The agent, on the P1 form, indicates that this proposed facility will not attract its own staff.

Deferred Consideration:

This application was before the Planning Committee in December 2019 where it was deferred to allow the submission of additional information relating to the provision of sight lines of 4.5m x 120.0m. Application LA09/2020/0213/F was submitted in February 2020 for restructuring and alterations to the access. This application proposes to provide 4,5m x 120.0m towards Dungannon and 2.4m x 100.0m towards Cookstown.

The existing access is substandard and serves a small industrial park that has developed without the benefit of planning permission. 2 of the units have been issued with a certificate of lawfulness but the remaining units do not have any legal status. Members will be aware there is a live enforcement notice on this site and an enforcement notice against this building has been issued and is the subject of a planning appeal.

DFI Roads have advised the access is substandard and that it requires improvements, at the planning appeal against the live enforcement notice the commissioner advised that sight lines of 4.5m x 120,0m were appropriate due to the volume of traffic using the entrance and the speed of traffic on the priority road. It is clear within the submission for the access the applicant is unable to or unwilling to provide the 4.5m x 120.0m sight lines. The applicant has been afforded the opportunity to provide records of the amount of traffic using the access daily to compare against the guidance in DCAN15 in relation to the x distance for the sight line. No information has been presented.

The applicant has not demonstrated that the sight lines required to ensure the access to serve this development can be provide and as such this application is recommended for refusal.

Reasons for Refusal:

1. The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking and policy PED9 part (g) of PPS4 Planning and Economic Development in that it has not been demonstrated that a safe and satisfactory access can be gained to the site from the public road, including visibility splays of 4.5m by 120.0m in both directions.

Signature(s)**Date:**



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1183/F	Target Date:
Proposal: Proposed Retention of Building to Provide Communal Site Canteen, Locker Room + First Aid Facilities	Location: Adjacent to 18 Cookstown Road Dungannon
Referral Route: Refusal	
Recommendation:	Refusal
Applicant Name and Address: Barry O'Neill 18 Cookstown Road Dungannon	Agent Name and Address: McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan: 01



Representations: None Received

Description of proposal

The proposal seeks full planning permission for the retention of building to provide Communal Site Canteen, Locker Room + First Aid Facilities. The agent has made an argument that there is a need for such an ancillary facility to cater for the existing businesses on this site. The agent has provided information to show that there is 44 no. existing employees at this site. The agent, on the P1 form, indicates that this proposed facility will not attract its own staff.

Characteristics of site and area

The application site is located approximately 36 metres north-east of 18 Cookstown Road, Dungannon within the Dungannon Green Belt and outside any settlement limits as identified within the Dungannon and South Tyrone Area Plan 2010. The application relates to the retention of one building on site, there is also a number of other buildings of a similar scale to the rear of the subject building. The immediate surrounding area is comparable to a small business park with a mixed use of retail, storage and industrial uses on site. The wider surrounding context is predominantly rural in character with green fields, as well as dispersed dwellings, farm holdings

and industrial works in proximity. The site is accessed via the A29 protected route and located on elevated ground approximately 3/4 metres higher than the ground level of the road.

Planning Assessment of Policy and Other Material Considerations

Planning Policy

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. Dungannon and South Tyrone Area Plan 2010 is the relevant, extant Development Plan for the site. Account will also be taken of the relevant provisions of the SPPS and retained Planning Policy Statements (PPSs). The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Dungannon and South Tyrone Area Plan 2010: The Plan offers no specific guidance on this proposal.

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

PPS4 Planning and Economic Development;

PPS 3: Access, Movement and Parking: sets out the Department's planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

RELEVANT PLANNING HISTORY

LA09/2017/1258/F- Proposed retention of building as a domestic garage, incidental to the domestic usage of Dwelling at 18 Cookstown Road, Dungannon. Refused 13.06.2019 in that;

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the development would, if permitted, be inappropriate in terms of scale, massing, siting and design and would not appear subordinate or sympathetic with the existing property;

- The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking in that it has not been demonstrated that a safe and satisfactory access can be gained to the site from the public road, including visibility splays of 4.5m by 120.0m in both directions.

It is noted that originally the above application description of proposal was amended from Agricultural to domestic garage.

2017/E0050 - Lands 10m west and 10m north of No. 18 Cookstown Road, Dungannon, specifically identified as units 4 and 11, Ross Beg, Dungannon - Unauthorised change of use of: unit 4 to a dance studio with associated gymnasium; and unit 11 to a vehicle repair business - Enforcement Notice Upheld 13/08/18 (notice does not relate to subject application building).

LA09/2017/1618/LDE, Retention of existing Units, a certificate of lawfulness was granted for this existing development on 01.02.2018.

M/2006/1985/F - Approx. 60 metres East of 18 Cookstown Road, Derraghadoan, Dungannon, Bt71 4BG - Free Standing Hoarding - Permission Refused 19/02/07

M/2004/1534/F - Adjacent to 18 Cookstown Road, Dungannon - Proposed multi-purpose shed/store - Permission Granted 12/04/06

CONSULTATION

DfI Roads were consulted and responded on 07/10/19 requesting 4.5m by 120.0m visibility splays in both directions.

REPRESENTATION

No 3rd party representations received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATION

No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this application. Proposals for a communal site canteen, locker room and first aid facility will also be considered under the provisions of PPS4 Planning and Economic Development policy PED3 Expansion of an established economic development use in the countryside. Annex B of PPS3 identifies the adjacent A29 road network as a protected route, therefore it is necessary to also consider Policy AMP2 and AMP 3 of PPS3.

In terms of the planning history to this proposal, it is important to remember that this proposal was built as a single building, with its purpose to be a standalone planning unit for commercial purposes, without the benefit of planning permission.

This is the third change in the description of the proposal for this building which is already constructed on site and measures 16.6 metres in length, with a width of 7.6 metres and a ridge height of 5.8 metres. The building is finished with grey dash external walls, grey cladding roof and three roller shutter doors coloured black.

This building is subject to current enforcement action, details of which cannot be disclosed as it is not privy for public consumption at this stage. It seems that the applicant/agent is trying to get a use that would fit this building so that it can be retained on site, which seems disingenuous. This is the third attempt by the applicant/agent to rectify this proposal, from an agricultural building, to domestic garage to communal canteen. The previous refusal was never appealed by the applicant/agent.

The agent has stated on the P1 form that this development will not attract any additional staff or visitors. At present there is no way to control employment numbers on this existing site, which the agent states that currently stands at 44, spread over the various businesses on this site. In my view, it would not be appropriate for Mid Ulster Council to approve a facility that may attract further employment to a site where the current access onto a protected route is sub-standard and dangerous. Splays of 4.5m by 120m in both directions are required by DfI Roads, where existing splays are almost non-existent.

Previously, permission was refused for retention of a domestic garage (under LA09/2017/1258/F) as there was a sub-standard access onto a protected route, and it was demonstrated that there would be no increase in the number of people using the access. This decision was never appealed to the PAC. No change in circumstance has occurred since this refusal, and it is my view that the same reason for refusal be applied in this instance. In my view, as the proposal is related to industrial/commercial development, that splays of 4.5m by 120m be required, not a reduced 'x' distance of 2.4m. The PAC carried out surveys on this access under 2017/E0050 and contend that due to traffic speeds and number of vehicles per day on this stretch of road that no reduction in standards can be applied, that splays of 4.5m by 120m in both directions are required. I agree with this assessment. This proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking in that it has not been demonstrated that a

safe and satisfactory access can be gained to the site from the public road, including visibility splays of 4.5m by 120.0m in both directions.

It is difficult to see how such a facility could operate without attracting additional employees to the site, even in terms of maintenance and cleaning. Any proposal on this site that may increase in the number of people using this access could result in a fatality given how substandard the current substandard access to the site. It is clear that this building should not be retained in any circumstance for any use, until access to this site has been improved to an acceptable standard. Under the previous application, the agent was provided with an opportunity to carry out these improvements, but this offer was declined and improvements to the visibility splays were never carried out.

In terms of an extension to an established economic development use in the countryside (Policy PED3 of PPS4), broadly speaking the design, size, scale and mass of the building is broadly similar to the existing established buildings on the site and there is no major expansion in site area. In my view retention of this building will not have a detrimental impact on the character of this area of countryside as it groups with and has existing lawful buildings as a backdrop. This proposal meets nearly all criteria under PED 9 except for part (g) in that suitable developer led improvements have not been put in place to overcome sub-standard visibility splays.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That the application is refused for the following reason;

Refusal Reason

1.The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking and policy PED9 part (g) of PPS4 Planning and Economic Development in that it has not been demonstrated that a safe and satisfactory access can be gained to the site from the public road, including visibility splays of 4.5m by 120.0m in both directions.

Signature(s)

Date:

ANNEX	
Date Valid	9th September 2019
Date First Advertised	24th September 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 18 Cookstown Road,Dungannon,Tyrone,BT71 4BG	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Summary of Consultee Responses	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Further Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0841/O	Target Date: <add date>
Proposal: Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	Location: Approx 45 Meters West of No.59 Lurgaboy Lane Dungannon BT71 6JX
Applicant Name and Address: Mr Darren McKenna 26 Kindrum Dungannon BT71 6JP	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues: The application site is in the countryside but on the edge of the settlement limit of Dungannon to the south. The proposal is for an infill dwelling and there is a dwelling to the west at No. 59 which has a frontage to the public road. South of the site, there is an agricultural field and abutting this field are 2 sheds and a concrete yard. The sheds and concrete yard are within the settlement limit of Dungannon so cannot be used towards 3 or more buildings on a common frontage. The proposal does not meet any other policies within PPS 21.	
Summary of Consultee Responses: DFI Roads – access should be located to have sight lines of 2.4m x 60m (SW) and 45m (NE) as well as forward sight distance of 60m DETI – no known mines on the site and not that should cause concern	
Characteristics of the Site and Area: The site is in the countryside but is on the edge of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with a mix of agricultural fields, farm complexes and single rural dwellings. To the southeast of the site is a single storey dwelling with a driveway and to the west is another agricultural field. Across the road and to the north is a modest single storey dwelling. There is minimal development pressure along this section of the road from	

the construction of single rural dwellings. Abutting the southern boundary of the adjacent sheds the area is built up with dwellings on both sides of the road and this is within the settlement limit of Dungannon.

Description of Proposal

This is an outline application for a proposed dwelling and detached garage approximately 45 Meters West of No.59 Lurgaboy Lane, Dungannon

Deferred Consideration:

This application was before the Planning Committee in November 2020 and April 2021 where it was deferred for a members site visit.

A site visit was undertaken on 23 June 2021 where members were able to observe the proposed site in the context of the existing dwellings, vegetation, road alignment and proximity to the settlement limits. At the site visit members were reminded that, for the purposes of considering ribbon development, buildings within the settlement limits could not be utilised to make the case. The recent PAN issued by the Department is relevant to the considerations of this application, however I do not consider that it changes the recommendation.

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

In view of the above considerations as well as those set out in the previous reports I recommend to the members this application is refused for the reasons stated below.

Conditions/Reasons for Refusal:

1. The proposal is contrary to CTY 1 in Planning Policy Statement 21 in that there is no overriding reasons why the development is essential and could not be located within a settlement.
2. The proposal is contrary to CTY2a – New Dwellings in Existing Clusters of Planning Policy Statement 21 in that the development is not located within a cluster that is a visual entity in the landscapes, is not close to a focal point or at a cross roads, it does not have development on 2 sides, it would not result in the consolidation or rounding off of a cluster development and if approved would adversely impact on the rural character of the area.

3. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.
4. The proposal is contrary to CTY 15 – The Setting of Settlements of Planning Policy Statement 21 in that the development would mar the distinction between the countryside and the defined settlement limit of Dungannon.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0841/O	Target Date: <add date>
Proposal: Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	Location: Approx 45 Meters West of No.59 Lurgaboy Lane Dungannon BT71 6JX
Applicant Name and Address: Mr Darren McKenna 26 Kindrum Dungannon BT71 6JP	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues: The application site is in the countryside but on the edge of the settlement limit of Dungannon to the south. The proposal is for an infill dwelling and there is a dwelling to the west at No. 59 which has a frontage to the public road. South of the site, there is an agricultural field and abutting this field are 2 sheds and a concrete yard. The sheds and concrete yard are within the settlement limit of Dungannon so cannot be used towards 3 or more buildings on a common frontage. The proposal does not meet any other policies within PPS 21.	
Summary of Consultee Responses: DFI Roads – access should be located to have sight lines of 2.4m x 60m (SW) and 45m (NE) as well, as forward sight distance of 60m DETI – no known mines on the site and not that should cause concern	
Characteristics of the Site and Area: The site is in the countryside but is on the edge of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with a mix of agricultural fields, farm complexes and single rural dwellings. To the southeast of the site is a single storey dwelling with a driveway and to the west is another agricultural field. Across the road and to the north is a modest single storey dwelling. There is minimal development pressure along this section of the road from	

the construction of single rural dwellings. Abutting the southern boundary of the adjacent sheds the area is built up with dwellings on both sides of the road and this is within the settlement limit of Dungannon.

Description of Proposal

This is an outline application for a proposed dwelling and detached garage approximately 45 Meters West of No.59 Lurgaboy Lane, Dungannon

Deferred Consideration:

This application was before the Planning Committee in November 2020 and it was deferred to allow a meeting with the Planning Manager to discuss the proposal. It was explained that development within settlement limits cannot be used in policies contained in PPS21 for the proposes of ribbon development. The Planning Manager requested a view on the possibility of a dwelling meeting with clustering policy.

Members will be aware that CTY2a sets out 6 criteria that development must be assessed against. It has been accepted by the committee and the PAC, that all 6 criteria may not have to be met to allow development, though in these cases it is always made clear the proposal does not meet the policy but may be considered as an exception to the policy.

The map showing the development in close proximity to the site is accurate and it is clear there are more than 4 buildings here of which 3 are dwellings. I consider criteria 1 is met.

The site sits at a corner in the road where the land falls away to the north and east, there is also a significant amount of vegetation along the east boundary. This has the effect of screening the site off from any views with the development to the east.



Fig 1 – view from south –site to east side of road



Fig 2 – site screened by mature trees, view from Killymeal Road



Fig 3 – site to rear of the trees, view from Lurgaboy Lane at driveway to 59 and 62 with 52 in the middle of the picture

As can be seen in the views above the existing development is well spaced out. A dwelling proposed at the closest to the existing development, on the north part of the site, would not in my view, read as a single entity and as such I do not consider the second criteria has been met.

The development here is not located close to a focal point or at a cross roads. The 3rd criteria has not been met.

From my inspection, the garden area for no 59, the bungalow immediately to the east of the site, does not appear to extend to the east and there is an area of unkempt ground between no 59 and the application site. I do not consider the development to the east has

a common boundary with the site and as such I consider it only has development on the north side, on the opposite side of the road. I do not consider the 4th criteria has been met.

I do not consider a dwelling located anywhere on the site would consolidate with the existing development as I consider the site is visually remote from the other development to the north and east. Even if a dwelling were sited in the north part of the site, due to the topography, vegetation and general spaced out nature of the existing development I do not consider it would consolidate or round off development. I do not consider the 5th criteria has been met.

A dwelling here could be satisfactorily sited to ensure it does not have any adverse impacts on the amenity of the adjoining residential development and as such I consider the 6th criteria can be met.

The proposed development does not, in my view, meet with 4 of the criteria for a dwelling in accordance with Policy CTY2A and as such is so far from meeting the policy that it cannot be seen as in the spirit of the policy.

I have further considered the issues raised in the previous report in relation to CTY8. I agree the proposal does not constitute an exception to the policy and cannot be considered as a gap within an otherwise continuously built up frontage. However just because it does not meet the exception does not, in my view mean that it would create ribbon development. As has been set out in the considerations of CTY2A above, I consider a dwelling on this site will not read with the development to the east and as such I do not consider it would result in the creation of ribbon development.

In regards to CTY15 and CTY14, I do share the concerns that a dwelling here would impact on the rural character of the area. DFI Roads have advised any access will require sight lines of 2.4m x 60.0m towards Dungannon and 2.4m x 45m away from Dungannon. Due to the vertical and horizontal alignment of the road, an access would have to be located near the south boundary. A dwelling may be sited, by condition, in the north part of the site. This would, in my opinion, be far enough away from the settlement limits to create a visual and defensible gap, however the access would result in the loss of over 100m of roadside vegetation and would close this gap, opening up views of the development. I consider this would mar the distinction between the town and countryside and would result in a loss of rural character for this area.

In view of the above considerations, I recommend to the members this application is refused for the reasons stated below.

Conditions/Reasons for Refusal:

1. The proposal is contrary to CTY 1 in Planning Policy Statement 21 in that there is no overriding reasons why the development is essential and could not be located within a settlement.
2. The proposal is contrary to CTY2a – New Dwellings in Existing Clusters of Planning Policy Statement 21 in that the development is not located within a cluster that is a visual entity in the landscapes, is not close to a focal point or at a cross roads, it

does not have development on 2 sides, it would not result in the consolidation or rounding off of a cluster development and if approved would adversely impact on the rural character of the area.

3. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.
4. The proposal is contrary to CTY 15 – The Setting of Settlements of Planning Policy Statement 21 in that the development would mar the distinction between the countryside and the defined settlement limit of Dungannon.

Signature(s)

Date:



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Lár Uladh
Mid Ulster
District Council

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50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 03/11/2020	Item Number:
Application ID: LA09/2020/0841/O	Target Date:
Proposal: Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	Location: Approx 45 Meters West of No.59 Lurgaboy Lane Dungannon BT71 6JX
Referral Route: <ol style="list-style-type: none">1. The proposal is contrary to CTY 1 in Planning Policy Statement 21 in that there is no overriding reasons why the development is essential and could not be located within a settlement.2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.3. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.4. The proposal is contrary to CTY 15 – The Setting of Settlements of Planning Policy Statement 21 in that the development would mar the distinction between the countryside and the defined settlement limit of Dungannon.	
Recommendation:	Refusal
Applicant Name and Address: Mr Darren McKenna 26 Kindrum Dungannon BT71 6JP	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Executive Summary: The application site is in the countryside but on the edge of the settlement limit of Dungannon to the south. The proposal is for an infill dwelling and there is a dwelling to the west at No. 59 which has a frontage to the public road. South of the site, there is an	

agricultural field and abutting this field are 2 sheds and a concrete yard. The sheds and concrete yard are within the settlement limit of Dungannon so cannot be used towards 3 or more buildings on a common frontage. The proposal does not meet any other policies within PPS 21.

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DETI - Geological Survey (NI)	Substantive Response Received

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
<p>Characteristics of the Site and Area</p> <p>The site is in the countryside but is on the edge of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with a mix of agricultural fields, farm complexes and single rural dwellings. To the southeast of the site is a single storey dwelling with a driveway and to the west is another agricultural field. Across the road and to the north is a modest single storey dwelling. There is minimal development pressure along this section of the road from the construction of single rural dwellings. Abutting the southern boundary of the adjacent sheds the area is built up with dwellings on both sides of the road and this is within the settlement limit of Dungannon.</p> <p>The application site is an agricultural field and is 0.44 hectares in size with a flat topography. Along the roadside boundary, there is a row of established trees and along the boundary with No. 59, there is a row of large trees. There is a mix of mature trees and hedgerows along the boundary with the adjacent field.</p>	
<p>Description of Proposal</p> <p>This is an outline application for a proposed dwelling and detached garage approximately 45 Meters West of No.59 Lurgaboy Lane, Dungannon.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p> <p>Representations</p> <p>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.</p> <p>Planning History</p> <p>No recent planning histories at the application site.</p> <p>Mid Ulster Development Plan 2030 – Draft Plan Strategy</p> <p>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.</p> <p>Dungannon and South Tyrone Area Plan 2010</p>	

The plan offers no specific policy relevant to this application as the site lies outside any settlement limits or other designations as defined in the Dungannon and South Tyrone Area Plan 2010.

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

Planning Policy Statement 21

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

The proposal does not meet the criteria in CTY 2a as the site is not located at a crossroads or a focal point.

There is no dwelling on the application site that could be replaced so the proposal does not meet CTY 3.

The proposal does not meet the criteria in CTY 8 as there is a dwelling at No. 59 Lurgaboy Lane, which has a garden that is a frontage to the public road. However, the nearest building is No. 45 which is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. Therefore, as No. 45 is within the settlement limit it cannot be used as a building to meet the criteria for 3 or buildings with a substantial frontage as shown in figure 1 below.

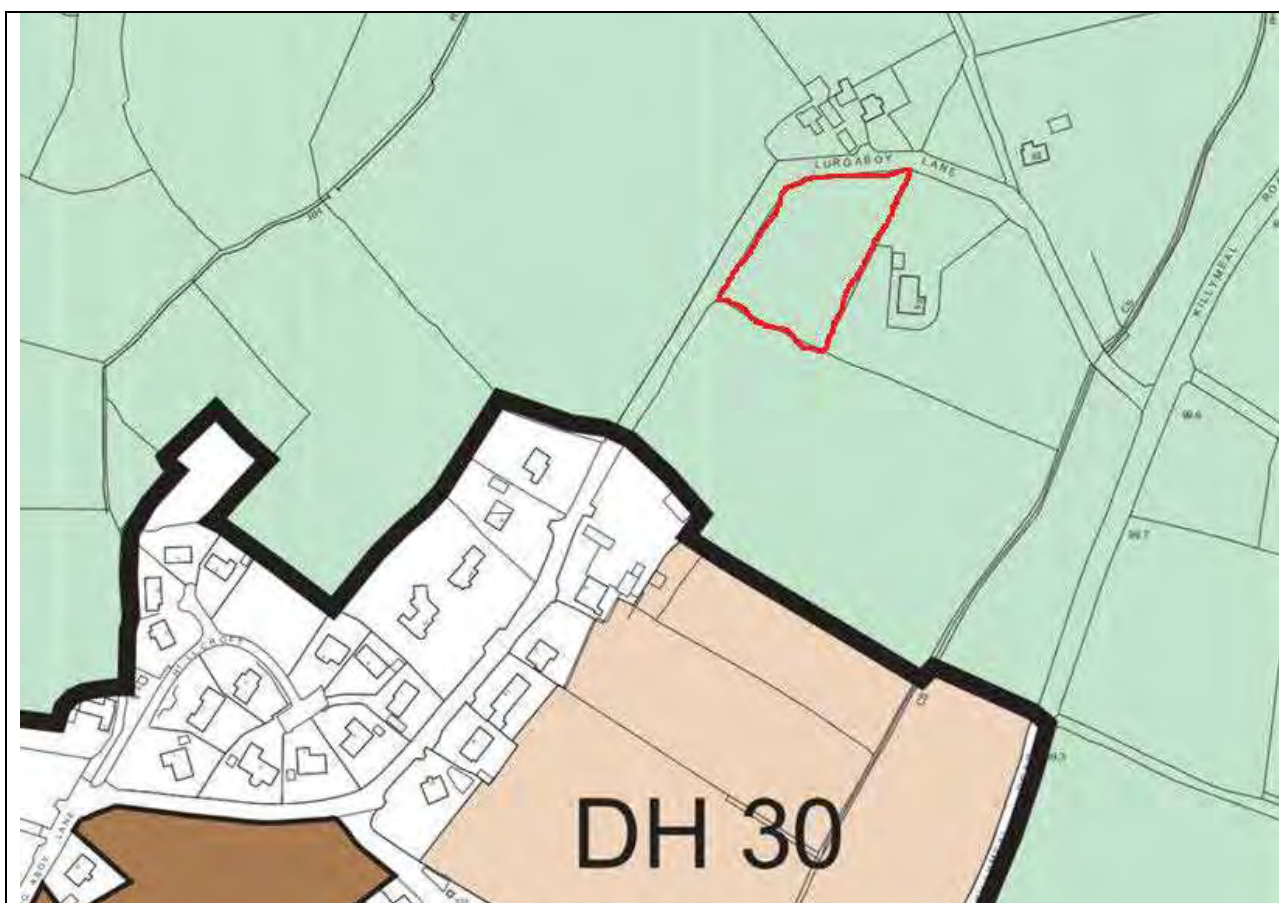


Figure 1 – Image of the edge of the settlement limit and the application site.



Figure 2 – Photograph of the frontage of No. 59



Figure 3 – Photograph of the buildings at No. 45 which have a frontage to the road



Figure 4 – Photograph showing the yard area to the front of No, 45



Figure 5 – Photograph of the line of trees along the proposed access point

No. 59 has a plot frontage of 20m, which consists of a driveway and garden area as shown in figure 2 above. There is an area of trees immediately to the north of No. 59 but this is not within the garden of No. 59 so cannot be considered within their frontage. This area of trees has a frontage of 40m. The application site is a field and has a frontage along a bend in the public road. The frontage is 124m and the adjacent field to the south is 80m. Thus, the average frontage along this stretch of road is 66m. I consider the application site does not respects the existing development pattern in terms of plot size. The policy in CTY 8 states the site should be a small gap site sufficient only to accommodate up to a maximum of two houses. This site and the neighbouring field to the south could accommodate at least 3 dwellings so I consider this proposal does not meet CTY 8.

As the proposal does not meet any of the relevant policies for a dwelling in the countryside in PPS 1, I consider there is no reason why the development should be located in the countryside and hence the proposal is contrary to CTY 1.

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 13 and CTY 14 deal with rural character and integration and design of buildings in the countryside and both policies would be relevant should the principle of development be acceptable on this site.

I am content the proposed dwelling and garage will not be a prominent feature in the landscape as the application site has a flat topography but is about a metre higher in levels than the public road. There are minimal critical views in the east direction due to the bend in the road and existing trees will block views to the south.

There are established hedgerows and large trees along three boundaries of the site and particularly the roadside boundary, which should be retained. I am content the proposal will not rely on new landscaping for integration.

A new access is proposed and DFI Roads had no concerns about the visibility splays and road safety. There is a verge along the road already in place so I am content the new access will not involve the removal of all the established trees along the roadside.

The design of the proposed dwelling will be considered at the Reserved Matters Stage. I consider a one or two storey dwelling would integrate well at this site. There are established trees on all boundaries of the site, which will provide a degree of integration even-though the other dwellings along this stretch of road are single storey.

I am content that the proposal is capable of complying with CTY 13.

CTY 14 – Rural Character

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 mentioned, the site benefits from existing vegetation on three boundaries. I am content that this dwelling will not be a prominent feature in the landscape. I consider that the development will result in a suburban style build-up of development. Given its position on the edge of the settlement, this would alter rural character. I do consider the proposal will create a ribbon of development so will alter rural character.

CTY 15 – The Setting of Settlements

The application site is one field north of the defined settlement limit of Dungannon. There are buildings and a concrete yard at No. 45 and rows of dwellings with a roadside frontage to the south within the settlement limit. The site is an agricultural field and could accommodate up to 2 dwellings and the field to the south could accommodate 2 dwellings. Overall, this development would blur the distinction between Dungannon and the countryside.

PPS 3 – Access, Movement and Parking

I consulted DFI Roads as a new access is proposed. In their consultation response, they stated they had no objections subject to conditions and informatives.

Other Considerations

I am satisfied there are no other ecological, historical or flooding issues at the site.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal does not meet any of the policies in Planning Policy Statement 21.

Reasons for Refusal:

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

2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.
3. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.
4. The proposal is contrary to CTY 15 – The Setting of Settlements of Planning Policy Statement 21 in that the development would mar the distinction between the countryside and the defined settlement limit of Dungannon.

Signature(s)

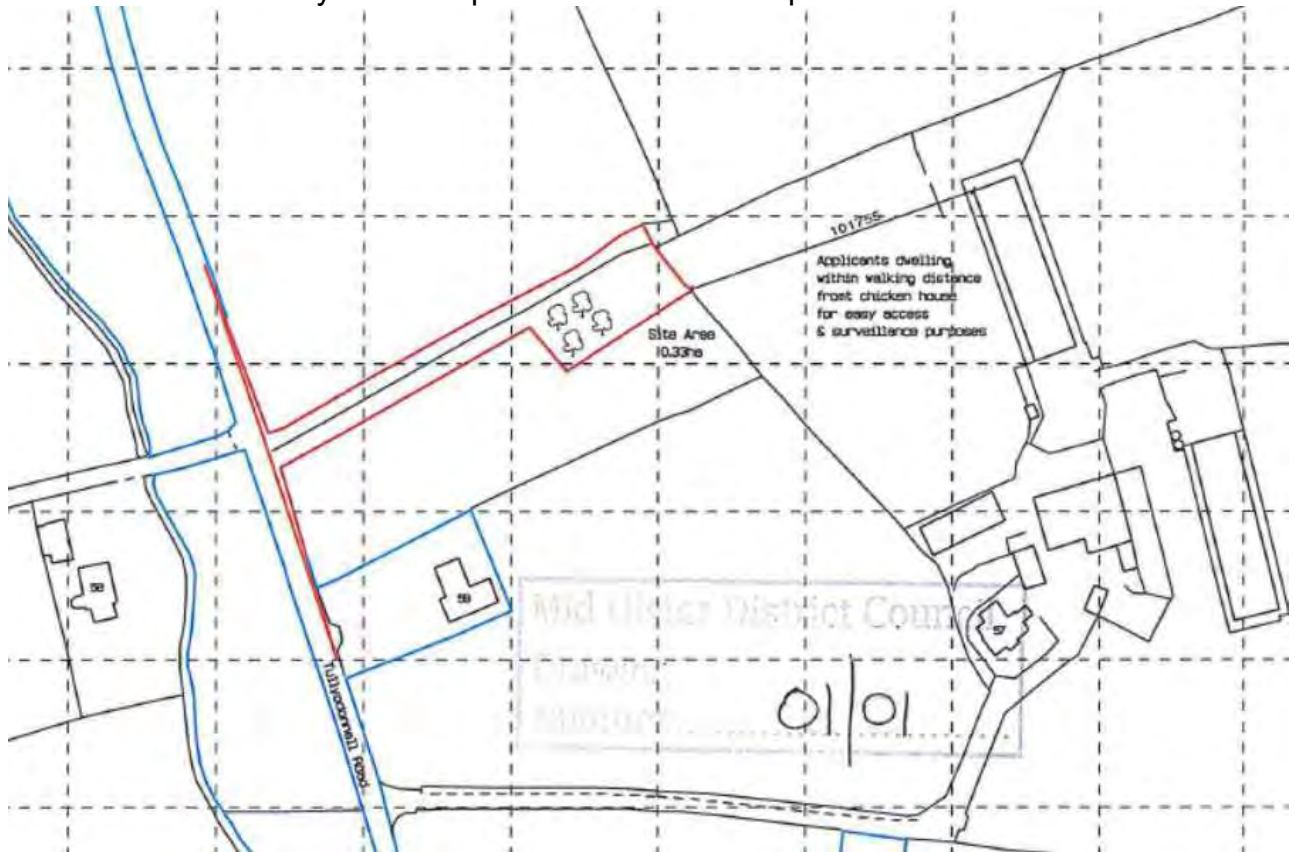
Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0881/O	Target Date:
Proposal: Dwelling & garage	Location: Approx 140m NW of 57 Tullyodonnell Road Rock Dungannon
Applicant Name and Address: Mr Enda Mallon 57 Tullyodonnell Road Rock Dungannon BT70 3JH	Agent name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Cookstown BT80 9LU
Summary of Consultee Responses: All consultees responded without raising any issues of concern.	
Characteristics of the Site and Area: The site is located at the north-eastern end of a roadside field. The ground levels in the field rise steeply from the road towards the site which occupied an elevated position at the rear of the field. There is a narrow laneway existing along the north-western boundary leading from the road to the site. This laneway is bounded on both sides by low cut hedgerows with a small number of mature trees close to the road. The laneway leads to a small area containing a small amount of rubble at the northern end of the site. This area has a few mature trees along the south-western boundary which extend approximately 1/3 of the way across the 55m site frontage. There are hedgerows along the north-western, north-eastern and south-eastern boundaries of the site, however, the majority of the front, south-western boundary is undefined.	

The main farm grouping is located around 70-80m to the east and is located on the opposite side of the crest when viewed from the critical viewpoints along either the Tullyodonnell Road or the Shivey Road. There are critical views of the site from the entrance of No.4 Shivey Road until reaching the junction of the Tullyodonnell Road and Shivey Road, when travelling along Shivey Road. There are also critical views from the junction of Tullyodonnell Road and Shivey Road to the proposed access laneway when travelling along Tullyodonnell Road. From the latter critical viewpoint, the site will appear to be located on a very elevated position in the landscape.



Description of Proposal

This is an outline application for dwelling and garage/store under PPS21 CTY10 and associated with a farm holding.

Deferred Consideration:

This application was presented to Planning Committee in April 2021 as a refusal for the following four 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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;

health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
Verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
a dwelling on the proposed building would be a prominent feature in the landscape;
the proposed site is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape;
the proposed dwelling relies primarily on the use of new landscaping for integration;
the ancillary works do not integrate with their surroundings;
the proposed dwelling fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
the dwelling would, if permitted, be unduly prominent in the landscape;
the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to erode the rural character of the countryside.

It was subsequently deferred for a deferred office meeting with the Area Planning Manager held on 22nd April 2021. It was agreed the senior officer would consider all supporting information submitted by the agent and carry out a site visit and re-assessment.

Following a site visit to the site and surrounding farm land, it was evident the site was prominent and on elevated ground. It was not possible to visually link the farm buildings with the site.

Criteria C of Policy CTY 10 requires any such new building to be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access should be obtained from an existing lane.

The site is located around 70-80m from the group of main farm building and is visually separated from these. This is critical especially when the site is viewed from the viewpoints, both the Tullyodonnell Road and the Shivey Road, the site will appear separate from the farm grouping and will have no visual linkage with these. From the critical viewpoints, the site will appear to be located on the crest of a hill with no visual connection with the main farm grouping.

The policy does however, allow for consideration to 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 group(s).

Whilst no health and safety reasons have been provided for the site to be located away from the main farm grouping, the applicant had submitted some justification in relation to Organic farming.

The original supporting statement advises that the applicant has 7 fields which are organic ground which serve the chicken farm which is contracted into Moy Park for 18 years. It takes 3-5 years to convert ground to organic ground. It is stated that it is not possible to build a dwelling on any part of the organic ground. It further states that 7 acres of organic ground are required for each poultry house to enable the poultry to feed on.

However, when working out the amount of ground the applicant needs for the 2 poultry houses (14 acres in total), there is an additional 11.9 acres over and above what is required.

This argument was fully assessed by the original case officer as below and I would be in agreement the conclusion it is not a justifiable reason for siting away from the main farm group.



The agent has reiterated that the two fields which abut the main farm grouping are not suitable, as on field 5 is the applicants main field for taking crops and silage from, and to erect a dwelling here would render the field for grazing only. However part of this field closest to the grouping could be used for a dwelling leaving a large part of the field for its current use.

Field 8 is given over entirely for organic farming and the entire field is required to serve chicken house 2 which opens into the field and allows the chickens to roam free. However again, part of the field closest to the farm buildings could accommodate a dwelling allowing the chickens to roam in the rest of the field.

There is no still justifiable reason why the proposed site cannot be located in a field much closer to and visually linked to the main farm grouping, and also access via an existing laneway.

Apart from the insufficient justification as discussed above, no reasons, neither health safety nor verifiable plans to expand the farm business have been provided as to why the applicant cannot site the proposed dwelling close to the existing farm buildings.

Alternative sites are available to the applicant to the south of the existing farm buildings as this is on land within their ownership, access can be gained using the existing farm lane, and such sites would both visually link and be sited to cluster with a group of established buildings on the farm. The agent has advised the applicant is not willing to consider an alternative site and would like this site to be assessed and presented to committee for a decision.

The proposed site occupies an elevated location in the local landscape with critical views of the site from the entrance to No.4 Shivey Road until reaching the junction of the Tullyodonnell Road and Shivey Road, when travelling along Shivey Road. There are also critical views from the junction of Tullyodonnell Road and Shivey Road, to the access laneway when travelling along Tullyodonnell Road. From the latter critical viewpoint, the site will appear to be located on a very elevated position in the landscape.

Given that the site is considered to be prominent and occupying a hilltop location on the local landscape and due to the fact the site boundaries are low, well-trimmed hedges along the north-east and south-east whilst the south-western boundary is largely undefined, any dwelling on this site will be almost totally reliant on trees along the north-western boundary which extend only a short distance across the front of the site.

When viewed from the critical viewpoints, a dwelling will appear prominent as the site lacks sufficient long established natural boundaries to the front, south-eastern side and to the rear and is therefore unable to provide a sense of enclosure. When viewed from the Tullyodonnell Road, the site also lacks an acceptable backdrop to enable any dwelling to sit comfortably within the landscape and consequently even a modest dwelling with a 5.5m ridge height would appear prominent. Any dwelling on this site will rely heavily on substantial landscaping and planting to achieve an acceptable degree of integration. Given its elevated location, a dwelling on this site would fail to blend with the landform, existing trees, slope or other natural features which could provide an acceptable backdrop. Although the access is proposed to be taken along an existing overgrown farm lane, it is proposed to remove the hedge along the south-eastern side of the lane and to widen the laneway. Whilst this is understandable due to the restricted width of the existing laneway, it will result in the laneway suffering from a lack of integration as it rises up the steep incline towards the site and therefore the ancillary works will not integrate into the surrounding landscape.



View from roadside looking up at proposed site

As a dwelling on the proposed site is neither visually linked nor sited to cluster with an established group of buildings on the farm, it would fail to integrate into the surrounding landscape and is therefore considered to be contrary to this policy.

In terms of CTY 14 and Rural Character, this is an application for a site for a dwelling on a farm holding that is sited away from the existing farm buildings. The site as discussed above, occupies an elevated location and will appear unduly prominent in the landscape. The impact of the proposed access works are also unacceptable as the proposed laneway will require the removal of an existing hedgerow along the side of the proposed laneway. This will open up views of the laneway which climbs up the steeply rising ground towards the elevated site and which will be clearly visible from the critical views on approach along the Tullyodonnell Road. Due to the critical views of the proposal, any dwelling on this site will result in a detrimental change to rural character.

The red line of the site has been reduced but the issues with the site remain. There is still no visual linkage with the farm buildings. The agent mentions historical approvals on the site and the remains of an old house. These approvals were never implemented and were granted under a different policy. There were a few stones lying in the corner of the site but nothing that resembled a dwelling or that could be considered as a replacement opportunity under CTY3.

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

On consideration of the above, it is my opinion that the proposal fails to meet the requirements of Policies CTY 1, 10, 13 and 14 for the reasons as stated below:-

Refusal 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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;
health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
Verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
a dwelling on the proposed building would be a prominent feature in the landscape;
the proposed site is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape;
the proposed dwelling relies primarily on the use of new landscaping for integration;
the ancillary works do not integrate with their surroundings;
the proposed dwelling fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm,
and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
the dwelling would, if permitted, be unduly prominent in the landscape;
the impact of ancillary works would damage rural character;
and would therefore result in a detrimental change to erode the rural character of the countryside.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0881/O	Target Date:
Proposal: Dwelling & garage	Location: Approx. 140m NW of 57 Tullyodonnell Road Rock Dungannon
Referral Route: This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Enda Mallon 57 Tullyodonnell Road Rock Dungannon BT70 3JH	Agent Name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Cookstown BT80 9LU
Executive Summary:	
Signature(s):	



Agent for C McIlvar
24/3/21

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Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DAERA - Omagh	Substantive Response Received

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 including representations

No objections have been received in respect of this application.

Characteristics of the Site and Area

The site is located at the north-eastern end of a roadside field. The ground levels in the field rise steeply from the road towards the site which occupied an elevated position at the rear of the field. There is a narrow laneway existing along the north-western boundary leading from the road to the site. This laneway is bounded on both sides by low cut hedgerows with a small number of mature trees close to the road. The laneway leads to a small area containing a small amount of rubble at the northern end of the site. This area has a few mature trees close to the south-western boundary which extend approximately 1/3 of the way across the 55m site frontage.

There are hedgerows along the north-western, north-eastern and south-eastern boundaries of the site, however, the front, south-western boundary is undefined.

The main farm grouping is located around 70-80m to the east and is located on the opposite side of the crest when viewed from the critical viewpoints along either the Tullyodonnell Road or the Shivey Road. There are critical views of the site from the entrance of No.4 Shivey Road until reaching the junction of the Tullyodonnell Road and Shivey Road, when travelling along Shivey Road. There are also critical views from the junction of Tullyodonnell Road and Shivey Road to the proposed access laneway when travelling along Tullyodonnell Road. From the latter critical viewpoint, the site will appear to be located on a very elevated position in the landscape.

Description of proposal

This is an outline application for dwelling and garage/store under PPS21 CTY10 and associated with a farm holding.

Planning Assessment of Policy and Other Material Considerations

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

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

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

The proposal accords with the Cookstown Area Plan 2010 insofar as it is for a site for a dwelling in the rural area and is linked to an established farm business.

The main policy considerations in the assessment of this application are:-

CTY 10 - Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-

DAERA's response confirmed that the business has been in existence for more than 6 years and that the business has claimed single farm payment or agri-environment payments within the last 6 years.

- A planning history check of the farm shows that no dwellings or development opportunities in the countryside have been sold off from the farm holding since 25th November 2008. Although a number of approvals have been granted on the farm holding, however, these have all been within the settlement development limit of The Rock and therefore are not counted as development opportunities under this policy.
- Policy CTY 10 also requires any such new building to be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access should be obtained from an existing lane.

As stated above, the site is located around 70-80m from the group of main farm buildings and is visually separated from these. Any dwelling on this site will be around 90m from the nearest building within the farm group and will be closer to No.59 Tullyodonnell Road, which is a third party dwelling not associated with the farm business. This is critical, especially when the site is seen from the viewpoints noted above. From both the Tullyodonnell Road and the Shivey Road, the site will appear divorced from the farm grouping and will have no visual linkage with these. This separation is exacerbated due to the farm buildings lying much lower in the landscape than the proposed site, which occupies a prominent location on a hill top. From the critical viewpoints, the site will be located on the crest of a hill with no visual connection with the main farm grouping.

The policy does however, allow for consideration to 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 group.
-

Whilst no health and safety reasons have been provided for the site to be located away from the main farm grouping, the applicant submitted some justification in the form of an explanation contained at Q6 in the P1C form. This statement advises that the applicant has 7 fields (fields 1, 5, 6B, 7A, 7B, 8 & 11) which are organic ground which serve the chicken farm which is contracted to Moy Park for 18 years. It takes 3-5 years to convert ground to organic ground. It is stated that it is not possible to build a dwelling on any part of the organic ground. It further states that 7 acres of organic ground are required for each poultry house to enable the poultry to feed on. As field 4 is the closest field to the farm grouping which is (not) classified as organic ground, it has been chosen as the preferred site. Field 4 is also within walking distance to the existing poultry houses. A certificate of compliance is attached which states that 6.84 Ha of ground are categorised as organic. It does not however, state which fields this relates to. That statement was later amended to state that only fields 6A, 6B, 7A, 7B, 8 & 9 are required as organic ground in connection with the poultry business.

Nevertheless, the applicant has two poultry houses each requiring 7.5 acres of organic ground ie. a total of 15 acres. The Certificate of Compliance is for 6.84 Ha ie. 16.9 acres, 1.9 acres in excess of what is required for the two poultry houses. The acreage of the six fields as stated above as being organic ground is as follows:-

Field	Ha	(acres)
6/106/005/6A}		
6/106/005/6B}	1.06	(2.62)
6/106/005/7A		
6/106/005/7B	2.35	(5.81)
6/106/005/8	1.33	(3.29)
6/106/005/9	2.10	(5.19)
Total	6.84	(16.89)

The aerial map shows the proposed site in relation to the organic ground around the farm buildings with two alternative sites which would meet the policy requirements.



Is it therefore clear that the fields as stated on the P1C as being required for organic purposes have a total more than what is required for the two poultry houses. The 6 fields as stated contain an additional 0.77ha (1.9 acres) over and above what is required. Therefore there is no justifiable reason why the proposed site cannot be located in a field much closer to and visually linked to the main farm grouping, such as fields 6/106/005/5 or 6/106/005/8, both of which abut the main farm yard and are also accessed via the existing laneway. Either of those alternative sites would meet the policy requirements and would achieve a much better degree of integration than the proposed site, in addition to being much less prominent.

Policy CTY 10 also states that 'In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.'

CTY 13 - Integration and Design of Buildings in the Countryside

The proposed site occupies an elevated location in the local landscape with critical views of the site from the entrance to No.4 Shivey Road until reaching the junction of the Tullyodonnell Road and Shivey Road, when travelling along Shivey Road. There are also critical views from the junction of Tullyodonnell Road and Shivey Road, to the proposed access laneway when travelling along Tullyodonnell Road. From the latter critical viewpoint, the site will appear to be located on a very elevated position in the landscape. The site is considered to be prominent and occupies a hilltop location on the local landscape. Due to the fact the site boundaries are low, well-trimmed hedges along the north-east and south-east whilst the south-western boundary is largely undefined, any dwelling on this site will be almost totally reliant on the few trees along the north-western boundary which extend a short distance across the front of the

site. Additionally any dwelling on this site would suffer from not having any backdrop as the north-eastern boundary is not visible from the road. This only serves to emphasise how prominent the site is.



The proposed site is located on top of the crest

When viewed from the critical viewpoints, any dwelling will appear prominent as the site lacks sufficient long established natural boundaries to the front, south-eastern side and to the rear and is therefore unable to provide a sense of enclosure. When viewed from the Tullyodonnell Road, the site also lacks an acceptable backdrop to enable any dwelling to sit comfortably within the landscape and consequently even a modest dwelling with a 5.5m ridge height would appear prominent. Any dwelling on this site will rely heavily on substantial landscaping and planting to achieve an acceptable degree of integration and any such landscaping would take a considerable time to provide an adequate degree of screening. Given its elevated location, any dwelling on this site would fail to blend with the landform, existing trees, slope or other natural features which could provide an acceptable backdrop.

Although the access is proposed to be taken along an existing farm lane, it is proposed to remove the hedge along the south-eastern side of the lane and to widen the laneway. Whilst this is understandable due to the restricted width of the existing laneway, it will result in the laneway suffering from a lack of integration as it rises up the steep incline towards the site and therefore the ancillary works will not integrate into the surrounding landscape. Furthermore, as a dwelling on the proposed site is neither visually linked nor sited to cluster with an established group of buildings on the farm, it would fail to integrate into the surrounding landscape and is therefore considered to be contrary to this policy.

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 reason; or
- verifiable plans to expand the farm business at the existing building group(s).

Apart from the insufficient justification as discussed above, no justifiable reason, neither health safety nor verifiable plans to expand the farm business have been provided as to why the applicant cannot site the proposed dwelling close to the existing farm buildings. Although the agent has attempted to justify why the site cannot be located within field 5, immediately adjacent to the existing farm yard, by stating 'Field 5 is a large open roadside field which rises steeply from road level to meet the applicants farm holding. The field lacks boundaries for integration and the applicant feels that a site located at the top of

this field next to his farm buildings would appear unduly prominent contrary to Policies CTY13 & 14 of PPS 21.



Existing access lane leading to the applicants farmyard

I do not agree that this assessment, as can be seen from the above extract from Google Street View, the landform does not rise steeply but instead rises more gently away from the road. A dwelling could easily be located beside the existing farmyard without resulting in a prominent site. This is demonstrated by the fact that the existing farm buildings are not visible at the end of the access lane as the land drops away from the crest. Either of the alternative sites identified above, in particular field 8, could accommodate a dwelling to a much greater degree than the proposed site as either site would not be as prominent and they would also achieve an acceptable degree of integration.

The alternative sites, as indicated, are available to the applicant to the south of the existing farm buildings as this is on land within their ownership, access can be gained using the existing farm lane, and such sites would both visually link and be sited to cluster with a group of established buildings on the farm.

CTY 14 – Rural Character

This application is for a site for a dwelling on a farm holding that is sited away from the existing farm buildings. The site as discussed above, occupies an elevated location and will appear unduly prominent in the landscape. The impact of the proposed access works are also unacceptable as the proposed laneway will require the removal of an existing hedgerow along the side of the proposed laneway. This will open up views of the laneway which climbs up the steeply rising ground towards the elevated site and which will be clearly visible from the critical views on approach along the Tullyodonnell Road.

Due to the critical views of the proposal, any dwelling on this site, including the associated site works required for the access, will result in a detrimental change to rural character. The proposal is therefore contrary to this policy.

PPS 3 – Access, Movement and Parking;

The proposal is to create a new residential access which will require hedge removal along the Tullyodonnell Road in order to provide the necessary visibility splays of 2.4m x 90m in both directions.

This will required approximately 40m hedge removal on both sides. The proposed laneway will have to be widened to 4.8m for the first 20 of its length. Dfi Roads advised that they have no objection to the proposed development subject to conditions.

CTY 16 – Development relying on non-mains sewerage advises that planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. As this is a rural site and P1 application form states that foul sewage will be disposed of via a septic tank, it is not envisaged that there will be an issue with pollution.

Recommendation

On consideration of the above, it is my opinion that the proposal fails to meet the requirements of Policies CTY 1, 10, 13 and 14 for the reasons as stated below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons stated below.

Refusal 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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;
health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
a dwelling on the proposed building would be a prominent feature in the landscape;
the proposed site is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape;
the proposed dwelling relies primarily on the use of new landscaping for integration;
the ancillary works do not integrate with their surroundings;
the proposed dwelling fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm,
and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- the dwelling would, if permitted, be unduly prominent in the landscape;
 - the impact of ancillary works would damage rural character;
 - and would therefore result in a detrimental change to erode the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	23rd July 2020
Date First Advertised	4th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 58 Tullyodonnell Road,Dungannon,Tyrone,BT70 3JH The Owner/Occupier, 59 Tullyodonnell Road,Dungannon,Tyrone,BT70 3JH The Owner/Occupier, 60 Tullyodonnell Road,Dungannon,Tyrone,BT70 3JH	
Date of Last Neighbour Notification	13th August 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0881/O Proposal: Dwelling & garage Address: Approx 140m NW of 57 Tullyodonnell Road, Rock, Dungannon, Decision: Decision Date: Ref ID: I/1987/0346B Proposal: Dwelling Address: 150M NE OF JUNCTION TO 60 TULLYODONNELL ROAD, ROCK, COOKSTOWN Decision: Decision Date: Ref ID: I/1987/0346 Proposal: PRIVATE DWELLING Address: TULLYODONNELL, ROCK, DUNGANNON Decision: Decision Date:	
Summary of Consultee Responses All consultees responded without raising any issues of concern.	

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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0899/O	Target Date: <add date>
Proposal: Site for a dwelling & domestic garage based on policy CTY8 (Amended Plan)	Location: Approx 15m North of 69 Anneeter Road Coagh Cookstown
Applicant Name and Address: Mr Charles Mallon 71 Anneeter Road Coagh Cookstown	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: This is a small site within a group of existing buildings, residential amenity issues and land ownership matters have been raised and considered. The proposal does not meet the infill policy and does not meet all the criteria for a dwelling in a cluster, however members may consider an exception to policy as this is within the spirit of CTY2a for clustering.	
Summary of Consultee Responses: DFI Roads – access acceptable if 2.4m x 45.0m sight lines provided	
Characteristics of the Site and Area: The site is located in the rural countryside outside any settlement limits as depicted within the Cookstown Area Plan 2010. The settlement limit of Moortown is approx. 1.5km south of the site and Lough Neagh shore is approx. 200 metres to the north. The surrounding area is rural in character with the predominant land use being agricultural fields. However the surrounding area has undergone development pressure and there are a number of detached dwellings and outbuildings in the immediate locality. Directly adjacent to the northwest of the site is a shared laneway, which currently serves two dwellings. There are three further dwellings west of the site and a detached dwelling northeast of the site accessed via a laneway of approx. 80 metres directly	

adjacent to the east. The proposal site comprises an existing storey and a half, roadside dwelling with a detached garage and large outbuilding to the rear. The curtilage of the dwelling is large with a substantial garden area to the rear and side of the dwelling house. The site is currently accessed via a driveway directly onto Anneeter Road. The topography of the site is relatively flat. The boundaries of the site are well defined by established trees and vegetation and public views are limited/isolated given the mature trees to the front boundary.

Description of Proposal

This is an outline planning application for a dwelling and domestic garage at land approx. 15m North of 69 Anneeter Road, Coagh, Cookstown. The dwelling was applied for as a gap site under Planning Policy Statement 21, Policy CTY 8.

Deferred Consideration:

This application was before the Planning Committee in February 2021 where it was deferred for a meeting with the Planning Manager. At the deferred meeting the agent indicated this may better fit with the clustering policy and wished to have it assessed as a dwelling in a cluster. Additional information was requested to illustrate how a dwelling might be sited here to allow some consideration of the amenity and visual appearance impacts.

A concept layout with a dwelling to the north west of the site and new access to the east of the property was submitted and neighbours notified. No new comments were received in respect of these plans. DFI Roads were consulted and have not raised any road safety issues provided sight lines of 2.4m x 45.0m are provided.

Members will be aware CTY2a sets out 6 criteria that must be met to be in compliance with the policy. This has been re-affirmed by the recent Planning Advice Note issued by DFI in August 2021. I am content that 5 of the criteria have been met as can be seen in the aerial photograph below:

- 1- the site is within a large group of buildings which are not on a farm and includes 9 dwellings and associated outbuildings;
- 2- this group of buildings is, in my opinion well contained and reads as a visual entity in the landscape;
- 3- the site is well enclosed by mature vegetation which will, in the main be retained, it has dwellings on 2 sides and there are some buildings associated with the garden and allotment for the dwelling to the north east on the north side
- 4- a dwelling sited as indicated on drawing no 02 will, in my opinion consolidate the cluster here as it is essentially enclosed on 3 sides and has mature vegetation around it, it will not alter the appearance of the area or intrude into the open countryside
- 5- an appropriately sized dwelling sited as indicated on drawing no 02 will not cause unacceptable loss of amenity to any of the existing dwellings either side as can be seen with a very similar development to the west of the cluster

There is a fish processing factory and associated quay on Lough Neagh located to the east of this cluster, however it is located down a lane that is approx. 190m long and it

is not visible from the road. I do not consider this to be a focal point for the purposes of CTY2a and due to the visual separation I do not consider it has the association needed. In light of this and the recent guide the members could refuse planning permission as the proposal does not slavishly have regard to the policy as all the criteria are not met. That said however, I consider that due to the fact the proposal as indicated on drawing no 02 is so well integrated into the existing development, it would meet with the spirit of the policy for a dwelling in a cluster and would round off the development here. In light of this it is my recommendation that planning permission is granted as an exception to policy as the development would not have any significant detrimental impacts on the appearance or character of this part of the countryside, given its already developed state.



Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd Feb 2019. It is currently going through a further consultation period which commenced on 25th March 2020. Due to the COVID19 Pandemic there is currently no end date or timetable for public events in relation to this re-consultation. During the initial consultation period a number of objections to Policies contained in the Plan were received. In light of this the Draft Plan cannot be given any determining weight at this time.

In light of the above it is my recommendation that planning permission is granted for a dwelling with a ridge height of 6.5m, its curtilage as indicated, sited and with its access as detailed on drawing no 02.

Conditions:

1. Approval of the details of the design and external appearance of the buildings, site levels 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.

2. 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.

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

Reason: To ensure resident's privacy is not adversely affected.

4. The proposed dwelling shall be sited and its curtilage as indicated on drawing no 02 bearing the stamp dated 16 AUG 2021.

Reason: In the interests of visual amenity and to protect residential amenity.

5. Prior to the commencement of any development hereby approved the paired vehicular access, including visibility splays of 2.4m x 45.0m shall be provided in accordance with details as indicated on drawing no 02 bearing the stamp dated 16 AUG 2021.. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels 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.

6. The existing access identified as 'Existing site entrance into dwelling No 71' on drawing No 02 bearing the stamp dated 16 AUG 2021 shall be permanently closed within 3 weeks of the new access referred to in condition 5 above becoming operational.

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

7. The existing vegetation on the site boundaries shall be retained in accordance with a scheme to be submitted and agreed at Reserved Matter stage. These boundaries shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of biodiversity.

8. All hard and soft landscape works shall be carried out in accordance with the plans as may be approved at Reserved Matters stage and the appropriate British Standard or other recognised Codes of Practice. The works shall include a native species hedge to be planted between the

proposed site and No 71 Anneeter Road and to the rear of the visibility splays as required by condition 5 above. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or plant dying within 5 years of planting shall be replaced in the same position with a similar size, species and type.

REASON: In the interests of visual amenity and biodiversity.

Signature(s)

Date:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0899/O	Target Date:
Proposal: Site for a dwelling & domestic garage based on policy CTY8	Location: Approx 15m North of 69 Anneeter Road, Coagh, Cookstown
Referral Route: Recommended refusal & 2no. Objection received	
Recommendation:	Refusal
Applicant Name and Address: Mr Charles Mallon 71 Anneeter Road Coagh Cookstown	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY1 and Policy CTY14. 2no. objections received considered below.	
Signature(s):	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DfI Roads - Enniskillen	Standing Advice
Statutory	DFI Roads - Enniskillen	

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

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits as depicted within the Cookstown Area Plan 2010. The settlement limit of Moortown is approx. 1.5km south of the site and Lough Neagh shore is approx. 200 metres to the north. The surrounding area is rural in character with the predominant land use being agricultural fields. However the surrounding area has undergone development pressure and there are a number of detached dwellings and outbuildings in the immediate locality. Directly adjacent to the northwest of the site is a shared laneway, which currently serves two dwellings. There are three further dwellings west of the site and a detached dwelling northeast of the site accessed via a laneway of approx. 80 metres directly adjacent to the east. The proposal site comprises an existing storey and a half, roadside dwelling with a detached garage and large outbuilding to the rear. The curtilage of the dwelling is large with a substantial garden area to the rear and side of the dwelling house. The site is currently accessed via a driveway directly onto Anneeter Road. The topography of the site is relatively flat. The boundaries of the site are well defined by established trees and vegetation and public views are limited/isolated given the mature trees to the front boundary.

Description of Proposal

This is an outline planning application for a dwelling and domestic garage at land approx. 15m North of 69 Anneeter Road, Coagh, Cookstown.

The dwelling is being applied for as a gap site under Planning Policy Statement 21, Policy CTY 8.

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
- 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, 2 objection letters were received, the details of which are outlined and considered below.

1. Objection letter received 1st September 2020 from Ms Colette McLernon. Ms C McLernon advises she was made aware of the application through a third party and had not received a letter or received notification from the agent/applicant on 25/03/20 as advised on the signed Certificate C of the P1 form. She queries when she would have received notification and given she had not received any correspondence from any party she wished to object to the planning application.
2. Objection letter received 7th September 2020 from Ms Geraldine McLernon. Ms G McLernon objects to the proposed access, which utilises her brother's private laneway and another brother's hedge for sightlines. She advises neither brother had received notification from the planning office or consultation with her brother who owns the laneway prior to submission.

The Planning (General Development Procedure) Order (Northern Ireland) 2015 places a legislative requirement to serve notice of an application to any identified occupier on neighbouring land. During the processing of this application, identified occupiers of neighbouring land were identified, checked and notified under the neighbour notification

scheme. Neighbour notification was carried out on 3rd September and then again on 12th December following the receipt of amended plans.

I note both objection letters advise the relevant landowner did not receive notice as stated and signed in Section 27 of the P1 Form. The second letter objects to the use of her brother's laneway and hedge for sightlines. Any planning permission granted does not confer title; the use of land for an access or sightlines is a land ownership issue outside the remit of planning and a civil matter between the relevant parties. The agent subsequently provided an amended plan and letter dated 13th October to address the objections. The letter advised that it was understanding that an agreement was in place between the two parties for the use of this laneway, however the site location plan was amended removing this laneway from the submission. The amended site location plan, Drawing 01 Rev 3, date stamped 16th November 2020 relocates the proposed access to within the applicant's ownership and the curtilage of No. 71 Anneeter Road.

History on Site

No relevant planning history.

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. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria.

The application has been submitted on the basis of an infill site in accordance with Policy CTY 8 - Ribbon Development of PPS 21. Considering the requirements of CTY 8, planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. 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.

When approaching the site from the west, the dwellings of No 73, No 71E and No 71D are in a line and sited on the roadside of Anneeter Road. The dwelling of No 71, which is located within the application site, is also included in this line and with road frontage onto Anneeter Road. I do not consider the private garden to the east of No 71 could be considered as a gap for the purpose of Policy CTY 8. When continuing from this approach, the dwelling of No 71B only comes into view when beyond No 71. No 71B

does not have a common frontage with the other dwellings, set back approximately 95.5 metres from the Anneeter Road. The curtilage of No 71B is defined by established vegetation and between the property and the roadside there is agricultural land. I do not consider No 71B benefits from visual linkage with the other dwellings to the west to be considered as part of a substantial and built up frontage for the purposes of satisfying Policy CTY 8. Equally, I do not consider the private garden to the rear of No 71 which currently occupies an outbuilding, could be considered as an infill exception under Policy CTY 8. I do not consider the rear garden is located within line of 3 or more buildings with common frontage on to Anneeter Road; or the shared laneway immediately west of the application site. An approval of this application would add to a ribbon of development and Policy CTY 8 is clear when it states that planning permission will be refused for a building which creates or adds to a ribbon of development.

Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all listed criteria is met. I am content that the site lies outside of a farm and consists of four or more buildings in which more than three of such are dwellings. Given the build-up of development, this cluster could be considered as a visual entity in the local landscape. It is also accepted, given this is an outline application, that the proposed dwelling could be sited and designed to ensure no adverse impact to residential amenity. However, the proposal is not bound on at least two sides with other development in the cluster. Furthermore, there does not appear to be a focal point in close proximity to the site nor is the site located at a cross-roads, failing this part of the policy. Therefore, it is considered the proposal would also fail under Policy CTY2a.

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. Given the existing, established vegetation to the boundaries of the site and the flat topography, I consider a dwelling and garage could be accommodated without appearing as an overly prominent feature in the landscape. Should permission be granted 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, 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, therefore contrary to Policy CTY 14.

PPS 3: Access, Movement and Parking

The original site location plan submitted sought access from the laneway immediately east of the application site. Following the receipt of objection letters, the access was amended to utilise the land within the existing curtilage of No 71. DfI Roads were consulted on the original access and responded raising no objections to the proposal subject to conditions. DfI Roads were consulted on 15/12/20, however it is noted their response is outstanding. Given the principle of development is not considered

acceptable, it was not considered necessary to await their response. However, should the Planning Committee consider the proposed development is acceptable and permission granted, the response of DfI Roads will be required and any the necessary vehicular access including visibility splays conditioned to any forthcoming approval.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having weighted up the above policy and material considerations I am of the opinion that this application should be recommended for refusal on the basis the proposal is contrary to Policy CTY1, CTY 8, CTY 2a and CTY 14.

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 CTY 8 Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.
3. The proposal is contrary to CTY 14 Rural Character of Planning Policy Statement 21 in that the development would further erode rural character adding to a ribbon of development.
4. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point or it is not located at a cross-roads.

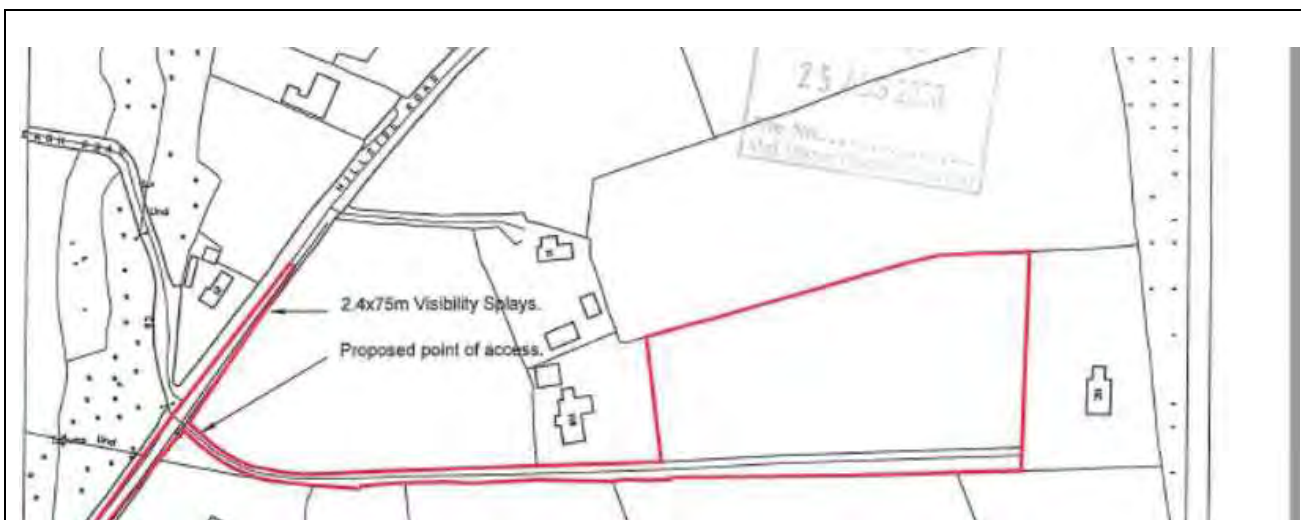
Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1027/F	Target Date:
Proposal: Proposed infill site for 2 dwellings and garages	Location: Between 11B and 11E Hillside Road Upperlands
Applicant Name and Address: Mr Danny Mc Master 103 Glen Road Maghera	Agent name and Address: CMI Planners 38 Airfield Road Toomebridge BT41 3SQ
Summary of Issues: Third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below. Following a deferral, further site visit and re-assessment the application does not comply with CTY1, CTY8, & CTY14.	
Characteristics of the Site and Area: The site is located between 11B & 11E and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is located along a agricultural type private lane, leading off the Hillside Road. This lane also appears to serve the dwelling at No11B and 11E. The site is larger agricultural field, the boundary to the north, east and west is comprised of mature vegetation and hedgerows and the boundary to the south is comprised of mature hedgerow and scattered trees. The elevation of the site rises from the road side.	
Description of Proposal This application seeks full planning permission for an infill site for two and garages dwelling	



Deferred Consideration:

Following a deferral a site visit was organised with members on 23 June 2021, in attendance were Cllr Mallaghan, Cllr Colvin and Cllr S McPeake along with the planning officers. The site and surrounding area were all visited.

The refusal reasons related to CTY1, CTY8 and CTY14. There are only two dwellings accessed off the laneway, No.11e is a large detached dwelling with no detached garage to the east of the site. To the west is No.11b is a single storey dwelling which has a shed/garage located to the direct NW of the house, these are not viewed as separate buildings as the photo below shows;



and so the shed cannot be relied on as a third separate building.

The agent had indicated at the last planning committee meeting there was another building in the garden of No.11b which could be counted as part of the built up frontage. On further inspection, this is a temporary building (see photo below) and not a permanent structure which could be used as part of the criteria to meet infilling under CTY8. It also was difficult to view from the road due to strong vegetation.



In addition to this, the gap remains too large to accommodate a gap sufficient to accommodate up to a maximum of two houses, as described in CTY8.

My opinion remains unchanged and I recommend refusal for the following reasons ;

Refusal 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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and the proposed gap site is not a 'small gap sufficient to accommodate up to a maximum of two houses' as described in CTY8 and if permitted would result in the creation of ribbon development.
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 the building would if permitted would create a ribbon of development and would result in a detrimental change to erode the rural character of the countryside.

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1027/F	Target Date:
Proposal: Proposed infill site for 2 dwelling and garages	Location: Between 11B & 11E Hillside Road, Upperlands.
Applicant Name and Address: Danny McMaster 103 Glen Road MAGHERA	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Summary of Issues: Following a deferral, further site visit and re-assessment the application does not comply with CTY1, CTY8, & CTY14.	
Characteristics of the Site and Area: The site is located between dwellings No.11B and 11E and is located outside the settlement limits and is within the rural countryside as defined in Magherafelt Area Plan 2015. It is currently an agricultural field. The site is accessed by an existing laneway which serves two existing dwellings off the Hillside Road. The northern, eastern and western boundaries are defined by mature vegetation and hedgerows and the southern boundary, along the access, is defined by mature hedging and scattered trees.	
Description of Proposal Full application for 2 infill dwellings and garages under CTY8.	

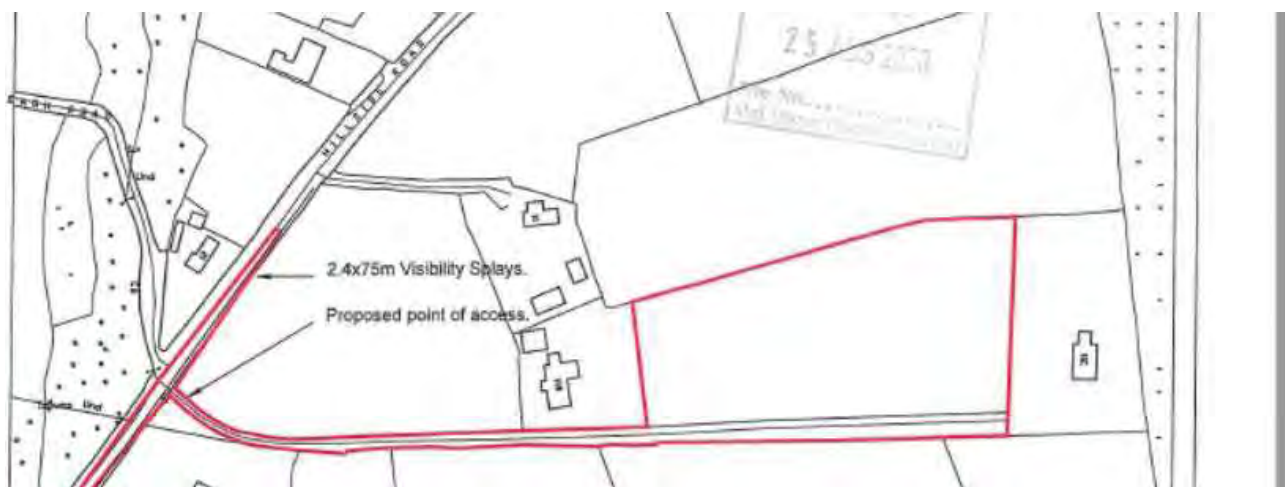
Deferred Consideration:

This application was presented as a refusal to Planning Committee in December 2020 for the following 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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and the proposed gap site is not a 'small gap sufficient to accommodate up to a maximum of two houses' as described in CTY8. If permitted would result in the addition of ribbon development.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the design is not appropriate to the surrounding area and would cause detrimental harm to the existing character of the area.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that; the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; and the building would if permitted add to a ribbon of development and would result in a detrimental change to further erode the rural character of the countryside.

It was subsequently deferred for an office meeting which was held on 10th Dec 2020 with the Area Planning Manager.

Following a site visit, assessing the proposal against the relevant policy CTY8, there is no substantial or continuous built up frontage of 3 or more buildings along this part of the Hillside Road. There are only 2 dwellings, 11B and 11E, which are accessed by the existing laneway, with No.11 being accessed directly off Hillside Road.



Policy CTY8 goes on to say that 'an exception will be permitted for the development of a

small gap sufficient to accommodate up to a maximum of two houses'. In this case the gap could not be considered 'small'. It would be capable of accommodating at least 3 dwellings while remaining in keeping with the existing plot sizes located adjacent to the site. The site frontage is 140m, with 11B (west) at 50m and 11E (east) at 56m, two sites at 70m would be out of keeping with the plot sizes, whereas 3 plots of 46.5m each could be accommodated.

It therefore fails to meet the criteria of CTY8 and it would create a of ribbon development in the area.

As this is a full application detailed drawings have been submitted and in terms of design, there are no issues in principle to the size, scale and finishes of the proposed dwellings. They are modest single storey houses and would have no detrimental impact on the existing dwellings in terms of overlooking or on privacy and amenity. Although they are have been positioned to front the laneway rather than the main road, I do not feel this would affect the existing character of the surrounding area so they would not be contrary to CTY13 in terms of their design.

The proposal is however contrary to Policy CTY 14, Rural Character of PPS 21. Permission for a building on this site would cause a detrimental change and further erode the rural character of the area. It would result in a suburban style build-up of development when viewed with the existing buildings and would add to a ribbon of development.

Objections were received from dwellings 11B and 11E Hillside Road. These stated the site did not meet the criteria for an infill and that No.11 does not use the existing laneway for access, issues over design and siting, traffic concerns and potential for ribbon development.

All comments have been fully considered and taken into account through the assessment and re-assessment of the proposal. DFI Roads were consulted and offered no objections.

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.

The proposal is recommended for refusal under CTY1, CTY8 and CTY14.

Refusal 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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial or built up frontage or line of

three or more buildings along a road frontage in this case and the proposed gap site is not a 'small gap sufficient to accommodate up to a maximum of two houses' as described in CTY8. If permitted it would result in the addition of ribbon development.

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 the building would if permitted would create a ribbon of development and would result in a detrimental change to erode the rural character of the countryside.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/12/2020	Item Number:
Application ID: LA09/2020/1027/F	Target Date: 08/12/2020
Proposal: Proposed infill site for 2 dwellings and garages	Location: Between 11B and 11E Hillside Road Upperlands
Referral Route: Refusal- contrary to PPS 21 Sustainable Development in the Countryside and objections have also been received.	
Recommendation:	
Applicant Name and Address: Mr Danny Mc Master 103 Glen Road Maghera	Agent Name and Address: CMI Planners 38 Airfield Road Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Historic Environment Division (HED)	Content

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

Third party representations were received during the assessment of this application (2No Objections) . All material considerations have been addressed within the determination below.

Characteristics of the Site and Area

The site is located between 11B & 11E and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is located along a agricultural type private lane, leading off the Hillside Road. This lane also appears to serve

On the basis of this assessment, the proposal does not comply with the policy requirements of the SPPS and PPS21 and therefore it is recommended that permission is refused.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Conditions/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.

2)The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and the proposed gap site is not ' a small gap site sufficient to accommodate up to a maximum of two houses' as described in CTY 8. If permitted, result in the addition of ribbon development and

3)The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, in that the design is not appropriate to the surrounding area and would cause detrimental harm to the existing character of the area.

4)The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
- the building would, if permitted add to a ribbon of development

and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s)

Date:

The Policy further stipulates in paragraph 5.33 that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

This application site is considered against the existing pattern of development to determine if it complies with this policy. However, there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and therefore this site is not believed to be suitable as an infill/gap site. There are two dwellings along this lane, 11B & 11E, No 11 is not accessed along this laneway, instead it is also accessed directly via the Hillside road. The applicant has shaded this and marked it as 'Site 4' on the drawing number 02 dated stamped 25th August 2020, however this can not be considered a potential site.

The other dwellings located along this laneway (11B & 11E) have various frontages not in line with the requirements of Policy CTY 1 & CTY 8. These two dwellings have frontages facing West whereas the proposed dwellings in this application have frontages which face north, towards the proposed garages with the rear facing south. There is no substantial or built up frontage or line of three or more buildings along a road frontage in this case. Also, it would add to ribbon development in the area.

Also, in terms of the application site itself, the Policy ^{CTM} ~~PPS~~ 8 states that 'an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses.' This site is a very large field, 1.25 hectares, which is capable of accommodating 3 or more dwellings and therefore fails to meet the criteria set out in this policy.

The proposal is also contrary to Policy CTY 13 as the design is not considered appropriate when viewed against the surrounding area. Changes were not requested at this time as it was being recommended for refusal based on other policy criteria,

The proposal is also contrary to Policy CTY 14, Rural Character of PPS 21. Permission for a building on this site would cause a detrimental change to or further erode the rural character of the area as it would cause an urban type sprawl of development. It would result in a suburban style build-up of development when viewed with the existing buildings and as previously mentioned it would add to a ribbon of development.

Objections

Two objections have been received in regard to this application. One from the occupiers of the dwelling at 11E and one from the occupiers of 11B. The objectors have raised concerns regarding issues of design and siting and the size of the site as well as the proposed dwellings. They have raised concerns that the proposal does not meet the Policy CTY8 and creates ribbon development in the area. The objectors have also raised issues over the expected increase of the volume of traffic on this private lane. It has also been highlighted that the dwelling at number 11, Hillside road has no access onto this private lane and instead is accessed via Hillside road directly. It is noted that DFI Roads were consulted on this application and were content subject to conditions. All of the issues raised have been taken into consideration.

Conclusion

Ref ID: H/2001/0536/O

Proposal: Site of dwelling and garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 30.10.2001

Ref ID: H/2007/0150/F

Proposal: Proposed change of house type and garage on previously approved site under planning application ref: H/2002/0120/F.

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 26.04.2007

Ref ID: H/1978/0444

Proposal: HV AND MV O/H LINE (BM 2443)

Address: UPPERLANDS AND KEADY, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2008/0272/F

Proposal: Proposed single storey side extension

Address: 15 Hillside Road, Upperlands

Decision:

Decision Date: 15.08.2008

Ref ID: H/2002/0120/F

Proposal: Dwelling & Garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 24.05.2002

Ref ID: H/2004/0554/O

Proposal: Site of dwelling

Address: 150m South East of 11 Hillside Road, Upperlands

Decision:

Decision Date: 22.12.2004

Ref ID: H/2003/0815/O

Proposal: Site Of Dwelling

Address: 70 Metres South East Of 11 Hillside Road, Upperlands

Decision:

Decision Date: 07.01.2005

ANNEX	
Date Valid	25th August 2020
Date First Advertised	8th September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Hillside Road Upperlands Londonderry Orla Lagan 11 Hillside Road, Upperlands, Londonderry, BT46 5SD The Owner/Occupier, 11b Hillside Road Upperlands Bernard & Donna Mellon 11b Hillside Road, Upperlands, Londonderry, BT46 5SD The Owner/Occupier, 11e Hillside Road Upperlands Michael Kearney 11e Hillside Road, Upperlands, Londonderry, BT46 5SD The Owner/Occupier, 12 Hillside Road Upperlands Londonderry The Owner/Occupier, 13 Hillside Road Upperlands Londonderry The Owner/Occupier, 15 Hillside Road Upperlands Londonderry	
Date of Last Neighbour Notification	25th September 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1027/F Proposal: Proposed infill site for 2 dwellings and garages Address: Between 11B and 11E Hillside Road, Upperlands, Decision: Decision Date: Ref ID: H/2007/0177/RM Proposal: Proposed dwelling and garage Address: 150m S.E. of No. 11 Hillside Road, Upperlands Decision: Decision Date: 19.07.2007	

the dwelling at No11B and 11E. The site is larger agricultural field, the boundary to the north, east and west is comprised of mature vegetation and hedgerows and the boundary to the south is comprised of mature hedgerow and scattered trees. The elevation of the site rises from the roadside.

Description of Proposal

This application seeks outline planning permission for an infill site for two and garages dwelling

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

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

- 1) Strategic Planning Policy Statement (SPPS)
- 2) Magherafelt Area Plan, 2015
- 3) PPS21 -Sustainable Development in the Countryside

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 remain applicable in terms of assessing the acceptability of the proposal.

Planning History

There is no planning history relevant to the determination of this application.

Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, 2No third party objections were received.

Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that 'an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage 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'. A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

Ref ID: LA09/2020/1027/F

Proposal: Proposed infill site for 2 dwellings and garages

Address: Between 11B and 11E Hillside Road, Upperlands,

Decision:

Decision Date:

Ref ID: H/2007/0177/RM

Proposal: Proposed dwelling and garage

Address: 150m S.E. of No. 11 Hillside Road, Upperlands

Decision:

Decision Date: 19.07.2007

Ref ID: H/2001/0536/O

Proposal: Site of dwelling and garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 30.10.2001

Ref ID: H/2007/0150/F

Proposal: Proposed change of house type and garage on previously approved site under planning application ref: H/2002/0120/F.

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 26.04.2007

Ref ID: H/1978/0444

Proposal: HV AND MV O/H LINE (BM 2443)

Address: UPPERLANDS AND KEADY, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2008/0272/F

Proposal: Proposed single storey side extension

Address: 15 Hillside Road, Upperlands

Decision:

Decision Date: 15.08.2008

Ref ID: H/2002/0120/F

Proposal: Dwelling & Garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 24.05.2002

Ref ID: H/2004/0554/O
Proposal: Site of dwelling
Address: 150m South East of 11 Hillside Road, Upperlands
Decision:
Decision Date: 22.12.2004

Ref ID: H/2003/0815/O
Proposal: Site Of Dwelling
Address: 70 Metres South East Of 11 Hillside Road, Upperlands
Decision:
Decision Date: 07.01.2005

Ref ID: LA09/2020/1027/F
Proposal: Proposed infill site for 2 dwellings and garages
Address: Between 11B and 11E Hillside Road, Upperlands,
Decision:
Decision Date:

Ref ID: H/2007/0177/RM
Proposal: Proposed dwelling and garage
Address: 150m S.E. of No. 11 Hillside Road, Upperlands
Decision:
Decision Date: 19.07.2007

Ref ID: H/2001/0536/O
Proposal: Site of dwelling and garage
Address: Adjacent to 11 Hillside Road, Upperlands
Decision:
Decision Date: 30.10.2001

Ref ID: H/2007/0150/F
Proposal: Proposed change of house type and garage on previously approved site under planning application ref: H/2002/0120/F.
Address: Adjacent to 11 Hillside Road, Upperlands
Decision:
Decision Date: 26.04.2007

Ref ID: H/1978/0444
Proposal: HV AND MV O/H LINE (BM 2443)
Address: UPPERLANDS AND KEADY, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/2008/0272/F
 Proposal: Proposed single storey side extension
 Address: 15 Hillside Road, Upperlands
 Decision:
 Decision Date: 15.08.2008

Ref ID: H/2002/0120/F
 Proposal: Dwelling & Garage
 Address: Adjacent to 11 Hillside Road, Upperlands
 Decision:
 Decision Date: 24.05.2002

Ref ID: H/2004/0554/O
 Proposal: Site of dwelling
 Address: 150m South East of 11 Hillside Road, Upperlands
 Decision:
 Decision Date: 22.12.2004

Ref ID: H/2003/0815/O
 Proposal: Site Of Dwelling
 Address: 70 Metres South East Of 11 Hillside Road, Upperlands
 Decision:
 Decision Date: 07.01.2005

Summary of Consultee Responses

HED - Content
 Ni Water - no objection
 DFI Roads- Content subject to conditions

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 06
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 02
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 01

Type: Site Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1093/F	Target Date: <add date>
Proposal: Proposed Agricultural general purpose storage shed for agricultural plant & Machinery	Location: Adjacent to 68 Lurgylea Road Dungannon BT70 2NY
Applicant Name and Address: James Gerard McElroy 68 Lurgylea Road Dungannon	Agent name and Address: Paul McMahon Cottage Studios Gortrush Great Northern Road Omagh BT78 5EJ
Summary of Issues: Whether or not the building is needed for the efficient use of the farm and if the farm is active and established.	
Summary of Consultee Responses: DEARA – farm business id allocated May 2016 DFI Roads – no details about traffic using the lane	
Characteristics of the Site and Area: This application site is located adjacent to No 68 Lurgylea Road, approximately half a kilometre north of Cappagh village. It is located in the countryside as is identified in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area comprises a winding network of narrow roads which traverse the undulating elevated countryside. Dwellings are dispersed along the roadside or laneways of farm holdings. The site is a square plot cut out of a larger agricultural field which extends to the north, east and west. It sits 10 metres west of No 68 Lurgylea Road, a 2 storey dwelling which is accessed via a	

laneway approximately 300 metres from the roadside. The application site is slightly elevated above this part of the Lurgeylea Road and to the north of the site at a more elevated position is another laneway off the Lurgeylea Road which leads to a quarry. The access laneway is bound by a 1 metre high close board fence in front of No 68 and post and wire fence for the remainder with hedgerow along the eastern boundary of the lane.

The site is undefined on the ground except for the eastern boundary which defines the curtilage of No 68. Here a close board fence defines this boundary as the land rises to the north. Adjacent to it and within the curtilage of the dwelling is a small shed. Alongside this this and within the site at a higher level is a lorry container which appears to be utilised for storage. A small section of the site including this container is fenced off from the rest of the site by post and wire fence.

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

This application seeks full planning permission for a Proposed Agricultural general purpose storage shed for agricultural plant & Machinery on land Adjacent to 68 Lurgylea Road, Dungannon.

Initially the building was proposed measuring 15 metres long, 10 metres wide and with a ridge height of 5.1 metres FGL. The front elevation which faces eastwards towards the dwelling had an access door in the centre with 2 green roller shutter doors either side measuring 2.9 metres high and 3.5 metres wide. The gables facing north and south had no openings and there was 1 roller shutter door on the rear western elevation. An amended plan has been submitted which shows the building reduced in size to 13.0m x 8.0m with a ridge height of 4.95m. There is now only one roller door on each side and a pedestrian door facing towards the dwelling. It is proposed to be finished with dark green cladding to the upper ½ of the walls and roof and smooth render to the lower ½ of the walls.

Deferred Consideration:

This application was before the Planning Committee in June 2021 where it was deferred for a meeting with the Planning Manager. Before the meeting the agent provided an amended plan to reduce the footprint of the building by 46sqm and the height by 0.6m. At the meeting it was explained the applicants mother transferred the farm to the applicant and there are 2 brothers who farm. The applicants brother, Eugene, has been farming his own land and under his own business ID and this is not a subdivision of the farm. DEARA have confirmed the business ID was allocated in May 2016, this is 7 months short of the 6 years that is required for a farm to be established in the policy. Additional information has been submitted in support of the application to show works were being carried out on the land and that farming activity was on-going before May 2016, it was also confirmed the applicant keeps sheep in the winter and cattle in the summer.

The following information has been submitted for consideration in respect of the agricultural activities :

February 2014 – invoice to Gerard McElroy for hedge cutting carried out

May 2015 – invoice to Gerry McIlroy for cement and gate items

July 2015 – invoice to Gerry McElroy for fertiliser

August 2015- invoice to Gerard McElroy for digger work for drainage of lands
January 2016 – invoice to Gerry McElroy for assortment of items for gates
May 2021 – invoice to Gerry McElroy for piping
May 2021 – invoice to Gerard McElroy for purchase of 6 cattle

Members will be aware the definition of agricultural activity includes keeping the land in good agricultural and environmental condition. The cutting of the hedges and the fertilising of the land does, in my view, constitute keeping the land in good agricultural and environmental condition. The applicant has to demonstrate that he has been active for 6 years and so the critical date for consideration is now in and around October 2015. These invoices date back to 2014 and there are a number in 2015 which I have no reason to doubt they are for agricultural related activities and goods. On balance I am content the applicant has been farming for the required 6 year period and is an established farmer. The invoice for the cattle in May 2021 indicates that Mr McElroy has recently purchased livestock, as has been advised that he does every year and as such I consider the farm business is currently active. I am content this is an active and established farm business, for the purposes of Policy CTY12. The previous report has already considered the other criteria for a farm building. It is noted there are no other farm buildings associated with Mr McElroy's farm and he proposes to cluster with his dwelling and other domestic buildings here. As there are no other buildings and I also noted a number of machines kept outside, I have no doubt keeping these machines under cover and being able to work on them out of the elements would provide a significant health and safety benefit to the applicant. On this basis I am content that this application meets the exceptional test contained in CTY12 and may be approved with a condition that it is only used for agricultural purposes.

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

In light of all of the above and the previous considerations I recommend this application is approved.

Conditions/Reasons for Refusal:

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 agricultural purposes

Reason: To prevent unacceptable uses in the countryside.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

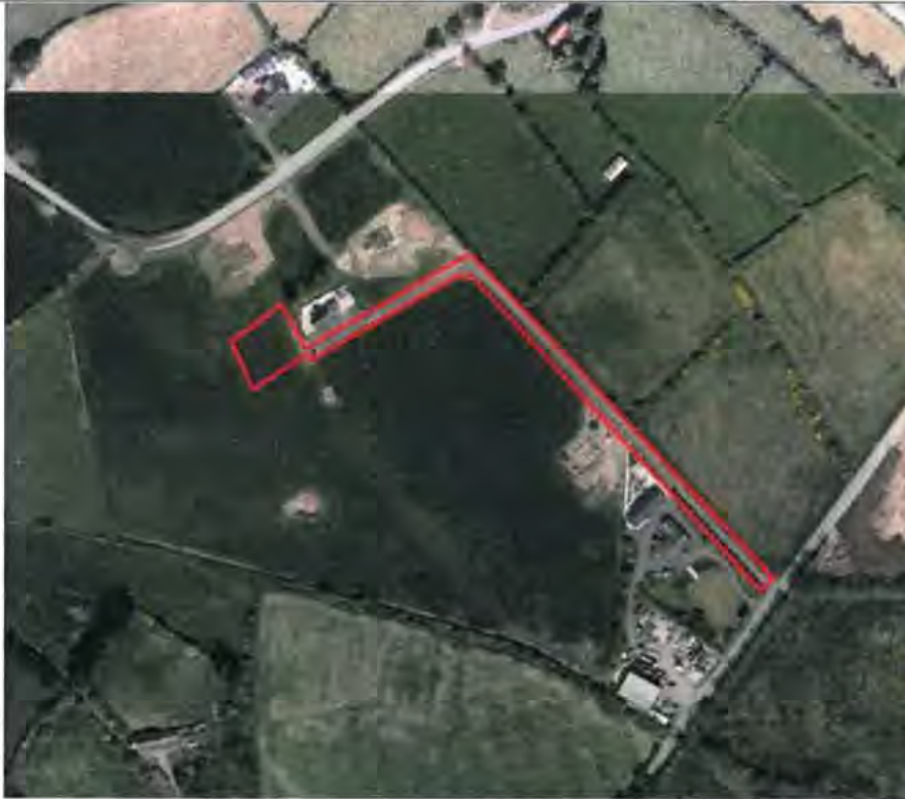
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1093/F	Target Date:
Proposal: Proposed Agricultural general purpose storage shed for agricultural plant & Machinery	Location: Adjacent to 68 Lurgylea Road Dungannon BT70 2NY
Referral Route: This proposal fails to meet the fundamental prerequisite of CTY 12 in PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: James Gerard McElroy 68 Lurgylea Road Dungannon	Agent Name and Address: Paul McMahon Cottage Studios Gortrush Great Northern Road Omagh BT78 5EJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DAERA - Omagh	Advice
Statutory	DFI Roads - Enniskillen Office	Standing 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

Summary of Issues

Characteristics of the Site and Area

This application site is located adjacent to No 68 Lurgeylea Road, approximately half a kilometre north of Cappagh village. It is located in the countryside as is identified in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area comprises a winding network of narrow roads which traverse the undulating elevated countryside. Dwellings are dispersed along the roadside or laneways of farm holdings.

The site is a square plot cut out of a larger agricultural field which extends to the north, east and west. It sits 10 metres west of No 68 Lurgylea Road, a 2 storey dwelling which is accessed via a laneway approximately 300 metres from the roadside. The application site is slightly elevated above this part of the Lurgylea Road and to the north of the site at a more elevated position is another laneway off the Lurgylea Road which leads to a quarry. The access laneway is bound by a 1 metre high close board fence in front of No 68 and post and wire fence for the remainder with hedgerow along the eastern boundary of the lane.

The site is undefined on the ground except for the eastern boundary which defines the curtilage of No 68. Here a close board fence defines this boundary as the land rises to the north. Adjacent to it and within the curtilage of the dwelling is a small shed. Alongside this and within the site at a higher level is a lorry container which appears to be utilised for storage. A small section of the site including this container is fenced off from the rest of the site by post and wire fence.

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

This application seeks full planning permission for a Proposed Agricultural general purpose storage shed for agricultural plant & Machinery on land Adjacent to 68 Lurgylea Road, Dungannon.

It measures 15 metres long, 10 metres wide and has a ridge height of 5.1 metres FGL. The front elevation which faces eastwards towards the dwelling has an access door in the centre with 2 green roller shutter doors either side measuring 2.9 metres high and 3.5 metres wide. The gables facing north and south have no openings and there is 1 roller shutter door on the rear western elevation.

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

The Strategic Planning Policy Statement (SPPS) published in September gives provision for Agriculture and Forestry Development, subject to a number of policy provisions. As it does not present any change in policy direction with regards to this type of development, the prevailing policies are applicable.

As this application site is located in the rural countryside, outside of any designated settlement development limit identified in DSTAP, the relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered acceptable in the countryside and Policy CTY 12 Agricultural and Forestry Development states that planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal conforms to a number of criteria.

Firstly it must be determined the applicant has an established agricultural farm or forestry holding and is active prior to assessing if it satisfies all the stated criteria. Therefore it is necessary to first consider if the farm business is both active and if it has been established for more than the required period of 6 years.

The applicant submitted a DARD Farm Map which had a farm business ID number on it and details of the applicant's Sheep Herd Register information.

The Department for Agriculture, Environment and Rural Affairs (DAERA) confirms that the applicant's Business ID number was established on 03/05/2016 and claims were made in 2019 and 2020. This demonstrates the farm holding falls short of the 6 years requirement.

The agent was requested to provide evidence of farm business activity and why this proposal was essential for the efficient running of the farm business. Two invoices were provided, one for hedge cutting in February 2014 and another for digger work in August 2015. A Sheep Herd Register was submitted as part of this application, however there was no information provided as to the number of livestock the applicant has and they were not visible on the applicant's land.

The applicant's farm holding comprises a total of 4.79 hectares all of which surround this application site. It appears there are 3 sites which at a time would have been encompassed within this field which is the only parcel of land owned and farmed by this applicant. Foundations appear to have been laid for these 3 individual dwellings which may insinuate that development has commenced.

Although it has been demonstrated this proposal fails to meet the fundamental criteria of this policy, for the benefit of the Members I will continue to assess this proposal against the subordinate criteria of Policy CTY 12.

- The proposed development is necessary for the businesses efficient use;

In justification for this agricultural shed, the agent provided information stating it was necessary as there are no buildings on the farm. The applicant's plant and machinery are sitting outside and thus this building is required to securely store them.

It was noted during the site visit there were numerous plant and machinery scattered around the surrounding land, however I am not convinced the said machinery is for the efficient use of this applicant's farm holding which is not of a medium or large scale. Neither have I been convinced this proposal is necessary for the efficient running of a farm holding of this size and nature, notwithstanding the issues of length of establishment and activity as discussed above.

- in terms of character and scale it is appropriate to its location;

This shed would have a footprint of 150 metres squared and a ridge height of 5.1 metres FGL. It is typical of an agricultural building and I am satisfied the scale and design of this proposal is appropriate in this area.

- it visually integrates into the local landscape and additional landscaping is provided as necessary;

This shed would read with the farm dwelling however there are no boundaries natural boundaries to enclose this building. As this building is set back well from the road and the elevated land beyond it to the north of the site would provide a backdrop, thus adding its integration into the surrounding area.

- it will not have an adverse impact on the natural or built heritage; and

No built or natural heritage interests have been identified on or in close proximity of the site have been identified which may to be impacted by this proposal.

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

Due to the positioning of this shed at adjacent to the applicant's dwelling and at the end of a private laneway, I am satisfied there are no occupied dwellings in close proximity to the proposal and therefore it will not result in detrimental impact on residential amenity.

CTY 12 goes on to state that in cases where a new building is proposed, as is the case here, applicants will also need to provide sufficient information to confirm all of the following:

- the applicant has no buildings on the holding that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm buildings.

I am content, based on the information submitted, there are no buildings on the applicant's farm holding and therefore none to site the shed beside. The materials proposed are typical of an agricultural building and are therefore suitable and acceptable on this application site.

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed. It is considered the design and materials of this proposed agricultural shed are typically traditional to farm buildings and are acceptable in that respect. The backdrop provided by the elevated land aids its integration into the locality without detrimental impact.

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. I have no concerns regarding the siting of this agricultural shed as it is the first building on the farm holding and of a design typical of the surrounding area.

Consultations and Representations

The applicant has indicated in the application form they propose to utilise an existing access onto the Lurgylea Road. DFI Roads were consulted on this application and they requested the applicant submit amended drawings showing the visibility splays of 2.4 metres by 60 metres in both directions and a forward sight distance of 60 metres. They stated the hedge/fence line needs to be moved back in order to provide the 2.4 metre X-distance and their assessment was based on up to 60 vehicles per day as Q 25 in the P1 form was not fully completed. The amended drawings showing the visibility splays were submitted and Q27 of the P1 form was amended to include Certificate C. DFI Roads were reconsulted and clarity as to whether the machinery to be stored in the proposed shed relates to current farm activities or activities not associated with the applicant's farm. This issue could be controlled by a condition attached to any approval restricting the use of the building solely to the storage of the applicant's farm plant/machinery.

This application was advertised in the local press and one neighbour was notified, in line with the Council's statutory duty. No objections were received for this application.

I have no concerns about any significant detrimental impacts in terms of neighbour amenity including, overshadowing, dominance or privacy concerns as the shed is to be sited adjacent to the applicant's dwelling, of which he is the registered owner of the farm business this agricultural shed is applied for. It is also a reasonable distance away from any other neighbouring properties. A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the criterion set out in PPS 21, this proposal fails to meet the fundamental prerequisite of CTY 12 on which the subsequent criteria are to be assessed against. It has not been demonstrated the applicant's farm holding is active and has been established 6 years or more, therefore refusal is recommended.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 12 of PPS 21 in that it has not been demonstrated the farm business associated with this application is active and established over 6 years.

Signature(s)**Date:**

Hughes
26/5/21

ANNEX	
Date Valid	10th September 2020
Date First Advertised	22nd September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 68A Lurgylea Road, Galbally Dungannon, Tyrone,BT70 2NY	
Date of Last Neighbour Notification	15th October 2020
Date of EIA Determination	
ES Requested	No
Planning History	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Site Layout or Block 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: LA09/2020/1119/0	Target Date:
Proposal: Dwelling and Garage.	Location: 10m West of 44 Ballyscullion Road Bellaghy
Applicant Name and Address: Mr Brian Milne 44 Ballyscullion Road Bellaghy	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge
Summary of Issues: Following the deferral of the above application, and a further site visit, refusal is recommended as previously. CTY8 has also been added as a refusal reason.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located within the rural countryside, approx. 0.4km east of settlement limits of Bellaghy. The site is part of a larger agricultural field. The land is flat and bounded on the east and southern boundaries by existing hedges. The northern and western boundaries are currently undefined. The surrounding area is mainly characterised by agricultural and residential buildings.	



Description of Proposal

The applicant seeks outline planning approval for a dwelling and garage

Deferred Consideration:

This application was presented as a refusal to Planning Committee in Feb 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 CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the existing cluster of development is not associated with a focal point and the site does not provide a suitable degree of enclosure and is not bounded on at least 2 sides with other development in the cluster.
3. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings.

It was subsequently deferred for a virtual office meeting with the Area Planning Manager and a meeting was held on 11/02/2021.

It was agreed the site would be re-visited to consider Ballyscullion House and its cottages as a potential focal point in terms of CTY2a. The Wolfe Tones GAC had been previously put forward as the associated focal point.



Following a site visit I would be of the opinion that Ballyscullion House and its associated grounds, walls and cottages (blue circle on map) are too physically far removed from the site (blue arrow) to be considered as a focal point associated with the existing cluster of development as the site cannot be viewed along with any part of it.

The GAC grounds (blue star on map) to the west of the site lies partly in the settlement limits of Bellaghy, with the football pitches outside it located in the countryside. As stated this had been initially relied on by agent as a focal point, and I would be in agreement with the original case officer that given the distance between this and the site and due to the topography of the land there is a lack of visual linkage, the cluster of development is not associated with the GAA grounds and could not be relied on as a focal point.

Therefore the proposal fails to meet this criteria of policy CTY2a, as the cluster is not located at a crossroads or associated with a focal point.

Another of the criteria of CTY2a which the site fails on is that it is not bounded on two sides with other development in the cluster. The site has a dwelling located adjacent to the east, with no development to the west or north. To the south there is a dwelling but it is separated from the site by the Ballyscullion Road. Given this the site is not bound on two sides as is required by this part of the criteria.

In terms of CTY14, a dwelling here would result in a suburban style build-up of development when viewed with existing and approved buildings.

In addition, a dwelling on this site would add to a ribbon of development to the 3 dwellings to the east along this part of Ballyscullion Road, which would remain contrary to CTY8.

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 commenced at 10am on 25th March and was to run for 8 weeks. Due to issues faced with COVID19 this period has been extended and closed at 5pm on 24th September 2020. 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 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 CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the existing cluster of development is not associated with a focal point and the site does not provide a suitable degree of enclosure and is not bounded on at least 2 sides with other development in the cluster.
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on the proposed site would add to an existing ribbon of development along this part of Ballyscullion Road.
4. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings.

Signature(s):**Date**

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1119/O	Target Date:
Proposal: Proposed domestic dwelling and garage in a cluster	Location: 10m West of 44 Ballyscullion Road Bellaghy
Referral Route: Refusal- Contrary to Policies CTY1, CTY2a and CTY14 of PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Mr Brian Milne 44 Ballyscullion Road Bellaghy	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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

Contrary to Policies CTY1, CTY2a and CTY14 of PPS 21

Characteristics of the Site and Area

The site is located within the open countryside, approximately 0.4km east of the settlement limits of Bellaghy as per the Magherafelt Area Plan 2015. The red line of the application site consists of part of a larger agricultural field which is flat in nature with the site bounded on the east and southern boundaries with existing hedges along these sides. The northern and western boundaries are currently undefined and expand into the larger agricultural field. The surrounding area is mainly agricultural with a build up of single houses located to the east of the site.

Description of Proposal

This is an outline planning application for a proposed domestic dwelling and garage in a cluster.

Planning Assessment of Policy and Other Material Considerations

The Magherafelt Area Plan identifies the site as being outside any defined settlement limits, located east of Bellaghy settlement limit. There are no other specific designations or zonings.

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy

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

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

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

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

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

I am content that the application site is located within an existing cluster that lies outside of a farm and consists of four or more buildings, which at least three are dwellings. I would contend that the proposed site is located at the edge of an existing cluster, which is located to the east of the site as shown on image 1 below.



Image 2: View from the site towards GAA grounds

From this, the proposal fails to meet this policy criteria of CTY2a.

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

The application site has a dwelling located adjacent to the red line being No.44 Ballyscullion Road, there is no development to the north and west of the site. Another dwelling is located directly south of the dwelling but is separated by the Ballyscullion Road. Given the fact that the site is not bounded to the South with the dwelling, rather the road separates the site from the dwelling I do not believe the site 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.*

As previously mentioned I believe the proposed application site is located within an existing cluster albeit, at the edge of the cluster. From this I am content that a dwelling here could be absorbed into the existing cluster through rounding off and a well-designed dwelling would not visually intrude into the open countryside. I do not believe a dwelling would significantly alter the existing character of the area given the existing development in the area.

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

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

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



Image 1: Site location plan showing extent of existing cluster

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

Whilst travelling along the Ballyscullion Road it is clear that the cluster appears as a visually entity in the local landscape, with most dwellings sharing a road frontage onto the Ballyscullion Road.

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

The agent contends that the cluster of development is associated with Wolfe Tones GAC that is partly located within the settlement limits of Bellaghy, with the playing field located within the open countryside. However, I am not of the opinion that the cluster of development is associated with the GAA club given the distance between the site and the lack of visual linkage between the two. The GAA grounds are located approximately 300m west of the application site, but given the topography of the land, the GAA grounds are not visually linked to the site or the cluster of development. The image below is taken from site, facing towards Bellaghy GAA grounds, which are not visible from the site.

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been submitted. However, I am content a well designed dwelling at this location would not be a prominent feature in the landscape would 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 a detrimental change to, or further erode the rural character of an area. As the proposal cannot meet the policy criteria set out in Policy CTY2a, I believe any dwelling approved here would therefore result in a suburban style build-up of development when viewed with existing and approved buildings. I also be of the opinion that a dwelling located here which fails to comply with Policy CTY2a would add to a ribbon of development along the Ballyscullion Road as there is already a row of three dwellings immediately east of the site and a dwelling approved here would add to this. As there is no gap to be filled, it could not be considered an exception to policy CTY8. As a result, the proposal fails to meet the policy criteria of CTY14.

PPS 3- Access, Movement and Parking:

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

Other Material Considerations

The Mid Ulster District Council Local Development Plan 2030 -Draft Plan Strategy: was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues faced with COVID19, this period has been extended and closed at 5pm on 24th September 2020. In light of this, the draft plan cannot currently be given any determining weight.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the existing cluster of development is not

associated with a focal point and the site does not provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster.

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings.

Signature(s)

Date:

ANNEX	
Date Valid	16th September 2020
Date First Advertised	29th September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 44 Ballyscullion Road Bellaghy Londonderry The Owner/Occupier, 47 Ballyscullion Road Bellaghy Londonderry The Owner/Occupier, 48 Ballyscullion Road Bellaghy Londonderry	
Date of Last Neighbour Notification	6th October 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1119/O Proposal: Proposed domestic dwelling and garage in a cluster Address: 10m West of 44 Ballyscullion Road, Bellaghy, Decision: Decision Date: Ref ID: H/2009/0177/F Proposal: Proposed Sun Room to East of dwelling Address: 44 Ballyscullion Road, Bellaghy Decision: Decision Date: 01.06.2009	
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: LA09/2020/1217/F	Target Date:
Proposal: Proposed 2 dwellings with domestic garage (amended scheme)	Location: Immediately adjacent to 12 Station Road Moneymore
Applicant Name and Address: Cherrybrook Developments Ltd 80 Fivemilestraight Maghera	Agent name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Summary of Issues: No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below and an approval is now being recommended.	
Characteristics of the Site and Area: The site is located immediately adjacent to 12 Station Road, Moneymore and is located just within the designated settlement limits as defined in the Cookstown Area Plan, 2010. The site is triangular shaped and is located adjacent to a row of large detached dwellings along Station Road and there are also large detached dwellings directly opposite the application site. The roadside boundary of the site is well screened with existing vegetation, and the remaining boundaries are fairly well screened with vegetation. The elevation of the site is relatively flat.	
Description of Proposal This application seeks planning permission for 2No dwellings (semi-detached) dwellings with domestic garage.	

Deferred Consideration:

This application was presented as a refusal in April 2021 for the following reason;

1. The proposal is contrary to Planning Policy Statement (PPS) 7 Quality Residential Environments and Addendum to PPS7 - safeguarding the character of established residential areas and DES2. The proposed development does not respect the surrounding context and is not appropriate to the character of the area or the site in terms of layout, scale, proportions, massing and appearance, nor does it respect the pattern of development on this part of Station Road, Moneymore.

It was subsequently deferred for a virtual office meeting which was held with the Area Planning Manager on 22nd April 2021. The agent advised a revised scheme with semi-detached dwellings has been submitted and the Area manager said this will now be re-considered by the senior officer.

The new scheme now reads as one dwelling on the site, rather than two large separate detached units. This layout (shown below) much more in keeping with the existing character of the area. The finish has changed from red brick to render, which is more sympathetic to the character of this part of Station Road. In my opinion this is an acceptable proposal for the site. There is no detrimental impact on neighbours and none have objected.



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

Conditions-

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

2. The vehicular access (es), including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02/02 bearing the date stamp 27 July 2021, prior to the (commencement/occupation/operation) of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1217/F	Target Date:
Proposal: Proposed 2 dwellings (semi detached) with domestic garage	Location: Immediately adjacent to 12 Station Road Moneymore
Referral Route: Committee - Refusal	
Recommendation:	
Applicant Name and Address: Cherrybrook Developments Ltd 80 Fivemilestraight Maghera	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	



Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	DFI Roads - Enniskillen Office	Consulted in Error
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Standing 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

Summary of Issues

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below

Characteristics of the Site and Area

The site is located immediately adjacent to 12 Station Road, Moneymore and is located just within the designated settlement limits as defined in the Cookstown Area Plan, 2010.

The site is triangular shaped and is located adjacent to a row of large detached dwellings along Station Road and there are also large detached dwellings directly opposite the application site. The roadside boundary of the site is well screened with existing vegetation, and the remaining boundaries are fairly well screened with vegetation. The elevation of the site is relatively flat.

Description of Proposal

This application seeks planning permission for 2 No dwellings (semi detached) dwellings with domestic garage.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS)
2. Cookstown Area Plan, 2010
3. Planning Policy Statement (PPS) 3 - Access, Movement and Parking
4. Planning Policy Statement (PPS) 7 - Quality Residential Environments
5. Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas

Supplementary planning guidance:

Creating Places -Achieving Quality in Residential Developments

Planning Strategy for Rural Northern Ireland

Planning History

There is no planning history relevant to the determination of this application

Representations

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

Assessment

Principle of Development

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

The 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.

The Cookstown Area Plan, 2010 identifies the site as being located within the development limits. The application is for 2 No dwellings (semi detached) with domestic garage. Under Policy QD1 of PPS7- planning permission will only be granted for new residential developments where it is demonstrated that the proposal will create a quality and sustainable residential area. The design

and layout of residential development should be based on overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In terms of QD1 of PPS7, Proposals are expected to meet the following criteria:

- (a) The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- (b) Features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;
- (c) Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;
- (d) Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
- (e) A movement pattern is provided which supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;
- (f) Adequate and appropriate provision is made for parking;
- (g) The design of the development draws upon the best local traditions of form, materials and detailing;
- (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light overshadowing, noise or other disturbance;
- (i) The development is designed to deter crime and promote personal safety

In terms of LC1 of PPS7 Addendum: Safe guarding the Character of Established Residential Areas, Proposals are expected to meet the following criteria:

- a) The proposed density is not significantly higher than that found in the established residential area
- b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area: and
- c) All dwelling units and apartments are built to a size not less than those set out in Annex A.

The proposal is for 2 no. dwellings (semi detached) and a domestic garage. This is not in keeping with the surrounding area in terms of appearance, scale, massing and proportion and is completely out of character with the existing streetscene. The adjacent properties along Station road (N0 6, 8, 10 and 12) are all large detached dwellings, single storey and some with attic conversions. Each of these individual dwellings are set on plots of similar size to this application site. The dwellings on the opposite side of the road are also mainly large detached properties either single storey or a storey and a half. The pattern of development is not in keeping with the overall character of the established residential area. As shown in the photographs below:



The proposal is also not in keeping with Policy DES 2 of the Planning strategy for Rural Northern Ireland, as it adversely affects the townscape quality and character of the street pattern.

The material finishes proposed for the dwellings as indicated on drawing No 03, date stamped 05.10.2020, are not in keeping with the existing appearance of the area. The proposal fails to meet this criteria of QD 1PPS 7 and PPS & Addendum: Safeguarding the Character of Established Residential Areas, and clearly represents overdevelopment on this site.

HED were consulted on this application and responded to say that HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy

There is limited private open space within the site, with garden areas to the rear, while the rear garden for dwelling 1 is sufficient, the rear garden for the dwelling 2 is limited due to the triangular shape of the site.

As the proposal is for 2 No dwellings it is considered that it would be unnecessary to provide additional neighbourhood facilities due to the size and scale of the proposal. The proposal would not significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

The proposal seeks to construct a new access to a public road. Transport NI were consulted on the application and were satisfied subject to conditions. The site is connected to a wider road network and it is not considered necessary to ask the developer to provide additional neighbourhood facilities.

I find that the proposal incorporates sufficient space around the curtilage of the proposed site for the parking and turning of cars. I consider that adequate provision has been made for the provision of in-curtilage parking on the site.

The form, materials and detailing are not considered to be in context with the surrounding existing properties and are therefore not in keeping with the area.

I consider that the proposed dwellings are sited a reasonable distance away from any neighbouring properties. The application site is fairly well screened and however the existing hedgerows on the roadside boundary would have to be removed in order to provide the adequate visibility splays. The proposal is overdevelopment of the site and I do consider that it will cause any detrimental impact on neighbouring amenity.

The proposal is on the edge of the settlement limits of Moneymore and I have no reason to believe that there would be any reasons why crime or personal safety would be an issue on this site.

Other considerations

The site is not subject to flooding and there are no contamination or human health issues to consider.

Discussions were had with the agent regarding the application and I offered the possibility of amending the application to one dwelling which would be acceptable, however he said the applicant wanted 2 dwellings on the site. The agent submitted a proposal for two detached dwellings for consideration. After discussions with the Planning Manager he agreed that it was still overdevelopment of the site is only suitable for one dwelling. A planning statement in support of the application was then submitted by the agent.

Conclusion

In conclusion the proposed development is considered to be contrary to the criteria of policy objectives of the Area Plan, PPS7, PPS 7 addendum safe guarding the character of established residential areas, Policy DES 2 and PPS3, and accordingly is recommended for refusal

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended

Reasons for Refusal:

1.The proposal is contrary to Planning Policy Statement (PPS) 7 - Quality Residential Environments and Planning Policy statement (PPS) 7 Addendum – safeguarding the character of established residential areas and Policy DES 2. The proposed development does not respect the surrounding context and is not appropriate to the character of the area or the site in terms of layout, scale, proportions, massing and appearance, nor does it respect the pattern of development on this part of Station Road, Moneymore.

Signature(s)

Date:

ANNEX	
Date Valid	5th October 2020
Date First Advertised	20th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Station Road, Money more, Londonderry, BT45 7RA The Owner/Occupier, 11 Station Road Money more Londonderry The Owner/Occupier, 12 Station Road Money more Londonderry The Owner/Occupier, 13 Station Road Money more Londonderry The Owner/Occupier, 22 Station Road Money more Londonderry	
Date of Last Neighbour Notification	18th November 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1098/O Proposal: Proposed new dwelling Address: Immediately adjacent to 12 Station Road Money more, Decision: PG Decision Date: 13.04.2018 Ref ID: LA09/2020/1217/F Proposal: Proposed 2 dwellings (semi detached) with domestic garage Address: Immediately adjacent to 12 Station Road, Money more, Decision: Decision Date: Ref ID: I/1997/0396 Proposal: Housing Development Address: TURN AFACE ROAD MONEY MORE Decision: Decision Date:	

Ref ID: I/1976/0189 Proposal: 3 NO SUBSIDY BUNGALOWS Address: STATION ROAD, MONEYMORE Decision: Decision Date:
Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. Type: Status: Submitted Drawing No. Type: Status: Submitted Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 03 Type: Proposed Plans Status: Submitted
Notification to Department (if relevant)
Date of Notification to Department: Response of Department:



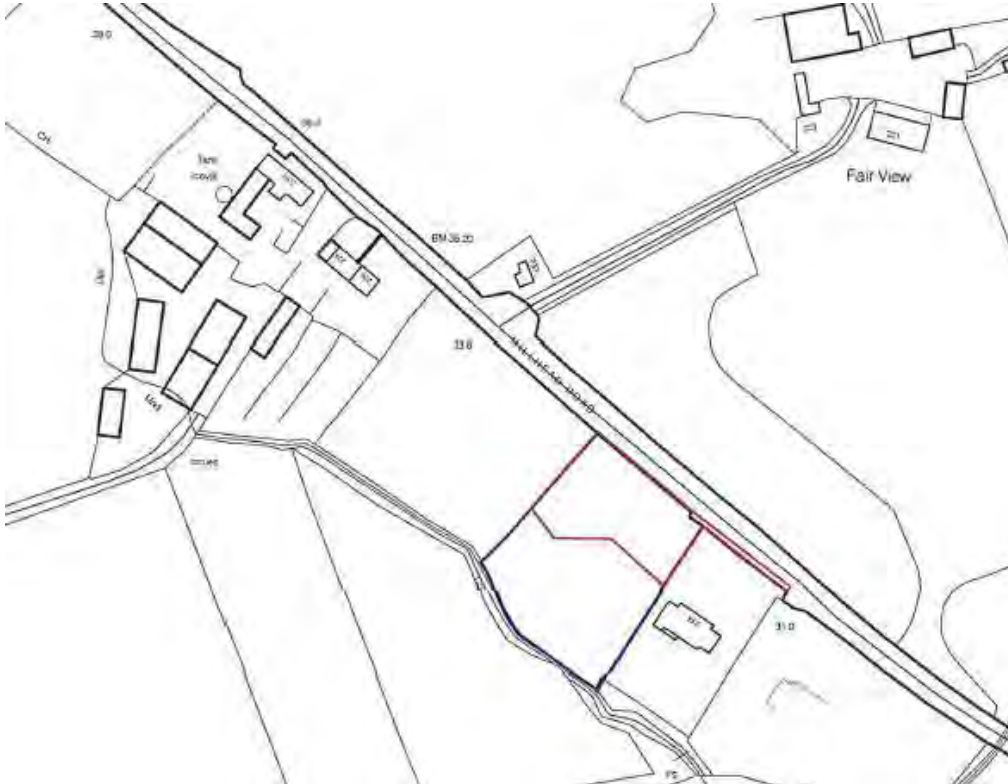
Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1225/O	Target Date:
Proposal: Proposed infill dwelling	Location: Land adjacent to 214 Hillhead Castledawson Magherafelt
Applicant Name and Address: Jim Mc Pherson 6 Lissadell Drive Magherafelt	Agent name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Summary of Issues: No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located adjacent to 214 Hillhead Road, Castledawson, Magherafelt. and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is a large agricultural field, the boundary to the north-east and is comprised of mature vegetation and hedgerows and the boundary to the southwest cuts through the centre of the field and is undefined. The roadside boundary is comprised of mature hedgerow and scattered trees and the south eastern boundary consists of a wooden fence approx 1.0 metre in height and laurel hedgerow on the neighbour's side. The elevation of the site is relatively flat and sites slightly lower than Hillhead road.	

Moyola Forest is to the south of the application site and Moyola river runs along the south to south west.

Description of Proposal

Proposed infill dwelling



Deferred Consideration:

The application was presented to Committee in Feb 2021 as a refusal for the following 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.
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, result in the creation of ribbon development along Hillhead 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 create or add to a ribbon of development; and would therefore result in a detrimental change to further erode the rural character of the countryside.

Subsequently it was deferred for a virtual office meeting which was held with the Area Planning Manager on 11th Feb 2021. It was agreed a further site visit and re-assessment would be carried out by the senior planner.

Since the deferral, a full application has been submitted for an offsite replacement for No.224 (shown in green) under LA09/2021/0464/F. It will be sited to the rear of this semi-detached property which is to be retained, however the new dwelling will not share a common frontage and so does not aid in providing the continuously and substantially built up frontage that is required under CTY8.



The agent also advised due to potential flooding issues to the rear, a dwelling would be sited to the front of the field due to this restriction and it would most likely be of linear form, ensuring it would remain in keeping with the existing character. Although this may be the case, it remains the gap is too large and so the principle of the policy is not being met.

An exception will only be permitted for the development of a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage, which respects the pattern of development in terms of size, scale and plot size.

There is one dwelling on the south eastern side, No. 214 Hillhead Road, with another almost fully constructed. On the other side of the application site is a large agricultural field with no dwellings or buildings then there is a semi-detached property (No.224 & 228) and attached shed, then attached dwelling No. 230. Based on existing plot sizes, I am still of the opinion the gap is too large to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and therefore this site is not believed to be suitable as an infill/gap site in line with CTY8. In this case it would also add

to ribbon development in the area. I would consider this an important visual break in the landscape and as such it should be developed.

The proposal is also contrary to Policy CTY 14, Rural Character of PPS 21. Permission for a dwelling on this site would cause a detrimental change to or further erode the rural character of the area and as previously mentioned it would add to a ribbon of development.

Refusal is therefore recommended for the reasons stated.

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

Refusal 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.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and would, if permitted, result in the creation of ribbon development along Hillhead 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 create a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s):


Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1225/O	Target Date:
Proposal: Proposed infill dwelling , in area of average plot size of 44m road frontage	Location: Land adjacent to 214 Hillhead Castledawson Magherafelt
Referral Route: Committee - Refusal	
Recommendation:	
Applicant Name and Address: Jim Mc Pherson 6 Lissadell Drive Magherafelt	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
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		
<p>No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below.</p>		
Characteristics of the Site and Area		
<p>The site is located adjacent to 214 Hillhead Road, Castledawson, Magherafelt and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is a large agricultural field, the boundary to the north-east and is comprised of mature vegetation and hedgerow's and the boundary to the southwest cuts through the centre of the field and is undefined. The roadside boundary is comprised of mature hedgerow and scattered trees and the south eastern boundary consists of a wooden fence approx 1.0 metre in height and laurel hedgerow on the neighbours side. The elevation of the site is relatively flat and sites slightly lower than Hillhead road. Moyola Forest is to the south of the application site and Moyola river runs along the south to south west.</p>		
Description of Proposal		
<p>Proposed infill dwelling</p>		

Planning Assessment of Policy and Other Material Considerations

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

- 1) Strategic Planning Policy Statement (SPPS)
- 2) Magherafelt Area Plan, 2015
- 3) PPS21 -Sustainable Development in the Countryside

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 remain applicable in terms of assessing the acceptability of the proposal.

Planning History

There is no planning history relevant to the determination of this application.

Representations

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

Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that 'an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage 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'. A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

The Policy further stipulates in paragraph 5.33 that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

This application site is considered against the existing pattern of development to determine if it complies with this policy. However, there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and therefore this site is not believed to be suitable as an infill/gap site. There is one dwelling on the south eastern side, No 214 Hillhead road, however on the other side of the application site is a large agricultural field with no dwellings or buildings. Therefore, there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and it would add to ribbon development in the area.

Also, in terms of the application site itself, the Policy PPS 8 states that 'an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses.' Following discussion with the Planning Manager it was agreed that the gap site was too large and therefore fails to meet the criteria set out in this policy.

The proposal is also contrary to Policy CTY 14, Rural Character of PPS 21. Permission for a building on this site would cause a detrimental change to or further erode the rural character of the area and as previously mentioned it would add to a ribbon of development.

Conclusion

On the basis of this assessment, the proposal does not comply with the policy requirements of the SPPS and PPS21 and therefore it is recommended that permission is refused.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal- Contrary to Policy PPS21

Conditions/Reasons for Refusal:

Refusal 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.

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, result in the creation of ribbon development along Hillhead 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 create or add to a ribbon of development;

and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	6th October 2020
Date First Advertised	20th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 214 Hillhead Road Castledawson Londonderry The Owner/Occupier, 233 Hillhead Road Castledawson Londonderry	
Date of Last Neighbour Notification	18th November 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1225/O Proposal: Proposed infill dwelling , in area of average plot size of 44m road frontage Address: Land adjacent to 214 Hillhead , Castledawson, Magherafelt, Decision: Decision Date: Ref ID: H/1986/0040 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 67 BELLSHILL ROAD, CASTLEDAWSON Decision: Decision Date: Ref ID: H/1988/0011 Proposal: SITE OF DWELLING Address: 100M SE OF 244 HILLHEAD ROAD CASTLEDAWSON Decision: Decision Date: Ref ID: H/2001/0809/O Proposal: Site of Dwelling. Address: Site Adjacent To 214 Hillhead Road, Castledawson. Decision:	

Decision Date: 20.03.2003 Ref ID: H/1989/0566 Proposal: DWELLING WITH GARAGE Address: HILLHEAD ROAD CASTLEDAWSON Decision: Decision Date:
Summary of Consultee Responses
Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 01
Type: Site Location Plan
Status: Submitted

Drawing No. 02
Type: Site Layout or Block 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: LA09/2020/1317/0	Target Date:
Proposal: Dwelling and Garage.	Location: Lands between 17-19a Drumrot Road Moneymore
Applicant Name and Address: Miss Z McClintock 17 Drumrot Road Moneymore BT45 7QH	Agent name and Address: 5050 Architecture 3a Keldon Court 17 Linenhall Street Limavady
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located approximately 2.5km south of the development limits of Moneymore, from such the site is located in the open countryside as per defined by the Cookstown Area Plan 2010. I note that the site is identified as lands between 17 and 19a Drumrot Road, Moneymore, in which the red line covers a grassed area bounded by post and wire fencing. The intention is use an 'existing laneway' to access the site, overgrown vegetation has recently been removed and the 'laneway' is rough ground, with trees lining one side and hedging on the other side. The immediate and surrounding area are predominately agricultural land uses with a scattering of residential dwellings.	
Description of Proposal The applicant seeks outline planning approval for a dwelling and garage.	

Deferred Consideration:

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

Refusal 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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation ribbon development along the Drumrot Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

It was subsequently deferred for a virtual office meeting with the Area Planning Manager and a meeting was held on 11/02/2021. It was agreed the site would be re-visited in order to re-assess the proposal and DFI Roads be re-consulted for comments.



The laneway to be used, looking towards Drumrot Road.

As the photo above shows, the overgrown vegetation was cut back since the original case officer's site visit, who at that time had found it difficult to establish where and if the laneway actually existed.

An objector at No.19 advised the access has not been used for a long period and if brought back to use would result in accesses surrounding their home increasing noise levels. Following a site visit and receipt of the objection letter, DFI Roads were consulted. They replied on 26th March 2021 they are satisfied the access shown can be achieved within the DCAN 15 guidelines and attached conditions without prejudice.



If it is now accepted the laneway exists, still only the two agricultural buildings would front on to it. Dwellings No.17 and No.19 both share a common frontage to Drumrot Road and not to the laneway, which is a dead end.

No.19a to the south, uses a different laneway from the other buildings and also has no common frontage on to the laneway.

Therefore, in terms of CTY8 I consider there is no substantial and continuously built up frontage which includes a line of 3 or more buildings along a common road frontage in order to comply with this policy. A dwelling here also would result in creation of ribbon development.

Furthermore CTY14 states permission will only be granted where a building will not erode the existing character of the rural area. If a dwelling was to be built here, it would create a ribbon of development and therefore result in a detrimental change to the rural character of the countryside along this part of Drumrot Road, and so contrary to policy.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at 10am on 25th March and was to run for 8 weeks. Due to issues faced with COVID19 this period has been extended and closed at 5pm on 24th September 2020. 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 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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial and continuously built up frontage including a line of 3 or more buildings along a common road frontage and the proposal would, if permitted, result in the creation ribbon development along this part of the Drumrot Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s):

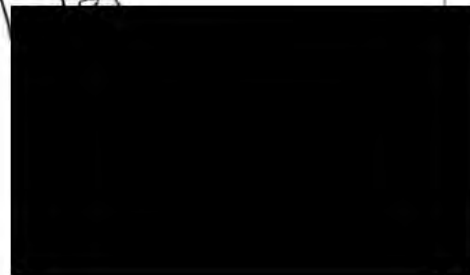
Date

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1317/O	Target Date:
Proposal: Proposed site for dwelling and garage	Location: Lands between 17-19a Drumrot Road Moneymore
Referral Route: To Committee – Refusal – Contrary to CTY 1, 8 and 14 of PPS 21.	
Recommendation:	
Applicant Name and Address: Miss Z McClintock 17 Drumrot Road Moneymore BT45 7QH	Agent Name and Address: 5050 Architecture 3a Keldon Court 17 Linenhall Street Limavady BT49 0HQ
Executive Summary: Refusal	
Signature(s): Peter Henry	

*For committee
decision*

20/10/20



Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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, 8 and 14 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 2.5km south of the development limits of Moneymore, from such the site is located in the open countryside as per defined by the Cookstown Area Plan 2010. I note that the site is identified as lands between 17 and 19a Drumrot Road, Moneymore, in which the red line covers a grassed area bounded by post and wire fencing. I note that currently on the site sits an unauthorised mobile home. I note that the intention to use an 'existing laneway' to access the site however this laneway was overgrown and difficult to find. I note that the immediate and surrounding area are predominately agricultural land uses with a scattering of residential dwellings.

Representations

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

Description of Proposal

This is an outline application for the proposed site for dwelling and garage, the site is located Lands between 17-19a Drumrot Road, Moneymore.

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.

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 - Ribbon Development

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

The application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Cookstown Area Plan 2010. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

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

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

With regards to the continuous and built up frontage, I note that the agent has confirmed that the use of the existing laneway with Nos. 17 and 19a Drumrot Road and an outbuilding constituting as the three buildings. I note from the aerial maps it was difficult to determine if there was an existing laneway, as shown below;



I note that upon the site visit that the identified 'existing laneway' was all overgrown and was difficult to determine that it was ever a laneway at all as shown below;



From such, it is difficult to determine if there is even a continuous line of built up frontage along a common frontage in the first instance. Taking consideration that this may be an existing laneway I would still have doubts over the continuous line of development; in that, I am content that the two outbuildings would front onto this 'laneway'. However, I would argue that both No. 17 and 19a both share a frontage onto the Drumrot Road and not the 'laneway' therefore would not be able to comply with this part of the policy. In terms of the gap, and despite the issue over the laneway and built up frontage I would be content that the site would be able to accommodate a modest sized dwelling and no more than two dwellings as per policy. From such, I am of the opinion the proposal would fail under CTY 8.

I note that no other policy considerations have been put forward, in that it cannot be constituted as a cluster as there is no focal point, nor is there a building to be replaced or converted. Nor is the site in a dispersed rural community, nor is the site for social

housing or has there been personal and domestic circumstances provided. Finally, there has been no farm case nor non-agricultural business enterprise.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore no design details have been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. I note that as much of the existing landscaping should be retained as possible and supplemented with additional landscaping where necessary. Therefore a landscaping scheme will be required in any 'Reserved Matters' application. Finally given the site, landform and surrounding development I feel it necessary to restrict the ridge height to be no more than 7.5m above finished floor level. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not appear prominent in the landscape wherein it will still be able to respect the pattern of development in the area. I note that a dwelling in this location would read as part of the group of buildings around it but as stated it has failed under CTY 8 in that it creates a ribbon of development. Therefore this application also fails under CTY 14 given the change in character it will cause.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and in their response confirmed that they were content subject conditions and informatives.

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.

I have no flooding or residential amenity concerns.

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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation ribbon development along the Drumrot Road.

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

Signature(s)



Date: 20/1/21

ANNEX	
Date Valid	22nd October 2020
Date First Advertised	3rd November 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 19 Drumrot Road Moneymore Londonderry The Owner/Occupier, 19a Drumrot Road Moneymore	
Date of Last Neighbour Notification	19th November 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1317/O Proposal: Proposed site for dwelling and garage Address: Lands between 17-19a Drumrot Road, Moneymore, Decision: Decision Date: Ref ID: I/2007/0526/F Proposal: Proposed variation of condition no 4 of approval I/2006/0061/O to enable a ridge height extension of 7.5m Address: 100m South of 19 Drumrot Road, Moneymore Decision: Decision Date: 16.11.2007 Ref ID: I/2009/0241/RM Proposal: New two storey dwelling with garage Address: 100m South of 19 Drumrot Road Moneymore Co L'Derry BT45 7QH Decision: Decision Date: 18.06.2009 Ref ID: I/2010/0107/F Proposal: Change of house type and garage to previously approved I/2009/0241/RM Address: 100m south of 19 Drumroth Road, Moneymore, Co L'Derry, BT45 7QH Decision: Decision Date: 20.04.2010	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1394/O	Target Date: <add date>
Proposal: Proposed dwelling on a farm	Location: Site between 112 & 118 Ardboe Road Moortown Cookstown
Applicant Name and Address: Mr Rauri Donnelly & Ms Aimee O'Neill 115 Battery Road Coagh BT80 0HW	Agent Name and Address: Gibson Design & Build 25 Ballyinderry Bridge Road Coagh BT80 0BR
Summary of Issues: This application did not meet infill policy, it has been reassessed as a dwelling on a farm and meets this policy. Objections relating to road safety have been taken into account and amendments to the access lane have been proposed.	
Summary of Consultee Responses: DFI Roads - sight lines of 2.4m x 80.0m and 80.0m forward sight lines to be provided where access lane meets public road, Roads are unable to consider issues associated with the internal layout of the lane.	
Characteristics of the Site and Area: The site is located within the open countryside, outside of any settlement limits as defined by the Cookstown Area Plan 2010. The red line of the application site includes an existing laneway that is used to access 116, 118 and 118A Ardboe Road, with the main part of the site being part of a larger agricultural field. The site is located approximately 140m back from the Ardboe Road, with the southern and eastern boundaries of the site defined by an existing hedgerow. A hedgerow separates the site from a vacant dwelling with associated outbuildings located to the west. The northern boundary is undefined and extends into a larger agricultural field. The immediate area is a mix of residential properties with a	

dwelling to the west and a number of other dwellings to the east and southeast. The wider surrounding area is agricultural with single dwellings located throughout.

Description of Proposal

This is an outline application for a proposed dwelling on a farm between 112 & 118 Ardboe Road, Moortown, Cookstown.

Deferred Consideration:

This application was previously assessed as an infill dwelling and was before the Planning Committee in March 2021 where it was deferred for a meeting with the Planning Manager. At the meeting there were discussions around the potential for this to be considered as a dwelling in a cluster due to the close proximity of the Auld Cross Bar and it was explained there may be a farming case here also. Following a further site inspection it was not consider this would meet the clustering policy as it there were no visual linkages or association with the Old Cross Bar and the site which is in a very dispersed development pattern. Additional information was submitted in relation to a dwelling on a farm under Policy CTY10.

Members are aware there are 3 criteria for a dwelling in a farm that must be met. A farm business ID was provided for a farm which has 29.94ha, DEARA have advised this farm business ID was allocated in 2013 and the business number changed in 2019 but was a continuation of a previous business. DEARA advise the business ID is currently active and has been established for over 6 years, which meets criteria a of the policy. A search of the farm maps shows all the land is outside any settlement limits and there have not been any applications approved for any dwellings on the land. The business Id number was also checked against applications and none were returned as associated with the number. I am content that no sites have been approved or sold off from the land within the last 10 years and criteria b is met. Criteria c requires any new dwelling to be visually linked or sited to cluster with an established group of building on the farm and where practicable should be accessed off an existing lane.



Site viewed from public road identified with red arrow, existing buildings on farm behind the vegetation identified with blue arrow

To the immediate west of the site, in a very well screened and mature site, is an existing vacant bungalow, a hay barn and some outbuildings. These buildings are accessed off a

separate lane and it has been indicated these are associated with this farm business. Members will be aware that in the amplification of Policy CTY10, it takes account of sites where existing landscaping either reduces or prevents the visual linkages from being made, and explains it is still acceptable to site beside them. I consider this is appropriate in this case due to the vegetation that is around the existing buildings. The proposed dwelling will be accessed off an existing lane that already serves 3 houses. I consider the proposal meets all the criteria set out in CTY10. I consider it is appropriate to condition the dwelling to 7.5m ridge height to ensure it is not prominent when viewed from the public road.

Objections:

Objections have been received about the use of the private lane to access the dwelling when there is an existing lane that could be used. DFI Roads had also advised the access is substandard where it meets the public road. Amended plans have been provided that include the lands necessary to improve the access to an acceptable standard and DFI Roads have no concerns provided the access is improved to provide sight lines of 2.4m x 80.0m with an 80.0m forward sight distance. This can be conditioned to be carried out prior to the commencement of any development on the site. DFI Roads have advised they do not comment on the safety issues regarding internal layout of the lane. This is a private lane, it is concreted and well maintained. Access onto the lane for this site is proposed adjacent to the driveways for 2 existing houses at the end of the lane. The access will require the removal of some of the hedge. Taking into account the guidance set out in DCAN15, there is every possibility that any new access here will be able to meet the minimum standard for a safe access of 2.0m x 33.0m onto the laneway. This would, in my view be appropriate as I do not consider any reasonable driver would travel at speed in excess of 25mph on this single track, short and narrow lane. Rights of way and issues of access onto the lane are private matters between the parties, however if this access is used then it will provide a safer access at the road for all the lane users.

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

As I have concluded the proposal meets with the policy for a dwelling on a farm and that road safety matters can be dealt with, I recommend that planning permission is granted with the conditions set out below.

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

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

3. Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.4m x 80.0m in both directions and forward sight distance of 80.0m where the access meets the public road and 2.0m x 33.0m where the access meets the private lane shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

4. The dwelling hereby approved shall have a ridge height not exceeding 7.5m above finished floor level and the underbuilding shall not exceed 0.45m above finished ground level.

Reason: In the interests of visual amenity and to ensure the development integrates into the landscape.

5. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the site identified in red on the approved plan ref 01/1 date stamped 26-APR-2021. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity and to ensure the development integrates into the landscape.

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: LA09/2020/1394/O	Target Date:
Proposal: Proposed dwelling on infill site	Location: Site between 112 & 118 Ardboe Road Moortown Cookstown
Referral Route: Contrary to Policy Objection received	
Recommendation:	Refusal
Applicant Name and Address: Mr Rauri Donnelly & Ms Aimee O'Neill 115 Battery Road Coagh BT80 0HW	Agent Name and Address: Gibson Design & Build 25 Ballyinderry Bridge Road Coagh BT80 0BR
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

Letters of Support	2
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Contrary to CTY 1, 2a, 8 and 14 of PPS 21 and contrary to PPS 3.

One objection has been received at the time of writing. In summary, the objector raised concerns over road safety, specifically relating to the proposed access lane. However, this is not an adopted road.

Characteristics of the Site and Area

The site is located within the open countryside, outside of any settlement limits as defined by the Cookstown Area Plan 2010. The red line of the application site includes an existing laneway that is used to access 116, 118 and 118A Ardboe Road, with the main part of the site being part of a larger agricultural field. The site is located approximately 140m back from the Ardboe Road, with the southern and eastern boundaries of the site defined by an existing hedgerow. A hedgerow separates the site from a vacant dwelling with associated outbuildings located to the west. The northern

boundary is undefined and extends into a larger agricultural field. The immediate area is a mix of residential properties with a dwelling to the west and a number of other dwellings to the east and southeast. The wider surrounding area is agricultural with single dwellings located throughout.

Description of Proposal

This is an outline application for a proposed dwelling on an infill site between 112 & 118 Ardboe Road, Moortown, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21- Development in the Countryside

PPS 3- Access, Movement and Parking

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

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

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided it respects the existing development pattern along the frontage in terms of size, scale, sitting 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.

I am content that the size of the proposed site is sufficient to accommodate a dwelling. However, given the pattern of development along the laneway, the site does not represent a gap site, as it is not located along a built up frontage. The laneway used runs north east and does not continue along the front of the proposed application site, therefore cannot be considered a substantial and built up frontage.

I do not believe the site represents a gap in an otherwise substantial and continuously built up frontage therefore, fails to meet the policy criteria of CTY 8.

Although the application description states the proposal is for an infill, the application can also be assessed under Policy CTY2a- New dwellings in existing clusters. However, the site does not meet all the policy criteria required. I am content there is a cluster of development at this location, which consists of four or more buildings, of which at least three are dwellings. However, the dwelling to the west appears to be a farm dwelling and outbuildings, although it appears to be a vacant building.

I am content that the cluster appears as a visual entity in the landscape. However, the cluster of development is not associated with a focal point such as a social or community building/facility or at a cross roads, so fails to meet this policy criteria.

I am content that the site provides a suitable degree of enclosure and is bounded on the east and west with existing development within the cluster and that the site can be absorbed into the existing cluster through rounding off.

I do not believe a dwelling at this location would adversely impact on residential amenity. However, as the proposal does not meet all the criteria listed above, it fails to meet the policy requirements of CTY2a.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that the dwelling proposed would not be a prominent feature in the landscape. The site has existing boundaries on east, south and western boundaries. The site does lack established boundaries to the north and will require additional planting and screening at this side. I am content that the proposal meets the criteria of CTY 13, as it would blend in with the existing character of the area given the number of dwellings at this location.

Policy CTY 14 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I believe the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings, as there is no gap site to fill, it would also add to a ribbon of development in the area. As a result, this would erode the rural character of the area, as the proposal cannot be considered as part of a cluster or an infill opportunity. I do not believe the impact of ancillary works would damage the rural character of the area.

Other Material Considerations

DfI Roads have been consulted and responded requesting amended plans to show the visibility splays of 2.4m x 80m. No amended plans have been received to date and they have not been requested at this stage, as the proposal is going forward as a refusal. In its current form the proposal is contrary to PPS 3: Access, Movement, and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

<p>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.</p>	
Neighbour Notification Checked	Yes/No
<p>Summary of Recommendation:</p> <p>Refusal</p>	
<p>Reasons for Refusal:</p> <p>The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable development in the countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not located within an existing cluster of development that is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.</p> <p>The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage.</p> <p>The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings.</p> <p>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.</p>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	9th November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 112 Ardboe Road, Cookstown, Tyrone, BT80 0HU The Owner/Occupier, 116 Ardboe Road, Cookstown, Tyrone, BT80 0HU Ann Gilligan 118 Ardboe Road, Cookstown, Tyrone, BT80 0HU The Owner/Occupier, 118 Ardboe Road, Cookstown, Tyrone, BT80 0HU The Owner/Occupier, 118a ,Ardboe Road, Cookstown, Tyrone, BT80 0HU Brian ONeill 119 Ardboe Road Cookstown Tyrone Aimee ONeill 119 Ardboe Road, Cookstown, Tyrone, BT80 0HU The Owner/Occupier, 120 Ardboe Road Cookstown Tyrone The Owner/Occupier, 123 Ardboe Road, Cookstown, Tyrone, BT80 0HU	
Date of Last Neighbour Notification	2nd December 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1394/O Proposal: Proposed dwelling on infill site Address: Site between 112 & 118 Ardboe Road, Moortown, Cookstown, Decision: Decision Date: Ref ID: I/1985/0148 Proposal: DWELLING Address: SESSIAGH, COAGH Decision: Decision Date:	

Ref ID: I/1985/014801
Proposal: DWELLING HOUSE
Address: SESSIAGH, COAGH
Decision:
Decision Date:

Ref ID: I/1996/0506
Proposal: Extension to dwelling
Address: 120 ARDBOE ROAD, COAGH
Decision:
Decision Date:

Ref ID: I/2005/1460/F
Proposal: Proposed extension to dwelling.
Address: 120 Ardboe Road, Sessia, Cookstown.
Decision:
Decision Date: 07.02.2006

Ref ID: I/2004/0144/O
Proposal: Proposed site for dwelling (Ridge Height 6.5 Metres) and domestic garage.
Address: 40 Metres North of No 118 Ardboe Road, Coagh.
Decision:
Decision Date: 19.04.2004

Ref ID: I/2006/0921/RM
Proposal: Proposed Site for Dwelling (ridge height 6.5mts) + Domestic Garage
Address: 45m mEast of No. 118 Ardboe Road - Coagh
Decision:
Decision Date: 15.01.2007

Ref ID: I/2004/1214/O
Proposal: Proposed site for dwelling (ridge height 6.5) and domestic garage.
Address: 45Mts east of No 118 Ardboe Road, Coagh.
Decision:
Decision Date: 16.12.2004

Ref ID: I/2004/1079/F
Proposal: Proposed site for dwelling (ridge height 6.5mts) & domestic garage
Address: 40mts North of No 118 Ardboe Road, Coagh
Decision:
Decision Date: 20.12.2004

Ref ID: I/1997/0084
 Proposal: Replacement Dwelling
 Address: 118 ARDBOE ROAD COAGH CO TYRONE
 Decision:
 Decision Date:

Ref ID: I/2007/0152/F
 Proposal: Proposed replacement dwelling.
 Address: 116 Ardboe Road, Moortown.
 Decision:
 Decision Date: 15.05.2007

Ref ID: I/1982/0140
 Proposal: ERECTION OF BUNGALOW
 Address: SESSIA, COAGH, COOKSTOWN
 Decision:
 Decision Date:

Ref ID: I/1982/014001
 Proposal: ERECTION OF BUNGALOW
 Address: SESSIA, COAGH, COOKSTOWN
 Decision:
 Decision Date:

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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0103/F	Target Date: <add date>
Proposal: Permission to complete dwelling already commenced. Planning Reference I/2006/0905/RM	Location: 20m West of 24 Annahavil Road Dungannon
Applicant Name and Address: Miss Lyn Somerville 15 Annahavil Road Dungannon	Agent Name and Address: Noel Somerville Building Services Ltd 110 Skeagh Road Dromara Dromore BT25 2PZ
Summary of Issues: This application was for a change of house type on a site that could not demonstrate that it was lawfully commenced. The proposal has now been amended to erect the dwelling that was previously approved, the foundations have been put in place as well as the access, albeit only recently.	
Summary of Consultee Responses: None carried out.	
Characteristics of the Site and Area: The site is outside any settlement limits as defined in the Cookstown Area Plan 2010. The surrounding area is predominantly rural in character with agricultural fields, dispersed single dwellings and farm complexes. There is minimal development pressure for single dwellings along this stretch of public road. There are two dwellings which abut the eastern boundary of the site and across the road is an associated family farm holding. The application site is a portion of an existing agricultural field and is positioned behind a hump in the field. There are foundations in place at the site from planning approval I/2006/0905/RM. Along the west boundary is a watercourse and a post and wire fence,	

and along the northern boundary is a hedgerow. The roadside boundary has a row of established hedgerow

Description of Proposal

This application is seeking planning permission to complete the dwelling already commenced as approved by planning reference I/2006/0905/RM.

Deferred Consideration:

This application was before the Planning Committee in July 2021, it was proposed to change the design of the dwelling that had been approved under Reference I/2006/0905/RM, however due to the access not having been put in place at the time of the development the applicant was unable to satisfy the requirement for a lawful start. The application was deferred to allow a meeting and further discussion with the Planning Manager.

At the meeting with the Planning Manager there was discussion about reverting back to the previously approved development on the site and having the application changed to allow consideration of that. Amended details were submitted to seek permission to continue building the house that was approved under I/2006/0905/RM. The revised scheme has been advertised and neighbours notified about it.

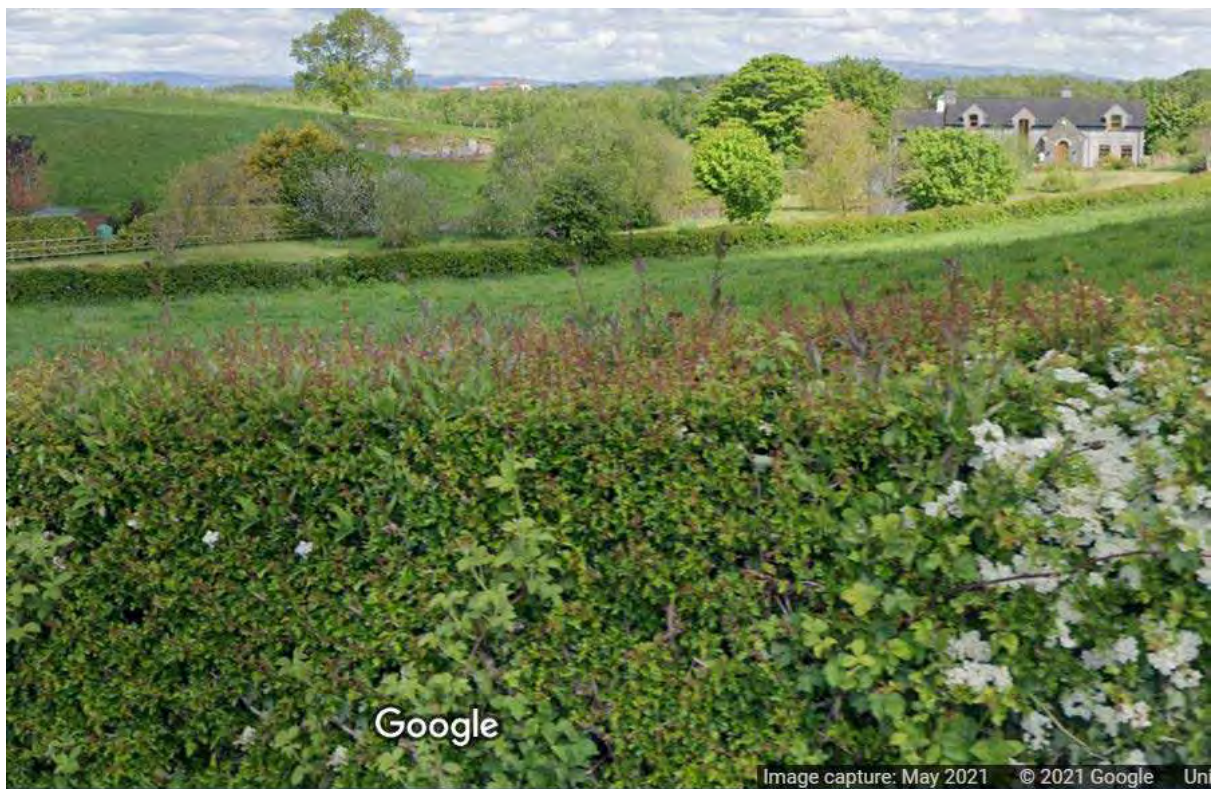
Members are advised there is a very unusual set of circumstances in this case. It is quite clear that through applications I/2004/0486/O and I/2006/0905/RM, planning permission was granted for a dwelling with a detached garage on this site. Outline Planning Permission Ref I/2003/0486/O was granted on 18th August 2003, it reserved the access to the site and applied a condition that just required the access to be provided in accordance with the RS1 form, it did not impose a time for the provision of the access. The Reserved Matters application was subsequently approved on 14 February 2007, it considered the details of the access and required that the access was to be provided in accordance with the approved details, before development could commence on the site. This is a commonly referred to as a Grampian or negative condition and is a pre-commencement condition, that is it must be carried out before other works are able to commence. Due to the failure to provide the access before the commencement of the works, the applicant is unable to obtain a certificate of lawfulness. The consideration of whether or not development is lawful is a legal test set down by legislation, if it cannot meet those tests then it should be refused.

However a planning application allows the decision makers to exercise some discretion and can take into account other factors that are material to the decision making process. In this case the applicants have clearly commenced development on the site within the time frame set out in their planning permission. Section 63 of the Planning Act states 'development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out–
(a) where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building;' this is the same as was stated in Article 36 of the Planning Order, which was in effect at the time the development was begun.

It is obvious quite substantial works have taken place on the site with the footprint of the dwelling excavated into the hillside, foundations poured and the subfloor blockwork completed for the entire dwelling. Building Control officers have advised they visited the site on 9th January 2009 and the foundations were in place then. Google Street view shows the site in February 2009 and the amount of works that have been undertaken are very evident to see. A more recent picture taken in May this year shows works on the site have not been significantly changed since then.

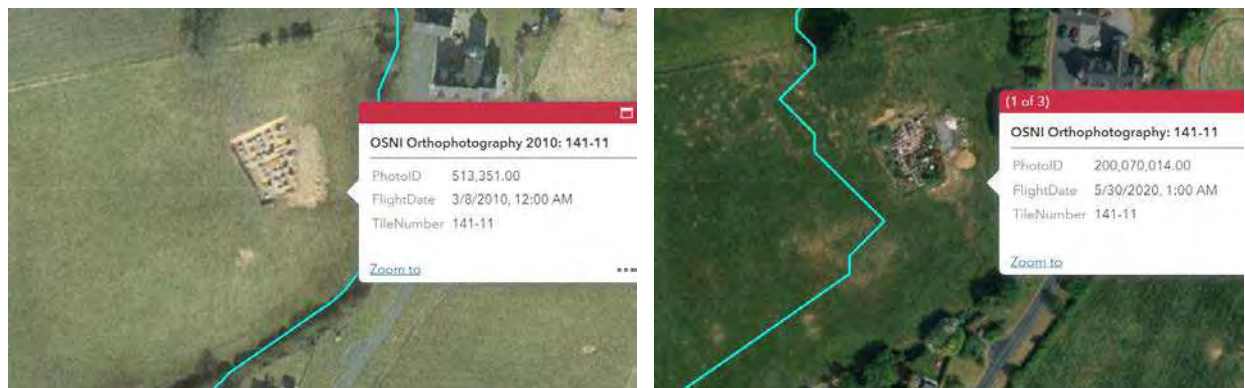


Google Streetview image February 2009



Google Streetview Image May 2021

For comparative purposes members should also see the evidence that has been obtained from OSNI aerial photographs, this I consider, confirms the images that have been obtained from Google and is supported by Building Control Officers.



The access to the dwelling was not put in place before the development was commenced as was set out in the Reserved Matters decision. The RM decision does appear to go further than the Outline Planning Permission which merely stated that the access must be provided in accordance with the RS1 form and did not say stipulate when this had to be done. Usually the access must be in place before any other development commences as the access will be used for the construction traffic to serve the site. However there are occasions where an access is conditioned to be provided at another time. It is clear the access was not out in place before the works were commenced, however it is now in place in accordance with the plans as previously approved. This can be seen in the google street view images of the site in 2009 and 2021, below.



It is clear there is no legitimate fallback position here as the applicant does not have a certificate of lawful development in place. Members can however take account of the following factors that I believe are site specific and would not create a wide ranging precedent for new dwellings in the countryside:

- planning permission was previously granted for this dwelling,
- there was lack of a time period on the outline planning permission for the provision of the access and the access is now in place,
- substantial works have been carried out in the course of the erection of the building within the lifetime of the permission lapse.

I consider it would be unduly harsh to not allow this dwelling to be completed as approved and recommend it is approved with the conditions attached.

Conditions/Reasons for Refusal:

1. All hard and soft landscape works as detailed on drawing no 13 bearing the stamp dated 23-JUL-2021 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following the occupation of the cement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity.

2. The area within the existing visibility splays of 2.4m x 60.0m as show on drawing No 13 bearing the stamp dated 23-JUL-2021 shall be permanently kept clear of any obstructions higher than 250mm above the level of the adjoining road.

Reason: In the interest of road safety and the convenience of road users.

- 3.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 06/07/2021	Item Number:
Application ID: LA09/2021/0103/F	Target Date:
Proposal: One number one and a half storey dwelling, detached garage and associated site works (Change of house type to that already approved under Planning permission I/2006/0905/RM)	Location: 20m West of 24 Annahavil Road Dungannon
Referral Route: 1. Contrary to CTY 1 of PPS 21 in that no need for this dwelling has been demonstrated as planning approval LA09/2020/0316/O was recently approved for a dwelling on the associated farm holding and it has not been demonstrated there is a legitimate fall-back position in that the no evidence has been provided to show the dwelling approved has begun in accordance with the requirements of Section 63 (2) of the Planning Act (NI) 2011.	
Recommendation:	Refusal
Applicant Name and Address: Miss Lyn Somerville 15 Annahavil Road Dungannon	Agent Name and Address: Noel Somerville Building Services Ltd 110 Skeagh Road Dromara Dromore BT25 2PZ
Executive Summary: I am content the foundations for this development are in place within the latest time frame which is 2 years from the date of the granting of the reserved matters. However when I completed my initial site visit there was no access or visibility splays in place. Condition 2 of I/2006/0905/RM was a pre-commencement condition that the access and splays should be in place before any other works commence. Subsequently I completed a site visit on the 28 th May 2021 and the access, a portion of the access lane and visibility splays are in place.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations: None Required

Consultation Type	Consultee	Response
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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 outside any settlement limits as defined in the Cookstown Area Plan 2010. The surrounding area is predominantly rural in character with agricultural fields, dispersed single dwellings and farm complexes. There is minimal development pressure for single dwellings along this stretch of public road. There are two dwellings which abut the eastern boundary of the site and across the road is an associated family farm holding.

The application site is a portion of an existing agricultural field and is positioned behind a hump in the field. There are foundations in place at the site from planning approval I/2006/0905/RM. Along the west boundary is a watercourse and a post and wire fence,

and along the northern boundary is a hedgerow. The roadside boundary has a row of established hedgerow.

Description of Proposal

This is a full application for one number one and a half storey dwelling detached garage and associated site works (Change of house type to that already approved under Planning permission I/2006/0905/RM).

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.

Representations

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

Planning History

I/2003/0486/O - Site for dwelling with detached garage - 290 Metres North East of 13 Annahavil Road, Newmills, Dungannon – Permission Granted 18.08.2003

I/2006/0905/RM - 1 New Dwelling with detached garage and associated works - 290 metres North East of 13 Annahavil Road, Newmills, Dungannon – Permission Granted 15.02.2007

These applications above relate to the application site.

LA09/2019/1047/O - Site for one number one and a half storey dwelling, detached garage and associated site works - 20m North of 22 Annahavil Road, Dungannon – Application Withdrawn.

This application was for a site immediately south of the application site and was withdrawn as it did not meet the criteria for a farm dwelling under CTY 10.

LA09/2020/0316/O - Proposed dwelling & garage on a farm - Lands approx 40m NE of No. 15 Annahavil Road, Dungannon for Alan Somerville (Gillian)

The above applications are approvals and withdrawals on the associated farm holding.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Cookstown Area Plan 2010

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

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

PPS 21 Sustainable Development in the Countryside

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

The principal of this development has already been established through planning approvals I/2003/04786/O and I/2006/0905/RM. The outline approval was granted on 18th August 2003 and the reserved matters granted on 14th February 2007. Therefore, works at this site would need to have commenced before 14th February 2009, which is 2 years from the date reserved matters and the latter of the dates for commencement. I completed a site visit where I observed foundations on site. Building control confirmed that a site inspection for foundations was completed on 9th January 2009. I am content, this is before the 14th February 2009 time limit.

There was an access pre commencement condition on both the outline and reserved matters approvals but when I completed my site visit on 2nd March 2021 there was no access or visibility splays in place. Condition 2 of I/2006/0905/RM stated :

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

As the access and visibility splays were not in place within the latest date and there is a pre commencement condition the approvals are not still live. However members should be aware that the access and visibility splays are now partially in place. As shown on stamped approved drawing on I/2006/0905/RM there should be visibility splays of 2.4m x 60m. I have included photographs from the site visit on the 25th May 2021. As shown in figure 1 you should be able to see 60m from the access point in both directions and a section of the hedging would still need to be removed.



Figure 1 – access and visibility splay to the west



Figure 2 - access and visibility splay to the west



Figure 3 – Photograph to show the land cleared within the west splay



Figure 4 – Photograph of the access



Figure 5 – Photograph of the access lane

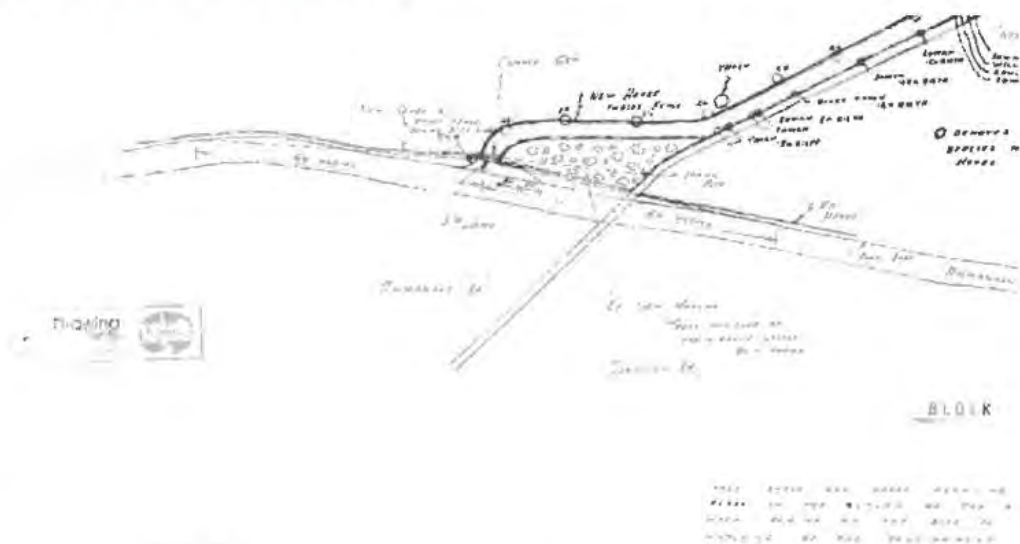


Figure 6 – Screenshot of the approved access in the reserved matters

This application site is part of a farm holding across the road at No. 15 Annahavil Road. Planning approval LA09/2020/0316/O granted permission for a dwelling on a farm on the 4th September 2020 at a site across the road and beside the group of farm buildings. The applicant in LA09/2020/0316/O is a family member of the application which is the subject of this report. The proposed dwelling which is the subject of this application site would not meet any other policy in PPS 21 as the farm case has been used, and it does not meet CTY 3 for a replacement dwelling, or CTY 2a or CTY8 for an infill dwelling. Therefore, as the access was not put in place within the time limit and no evidence has been submitted to show the development commenced in time, there is no fallback position. Also as the

site would not meet any other criteria in PPS 21 the proposal would not meet CTY1 to demonstrate why the dwelling cannot be located within a settlement.

CTY 13 – Integration in the Countryside

The proposal is set back from the public road by 150m and is situated behind a hill in the field as shown in Figure 7 below. Only a portion of the dwelling will be visible from the roadside and will be on the footprint of the existing planning approval. I am content the proposed dwelling will not be a prominent feature in the landscape.



Figure 7 – The application site is behind the hill.

The applicant has proposed landscaping on all boundaries of the site and along the new access lane there will also be new landscaping. I am content the proposal will integrate into the landscape.

In I/2006/0905/RM a one and half storey dwelling was approved with two built in dormer windows on the front elevation. The proposed dwelling has a similar scale and form with a ridge height of 7.5m, built in dormers, a sun room and windows with a vertical emphasis. However, the proposed dwelling has a two-story front projection with a long glass window. The projection and long window is not normally a traditional form for a dwelling in the countryside but as this is set back from the road there are minimal views. The proposed external materials are black concrete roof tiles, smooth plaster walls and oak upvc windows. I am content the design and finishes are acceptable.

The proposal includes a single storey garage with the same external finishes as the existing dwelling. I have no concerns about the scale, massing and design of the garage and will sit behind the dwelling.

CTY 14 – Rural Character

As stated earlier in the assessment I am content the proposal will not be a prominent feature in the landscape. The proposal will not result in a suburban style build-up of development, as there is already minimal development pressure for single dwellings in the immediate area so this one dwelling will not exacerbate the situation. I am content the one and half storey dwelling respects the development pattern in the area. It does not add or create a ribbon of development. I am satisfied the access and garage will not damage rural character.

I have no ecological, built heritage, flooding or residential amenity concerns.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as the access and visibility splays were not in place within the required time limit. Condition 2 was a pre commencement condition so the application did not commence within the time limit and there is no fallback position. The proposal would not meet any other policies in PPS 21 – Sustainable Development in the Countryside.

Reasons for Refusal:

1. Contrary to CTY 1 of PPS 21 in that no need for this dwelling has been demonstrated as planning approval LA09/2020/0316/O was recently approved for a dwelling on the associated farm holding and it has not been demonstrated there is a legitimate fall-back position in that the no evidence has been provided to show the dwelling approved has begun in accordance with the requirements of Section 63 (2) of the Planning Act (NI) 2011.

Signature(s)

Date:



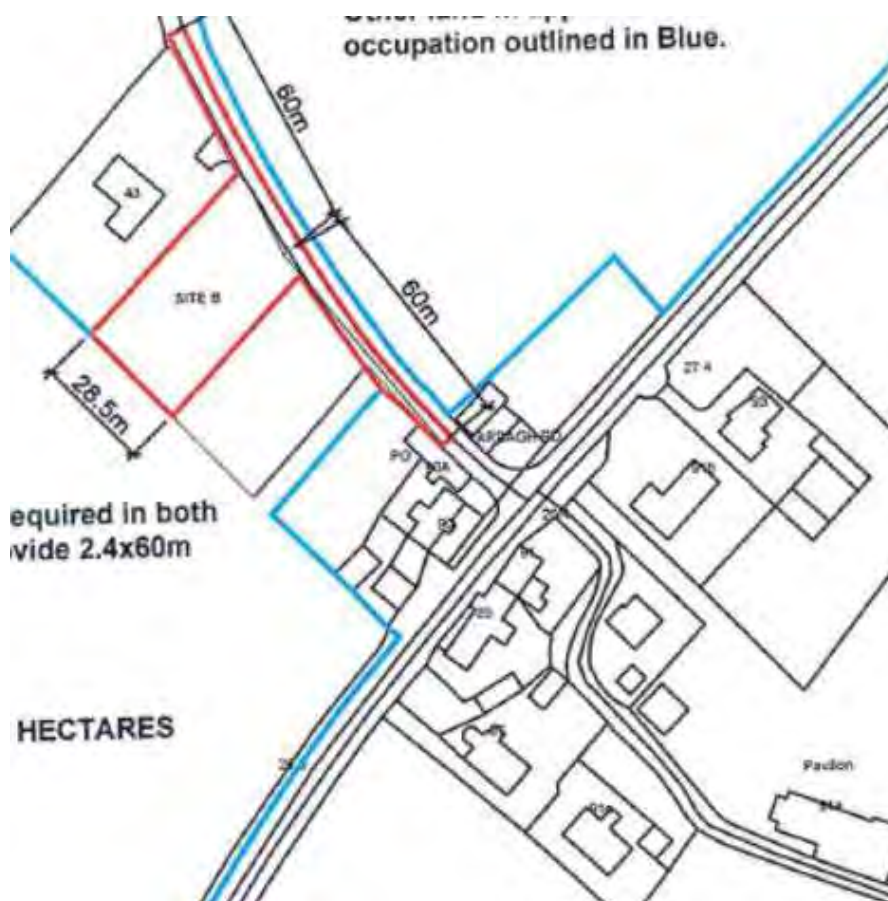
Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2021/0331/O	Target Date:
Proposal: Proposed site for new dwelling in infill	Location: Approx 30m SE of 43 Ardagh Road Coagh Cookstown
Applicant Name and Address: Mr Pat Mc Guckin 25 Mullan Road Coagh Cookstown	Agent name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Summary of Issues: This application was recommended as refusal and following a deferral and re-assessment an approval with conditions is now being recommended.	
Characteristics of the Site and Area: The site is located immediately adjacent to and outside the settlement development limit of Ballinderry as defined within the Cookstown Area Plan 2010. The settlement development limits to the east of the site consolidate existing development around the Ballinderry Bridge Road and Ardagh Road junction. The application site comprises a portion of a large roadside field. It should be noted that a similar application has also been submitted for an infill dwelling on the remaining portion of this agricultural field immediately south under Planning Reference LA09/2021/0333/O. The topography of the site is relatively flat. The roadside boundary is defined by mature hedging, the northern boundary is currently defined by post and wire fencing and the remaining boundaries are currently undefined. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings with residential and commercial uses and Ballinderry GAC located in proximity to the south and east of the site. The detached single storey building, No.43 Ardgagh Road, is located to the north of the site with a NE orientation. There is a long rectangular outbuilding and the dwelling No.90 Ballinderry Bridge Road located south of the	

application, both of which have a southern orientation, facing onto Ballinderry Bridge Road.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands approx. 30m SE of 43 Ardagh Road, Coagh.



Deferred Consideration:

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

1. The proposal does not meet the policy tests as contained in CTY 1 and CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the proposal relies on development inside a settlement limit and would create a ribbon extending from the settlement into the rural area
2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside,

Subsequently it was deferred for a virtual meeting with the Area Planning Manager. The meeting was set up for 17th June 2021 however the agent/applicant failed to attend. It was

agreed by the Planning Manager that the senior planner should re-visit the site and carry out a re-assessment without the need for rescheduling another deferred meeting, as the issues were site specific.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 as a potential infill. This is site B and Site A is the adjacent site currently under consideration under LA09/2021/0333/0.

Members should note that on 13th June 2016, a similar proposal was presented to Committee in respect of a development adjacent to 154 Battery Road Moortown under application LA09/2015/1163/O. That application was for two dwellings on a gap site with a 58m frontage, immediately adjacent to but outside the settlement development limits. Planning Committee, in consideration of that proposal were of the opinion that although the site relied on buildings within the development limit, it would represent 'rounding off' and should be treated as exception to Policy. Consequently that proposed development was approved.

Also applications LA09/2020/1661/RM (March 2021) and LA09/19/1245/0 (Jan 2020) at Junction of Craigs Road & Killycurragh Road, Orritor, were approved as 'rounding off' and treated as exceptions as there was no detrimental impact on the area.

CTY8 states that permission will be refused where it creates or adds to ribbon development. An exception will be made for a small gap sufficient to accommodate up to a maximum of two houses in an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale and plot size and meets other environmental requirements.

The site is relying on the existing dwelling at No.43 Ardagh Road and No.90 and 90a Ballinderry Bridge Road as a line of 3 or more buildings along a common road frontage. No 90 and 90a are buildings located within the settlement limits of Ballinderry and No. 43 Ardagh Road is in the countryside. CTY8 applies only to development in the rural area, and not development in the settlement limits, this is to protect the individual character of the settlement and prevent urban sprawl into the countryside. As this proposal is relying on development within the settlement as part of the criteria to meet the infill policy it therefore fails the test of CTY8. However, as mentioned in the examples above, Committee have in the past approved exceptions where is no detrimental impact on the character of the surrounding area. In this case the dwelling at 47 Ardagh Rd bookends the potential infills and stops the development going any further into the countryside and so will prevent any marring of the distinction between the rural area and settlement of Ballinderry in terms of CTY15. The plot size and scale are in keeping with those currently existing of this site B and the adjacent site A (LA09/2021/0333/0). The existing gap could not accommodate more than two dwellings on this basis. There would be no detrimental impact on any existing dwelling and no objections have been received. Following my site visit, I am of the opinion this site is similar to those mentioned above and it too would represent a 'rounding off' of development.

CTY15 - 'The setting of Settlement limits' is an important policy consideration. Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

The Cookstown Area Plan 2010 outlines why settlement limits are designated - 'in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside, whilst creating suitably located opportunities to accommodate future development needs.

Paragraph 5.84 of CTY15 states ' a settlement limit is partly to promote and partly to contain new development, and maintain a clear distinction between the built-up area and surrounding countryside'. This site does not act an important visual break between the countryside and the development limits. Existing development can be viewed along with the site on Ballinderry Bridge Road and Ardagh Rd. This proposal would not mar the distinction between them and therefore under paragraph 5.85 would be acceptable.

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. Given the relatively flat topography, I am content that the dwelling will not appear as a prominent feature in the landscape. The mature vegetation along the roadside boundaries should be trained and additional landscaping will be required along the remaining boundaries. Should the Planning Committee consider the proposal acceptable and planning permission be granted, a landscaping scheme will be required with any forthcoming reserved matters application. It is considered that an appropriately designed dwelling in keeping with building on tradition guidance could successfully integrate into the landscape. However, a ridge height restriction of 6.5 metres (with 0.3m under build) would be required to respect the existing built form in the surrounding area.

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. Although a dwelling on this site will read with the existing buildings on either side of the site, only the existing dwelling at No.43 is within the rural area. Therefore the proposed dwelling would only be read with one existing building in the countryside and therefore, it is not considered it would result in a detrimental change to rural character. The proposal should be considered together with LA09/2021/0333/O for the site immediately adjacent. I am content these applications will not provide any further development opportunities through infilling.

I am of the opinion a dwelling on the site would not cause further detrimental impact or change the rural character due to the existing nature of the area. I therefore recommend an approval with the conditions as noted below.

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

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 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.

5. 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.

6. 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. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

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

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

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0331/O	Target Date:
Proposal: Proposed site for new dwelling in infill	Location: Approx 30m SE of 43 Ardagh Road Coagh Cookstown
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr Pat Mc Guckin 25 Mullan Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY8 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

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 immediately adjacent to and outside the settlement development limit of Ballinderry as defined within the Cookstown Area Plan 2010. The settlement development limits to the east of the site consolidate existing development around the Ballinderry Bridge Road and Ardagh Road junction. The application site comprises a portion of a large roadside field. It should be noted that a similar application has also been submitted for an infill dwelling on the remaining portion of this agricultural field immediately south under Planning Reference LA09/2021/0333/O. The topography of the site is relatively flat. The roadside boundary is defined by mature hedging, the northern boundary is currently defined by post and wire fencing and the remaining boundaries are currently undefined. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings with residential and commercial uses and Ballinderry GAC located in proximity to the south and east of the site. The detached single storey building, No.43 Ardgagh Road, is located to the north of the site with a NE orientation. There is a long rectangular outbuilding and the dwelling No.90 Ballinderry Bridge Road

located south of the application, both of which have a southern orientation, facing onto Ballinderry Bridge Road.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands approx. 30m SE of 43 Ardagh Road, Coagh.

The dwelling is being applied for 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

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

LA09/2021/0333/O – Proposed site for new dwelling in infill - Approximately 20m North West of 90 Ballinderry Bridge Road, Coagh – Under Consideration

LA09/2020/0935/O - Proposed site for dwelling - Approx 60m S.W of 90 Ballinderry Bridge Road, Coagh, Cookstown – Application Withdrawn

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site is located in the rural countryside outside any defined settlement limits. The settlement limits of Ballinderry are immediately SE of the application site and associated application LA09/2021/0331/O. The site lies within the designated Loughshore Countryside Policy Area designated in order to protect the amenity of the overall Lough Neagh shore area. Plan Policy CTY 2 Countryside Policy Areas states development proposals will be determined in accordance with the

provisions of prevailing regional planning policy. The plan identifies there has been significant pressure for individual dwellings in the countryside beyond the several small villages located within the area. This has resulted in the erosion of rural character through the build-up of clusters of suburban-style dwellings. The Department considers that further ribbon development along these roads will serve only to devalue and further erode the rural character and landscape quality of the area.

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. Considering the requirements of CTY 8 - Ribbon development planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. 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.

The proposal site is relying on the existing development of No.43 Ardagh Road and No.90 and No.90a Ballinderry Bridge Road as a line of 3 or more buildings along a road frontage. I have concerns whether the dwelling of No.90 shares a common road frontage along Ardagh Road. However regardless the buildings of No.90 and No.90a are located within the settlement limits of Ballinderry. PPS 21 policy and specifically Policy CTY 8 in this case, applies to development in the rural area outside defined settlement limits. Cookstown Area Plan designates settlement limits in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside. CTY 8 states clearly that an application for permission will be refused for a building which creates or adds to a ribbon of development. In my opinion to rely on development within the settlement limits to meet PPS21 policy goes against the principle upon which it was designed. Therefore, it is considered that the proposal fails to comply with the exception to CTY 8 as the development to the south of the application site is within the designated limit of development for Ballinderry.

Development proposals located just outside the limit of development should also be considered under Policy CTY 15: The Setting of Settlements. In my opinion this proposal will mar the distinction between the settlement and surrounding countryside particularly when travelling on Ardagh Road to and from the Ballinderry Bridge Road.

Notwithstanding the above, members should note that on 13th June 2016, a similar proposal was presented to Committee in respect of a development adjacent to 154 Battery Road Moortown under application LA09/2015/1163/O. That application was for two dwellings on a gap site with a 58m frontage, immediately adjacent to but outside the settlement development limits. Planning Committee, in consideration of that proposal were of the opinion that although the site relied on buildings within the development limit, it would represent "rounding off" and should be treated as an exception to Policy. Consequently that proposed development was approved.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I first note that this application is only outline therefore I cannot speak on the design, layout etc. Given the relatively flat topography, I am content that the dwelling will not appear as a prominent feature in the landscape. The mature vegetation along the roadside boundaries should be trained and additional landscaping will be required along the remaining boundaries. Should the Planning Committee consider the proposal acceptable and planning permission be granted, a landscaping scheme will be required with any forthcoming reserved matters application. It is considered that an appropriately designed dwelling in keeping with building on tradition guidance could successfully integrate into the site landscape. However, I consider a ridge height restriction of 6.5 metres (with 0.3m under build) would be required to respect the existing built form in the surrounding area.

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. It is considered an appropriately designed dwelling on the application site would not appear overly prominent or resulting in a suburban form of development. Although a dwelling on this site will read with the existing buildings on either side of the site, only the existing dwelling at No.43 is within the rural area. Therefore the proposed dwelling would only be read with one existing building in the countryside and therefore, it is not considered it would result in a detrimental change to rural character. The proposal should be considered together with LA09/2021/0333/O for the site immediately adjacent. I am content these applications will not provide any further development opportunities through infilling.

PPS 3: Access, Movement and Parking - The application site seeks to create a new access on to Ardagh Road. DfI Roads have been consulted and have offered no objections subject to conditions. 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 environmental map viewers available online have been checked and identified no built or natural heritage assets interests of significance on site. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

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:	
<ol style="list-style-type: none"> 1. The proposal does not meet the policy tests as contained in CTY 1 and CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the proposal relies on development inside a settlement limit and would create a ribbon extending from the settlement into the rural area. 2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside. 	
Signature(s)	
Date:	



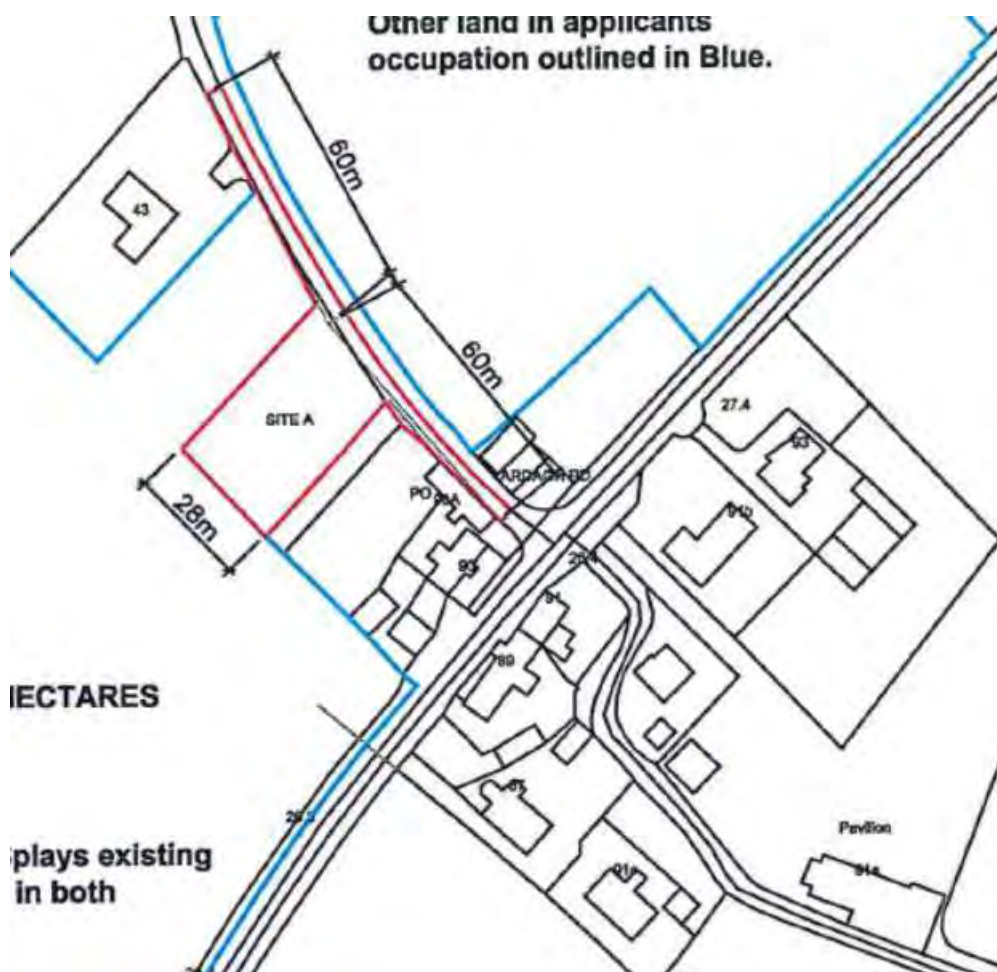
Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2021/0333/O	Target Date:
Proposal: Proposed site for new dwelling in infill	Location: Approximately 20m North West of 90 Ballinderry Bridge Road Coagh
Applicant Name and Address: Mr Pat Mc Guckin 25 Mullan Road Coagh Cookstown	Agent name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Summary of Issues: This application was recommended as refusal and following a deferral and re-assessment an approval with conditions is now being recommended.	
Characteristics of the Site and Area: The site is located immediately adjacent to and outside the settlement development limit of Ballinderry as defined within the Cookstown Area Plan 2010. The settlement development limits to the east of the site consolidate existing development around the Ballinderry Bridge Road and Ardagh Road junction. The application site comprises a portion of a large roadside field. It should be noted that a similar application has also been submitted for an infill dwelling on the remaining portion of this agricultural field immediately north under Planning Reference LA09/2021/0331/O. The topography of the site is relatively flat. The roadside boundary is defined by mature hedging, the northern boundary is currently defined by post and wire fencing and the remaining boundaries are currently undefined. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings with residential and commercial uses and Ballinderry GAC located in proximity to the south and east of the site. The detached single storey building, No.43 Ardagh	

Road, is located to the north of the site with a NE orientation. There is a long rectangular outbuilding and the dwelling No.90 Ballinderry Bridge Road located south of the application, both of which have a southern orientation, facing onto Ballinderry Bridge Road.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands approx. 30m SE of 43 Ardagh Road, Coagh.



Deferred Consideration:

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

1. The proposal does not meet the policy tests as contained in CTY 1 and CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the proposal relies on development inside a settlement limit and would create a ribbon extending from the settlement into the rural area
2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if

permitted would mar the distinction between the designated settlement limits and the surrounding countryside,

Subsequently it was deferred for a virtual meeting with the Area Planning Manager. The meeting was set up for 17th June 2021 however the agent/applicant failed to attend. It was agreed by the Planning Manager that the senior planner should re-visit the site and carry out a re-assessment without the need for rescheduling another deferred meeting, as the issues were site specific.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 as a potential infill. This is site A and Site B is the adjacent site currently under consideration under LA09/2021/0331/0.

Members should note that on 13th June 2016, a similar proposal was presented to Committee in respect of a development adjacent to 154 Battery Road Moortown under application LA09/2015/1163/O. That application was for two dwellings on a gap site with a 58m frontage, immediately adjacent to but outside the settlement development limits. Planning Committee, in consideration of that proposal were of the opinion that although the site relied on buildings within the development limit, it would represent 'rounding off' and should be treated as exception to Policy. Consequently that proposed development was approved.

Also applications LA09/2020/1661/RM (March 2021) and LA09/19/1245/0 (Jan 2020) at Junction of Craigs Road & Killycurragh Road, Orritor, were approved as 'rounding off' and treated as exceptions as there was no detrimental impact on the area.

CTY8 states that permission will be refused where it creates or adds to ribbon development. An exception will be made for a small gap sufficient to accommodate up to a maximum of two houses in an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale and plot size and meets other environmental requirements.

The site is relying on the existing dwelling at No.43 Ardagh Road and No.90 and 90a Ballinderry Bridge Road as a line of 3 or more buildings along a common road frontage. No 90 and 90a are buildings located within the settlement limits of Ballinderry and No. 43 Ardagh Road is in the countryside. CTY8 applies only to development in the rural area, and not development in the settlement limits, this is to protect the individual character of the settlement and prevent urban sprawl into the countryside. As this proposal is relying on development within the settlement as part of the criteria to meet the infill policy it therefore fails the test of CTY8. However, as mentioned in the examples above, Committee have in the past approved exceptions where is no detrimental impact on the character of the surrounding area. In this case the dwelling at 47 Ardagh Rd bookends the potential infills and stops the development going any further into the countryside and so will prevent any marring of the distinction between the rural area and settlement of Ballinderry in terms of CTY15. The plot size and scale are in keeping with those currently existing of this site A and the adjacent site B (LA09/2021/0331/0). The existing gap could not accommodate more than two dwellings on this basis.

There would be no detrimental impact on any existing dwelling and no objections have been received.

Following my site visit, I am of the opinion this site is similar to those mentioned above and it too would represent a 'rounding off' of development.

CTY15 - 'The setting of Settlement limits' is an important policy consideration. Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

The Cookstown Area Plan 2010 outlines why settlement limits are designated - 'in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside, whilst creating suitably located opportunities to accommodate future development needs.

Paragraph 5.84 of CTY15 states 'a settlement limit is partly to promote and partly to contain new development, and maintain a clear distinction between the built-up area and surrounding countryside'. This site does not act an important visual break between the countryside and the development limits. Existing development can be viewed along with the site on Ballinderry Bridge Road and Ardagh Rd. This proposal would not mar the distinction between them and therefore under paragraph 5.85 would be acceptable.

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. Given the relatively flat topography, I am content that the dwelling will not appear as a prominent feature in the landscape. The mature vegetation along the roadside boundaries should be trained and additional landscaping will be required along the remaining boundaries. Should the Planning Committee consider the proposal acceptable and planning permission be granted, a landscaping scheme will be required with any forthcoming reserved matters application. It is considered that an appropriately designed dwelling in keeping with building on tradition guidance could successfully integrate into the landscape. However, a ridge height restriction of 6.5 metres (with 0.3m under build) would be required to respect the existing built form in the surrounding area.

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. Although a dwelling on this site will read with the existing buildings on either side of the site, only the existing dwelling at No.43 is within the rural area. Therefore the proposed dwelling would only be read with one existing building in the countryside and therefore, it is not considered it would result in a detrimental change to rural character. The proposal should be considered together with LA09/2021/0333/O for the site immediately adjacent. I am content these applications will not provide any further development opportunities through infilling.

I am of the opinion a dwelling on the site would not cause further detrimental impact or change the rural character due to the existing nature of the area. I therefore recommend an approval with the conditions as noted below.

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

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

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 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.

5. 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.

6. 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.

Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

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

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

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0331/O	Target Date:
Proposal: Proposed site for new dwelling in infill	Location: Approximately 20m North West of 90 Ballinderry Bridge Road Coagh
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr Pat Mc Guckin 25 Mullan Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY8 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

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 immediately adjacent to and outside the settlement development limit of Ballinderry as defined within the Cookstown Area Plan 2010. The settlement development limits to the east of the site consolidate existing development around the Ballinderry Bridge Road and Ardagh Road junction. The application site comprises a portion of a large roadside field. It should be noted that a similar application has also been submitted for an infill dwelling on the remaining portion of this agricultural field immediately north under Planning Reference LA09/2021/0331/O. The topography of the site is relatively flat. The roadside boundary is defined by mature hedging with the remaining boundaries are currently undefined. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings with residential and commercial uses and Ballinderry GAC located in proximity to the south and east of the site. The detached single storey building, No.43 Ardagh Road, is located to the north of the site with a NE orientation. There is a long rectangular outbuilding and the dwelling No.90 Ballinderry Bridge Road located south of the application, both of which have a southern orientation, facing onto Ballinderry Bridge Road.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands approx. 20m North West of 90 Ballinderry Bridge Road, Coagh.

The dwelling is being applied for 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
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

LA09/2021/0333/O – Proposed site for new dwelling in infill - Approx 30m SE of 43 Ardagh Road, Coagh, Cookstown – Under Consideration

LA09/2020/0935/O - Proposed site for dwelling - Approx 60m S.W of 90 Ballinderry Bridge Road, Coagh, Cookstown – Application Withdrawn

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site is located in the rural countryside outside any defined settlement limits. The settlement limits of Ballinderry are immediately SE of the application site and associated application LA09/2021/0331/O. The site lies within the designated Loughshore Countryside Policy Area designated in order to protect the amenity of the overall Lough Neagh shore area. Plan Policy CTY 2 Countryside Policy Areas states development proposals will be determined in accordance with the provisions of prevailing regional planning policy. The plan identifies there has been significant pressure for individual dwellings in the countryside beyond the several small

villages located within the area. This has resulted in the erosion of rural character through the build-up of clusters of suburban-style dwellings. The Department considers that further ribbon development along these roads will serve only to devalue and further erode the rural character and landscape quality of the area.

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. Considering the requirements of CTY 8 - Ribbon development planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. 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.

The proposal site is relying on the existing development of No.43 Ardagh Road and No.90 and No.90a Ballinderry Bridge Road as a line of 3 or more buildings along a road frontage. I have concerns whether the dwelling of No.90 shares a common road frontage along Ardagh Road. However regardless the buildings of No.90 and No.90a are located within the settlement limits of Ballinderry. PPS 21 policy and specifically Policy CTY 8 in this case, applies to development in the rural area outside defined settlement limits. Cookstown Area Plan designates settlement limits in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside. CTY 8 states clearly that an application for permission will be refused for a building which creates or adds to a ribbon of development. In my opinion to rely on development within the settlement limits to meet PPS21 policy goes against the principle upon which it was designed. Therefore, it is considered that the proposal fails to comply with the exception to CTY 8 as the development to the south of the application site is within the designated limit of development for Ballinderry.

Development proposals located just outside the limit of development should also be considered under Policy CTY 15: The Setting of Settlements. In my opinion this proposal will mar the distinction between the settlement and surrounding countryside particularly when travelling on Ardagh Road to and from the Ballinderry Bridge Road.

Notwithstanding the above, members should note that on 13th June 2016, a similar proposal was presented to Committee in respect of a development adjacent to 154 Battery Road Moortown under application LA09/2015/1163/O. That application was for two dwellings on a gap site with a 58m frontage, immediately adjacent to but outside the settlement development limits. Planning Committee, in consideration of that proposal were of the opinion that although the site relied on buildings within the development limit, it would represent "rounding off" and should be treated as an exception to Policy. Consequently that proposed development was approved.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I first note that this application is only outline therefore I cannot speak on the design, layout etc. Given the relatively flat topography, I am content that the dwelling will not appear as a prominent feature in the landscape. The mature vegetation along the roadside boundaries should be trained and additional landscaping will be required along the remaining boundaries. Should the Planning Committee consider the proposal acceptable and planning permission be granted, a landscaping scheme will be required with any forthcoming reserved matters application. It is considered that an appropriately designed dwelling in keeping with building on tradition guidance could successfully integrate into the site landscape. However, I consider a ridge height restriction of 6.5 metres (with 0.3m under build) would be required to respect the existing built form in the surrounding area.

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. It is considered an appropriately designed dwelling on the application site would not appear overly prominent or resulting in a suburban form of development. Although a dwelling on this site will read with the existing buildings on either side of the site, only the existing dwelling at No.43 is within the rural area. Therefore the proposed dwelling would only be read with one existing building in the countryside and therefore, it is not considered it would result in a detrimental change to rural character. The proposal should be considered together with LA09/2021/0331/O for the site immediately adjacent. I am content these applications will not provide any further development opportunities through infilling.

PPS 3: Access, Movement and Parking - The application site seeks to create a new access on to Ardagh Road. DfI Roads have been consulted and have offered no objections subject to conditions. 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 environmental map viewers available online have been checked and identified no built or natural heritage assets interests of significance on site. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

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: <ol style="list-style-type: none"> 1. The proposal does not meet the policy tests as contained in CTY 1 and CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the proposal relies on development inside a settlement limit and would create a ribbon extending from the settlement into the rural area. 2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside. 	
Signature(s) Date:	



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2021/0495/O	Target Date:
Proposal: Proposed infill dwelling	Location: Site NW of 7a Killycurragh Road Orritor Cookstown (with access via Craigs Road).
Applicant Name and Address: Mr Maurice Freeburn 7a killycurragh Road Orritor Cookstown BT80 9LB	Agent name and Address: Mark Nelson Architecture Garden Studio 2 Craigmount Orritor Cookstown BT80 9NG
Characteristics of the Site and Area: The application site is located within the open countryside, just outside the development limits of Orritor as defined in the Cookstown Area Plan 2010. The red line covers a portion of a larger agricultural field with roadside frontage along Craigs Road. There is a small metal structure located immediately north of the application site. The east and west boundaries are defined by mature vegetation and trees. The southern boundary of the site is defined by post and wire fencing and given the nature of the red line I note that the northern boundary is currently undefined. The topography of the site is relatively flat however the surrounding landform is undulating with an incline when travelling northerly along Craigs Road towards the site. The surrounding fields further north beyond the red line are at a lower ground level. The surrounding area is predominantly agricultural in nature with the predominant land use being agricultural fields. It is noted there is a degree of development pressure along the adjacent road network Kilcurragh Road with a number of detached road side dwellings. Speed signs are located along the roadside adjacent to the existing agricultural entrance to the site which accord with the settlement limits of Orritor.	

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands NW of 7a Killycurragh Road, Orritor, Cookstown.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

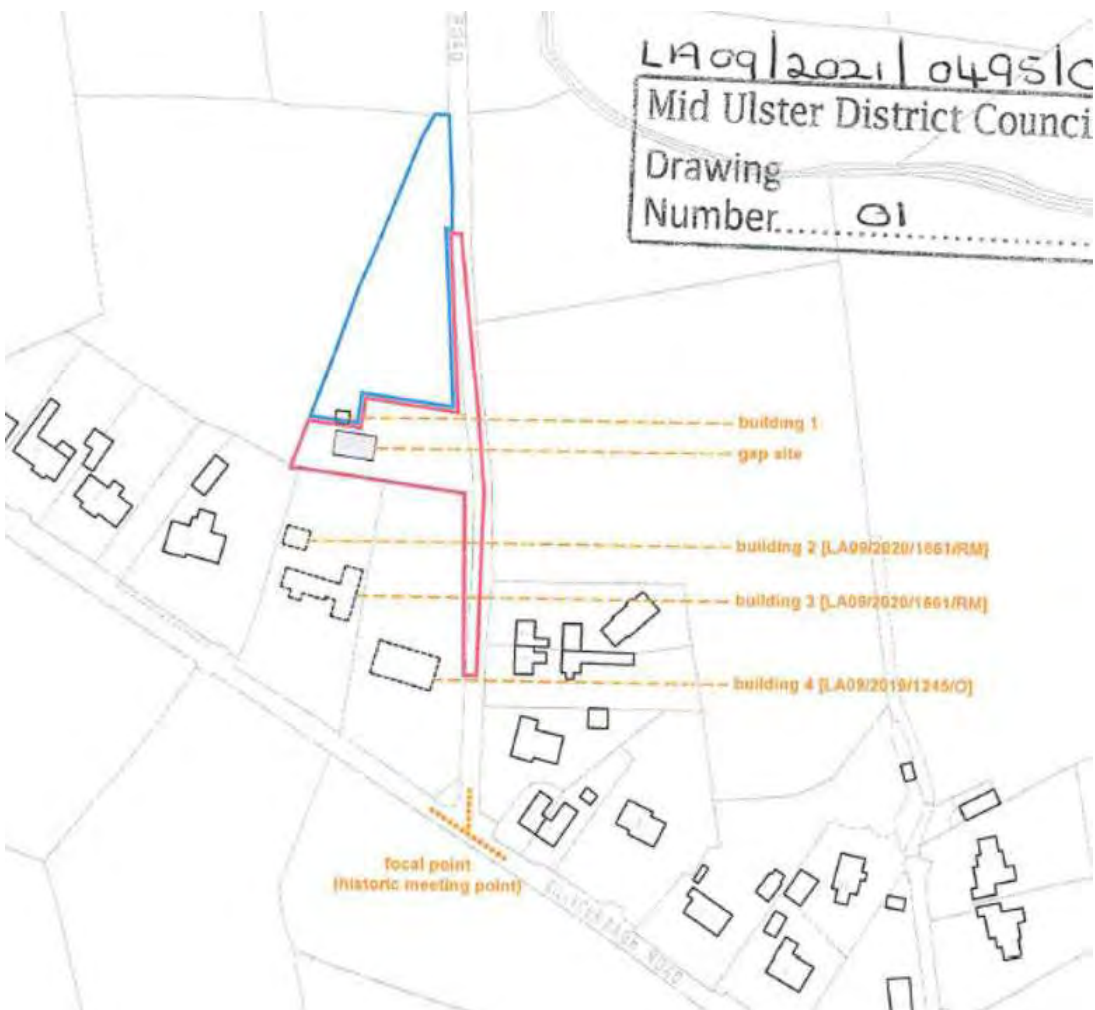
Deferred Consideration:

This application was recommended as refusal under CTY1, CTY2a, CTY8, CTY14 & CTY15. It was subsequently deferred for a virtual office meeting with the Area Planning Manager, which was held on 17th June 2021. It was agreed the senior planner would carry out a site visit and reassess the proposal, taking into account the additional information submitted by the agent.

One of the main issues to consider was if the building being relied on to the north of the site could be regarded as a permanent structure and therefore count as a building as part of the build-up in order to meet policy CTY8 criteria.

The building in question (2 images below) has no planning permission and is a small metal structure, currently being used for agricultural storage purposes. From carrying out a site inspection I would not be satisfied it could be constituted as a building due to its size, scale and nature. Also the 'building 1' does not have a common road frontage. It cannot therefore be counted as part of the build-up.





Location map 01

The agent further relies on 'buildings 2, 3 (approved dwelling and garage under (LA09/2020/1661/RM) and building 4 (approved dwelling under LA09/19/1245/0)' as shown on the location map 01. At the time of my site visit on 23rd June 2021 the site for buildings 2 & 3 was being cleared, now work had been carried out on building 4. As the dwellings are not yet constructed they cannot at this time be taken into account as part of the line of buildings for the purposes of meeting the criteria of an infill under CTY8.

In terms of the 2 approval mentioned above, they were approved by Planning Committee as an exception to policy and they relied on buildings to the east, within the settlement limits of Orritor, therefore failing under CTY8, however it was considered by Committee they would result in a reasonable argument of 'rounding off' and so both were approved on this basis. In this case, those buildings that were being relied on aren't able to be considered as part of a line of 'buildings' due to the location and siting of this site.

On the location plan 01 the agent has indicated a focal point 'historic meeting point', in terms of policy Cty2a, an opportunity is provided for a new dwelling at an existing cluster of development subject to meeting a number of criteria as follows;

- 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 site lies outside of a farm, however it is not located within an existing cluster, given that the 3 buildings approved are not yet constructed.

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

As stated above there is no cluster to rely on.

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

An 'historic meeting point' is not sufficient to meet the requirements of a focal point. No further information has been submitted to support this claim of being a meeting point and there is nothing on site to indicate it either.

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

This is not the case, as previously stated the structure to the north cannot be considered as a 'building'; and the site is not currently bound by any development on other sides.

- 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;

A dwelling on the site would mar the distinction between the rural countryside and the settlement limits, altering the existing character of the area. I do not consider the site is a 'rounding off'.

- Development would not adversely impact on residential amenity.

There would be no adverse impact on residential amenity.

However the site fails on 5 parts of the criteria of CTY2a as no cluster of development exists and so cannot be permitted under this policy.

In terms of CTY15, given the close proximity of this rural site to the settlement limits of Orritor, I am of the opinion a dwelling here would mar the distinction between them. While the 2 approvals to the south were considered as 'rounding off' they were seen to have no detrimental impact to the rural character. However if this site was development it would add to urban sprawl, the site currently represented a visual break and a clear separation from Orritor, going into the countryside and it should therefore be protected to prevent ribbon development and further urban sprawl.

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

In my opinion a refusal is being recommended for the reasons given below;

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 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; it does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point or located at a cross-roads; it is not bounded on at least two sides with other development; and it cannot be absorbed into an existing cluster through rounding off.
3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would result in a detrimental change to the rural character of the countryside, in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings.

5. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0495/O	Target Date:
Proposal: Proposed infill dwelling	Location: Site NW of 7a Killycurragh Road Orritor Cookstown (with access via Craigs Road)
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr Maurice Freeburn 7a Killycurragh Road Orritor Cookstown	Agent Name and Address: Mark Nelson Architecture Garden Studio 2 Craigmount Orritor
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with any of the policy set out under Policy CTY1 of PPS21 for an individual dwelling house. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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

Characteristics of the Site and Area

The application site is located within the open countryside, just outside the development limits of Orritor as defined in the Cookstown Area Plan 2010. The red line covers a portion of a larger agricultural field with roadside frontage along Craigs Road. There is a small metal structure located immediately north of the application site. The east and west boundaries are defined by mature vegetation and trees. The southern boundary of the

site is defined by post and wire fencing and given the nature of the red line I note that the northern boundary is currently undefined. The topography of the site is relatively flat however the surrounding landform is undulating with an incline when travelling northerly along Craigs Road towards the site. The surrounding fields further north beyond the red line are at a lower ground level. The surrounding area is predominantly agricultural in nature with the predominant land use being agricultural fields. It is noted there is a degree of development pressure along the adjacent road network Kilcurragh Road with a number of detached road side dwellings. Speed signs are located along the roadside adjacent to the existing agricultural entrance to the site which accord with the settlement limits of Orritor.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands NW of 7a Killicurragh Road, Orritor, Cookstown.

The dwelling is being applied for 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
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

LA09/2020/1661/RM – Proposed dwelling & garage - Adjacent to 7a Killicurragh Road, Cookstown – Permission Granted 09/03/21

LA09/2020/0824/O - Gap site for dwelling & garage - Adjacent to 7a Killicurragh Road, Cookstown – Permission Granted 08/12/20

LA09/2019/1245/O - Gap site for dwelling & garage - Junction of Craigs Road & Killycurragh Road, Orritor, Cookstown – Permission Granted 04/03/20

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.

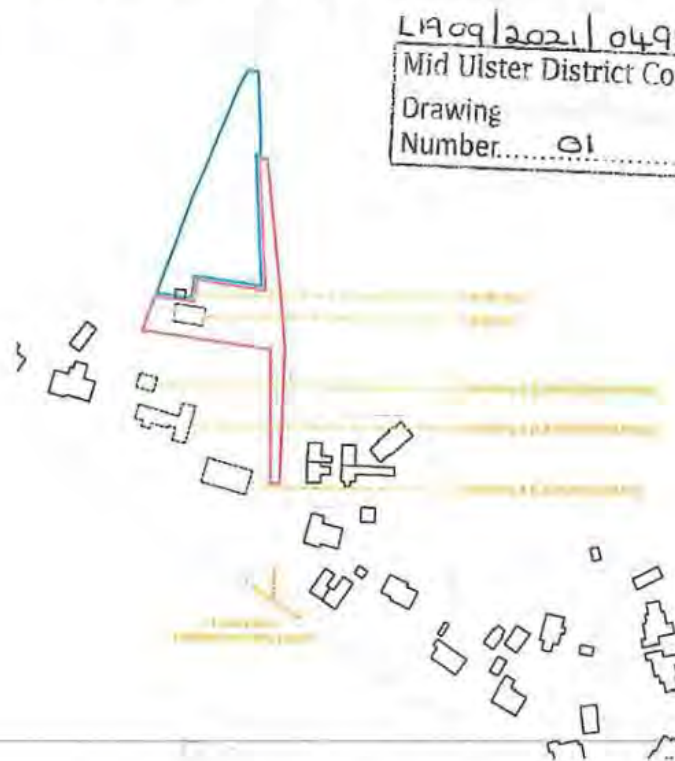
The Strategic Planning Policy Statement for Northern Ireland – The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within 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 CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

Immediately north of the application site is a small square metal structure which appears to be used for storage. This structure does not appear to have the benefit of planning permission however ortho imagery does appear to indicate it has existed in place for more than five years. Given the nature, small scale and finish of this structure, I am not satisfied this would constitute a building which could be used to bookend a gap site. Furthermore, the said structure does not have frontage with the road. South of the application site there is a green field. It is noted that Drawing 01 has indicated a dwelling and garage annotated Building 2 & 3 (Approved under LA09/2020/1661/RM) and a dwelling annotated Building 4 (Approved under LA09/2019/1245/O). It is noted that both these planning applications were approved by the Planning Committee as an exception to policy as they relied on buildings to the east within the settlement limits of Orritor therefore failed Policy CTY8 however it was considered they would result in a 'rounding off' of development. It does not appear development has yet commenced on site and on the date of the site inspection I did not note any construction started on either approved site. The field currently represents an undeveloped piece of land. Therefore cannot be considered to constitute a line of 'buildings' for the purpose of satisfying CTY8 criterion.

This application does not currently represent a gap site located within a substantial and continuously built up frontage and therefore fails to meet Policy CTY8.

It is noted the agent has annotated on the site location plan the road junction of Killycurragh Road and Craigs Road as a "Focal Point – historic meeting point".



Policy CTY2A provides an opportunity for a new dwelling at an existing cluster of development subject to the following criteria.

- 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.

With regards to the first criteria, I am content that the site lies outside of a farm however I do not consider the application site is located within a cluster given that the 3 buildings included in the site location plan immediately to the south have not yet been build and all development to the east is within the settlement limits of Orritor. I do not consider that buildings within the settlement limits can be relied upon to meet policy requirements within PPS21. As such I am of the opinion that there is no clear cluster evident, and as such the cluster it cannot appear as a visual entity, failing the first two criteria. In terms of a focal point, no further information has been provided that this road junction is a historic meeting point and therefore I do not consider this to be an acceptable 'focal point' for the purpose of policy. In terms of the site having a suitable degree of enclosure, I note north of the site there is an existing metal structure with a shared boundary however I do not

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: <ol style="list-style-type: none"> 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; it does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point or located at a cross-roads; it is not bounded on at least two sides with other development; and it cannot be absorbed into an existing cluster through rounding off. 3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage. 4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would result in a detrimental change to the rural character of the countryside, in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings. 5. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside. 	
Signature(s) Date:	

consider this structure is located within a cluster of development and the site is not currently bounded by development on any other side. I am of the opinion that a dwelling would mar the distinction between the settlement limits and countryside which would alter the existing character of the area and the site does not represent rounding off. However, I am content that an appropriately designed dwelling would unlikely have an adverse impact on residential amenity.

Having considered the above, I am of the opinion that this application would fail under CTY 2a as no evident cluster exists. I note that no other policy considerations were offered and I am content that there is no replacement opportunity on site, nor personal and domestic circumstances or farm case provided. As such, the site fails under CTY 1 of PPS 21.

Given the proximity to the defined development limits of Orritor, approx. 30m SW of the site, I am also of the opinion that a dwelling in this location would fail under CTY 15 as it will mar the distinction between the settlement and the surrounding countryside. Whilst the planning approvals immediately south were considered to be acceptable as rounding off with no detrimental impact to rural character, it is considered to continue development north of this would result in urban sprawl and would set an unfavourable precedent. The proposal site is not considered a 'gap' as demonstrated above, however it is considered it does represent a visual break and clearly defines the transition into the countryside. Cookstown Area Plan designates settlement limits in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore no design details has been submitted however I am of the opinion that an appropriately designed dwelling in keeping with building on tradition guidance will not appear prominent in the landscape. However, it is considered a ridge height restriction of 6 metres would be required to respect the existing built form in the surrounding area. It is considered the site has an acceptable degree of enclosure to integrate into the landscape being bound on the eastern, western and southern sides by some degree of existing vegetation. It is considered the existing vegetation should be retained along with additional landscaping therefore a landscaping scheme will be required should the Planning Committee consider the proposal acceptable and planning permission be granted.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not appear prominent in the landscape. I note that this application has failed under Policy CTY2A, CTY 8 and CTY 15 therefore it will erode rural character and will extend a ribbon of development. It is therefore considered the proposal fails under Policy CTY 14.

PPS 3: Access, Movement and Parking - The application site seeks to create a new access on to Craigs Road. DfI Roads have been consulted and have offered no objections subject to conditions. 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.

Report on	Report on Mid Ulster District Council's Response to Department for Agriculture, Environment and Rural Affairs (DAERA) draft 3 rd Cycle River Basin Management Plan..
Date of Meeting	5 th October 2021
Reporting Officer	Chris Boomer
Contact Officer	Colin McKeown

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	The purpose of this report is to inform members that the Department for Agriculture, Environment and Rural Affairs have invited comments on their draft 3 rd Cycle River Basin Management Plan (RBMP).
1.2	This report and the attached letter sets out the Councils' considered response to same.
2.0	Background
2.1	The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 require the production and implementation of a RBMP in six yearly cycles. The RBMP takes an integrated approach, identifying those water bodies which can be classified as being at 'good or better' status. It also sets the objectives and a programme of measures for the next six year cycle to help improve those water bodies which are classified as below 'good' status. The 3 rd cycle RBMP period runs from 2021-2027
2.2	The consultation on the third RBMP will close at midnight on 10 th October 2021.
3.0	Main report

3.1	<p>Northern Ireland is divided into a series of River Basin Management Districts with Mid Ulster District being almost exclusively located within the Neagh Bann River Basin Management District (NBRMD). For that reason, our response focuses mainly on the findings within the NBRBD as well as the general measures recommended for the entire country.</p>
3.2	<p>The attached letter summarises the findings of the draft RBMP in so far as the overall picture within the NBRBD is one that suggests that whilst there is a slight improvement in combined status for all waterbodies, the chemical and ecological status of lakes has declined.</p>
3.3	<p>The letter notes that there was an overall improvement in the classification of waterbodies in the NBRBD between the years 2015-2018; with 28.4% of waterbodies classed as “good or better” compared to 27.4% in 2015. It also notes that three lakes in the NBRBD have declined in status since 2015 and that Lough Neagh continues to be classified as having “Bad Ecological Potential” (BEP).</p> <p>We further note that in relation to lakes in the NBRBD, 100% had high ecological status in 2015, with only 30% having that classification in 2020. In terms of chemical status, two lakes had good status in 2015, whilst zero lakes had that status in 2020.</p> <p>The overall picture therefore for the NBRBD is one that suggests that whilst there is a slight improvement in combined status for all waterbodies, the chemical and ecological status of lakes has declined.</p> <p>The principal measures proposed in the draft River Basin Management Plan for reducing the amount of pollution entering watercourses include;</p> <ul style="list-style-type: none"> • Reduction in nutrient and pesticide pollution from agriculture • Upgrades of WWTW infrastructure • Reduce nutrient pollution from sewerage and industry • Incorporate SuDS in all development • Educational campaigns • Reduce bankside erosion – Riparian strips <p>Mid Ulster District Council support measures to reduce pollutants entering our watercourses. We would be concerned however, at any move that views the planning system as a primary method of addressing these concerns. Whilst conditions may be used to control the impact of nutrients and pollutants from agriculture and industry, the effectiveness of such measures are limited. The key solutions relate to regulation re. farm feeds and public investment in in sewerage infrastructure to reduce the reliance on septic tanks.</p> <p>In relation to the use of SuDS in development schemes, this has been an ongoing theme in Planning for well over a decade. At present, the implementation of SuDS is secured via negotiation and goodwill of developers and as such, the level of success in securing implementation can be limited. MUDC have been successful in securing SuDS in a recent industrial approval and in addition, our draft Plan</p>

Strategy includes a general principal that all development proposals should be encouraged to utilise a SuDs scheme as a means of achieving appropriate drainage.

Mid Ulster are also supportive of the need for riparian protection in order to reduce bankside erosion and the subsequent levels of pollution entering our watercourses. To this end, policy OS2 in our draft Plan Strategy, has been included so that development adjacent to river corridors will conflict with the Plan unless a range of criteria are met, including the provision of a 10m biodiversity strip. This policy will apply to five main rivers in Mid Ulster, namely the Owenkillew, Moyola, Ballinderry, Blackwater, Bann.

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None identified
	Human: None identified
	Risk Management: None identified
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None identified
	Rural Needs Implications: None identified
5.0	Recommendation(s)
5.1	Members are requested to note and agree the contents of this report and the attached letter which will be issued to DAERA in response to their consultation on the draft 3 RD Cycle River Basin Management Plan .
6.0	Documents Attached & References
	Appendix A – Draft Letter (Consultation Response) to DAERA.

APPENDIX A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid Ulster District Council
Planning Department
Local Development Plan Team
50 Ballyronan Road
Magherafelt
BT45 6EN
Tel – 03000 132 132
Email – developmentplan@midulstercouncil.org

Integrated Catchment Planning
NIEA Water Management Unit
17 Antrim Road
Tonagh
Lisburn
BT28 3AL

Dear Sir / Madam

Date: October 2021

RE: draft 3rd Cycle River Basin Management Plan; For the North Western, Neagh Bann and North Eastern River Basin Districts

Mid Ulster District Council has noted the findings of in relation to water bodies within the Neagh Bann River Basin District, which encompasses the overwhelming majority of the Mid Ulster LGD.

We note that there was an overall improvement in the classification of waterbodies in the NBRBD between the years 2015-2018; with 28.4% of waterbodies classed as “good or better” compared to 27.4% in 2015. We also note that three lakes in the NBRBD have declined in status since 2015 and that Lough Neagh continues to be classified as having “Bad Ecological Potential” (BEP).

We further note that in relation to lakes in the NBRBD, 100% had high ecological status in 2015, with only 30% having that classification in 2020. In terms of chemical status, two lakes had good status in 2015, whilst zero lakes had that status in 2020.

The overall picture therefore for the NBRBD is one that suggests that whilst there is a slight improvement in combined status for all waterbodies, the chemical and ecological status of lakes has declined.

We note the measures proposed for reducing the amount of pollution entering watercourses, and that these include;

- Reduction in nutrient and pesticide pollution from agriculture
- Upgrades of WWTW infrastructure
- Reduce nutrient pollution from sewerage and industry

- Incorporate SuDs in all development
- Educational campaigns
- Reduce bankside erosion – Riparian strips

Mid Ulster District Council support measures to reduce pollutants entering our watercourses. We would be concerned however, at any move that views the planning system as a primary method of addressing these concerns. Whilst conditions can may be used to control the impact of nutrients and pollutants from agriculture and industry, the effectiveness of such measures are limited. The key solutions relate to regulation re. farm feeds and public investment in in sewerage infrastructure to reduce the reliance on septic tanks.

In relation to the use of SuDS in development schemes, this has been an ongoing theme in Planning for well over a decade. At present, the implementation of SuDS is secured via negotiation and goodwill of developers and as such, the level of success in securing implementation can be limited. MUDC have been successful in securing SuDS in a recent industrial approval and in addition, our draft Plan Strategy includes a general principal that all development proposals should be encouraged to utilise a SuDs scheme as a means of achieving appropriate drainage.

Mid Ulster are also supportive of the need for riparian protection in order to reduce bankside erosion and the subsequent levels of pollution entering our watercourses. To this end, policy OS2 in our draft Plan Strategy, has been included so that development adjacent to river corridors will conflict with the Plan unless a range of criteria are met, including the provision of a 10m biodiversity strip. This policy will apply to five main rivers in Mid Ulster, namely the Owenkillew, Moyola, Ballinderry, Blackwater, Bann.

Thankyou for the opportunity to comment on the contents of the draft River Basin Management Plan. If you have any further queries in relation to this consultation response, then please feel free to get in touch.

Yours Faithfully



Dr. Chris Boomer,
Planning Manager
Mid Ulster District Council

Report on	Correspondence from Dalradian Gold
Date of Meeting	5 th October 2021
Reporting Officer	Planning Service Director
Contact Officer	Planning Service Director

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	For decision
2.0	Background
2.1	Dalradian Gold has written the Council to dispute some of the comments made by members at the Committee and to invite the Planning Committee and members to visit their site operations (Appendix 1).
3.0	Main Report
3.1	Dalradian have written to say that whilst they welcome a public inquiry they wish to relate there concerns on some of the discussion at the Committee. They argue that our concerns on road impact are misplaced and DfI Roads are content with the proposal and that after construction they will only be moving 3 loads per day and not be moving rocks on or off the site during the operational stage. They state all crushing will be on site and that their mine will extend some 700m and will not be as one member suggested "to a depth of a couple of miles under sea level." They also point to similar mining operations in Conoish and Navan, County Meath as examples of modern mining techniques. (Appendix One). In conclusion, Dalradian invite members and officers to visit their office and operations in Omagh and Rouskey.
3.2	Members will recall that at the Committee some members reflected views, which the Committee as a whole regarded as "heresay". However, the Committee in recognising the need for a public inquiry tabled reasons for refusal to enable the PAC carry out its inquisitorial role. I see no reason why they Council would deviate from this position. This said, it would be of assistance to me in preparing for the inquiry to take up the offer of the accompanied site visit.
3.3	Whilst I anticipate, there would be some disquiet amongst some of those who oppose the goldmine locally who treat any conversations with suspicion. However, the Council's position is a matter of public record and I feel the benefits in terms of our preparation for the Public Inquiry outweigh this.

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That the Service Director accept the invitation on behalf of officers That Committee advise if they feel it would be appropriate for members to attend.
6.0	Documents Attached & References
6.1	Appendix One Letter from Dalriadian.

Dr. Chris Boomer,
Head of Planning,
Mid Ulster District Council,
Cookstown Office,
Burn Road,
Cookstown.
BT80 8DT.

9th September 2021

By email: chris.boomer@midulstercouncil.org

Re: Planning Committee Meeting on 3rd August 2021

Dear Dr. Boomer,

I am the Managing Director of Dalradian Gold Limited ("DGL"). DGL is familiar to the Council and its councillors. I write in relation to the discussion around our planning application and some of the content or comments made at the above committee meeting.

Our proposed operation will be an underground mine, not open cast, and will use surface operations and practices similar to those employed at the Cononish mine, which is situated in the Loch Lomond and Trussachs National Park in Scotland.

Our application is for a polymetallic mine which will produce gold, silver and copper. The need for and importance of mining in supporting our existing economy and in transitioning to a reduced carbon future has been clearly identified by bodies as diverse as the EU, the Institute of Geologists Ireland and the Critical Minerals Association (see attached documents).

To be clear DGL has absolutely no issue with constructive objection and welcomes informed debate. We fully accept that mining, like many industries, can be emotive. However, it is important that opinions, or hearsay, are not presented as facts and that the application is judged accordingly. This is why the company has long been on record as welcoming a public inquiry.

Some of the points that we would wish to raise relate to the discussion within the Chamber. These include:

- Comments around transport and the impact on the road network of HGVs in particular. DfI Roads have assessed the application and are content with the information provided, having responded with the inclusion of draft conditions. After construction, we will only be

exporting a concentrate (akin to a metallic sand), in the order of 3 loads per day. There will not be any movement of rocks or ore off-site during the operational stage.

- All crushing will be on-site. In fact, primary crushing will be completed underground, with the milling stage taking place in a fully enclosed building. There will not be any off-site crushing.
- The incorrect statement made in the committee meeting that "Mining will be to a depth of a couple of miles below sea level". In fact, our mine plan extends to some 700m. As stated earlier, our operation will be underground, with a highly targeted method to remove the narrow (average of 0.5m) gold-silver-copper veins. Our mine plan and planning application, clearly sets out that the mined voids will be backfilled during operations. Indeed, the trial samples produced used cement from the operation in Cookstown, as we are committed to sourcing within the local supply chain, where at all possible.

In terms of this supply chain, we have already engaged with a number of local, world-class manufacturers who have been supplying the mining sector for decades. Many of these companies and their engineers have been to site and visited our underground workings, to better inform and train them for their current jobs.

Modern mining operations are successfully carried out in other developed countries without negatively impacting the environment or the local community. DGL would invite the Council and its councillors to make their own inquiries about the mining operation at Cononish and to do the same with the mine in Navan, County Meath so that further discussion and engagement can be more fully informed and based on objective evidence.

Finally, we would also like to extend an invite to our office and site operations in Omagh and Rouskey, not only to the planning committee members but to any council colleague who would wish to visit.

We could use such a meeting to explain and discuss wider commitments and actions such as our carbon neutral (net carbon zero) status and achievements to date.

Yours sincerely,



Brian Kelly

Managing Director

Report on	DfC, HED Public Consultation on Conservation Principles Guidance for the sustainable management of the historic environment in Northern Ireland
Date of Meeting	5 th October 2021
Reporting Officer	Sarah McNamee, Conservation Planning Officer
Contact Officer	Dr. Chris Boomer, Service Director

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	For members to consider Mid Ulster District Council written representation to public consultation paper by Department for Communities, Historic Environment Division Conservation Principles Guidance for the Sustainable Management of the Historic Environment in Northern Ireland. The paper sets out their proposal for a Conservation framework for the sustainable management of the historic environment in Northern Ireland.
1.2	The purpose of this public consultation is to seek the views of all interested parties on the Department's proposal. The consultation runs for eight weeks ending at 5pm on 8 th October 2021. DfC, HED will give due consideration to all responses and a synopsis of response will be published as soon as practicable following the consultation period.
2.0	Background
2.1	Mid Ulster District Council (MUDC) welcomes and supports the concept of Conservation Principles, as established internationally, via UNESCO 1972 Convention and ICOMOS Charters and would therefore support the adoption of said Conservation Principles within Northern Ireland as a devolved Nation of the UK.
2.2	MUDC notes a previous public consultation process, related to draft HEF Advisory Standards published September 2016, that clearly and concisely set out best practice for repair and guidance for works to listed buildings, (DfC, HED), including the concept of six historic environment principles. The document advocated for a conservation led approach in accordance with BS 7913:2013 'Guide to the Conservation of Historic Buildings' . MUDC supported this approach back in 2016, and, remain of the same view.
2.3	Supporting documentation issued alongside the draft Guidance document omits a statement on the proposed status of the draft guidance, nor the reasoning behind the need for a formal public consultation process, given that other published DfC,

2.4	<p>HED advice and guidance documents (since 2015) have not undergone this process.</p> <p>Internet Link: Consultation on proposed Conservation Principles - Guidance for the sustainable management of the historic environment in Northern Ireland Department for Communities (communities-ni.gov.uk)</p>
3.0	Main Report
3.1	MUDC Planning Department welcomes this opportunity to provide constructive comments regarding the need to provide a fit for purpose Northern Ireland Conservation Framework for the sustainable management of the historic environment. Our written response sets out key points for consideration and further clarification, (Annex A)
3.2	<p>NI Regulatory Framework Historic Environment: As a devolved nation within the UK, NI remains bereft of primary legislation, namely, a Historic Environment Northern Ireland Act, akin to those operating in Scotland and Wales. MUDC would therefore welcome and support a review of the existing regulatory framework and commencement of new:</p> <ul style="list-style-type: none"> • An Independent Body i.e. Historic Northern Ireland akin to other jurisdictions. • NI Historic Environment Act (Primary Legislation) • NI Historic Environment Regulations (Secondary Legislation)
3.3	<p>Historic Environment NI Strategy: An independent overarching 5-year HED Strategy consisting of clear outcome based objectives that are specific, measurable, achievable, and realistic for a given time period.</p> <ul style="list-style-type: none"> • High-level outcome based priorities and objectives specific to the retention, repair and maintenance of the historic environment as a finite shared resource. • Hierarchical structure of governance and accountability for the delivery of outcome based priorities and objectives. • Central Government Department role, responsibility and remit. • A Strategic Delivery Plan for each outcome based objective. • A detailed plan for the assessment of progress. • An Investment plan to enable the delivery of the Corporate Strategy.
3.4	<p>Historic Environment NI Grants and Loans: That Government Departments acknowledge that significant financial investment is required. The Council would support:</p> <ul style="list-style-type: none"> • Significant financial investment into the Historic Environment Fund over a 3-yr period (Financial Calendar) • Application for any remaining NI Executive Funds allocated at In-Year Monitoring Rounds for Historic Environment • Commitment to a 3-year financial package of grants and loans specifically for local district councils to implement and deliver on the ground outcome based measurable local heritage-led projects. For example, '<i>Maintain to Retain</i>' projects and an Annual Heritage Maintenance Week - to engage

3.5	<p>local people directly in the consistent and continuous maintenance and repair needed to retain historic built fabric.</p> <ul style="list-style-type: none"> • Commitment to a 3-year financial package for the physical retention, repair and maintenance of NI Heritage at Risk structures i.e. retain, make safe and secure and wind and water proof authentic historic built fabric. <p>Historic Environment NI Communication Strategy: An overarching Historic NI Communication Strategy would be very helpful. A bespoke user-friendly strategy for communicating with the public focusing on:</p> <ul style="list-style-type: none"> • NI Executive Departments who are directly responsible for the sustainable management, protection and conservation of NI Historic Environment as a physical entity (Original built fabric below and above ground). • Sets out the inter-departmental multi-disciplinary nature required to sustainably manage, retain, protect, maintain and monitor NI Historic Environment. • A structured governance and accountability mechanism to share and disseminate historic environment data, particularly availability and access to Heritage Funding sources within NI. • A structured and achievable strategy to disseminate NI Heritage news, funding sources and research directly to local people, thereby enabling local heritage charities, trusts and individuals avail of funding, education and knowledge opportunities.
3.6	<p>Historic Environment NI Education and Training Strategy: In terms of education and training programmes for local district councils, the following requested:</p> <ul style="list-style-type: none"> • Commitment to provide a regular tailored education and training programme for Elected Members (aligned with local election timescales), focused on local heritage assets within each electoral area to illustrate; <ul style="list-style-type: none"> ➢ Heritage Values and Cultural Heritage ➢ ICOMOS Conservation Principles (Toolkit for sustainable management of physical historic built fabric) ➢ Heritage and Climate (Delivering net zero carbon targets) ➢ Conservation in Practice (Practical methods for maintenance and repair)
3.7	<p>Historic Environment and Climate Crisis: The Council considers that the application of conservation principles aligns with the need to comply with the Paris Convention and enable implementation of the UN Sustainable Development Goals (SDG's) over the next decade to 2030. The need to protect, retain, maintain and repair existing built fabric, will enable the implementation and delivery of SDG's at the local level and support the achievement of net-zero targets.</p> <ul style="list-style-type: none"> • The Council advocates that the guidance include direct reference to SDG, DAERA NICCAP2 and recent Memorandum of Understanding on Climate Action and Cultural Heritage.
3.8	<p>Planning Policy Statement 23 Enabling Development for the Conservation of Significant Places: The Council would strongly urge DfC, HED and DfI Regional</p>

	<p>Planning to withdraw this planning policy statement as it is contradicts the whole concept of conservation, maintenance and repair, ICOMOS conservation principles and in practice inevitably extremely difficult to implement and monitor at local level. PPS23 is counterintuitive and often results in the further deterioration and decay of authentic historic built fabric. There is no fiscal incentive nor significant financial penalties in place to encourage developers to routinely implement a robust maintenance and repair programme of works to retain the original historic built fabric.</p> <ul style="list-style-type: none"> • Withdraw PPS23
3.9	<p>Lack of Governance and Accountability:</p> <p>The draft document lacks any reference to governance and accountability mechanisms for implementation, delivery and monitoring of the noted conservation principles. The draft guidance does not provide a specific measurable and realistic strategy for the implementation and delivery of said ICOMOS Conservation Principles in practice¹. It does not provide clarity on who is legally responsible for implementation and delivery of the six identified conservation principles. There is no hierarchical flowchart on roles and responsibilities nor is there reference as to who will assess and determine the significance of a specific heritage asset. There is no clarity on who will verify the quality of any assessment of significance nor how to achieve the submission of such an assessment in practice.</p> <p>The Council request written clarity on the following:</p> <ul style="list-style-type: none"> • Who is responsible for the implementation, delivery and monitoring of the application of ICOMOS Conservation Principles • What are the outcome based measurable objectives • How and by Whom will ICOMOS Conservation Principles approach be managed and monitored • How will significance of specific heritage asset be assessed and who will verify said statement of significance • What are the practical mechanisms and management tools to implement and deliver ICOMOS Conservation Principles • Who is responsible for monitoring, reporting and evaluating identified outcomes
3.10	<p>Historic Environment NI Public Archive: There is an inherent need for consistent, specific, accessible data on all aspects of the Historic Environment. There is no mechanism in place to manage, monitor and maintain Historic Environment Records in a user friendly and accessible datasets. Council requests that investment is prioritised for</p> <ul style="list-style-type: none"> • A fully functional, accessible and routinely monitored and maintained central Northern Ireland Historic Environment Archive which is adequately resourced to provide full online digital access to historic material in all forms and provide a central archive for physical historic built fabric such as archaeological finds, artefacts and objects. • Complete the Second Survey of existing listed structures and publish data a.s.a.p.

¹ Conservation Professional Practice Principles, IHBC 2017

<p>3.11</p> <p>3.12</p> <p>3.13</p>	<ul style="list-style-type: none"> • Prepare and publish a bi-annual condition survey of all state care and scheduled monuments <p>Heritage Values: To understand the significance of a specific heritage asset, area or object, you must first establish and articulate its heritage values – the values that local people place on the heritage asset, area or object. It is often at the local level where passionate advocates for the Historic Environment, the physical historic fabric, are located. Council requests the following:</p> <ul style="list-style-type: none"> • A specific section articulating Heritage Values <p>Conservation Accredited Officers: The Council advocates for multi-disciplinary teams within its organisational structure to reflect the multi-disciplinary nature and impacts that development can have on society, economy and the environment. It is important therefore that professional accredited conservation officers are located in a position where they will have the biggest impact to attain these goals. The Council would therefore support the transfer of existing HED Conservation Accredited Officers to Mid Ulster District Council Planning Department as an Initial Pilot Project to ascertain the viability of a permanent transfer of professional staff to local planning authorities. The terms of reference for such a pilot project would need agreement in writing by all parties, akin to Secondment opportunity.</p> <p>Specific Draft Document Concerns: Key areas of concern include:</p> <ul style="list-style-type: none"> • No written reference on status of the draft guidance • No Legal Remit – Not Statutory • No clarity on governance and accountability mechanisms • Inadequate list of inter-linked NI Corporate Strategies • No established legal definitions of Historic Environment terminology / technical language (ICOMOS Charters) • Lacks direct reference to Heritage Values • Lacks clear roles, responsibilities and remit for implementation, management, monitoring and review • No requirement to engage Conservation Accredited Professionals nor any reference to adopting Professional Bodies standards. • No legal requirement for a Statement of Significance • No legal requirement to engage conservation accredited craftsperson
<p>4.0</p>	<p>Other Considerations</p>
<p>4.1</p>	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: N/A</p> <p>Human: N/A</p> <p>Risk Management: N/A</p>

4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That members, consider the attached Written Representation (Annex A) and if minded to do so, submit it as the Councils written representation to Public Consultation Paper Conservation Principles: Guidance for the sustainable management of the historic environment in Northern Ireland.
5.2	<p>The key points are:</p> <ul style="list-style-type: none"> • Lack of Governance, Accountability and Delivery Mechanisms • No Government Body akin to Historic Scotland, Historic England and CaDU (Mandatory requirement to Identify, Manage, Monitor and Secure NI Heritage Assets) • No Historic Environment NI Act and associated Regulations (Statutory Requirements) • No Historic Environment NI Strategy (Enforceable Framework) • No Historic Environment NI Communication Strategy (NI Heritage Networks) • No Historic Environment NI Education and Training Strategy (Professional Accreditation / CPD) • No Historic Environment NI Annual Report (Condition of NI Historic Environment) • Insufficient or No Historic Environment NI Grants and Loans (Financial Investment) • Lack linkages with draft PfG Outcome Based Priorities such as Public Health and Wellbeing; Heritage and Climate Crisis; Heritage and Economy • Withdraw PPS23 • Proposed Pilot Programme HED Accredited Conservation Officers
6.0	Documents Attached & References
6.1	<p>Annex A: MUDC Written Representation</p> <p>Annex B: Letter to Heads of Planning – Consultation – Conservation Principles.pdf</p> <p>Annex C: HED Conservation Principles – Supporting Text V5.pdf</p> <p>Annex D: HED Conservation Principles V4.pdf</p>

Annex A

Department for Communities Historic Environment Public Consultation Paper Conservation Principles Guidance for the sustainable management of the historic environment in Northern Ireland

MID ULSTER DISTRICT COUNCIL REPRESENTATION

Mid Ulster District Council (MUDC) welcomes and supports the concept of Conservation Principles, as established internationally, via UNESCO 1972 Convention¹ and ICOMOS Charters² and would therefore support the adoption of said Conservation Principles within Northern Ireland as a devolved Nation of the UK³.

MUDC considers that heritage is all about people, at a local level, and what matters to them – how local people value the historic environment in all its variety of forms. Therefore, the Council recognises the importance of identifying heritage values associated with the physical remains of past generations in the public interest. The Council endorses the need for Regulatory scrutiny and oversight of NI's Historic Environment via the Historic Monument Council and the Historic Building Council, as a check and balance mechanism, that ensures a standard and consistent approach to scheduling, listing and designation of historic built fabric.

DfC, HED Public Consultation Paper

MUDC wish to draw attention to the fact that in September 2016 HED published a 'Framework of Support for Historic Environment Fund, Sustainable Management of the Historic Environment' that identified six conservation principles. The overview document stated,

"In parallel with the development of these funding proposals, HED is developing a framework for the sustainable management of our historic environment. We have identified six principles:

- The historic environment is a shared resource and we have a shared responsibility to pass it on to the next generation in good condition*
- Everyone will be able to participate in sustaining the historic environment*
- Understanding the significance of historic assets is vital*
- Historic assets will be managed to sustain their values⁴*
- Decisions about change must be reasonable, transparent and consistent*
- Documenting and learning from dimensions is essential"*

¹ UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage, November 1972

² The Burra Charter: The Australia ICOMOS Charter for the Conservation of Place of Cultural Significance, ICOMOS, 1999 and Revision 2013.

³ ICOMOS-UK.org

⁴ Values will include evidential value; historical value; and communal value

MUDC supported the identified six conservation principles in 2016, and, remain of the same view.

NI Regulatory Framework Historic Environment

The Council notes that there is legislative inequality between devolved nations in terms of Historic Environment that needs rectified. To enable and sustain an enforceable conservation framework based on the ICOMOS Conservation Principles a robust statutory legislative system is required.

The Council notes that other devolved nations have transferred the legislative power to protect, conserve, maintain, manage and monitor the historic environment as a whole entity to an independent i.e. Historic Environment England, Historic Environment Scotland and Cadw Wales, where as in NI there is no such body.

As a devolved nation within the UK, NI remains bereft of primary legislation, namely, a Historic Environment Northern Ireland Act, akin to those operating in Scotland⁵ and Wales⁶. Both jurisdictional Acts are specific to their devolved nation state and clearly set out the purpose, status, policy, procedures and methodologies for the protection, maintenance, conservation and monitoring of their respective historic environment including archaeological remains. The Council considers that the need to bring forward primary legislation within Northern Ireland is paramount and without a sound regulatory framework, the implementation and delivery of conservation principles on the ground will be limited at best.

Both Acts unified other existing pieces of legislation that were no longer fit for purpose. In particular, the Scottish Act established in law the independent body Historic Environment Scotland and detailed the mandatory functions of the Government body including status, membership, procedures and powers. HE Scotland remit under general functions include investigating, caring for and promoting Scotland's historic environment. Although this is a similar set of functions pursued by DfC, HED it is not on the same legislative footing as either Scotland and Wales nor Heritage Ireland⁷.

MUDC welcome and support a review of the existing regulatory framework and a new bespoke Historic Environment NI Legislation. Namely,

- An Independent Body akin to Historic England, Historic Scotland and Cadw⁸.
- NI Historic Environment Act (Primary Legislation)
- NI Historic Environment Regulations (Secondary Legislation)

Historic Environment NI Strategy

⁵ Historic Environment (Scotland) Act 2014

⁶ Historic Environment (Wales) Act 2016

⁷ <https://heritageireland.ie/>

⁸ Historic Environment Scotland Act 2014, Contents Section and Schedules 1 to 6.



MUDC Planning Department advocates for an independent overarching 5-year Historic Environment NI Corporate Strategy consisting of clear outcome based objectives that are specific, measurable, achievable, and realistic and time constrained. An annual Heritage report on the strategic outcomes as articulated in the Corporate Plan would provide a platform for monitoring the success or otherwise of Strategic Policies and Local Government Strategies to meet the measurable objective. Corporate objectives must endorse the ICOMOS Conservation Principles approach to the historic environment and be based on NI Executive PfG priorities and recommendations but also, on the need to provide practical methods to adapt and mitigate climate change as required under the Paris Agreement

A 5-year Historic Environment Corporate Strategy (linked to 5-year review Of LDP) could provide:

- High-level outcome based priorities and objectives specific to the retention, repair and maintenance of the historic environment as a finite shared resource.
- Hierarchical structure of governance and accountability for the delivery of outcome based priorities and objectives.
- Central Government Department role, responsibility and remit.
- A Strategic Delivery Plan for each outcome based objective.
- A detailed plan for the assessment of progress.
- An Investment plan to enable the delivery of the Corporate Strategy.

Historic Environment NI Grants and Loans

Under the existing Planning Act (NI) 2011, there is a remit to provide grants and funding for the Historic Environment.

MUDC welcomed the implementation of Departmental grants in the form of the Historic Environment Fund. However, there has been severe cuts in NI Executive Departmental financial investment into the protection, conservation and sustainable management of NI's historic assets. Current very limited sources of historic environment funding is from non-government heritage focused charities and associations. There is no Regional Strategy or approach to disseminate knowledge of historic environment grants or loans. The existing dis-jointed approach to the dissemination of timely Historic Environment financial support prevents effective, efficient and coordinated strategic approach to the protection, conservation and maintenance of NI's Historic Environment resulting in local heritage groups, charities, trusts and landowners of heritage assets all fighting for the same small pot of money.

The Council supports a clear strategy for adequate financial investment into NI's Historic Environment Heritage Sector to include direct grants and loans to those people, charities, trusts and individuals who are the temporary steward's for physical historic built fabric and structures, either below or above the ground. Such a strategy needs to be substantial, specific, achievable, realistic and outcomes must be measurable to justify public investment and value for money, clear on the ground results.

The Council supports:

- Significant financial investment into the Historic Environment Fund over a 3-yr period (Financial Calendar)
- Application for any remaining NI Executive Funds allocated at In-Year Monitoring Rounds for Historic Environment
- Commitment to a 3-year financial package of grants and loans specifically for local district councils to implement and deliver on the ground outcome based measurable local heritage-led projects. For example, '*Maintain to Retain*' projects and an Annual Heritage Maintenance Week - to engage local people directly in the consistent and continuous maintenance and repair needed to retain historic built fabric.
- Commitment to a 3-year financial package for the physical retention, repair and maintenance of NI Heritage at Risk structures i.e. retain, make safe and secure and wind and water proof authentic historic built fabric.

Historic Environment NI Communication Strategy

An overarching Historic NI Communication Strategy would be very helpful. A bespoke user-friendly strategy for communicating with the public focusing on:

- NI Executive Departments who are directly responsible for the sustainable management, protection and conservation of NI Historic Environment as a physical entity (Original built fabric below and above ground).
- Sets out the inter-departmental multi-disciplinary nature required to sustainably manage, retain, protect, maintain and monitor NI Historic Environment.
- A structured governance and accountability mechanism to share and disseminate historic environment data, particularly availability and access to Heritage Funding sources within NI.
- A structured and achievable strategy to disseminate NI Heritage news, funding sources and research directly to local people, thereby enabling local heritage charities, trusts and individuals avail of funding, education and knowledge opportunities.

Historic Environment NI Education and Training Strategy

The Council acknowledge the need to retain, repair and sustainably manage all variety of heritage assets within the District in the interest of the public and for future generations. To improve and facilitate a concise and clear understanding of the current processes and procedures in place that are designed to protect and conserve such historic built fabric an Education and Training Strategy to be delivered by existing HED professional officers would benefit all. Clarity regarding statutory functions, governance and accountability specific to NI context needs explanation.

To facilitate a greater understanding of NIs Historic Environment heritage assets and the processes and procedures in place to protect, conserve and retain them the Council supports a bespoke NI Education and Training Strategy. The Strategy could

include contact details of Professional Bodies that provide formal qualifications and accreditation for those working within the existing NI Heritage Sector.

In addition, it could advocate for the engagement of conservation-accredited professionals when considering potential physical alterations and changes to heritage assets within each local district area.

Furthermore, it could include a commitment by DfC, HED to provide CPD for existing professionally accredited officers, support to obtain membership of an appropriate conservation body (dependent on specialism) and financial support for associated fees. In terms of education and training programmes for local district councils, the following requested:

- Commitment to provide a regular tailored education and training programme for Elected Members (aligned with local election timescales), focused on local heritage assets within each electoral area to illustrate;
 - Heritage Values and Cultural Heritage
 - ICOMOS Conservation Principles (Toolkit for sustainable management of physical historic built fabric)
 - Heritage and Climate (Delivering net zero carbon targets)
 - Conservation in Practice (Practical methods for maintenance and repair)

Heritage and the Climate Crisis

Under the Paris Agreement 2015, NI Executive is legally bound to achieve target of net-zero emissions by 2050 and improve biodiversity⁹. The Council considers that the application of ICOMOS conservation principles aligns with the need to comply with this legal requirement and enable implementation of the UN Sustainable Development Goals¹⁰ (SDG's) at a local level over the next decade to 2030¹¹. The draft document does not acknowledge the inherent link between retention of existing historic built fabric, repair and reuse of existing structures and potential to meet set emissions targets. The Council strongly requests that the document sets out the inter-departmental and multi-disciplinary nature of the historic environment by referencing DAERA's Climate Change Adaptation Programme 2019-2024¹². The need to protect, retain, maintain and repair existing built fabric, will enable the implementation and delivery of SDG's at the local level and support the achievement of net-zero targets.

- The Council advocates that the guidance include direct reference to SDG, DAERA NICCAP2 and recent Memorandum of Understanding on Climate Action and Cultural Heritage.

Planning Policy Statement 23: Enabling Development for the Conservation of Significant Places

⁹ <https://www.communities-ni.gov.uk/articles/heritage-and-climate-change>

¹⁰ <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

¹¹ <https://www.un.org/sustainabledevelopment/decade-of-action/>

¹² NI Climate Change Adaptation Programme 2019-2024, (NICCAP2) DAERA



The Council would strongly urge DfC, HED and DfI Regional Planning to withdraw this planning policy statement as it is contradicts ICOMOS Conservation Principles and in practice inevitably extremely difficult to delivery, enforce and monitor. PPS23 is counterintuitive and often results in the further deterioration and decay of authentic historic built fabric. PPS23 encourages developers to allow further decay and deterioration of authentic historic built fabric to the point that unless concessions to enable an economically viable proposal is given the actual historic structure(s) will be lost. There is no fiscal incentive nor significant financial penalties in place to encourage developers to routinely implement a robust maintenance and repair programme of works to retain the original historic built fabric.

- Withdraw PPS23

Lack of Governance and Accountability

The draft document lacks any reference to governance and accountability mechanisms for implementation, delivery and monitoring of the noted conservation principles. The draft guidance does not provide a specific measurable and realistic strategy for the implementation and delivery of said ICOMOS Conservation Principles in practice¹³. It does not provide clarity on who is legally responsible for implementation and delivery of the six identified conservation principles. There is no hierarchical flowchart on roles and responsibilities nor is there reference as to who will assess and determine the significance of a specific heritage asset. There is no clarity on who will verify the quality of any assessment of significance nor how to achieve the submission of such an assessment in practice.

The Council request written clarity on the following:

- Who is responsible for the implementation, delivery and monitoring of the application of ICOMOS Conservation Principles
- What are the outcome based measurable objectives
- How and by Whom will ICOMOS Conservation Principles approach be managed and monitored
- How will significance of specific heritage asset be assessed and who will verify said statement of significance
- What are the practical mechanisms and management tools to implement and deliver ICOMOS Conservation Principles
- Who is responsible for monitoring, reporting and evaluating identified outcomes

Historic Environment NI Public Archive

There is an inherent need for consistent, specific, accessible data on all aspects of the Historic Environment. Although recently such data sets have been made more available, there is a significant delay in accessing up-to-date and adequate historic data, for example; structural condition survey's, Listed Building Second Survey. Deficiencies in the availability of sound verifiable data is an issue for all interested parties. Significant financial investment by DfC, HED (as the competent body) is required urgently to complete long outstanding research and data gathering on the

¹³ Conservation Professional Practice Principles, IHBC 2017

ground and facilitate a managed, maintained, consistent and coherent Historic Environment Record for NI which combines the existing separate data sets into a one stop shop for historic environment data. The Council suggests financial investment needed to publish a bi-annual assessment report on the condition of state care and scheduled monuments.

The Council requests that financial investment and adequate staff resources prioritized:

- A fully functional, accessible and routinely monitored and maintained central Northern Ireland Historic Environment Archive which is adequately resourced to provide full online digital access to historic material in all forms and provide a central archive for physical historic built fabric such as archaeological finds, artefacts and objects.
- Complete the Second Survey of existing listed structures and publish data a.s.a.p.
- Prepare and publish a bi-annual condition survey of all state care and scheduled monuments

In addition, the Council would welcome an annual publication focused on the Historic Environment separate from the NI State of the Environment Report as an independent public resource, akin to Historic Environment England's Heritage Counts¹⁴ series.

Heritage Values

To understand the significance of a specific heritage asset, area or object, you must first establish and articulate its heritage values – the values that local people place on the heritage asset, area or object. It is often at the local level where passionate advocates for the Historic Environment, the physical historic fabric, are located. The Council considers that a specific section on Heritage Values is required clearly articulating what heritage values are and how they are assessed.

Councils Planning Department requests the following:

- Heritage Values Section

Local Authority Multi-Disciplinary Teams

The Council notes that there are jurisdictional differences as local authorities have devolved powers to protect the historic built fabric through a multi-disciplinary team of appropriately qualified and accredited professionals, for example, conservation-accredited planners, architects, archaeologists, structural engineers and quantified surveyors. The Council supports further devolution of centralised powers, including the historic environment to local authority based multi-disciplinary teams of professional conservation specialists to facilitate sustainable management all types of heritage assets at the local level. Access and availability of a dedicated multi-disciplinary team of conservation-accredited professionals enables consistent cross-

¹⁴ <https://historicengland.org.uk/research/heritage-counts/>

departmental consultation and liaison, placing the historic environment at the heart of local government. Without a viable conduit between regional strategy and local people, the implementation of any HED Guidance is minimal, particularly as it is not mandated.

- Local Authority multi-disciplinary teams for sustainable management of Historic Environment

Conservation Accredited Officers

The Council advocates for multi-disciplinary teams within its organisational structure, particularly within the Planning Department, to reflect the multi-disciplinary nature and impacts that development can have on society, economy and environment. There is a need for accountable joint approach to the implementation and delivery of the UN Sustainability Goals; NI Executives draft PfG Priorities and the retention and sustainable management of historic built fabric at the local level thereby delivering overarching goals and priorities at the regional level. It is important therefore that professional accredited officers are located in a position where they will have the biggest impact to attain these goals.

The Council's Planning Department welcome an opportunity to work directly with Historic Environment Division to facilitate an **Initial Pilot Project**. The terms of reference for such a pilot project require written agreement by all parties, akin to Secondment opportunity. MUDC Planning Manager would welcome a constructive dialogue with the Director of HED to consider a Pilot Project with MUDC Planning Department.

Specific Comments RE: Draft Document

Mid Ulster District Council supports in principle the overarching context and need for an agreed approach to the sustainable management, maintenance and monitoring of the local historic environment within its district – therefore in principle the Council supports and welcomes the consideration of utilising the ICOMOS Conservation Principles¹⁵.

The ICOMOS conservation principles approach to sustainable management accords with the NI Executives Programme for Government (PfG) '*Outcome-based approach*' which puts a focus on achieving real world impacts on the Environment which the public have informed the government are important to them¹⁶. Said conservation principles approach also accord with the Council's draft Local Development Plan Strategic Plan and will support the MUDC Community Plan outcomes. That said however, there are several concerns specific to the draft published document that need to be clarified in writing by the Department for Communities, Historic Environment Division (DfC, HED).

¹⁵ The Burra Charter, The Australia ICOMOS Charter for Places of Cultural Significance, ICOMOS, 2013

¹⁶ What Matters Most? A qualitative analysis, NISRA Hub Research, December 2020.

Introduction Section

The Council suggest the insertion of a clear statement of status and purpose is required, incorporating, the draft documents function, role and remit, akin to other UK¹⁷ and Republic of Ireland historic environment advice and guidance documents, for example an Overview section on *'How to use this Document'*.

The introduction section states *'This publication is tailored to the process through which the historic environment is managed in Northern Ireland.'* The draft document however, does not clearly set out how existing legislation and policy approaches differ between the UK devolved nations, nor indeed that of the Republic of Ireland.

The Council suggests that the document needs to set out clearly and coherently within existing hierarchical government corporate strategy, policy and other published HED advice and guidance documents. The Council notes that HED advice and guidance documents published since 2015 have not undergone a formal public consultation. Why has HED's approach altered?

The Council suggests the insertion of a section, *'Who's role is it?'* that clearly and succinctly sets out which NI Executive Department is responsible for what, specific to the sustainable management, maintenance and monitoring of all aspects of the Historic Environment.

The introduction contains a section entitled *'Context with strategic policy documents in Northern Ireland'*, which attempts to highlight existing corporate government strategy documents. However, the list does not reflect the full gambit of published NI Strategies for which the Historic Environment plays a vital role in terms of implementing and monitoring measurable outcomes. The Council suggests that this list is incomplete and needs further thought.

The Council suggests that the guidance reference the following:

- NI Executive's draft PfG 2021-2022. Particularly in relation to achieving more sustainable consumption (SDG 12), protecting and restoring ecosystems (SDG 15) and combating climate change (SDG 13)¹⁸
- Outcomes Delivery Plan 2018-19 Improving Wellbeing for All (NI Executive, June 2018)¹⁹
- Outcomes Delivery Plan Indicators 2019/2020²⁰
- NI Economic Strategy Priorities for sustainable growth and prosperity (2012)²¹

¹⁷ Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, Historic England, 2008

¹⁸ Re-use and Recycle to Reduce Carbon (historicengland.org.uk)

¹⁹ www.executiveoffice-ni.gov.uk

²⁰ www.executiveoffice-ni.gov.uk

²¹ www.northernireland.gov.uk



- Northern Ireland Climate Change Adaptation Programme 2019-2024²²
- Draft Energy Strategy NI 2050²³ (Consultation on Policy Options)
- Skills Strategy for NI: Skills for a 10x Economy²⁴ (Consultation on Policy Options)
- Tourism Recovery Action Plan May 2021
- Sustainability for the Future – DAERA's Plan 2050
- Archaeology 2030: A Strategic Approach for Northern Ireland

The draft document needs to clearly articulate the status of BS:7913:2013 Guide to the Conservation of Historic Environment, within NI. This is the UK recognised standard for all conservation works. Other professional standard referenced also need clarified in terms of their status within NI. HED must confirm the legal status of these widely used best practice publications.

The Principles

Keep it Simple: Adopt the phrasing for the Conservation Principles as published by other state parties (National ICOMOS Charters for example New Zealand²⁵ and Australia²⁶). These Charters are logical in their approach, succinctly setting out the purpose of conservation, the principles of conservation, the heritage values and the conservation processes and practice bespoke to their nation.

Context: Identify and articulate legislative context, NI Executive Corporate priorities, strategies and Departmental corporate strategy clearly identifying how the draft guidance fits in with the existing hierarchy of government documents and, what if any, status the document has in determining the impacts (tangible and intangible) which proposed changes may have.

Purpose: What is the purpose of each Principle, how do they relate to each other and how will they be measured (inter-relationships and cross-service outcomes).

Definitions: Adopt the UNESCO definitions as stated within the 1972 Convention. For example, Article 1 defines '*cultural heritage*' includes *monuments, groups of buildings and sites*. Other existing national state Charters provide a clear legal definition of conservation and conservation terminology.

Phrasing: Adopt wording and phrasing as articulated in relevant legislation (legal definitions) and as stated in other UK Devolved Nations guidance e.g. Historic England, Historic Scotland and Cadw.

²² www.daera-ni.gov.uk

²³ www.economy-ni.gov.uk

²⁴ www.economy-ni.gov.uk

²⁵ ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, Revised 2010 (www.icomis.org)

²⁶ The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013 (Articles 2-5) (www.austalia.icomos.org)

Suggested rephrasing for each principle

Conservation Principle 1: The historic environment is a finite shared resource for all.

Conservation Principle 2: Everyone should be able to participate in the sustainable management of the historic environment.

Conservation Principle 3: Understanding the heritage values and Significance of place is vital

Conservation Principle 4: The heritage values of a heritage asset including significant places must be retained and managed in a sustainable way

Conservation Principle 5: Decisions about change must be reasonable, transparent and consistent (with Historic Environment NI Act)

Conservation Principle 6: Maintaining, managing and monitoring the Historic Environment NI Archive, as an Educational and Learning resource is essential to decision making.

New Section Heritage Values

The Council strongly endorses the need for a specific section focused on Heritage Values – the values which the public, the people put on a specific heritage asset. The absence of clear and concise Heritage Values from the document curtails its purpose as a guidance document. A good example of best practice guidance on Heritage Values is set out in Historic Environment England's 2008 Guidance. The Council suggests this section is adopted by DfC, HED.

Understanding Significance

This section needs revised to provide clear, succinct and logical approach to how the significance of a heritage asset is assessed – i.e. the assessment criteria used by DfC, HED to determine the '*significance*' of the authentic built fabric be that above or below ground. To that end, the term '*significance*' must be a legal definition, with the source of said definition clearly referenced.

Many UNESCO and ICOMOS Conventions and national Charters already clearly articulate technical definitions and interpretation citing the purpose of conservation, the principles of conservation, the need for said principles, the concept of heritage values, and, the processes and procedures required to assess the significance of an individual heritage asset. The Council suggests that DfC, HED adopt the existing

Burra Charter and tailor it to NI with supporting primary legislation, secondary regulations and a corporate strategy articulating specific measurable outcomes.

The Council suggests that DfC, HED adopt the definitions as already articulated in established conventions and national charters such as UNESCO's Convention for the safeguarding of the Intangible Cultural Heritage (meaning of '*intangible cultural heritage*' Article 2 (1)²⁷.

Assessment of Significance

The Council welcomes the confirmation that significance is evidence based and that a sound, consistent and accessible record of all forms of historical data must be managed, maintained and monitored. As there is no specific regulatory framework that requires the sustainable management, maintenance and monitoring of NI Historic Environment – a mandatory requirement, there is no one heritage body responsible for the sustainable management, maintenance and monitoring of historic records.

This has resulted in a disjointed approach to historic data management – consistent high quality accessible and user-friendly Historic Environment Archive NI.

- The Council requests clarification as to which Department, if any, is required to manage and monitor historic environment records, materials, artefacts and objects?
- How is a Historic Environment Record verified by professional bodies / accredited persons?

In order to assess the significance of any heritage asset be it a historic built structure, archaeological remains or a planned historic landscape, it is vital that the decision maker has full access to all available data, including research papers, developer-led surveys, recordings and any other form of tangible evidence associated with the specific heritage asset. Easy access to such basic evidence is essential to enable the decision maker to consider fully any potential impacts, (both positive and negative), that proposed interventions or alterations will have on the historical significance of a specific heritage asset. Without documented evidence, there can be no justification for or against change to the heritage asset or alterations within its historic curtilage nor associated wider setting, such as a streetscape or planned pleasure gardens.

The Council advocates for assessment based on sound evidence and to that end MUDC officers need direct access to a managed and maintained archaeological archive both print and digital, which is easily accessible to all, is up-to-date and reviewed annually by qualified and experienced archaeologists.

The Council suggests the creation of a centralized archaeological archive incorporating development-led private practice archaeologist reports, findings and

²⁷ Convention for the safeguarding of the Intangible Cultural Heritage, UNESCO

professional assessments to provide a sound evidence base for future decisions in respect to change and alterations.

Assessment of the importance of Archaeological Remains:

The Council would support the implementation and delivery of the recommendations of DfC, HED's published '*Archaeology 2030*' strategy²⁸. Said recommendations will require cross-departmental co-ordination at central government level. It is vital that all 11 local district councils are part of the suggested '*Programme Board*'²⁹ at Director and Senior Management level. Furthermore, given the potential significant impact on local planning departments it is vital that Planning Directors / Managers (and their deputies) are directly involved with the preparation of the proposed '*Action Plan*'.

The Council draws attention to the fact that, excavation licensing and schedule monument consents, are not within the remit of local planning department. There is no legal requirement for the local planning department to enforce any legal requirement therein required under the current NI legislation. The Council suggests the establishment of a DfC, HED Enforcement Team to enable HED officers to enforce their own legislative requirements under the 1995 Order specifically in relation to licensing, consents, permitting of archaeological activities which are not the role of the local district councils.

In addition, if as suggested, under Aim 1 Points 1.6-1.8 and Aim 3 Recommendations DfC, HED, wish to further develop existing working relationships, the Council suggests that all 11 local planning authorities need to be represented and '*at the table*', when consideration is given to the practical management, maintenance and monitoring particularly third party expectations and realistic achievable outcomes.

Managing change to a heritage asset and its setting

Practical Conservation:

The Council supports the adoption of practical methods of conservation dependent on type of heritage asset under consideration for example:

- Tangible physical cultural heritage – the physical remains of fabricated built structures; the published BS7913:2013 as best practice technical guidance for the protection, conservation, maintenance and management of original built fabric of historic assets.
- ClfA published methodology standards for Archaeological remains, artefacts and objects.

²⁸ Archaeology 2030: A Strategic Approach for Northern Ireland, DfC, HED 2020

²⁹ Section 2 Delivery, recommendations and creating an action plan, Archaeology 2030: A Strategic Approach for Northern Ireland, DfC, HED 2020



- Legal requirement for conservation accredited professionals both architects and archaeologists to be engaged to assess significance and to consider any proposed changes or alterations. (Historic Environment Act NI)
- Application of Heritage Values focused assessment criteria to determine significance.

Assessment of Significance

Planning Applications

The Council welcomes the recognition that all decisions are considered on the available evidence provided at the time. A practical assessment of any potential change or alternation, to a heritage asset, determined by submitted evidence. Such evidence provided by HED or an applicant must be bespoke to the case under consideration.

With regard to this section, the Council wish the following points noted:

- There is no legal requirement to request a Statement of Significance nor any other specific historic environment assessment.
- There is no legal requirement to engage appropriately accredited conservation professionals nor conservation craftsperson to implement any works.

Without the underpin power of a legislative requirement there is no penalties fiscal or otherwise which local planning authorities can apply to ensure the submission of high quality and professional reports, assessments or analysis of the historic environment.

Contact: Dr. Chris Boomer,
Planning Manager
Mid Ulster District Council
Council Offices
50 Ballyronan Road
Magherafelt
BT45 6PN
Telephone: 03000 132 132
Email: planning@midulstercouncil.org
Website: www.midulstercouncil.org



Historic Environment Division
Ground Floor
NINE Lanyon Place
Town Parks
Belfast
BT1 3LP

To All Council Heads of Planning

Email: jain.greenway@communities-ni.gov.uk

Date: 4 August 2021

Dear colleague

NOTIFICATION OF PUBLIC CONSULTATION - CONSERVATION PRINCIPLES - GUIDANCE FOR THE SUSTAINABLE MANAGEMENT OF THE HISTORIC ENVIRONMENT IN NORTHERN IRELAND

The Department for Communities will be publicly consulting on a guidance document '*CONSERVATION PRINCIPLES - Guidance for the sustainable management of the historic environment in Northern Ireland*'. I thought it would be helpful to provide you with advance notification of the forthcoming 8 week consultation period, commencing on **13 August and closing on 8 October 2021**.

The purpose of the Conservation Principles document is to set out a best practice conservation framework to inform all aspects of decision making affecting our historic environment. The six key conservation principles are based on internationally established conservation standards, consistent with the approaches of Historic England, Cadw (Wales), Historic Environment Scotland and the Department of Housing, Local Government and Heritage (Ireland). The document also seeks to achieve a clear, shared approach across these islands, tailored to the processes through which the historic environment is managed in Northern Ireland.

This document demonstrates our processes in decision making and provision of advice, and also clarifies our position on other matters affecting heritage assets across Northern Ireland, including those in relation to our statutory obligations as set out in the Historic Monuments and Archaeological Objects (NI) Order 1995, Planning Act (NI) 2011 and obligations under The Planning (General Permitted Development) Order (NI) 2015.

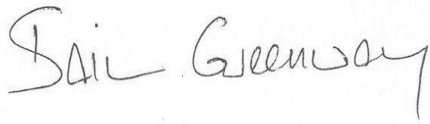
The document encourages central government, local authorities, heritage asset owners, developers and their agents/advisers to refer to these Conservation Principles when considering changes which impact on a designated or non-designated heritage asset.

Consultation responses are welcomed, so that comments or any identified issues can be taken into account prior to publication and included in the synopsis of responses which will be published after the consultation period. A brief overview of the Conservation Principles document will be provided at the next Strategic Planning Group meeting on 16 September.

The consultation documents will be made available on the Department's website, together with details of how to respond, from 13 August.

Should you have any queries regarding this email please contact our Heritage Advice and Regulation team by e-mail HED.ConservationPrinciples@communities-ni.gov.uk, or by telephone on (028) 9081 9226.

Many thanks

A handwritten signature in black ink that reads "Iain Greenway". The signature is written in a cursive, slightly slanted style. The letters are connected, and the overall appearance is that of a personal or professional signature.

IAIN GREENWAY

Director, Historic Environment Division



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Public Consultation Paper

Conservation Principles

Guidance for the sustainable
management of the historic
environment in Northern Ireland

Contents

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1. Minister's Foreword



It is important to appreciate the contribution that heritage makes to our communities and to our social and economic wellbeing. All heritage assets are a product of a rich and complex history that has made our landscape, villages, towns and cities unique and special.

To understand and appreciate the significance of these heritage assets is fundamental in realising the full potential of our historic environment. Making good decisions and managing our assets is something we can work together on, ensuring that they are well maintained and protected for future generations

We are in a difficult time, and it is vital that we all support communities, people and places to improve lives through the recovery from Covid-19 impacts. The Department wants to support communities at all levels, to ensure that heritage at the heart of communities is cared for and adapted sustainably, so that it can continue to have positive impacts for the people it connects.

I would very much value your consideration of the Conservation Principles framework document. My Department wants to work together with key stakeholders to ensure that appropriate decisions can be made in relation to heritage assets, and I hope the conservation framework for this work will ensure we provide this support consistently.

A handwritten signature in black ink that reads "Deirdre Hargey". The signature is fluid and cursive.

Deirdre Hargey MLA
Minister for Communities
28 March 2021

2. Background

Northern Ireland currently has around 52,000 recorded heritage assets, and approximately a quarter of these are protected by formal designation. The Department for Communities also has responsibility for 190 monuments in state care.

The Department's Historic Environment Division (HED) has drafted a paper entitled 'Conservation Principles; Guidance for the sustainable management of the historic environment in Northern Ireland'.

The principles within the document are based on internationally established conservation doctrine, and align with our obligations under Council of Europe Conventions on the protection of heritage, and ICOMOS (International Council on Monuments and Sites) charters laying out good practice and guidance for conservation of the historic environment.

The Conservation Principles guidance sets out a best practice conservation framework for all aspects of decision-making affecting our historic environment. It is intended that by setting out these overarching principles, our process and consistency in decision-making

and advice is transparent; it will clarify the Department's position on important matters affecting heritage assets across Northern Ireland, including those in relation to its statutory obligations as set out in the Historic Monuments and Archaeological Objects (NI) Order 1995, Planning Act (NI) 2011 and The Planning (General Permitted Development) Order (NI) 2015.

The six conservation principles set out within this publication are consistent with the approach by Historic England, Cadw (Wales), Historic Environment Scotland and the Department of Housing, Local Government and Heritage (Ireland) to ensure a clear, shared approach across these islands. This publication is tailored to the processes through which the historic environment is managed in Northern Ireland.

The well-informed change management and care of our heritage assets is essential to supporting outcomes within the Department's five year strategy (Building Inclusive Communities 2020-2025) and also has parallels in the draft Programme for Government and Regional Development Strategy 2035 (RDS).

3. Consultation Details

In this consultation document the Department for Communities (“the Department”) sets out a proposal for a Conservation Principles framework for the sustainable management of the historic environment in Northern Ireland.

The purpose of this consultation is to seek the views of all interested parties on the Department’s proposal. The consultation will run for eight weeks. The Department will give due consideration to all responses and a synopsis of responses will be published as soon as practicable following the consultation period.

Copies of this consultation document may be made without seeking permission. This document is also available in alternative formats; please contact us to discuss your requirements. The document is published on the Department’s website.

If you have any queries regarding this consultation please contact the Heritage Advice and Regulation team by e-mail, by post to the address below or by telephone through our enquiries line on (028) 9081 9226.

How to Respond

Early responses are encouraged but all responses should arrive no later than 5pm on 08 October 2021.

Complete the questions in the online survey found at **<https://consultations.nidirect.gov.uk/dfc/hedconservationprinciples-publicconsultation>**

Alternatively, responses may be sent by email to **HED.ConservationPrinciples@communities-ni.gov.uk** or by post to:

Conservation Principles Consultation

Historic Environment Division
Department for Communities
Ground Floor
9 Lanyon Place
Town Parks
BELFAST, BT1 3LP

When responding please state whether you are responding as an individual, or representing the views of an organisation. Before you submit your responses please read the “Confidentiality of Consultations” section below, which gives guidance on the legal position.

Equality Screening

Section 75 of the Northern Ireland Act 1998 requires that public authorities have due regard to equality issues in carrying out functions relating to Northern Ireland. We have completed an equality screening of the document being consulted upon and have concluded that they do not impact on equality of opportunity for any of the nine categories specified in section 75 (religious belief; political opinion; race; age; marital status; sexual orientation; men and women generally; disability; and dependants).

We have not identified any evidence of higher or lower participation or uptake by different groups; that different groups have different needs, experiences, issues and priorities in relation to the particular proposal; that there is an opportunity to better promote equality of opportunity or better community relations by altering the proposal or working with others in government or the community at large. Engagement with relevant groups, organisations or individuals has not indicated that particular proposals create problems that are specific to them.

The Equality Commission will receive copies of this document as part of the consultation exercise. We will take into account any comments the Commission might have.

Human Rights Act 1998

The Human Rights Act 1998 incorporates the European Convention on Human Rights (“the Convention”) and makes it unlawful for a public authority to act in a way that is incompatible with these rights.

The proposed framework will have a positive impact with regard to human health, public safety and environmental quality. The new document will enhance rather than be detrimental to applicants’ Convention rights. There is no obligation to avail of the benefits available under the new framework. The Department’s view is that the document is fully compliant with Convention rights.

The Human Rights Commission will receive copies of this document as part of the consultation. We will take into account any comments the Commission may make.

Rural Needs Impact Assessment

The Rural Needs Impact Assessment (RNIA) is a process to ensure that all relevant Government outputs are examined carefully and objectively to determine whether or not they have a different impact in rural areas from that elsewhere, because of the particular characteristics of rural areas. Where necessary the process should also examine what adjustments might be made to reflect rural needs and in particular to ensure that, as far as possible, public services are accessible on a fair basis to the rural community. The Department has considered this framework in relation to the rural community and has found no potential differential impacts.

Confidentiality of Consultations

For this consultation, we may publish all responses, withholding personal information such as names, email addresses, postal addresses and phone numbers from responses, but apart from that we may publish them in full. For more information about what we do with the information please see our privacy notice: [Link to DfC GDPR Privacy Notice](#)

Responses to this consultation may be disclosed in accordance with Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR); however all disclosures will be in line with the Data Protection Act 2018 and the General Data Protection Regulations EU 2016/679.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority (the Department in this case). This right of access to information includes information provided in response to a consultation.

The Department cannot automatically consider information supplied to it in response to a consultation, as confidential. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

DfC is the data controller in respect of any personal data that you provide and DfC privacy notice gives details in respect of your rights in respect of handling your personal data: [Link to DfC Privacy Notice](#)

4. Proposals - HED Conservation Principles (Consultation) Paper

Link to **Conservation Principles** paper

5. Questions

Q1: Are you responding to this consultation on behalf of an organisation or as an individual? Please specify organisation.

Q2: What connection do you/does your organisation have with heritage matters?

Q3: Do you agree with the overall approach to the Conservation Principles as outlined within its introduction? (Please provide any comments to explain your answer)

Q4: Do you agree or disagree with each of the proposed six key principles and their associated aims on a scale of 1-5, 1 (strongly disagree), 2 (agree), 3 (neutral), 4 (agree) to 5 (strongly agree)?

Please provide any comments to explain your answer and indicate to which Principles (1-6) your comments refer.

Q5: Do you agree or disagree with the approach to Understanding Significance, and the three key interests of archaeological, architectural and historic? (Please provide any comments to explain your answer)

Q6: Do you agree or disagree with the approach to Assessment of Significance? (Please provide any comments to explain your answer)

Q7: Do you agree or disagree with the approach to Managing Change to a Heritage Asset? (Please provide any comments to explain your answer)

Q8: Is there any other comment you would like to make on the document content?

Q9: In responding to this consultation, please highlight any possible unintended consequences of the proposals and any practical difficulties you foresee in implementing them.

6. The consultation process and how to respond

FRAMEWORK FOR CONSULTATION	SUMMARY DETAIL
Topic of this consultation	Introduction of a Conservation Principles document is to set out a best practice conservation framework to inform all aspects of decision-making affecting our historic environment.
Scope of this consultation	The consultation will help inform and refine the Conservation Principles document
Audience	Anyone with an interest in this area is welcome to respond. The Department encourages central government, local authorities, heritage asset owners, developers and their agents/advisers to refer to these Conservation Principles when considering changes which impact on a designated or non-designated heritage asset.
Body responsible for the consultation	The Department for Communities
Duration	The consultation will run for 8 weeks. It will begin on 13 August and will end on 08 October 2021
Enquiries	e-mail: HED.ConservationPrinciples@communities-ni.gov.uk telephone: (028) 9081 9226
How to respond	<p>Please respond to the consultation in one of the following ways:</p> <p>Complete the questions in the online survey at: https://consultations.nidirect.gov.uk/dfc/hedconservationprinciples-publicconsultation</p> <p>By email to HED.ConservationPrinciples@communities-ni.gov.uk including CONSULTATION RESPONSE in the title line</p> <p>By post to: Conservation Principles Consultation Historic Environment Division Department for Communities Ground Floor 9 Lanyon Place Town Parks BELFAST, BT1 3LP</p>
After the consultation	The views and advice expressed in responses to this consultation may be placed in the public domain. Each response will inform the Department in its consequential publication.



Department for

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Helping communities to enjoy and realise the value of our historic environment

Historic Environment Division

Ground Floor
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Belfast
BT1 3LP

Tel: (028) 9081 9226

Email: HED.ConservationPrinciples@communities-ni.gov.uk

Web: www.communities-ni.gov.uk/topics/historic-environment





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Commonities

Historic Environment Division

Conservation Principles

Guidance for the sustainable
management of the historic
environment in Northern Ireland

July 2021



Historic Environment Division (HED) aim

“Helping communities to enjoy and realise the value of our historic environment”

We do this by:

- Recording, protecting, conserving, advising, promoting and enhancing its value
- Utilising and growing our specialist knowledge and expertise in collaboration with a wide range of groups and individuals
- Contributing to the Executive’s objectives as laid out in the Programme for Government

Our historic environment provides authentic and attractive places which increase our pride, character and identity, lead to improved wellbeing and community engagement, and to prosperity through tourism, investment, skills, regeneration and creativity. It is a precious and finite resource available to present generations, and with appropriate management, to future generations.

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Introduction

Our historic environment is central to Northern Ireland's cultural heritage, providing us with a sense of place, identity and wellbeing. It is a resource to be protected, conserved and, where possible, enhanced for the benefit of present and future generations.

The Department for Communities (DfC) encourages these Conservation Principles to be referred to for guidance by the following when considering changes which impact on a designated or non-designated heritage asset:

- owners and people responsible for looking after heritage assets;
- developers and their consultant teams;
- policy makers and decision makers in central government and local authorities

Our historic environment is constantly changing, but each part of it represents a finite resource. The process of managing change to a heritage asset and its setting must be carried out in ways that best sustain its significance and retain character, distinctiveness, local identity and quality of the places in which we live and work, for present and future generations.

The purpose of this document is to set out a best practice conservation-led framework to inform all aspects of decision-making which affect our historic environment, and to reconcile its protection with the economic and social needs and aspirations of our communities.

This document is the first part of a two part publication on DfC's Conservation Principles for the sustainable management of the Historic Environment. This document, Part 1, sets out the six key guiding Conservation Principles. Part 2 will set out how to apply these principles.

The conservation principles within this guidance will inform the exercise by HED of its following functions, namely:

- in our decision-making prior to undertaking work on sites in our ownership and care;
- in our decision-making and in our advice to others;
- to inform our consultation advice to local councils on planning applications;
- when providing advice with regard to the marine historic environment for development proposals either seaward, or exempt from, terrestrial planning;
- when contributing to Local Development Plans;
- in publishing guidance relating to the historic environment; and assessing applications where we provide financial support.

The Conservation Principles have been developed to be consistent with:

- International Conventions:
 - United Nations Convention on the Law of the Sea (UNCLOS), 1982
 - The Protection of the Architectural Heritage of Europe (Granada Convention), 1985
 - The Protection of the Archaeological Heritage (Valletta Convention), 1992
 - The European Landscape Convention (Florence Convention), 2000

- Legislative requirements:
Protection of Wrecks Act 1973
Historic Monuments and Archaeological Objects (NI) Order 1995
Marine and Coastal Access Act 2009
Planning Act (NI) 2011
Marine Act (NI) 2013
- British Standards:
The British Standard 7913:2013 Guide to the Conservation of Historic Buildings.

The six conservation principles set out within this publication are consistent with the approach by Historic England, Cadw, Historic Environment Scotland and the Department of Housing, Local Government and Heritage (Ireland) to ensure a clear, shared approach across these islands. This publication is tailored to the process through which the historic environment is managed in Northern Ireland.

Context with strategic policy documents in Northern Ireland

The importance of our historic environment and its protection is recognised by the Northern Ireland Executive. The following are extracts from key strategic policy documents for Northern Ireland:

The **Regional Development Strategy 2035** includes the explicit objective to:

‘Protect and enhance the environment for its own sake’ [RDS aims, 2.10) and; ‘Conserve, protect, and where possible, enhance our built heritage and our natural environment’ [RG11] adding that, ‘The environment, both in terms of natural and built heritage, is one of Northern Ireland’s most important assets. Effective care of the environment provides very real benefits in terms of improving health and wellbeing, promoting economic development’

The **Strategic Planning Policy Statement 2015** includes the following Regional Strategic Objectives for archaeology and the built heritage:

‘Secure the protection, conservation and, where possible, the enhancement of our built and archaeological heritage; Promote the sustainable development and environmental stewardship with regard to our built and archaeological heritage; and Deliver the economic and community benefit through conservation that facilitates productive use of our built heritage assets and opportunities for investment, whilst safeguarding their historic or architectural integrity’

The **Investment Strategy** for NI 2011-21 also covers heritage:

‘We have a responsibility to present and future generations to protect and enhance our environment and to conserve the rich diversity that our natural and built heritage possesses.’

Conservation Principles

Principle 1 - The historic environment is of value to us all

- 1.1 Our historic environment contains a unique and dynamic record of human activity. It has been shaped by successive generations responding to the surroundings they inherited. It embodies lives, aspirations, skills and endeavour.
- 1.2 People value this historic environment as part of their cultural heritage. It reflects past societies' knowledge, beliefs and the traditions of diverse communities over time. It gives meaning, quality and context to the places in which we live and visit, providing a sense of continuity and a source of local identity and distinctive character. The historic environment helps to sustain and contribute to the social, economic and environmental requirements for present and future generations.
- 1.3 Each generation shapes and should sustain the historic environment in ways that allow people to understand, use, enjoy and benefit from it, without compromising the ability of future generations to do the same.
- 1.4 Heritage assets provide a link to the past and are therefore of public interest, regardless of ownership. The use of international conventions and charters, backed-up by appropriate legislation, policy and investment is justified relative to the value established to protect that public interest.
- 1.5 We should all recognise and understand the significance of heritage assets. Advice and assistance should be available from public sources to help owners and custodians protect, conserve and, where possible, enhance the heritage assets of which they are guardians for present and future generations.

Principle 2 - Everyone should be able to participate in sustaining the historic environment

- 2.1 Everyone should have the opportunity to contribute their knowledge of the significance of heritage assets and to participate in decisions about their future, including change. Engagement ensures that all viewpoints, as far as is practical, are given consideration in decisions in an open and transparent way.
- 2.2 Learning is central to sustaining the historic environment. It raises awareness and understanding of our heritage, including the varied ways it is perceived by different generations and communities. Learning encourages engagement, which informs and promotes active participation in caring for the historic environment.
- 2.3 Experts shall use their knowledge and skills to encourage and enable others to learn about, value and care for the historic environment. They play a crucial role in discerning, communicating and sustaining the significance of heritage assets, and in helping people to refine and articulate the values they attach to them.
- 2.4 It is essential to develop, maintain and pass on the specialist knowledge and skills necessary to sustain the historic environment.
- 2.5 Physical work shall not be carried out on a heritage asset without the appropriate consents and advice. In such cases interventions are to be carried out by persons with the appropriate qualifications, experience, knowledge and skills.

Principle 3 - Understanding the significance of heritage assets is vital

3.1 The historic environment is made up of individual heritage assets: archaeological sites, monuments and buildings, historic wrecks, as well as the townscapes or landscape/seascape settings in which they are found. Any part of the historic environment which has a distinctive historic association or identity can be considered to be a heritage asset and therefore holds a significance.

3.2 The significance of a heritage asset embraces all the diverse cultural interests that people associate with it. These interests tend to grow in strength and complexity over time, as understanding deepens and perceptions of a heritage asset evolve.

3.3 Understanding and articulating what is significant about a heritage asset is critical to inform decisions about its future, ensuring decisions made are well-informed and based on sound evidence.

3.4 To identify the significance of a heritage asset, the value of the heritage interests shall be considered, including how and why they may have changed over time:

- Archaeological interest
- Architectural interest
- Historic interest

These are explained in more detail within the 'Understanding Significance' section later.

Principle 4 - Heritage assets shall be managed to sustain their significance

- 4.1 Change in the historic environment is inevitable. This can be the result of decay by natural processes, the wear and tear of use, or the need to respond to social, economic, environmental and technological change. For example, the impact of climate change and/or energy efficiency regulations on heritage assets is a particular challenge. Finding a sustainable use after its former use is obsolete also needs to be carefully considered so as not to negatively impact its significance.
- 4.2 Conservation is the process of managing change to a heritage asset and/or its setting in ways that will best sustain its heritage interest, and protect, conserve and enhance its significance for present and future generations.
- 4.3 Conservation of a heritage asset, including its setting, is achieved by gaining and sharing an understanding of its significance, and using that understanding to develop and manage the conservation approach:
- Identify heritage interests which are vulnerable to change;
 - Define the constraints necessary to protect, conserve and enhance those interests;
 - Achieve a balanced view between the impact of different options on the interests and significance of the heritage asset;
 - Ensure consistency in decision-making which retains the significance of the heritage asset.
- 4.4 Not all heritage conservation action leads to interventions; at times the most appropriate approach may be to do nothing and monitor, for example when an ancient field monument remains stable and appreciated in a working agricultural landscape.
- 4.5 Where interventions are proposed, they are to be proportionate and justified by demonstrating that the benefits outweigh any resulting harm or loss to the heritage asset's fabric or setting. For example, improving access must not confuse our understanding of the past, but rather it should reveal or reinforce the significance of a heritage asset.
- 4.6 New work (interventions of any kind) shall respect the interest and setting of the heritage asset. It shall aspire to a high quality of design and execution, through the use of experienced crafts people and appropriate material selection, which may be valued both now and in the future. This neither implies nor precludes working in traditional or innovative ways.

Principle 5 - Decisions about change shall be reasonable, transparent and consistent

- 5.1 Owners, managers and occupiers of heritage assets are encouraged to seek advice and examples of best practice in preparing their conservation proposals.
- 5.2 The level of assessment and public engagement shall be sufficient to inform and justify the decision to be made, but efficient and proportionate in the use of resources.
- 5.3 Decisions about change in the historic environment demand the application of expertise, experience and judgement in a consistent, transparent process led by international conventions and charters, backed-up by appropriate legislation, policy and guidance throughout the process.
- 5.4 When assessing the impact of a proposed change, determining authorities shall give due regard to the significance and impact (present and proposed) of the heritage asset and its setting.
- 5.5 Potential conflict between sustaining the significance of a heritage asset and delivering other important public benefits is to be avoided or minimised by considering other ways of delivering those benefits.
- 5.6 If conflict cannot be avoided, the weight given to a heritage asset when making the decision shall be proportionate to the significance of the heritage asset, and the impact the proposed change will have on the significance of the heritage asset and its setting.

Principle 6 - Documenting and learning from decisions is essential

- 6.1 The information gathered in the understanding and assessing of significance shall be retained by the owner or manager of a heritage asset, and where appropriate placed in a public archive. This will ensure future generations will benefit from the knowledge gained.
- 6.2 The information and documentation for the justification of conservation decisions and the actions that follow them are crucial to maintaining a cumulative account of what has happened to a heritage asset. This will ensure an understanding of how and why its significance may have been altered and inform future decisions.
- 6.3 Owners and managers of heritage assets, and responsible public bodies, should monitor and evaluate the effects of change resulting from decisions and policies, and use that information to inform future decisions and policies.
- 6.4 In the exceptional case where all or part of a heritage asset will be lost, whether as a result of inevitable natural process or a decision, the opportunity to extract and record that information about the past must be realised. This requires investigation and analysis, followed by archiving and accessibility of the results, all at a level that reflects its significance.
- 6.5 Where such loss is the direct result of human intervention, the costs of this work shall be borne by those who benefit from the change, or who initiate the change in the public interest.

Understanding Significance

Preamble

7.1 We value the historic environment for many reasons, such as its distinctive archaeology, architecture or landscape, the stories it can tell us about our past, its physical connection with notable people or events and because we find it beautiful or inspiring. It may play a role as the focus for a community, and represent both tangible and intangible heritage. All of this we want to enjoy and sustain for the benefit of present and future generations.

7.2 The idea of ‘significance’ lies at the core of these principles. Understanding of a heritage asset’s significance, be it a building, an archaeological site or a larger historic area such as a whole village or landscape, is achieved by evaluating and assessing the heritage interests to enable and allow for the effects of proposed changes to be fully considered. This necessitates the application of a systematic and consistent process.

7.3 Tangible heritage – physical evidence produced by human activity and passed from one generation to the next, e.g. artistic creations such as monuments, structures and buildings.

7.4 Intangible heritage - traditions or living expressions inherited from one generation to the next, such as oral traditions, social practices, or knowledge and skills.

7.5 Significance – the collective term for the sum of all the heritage interests attached to a heritage asset, including its setting. The following provides a summary of the

core heritage interests, which apply to the significance of a heritage asset and may be expressed under one or more of these headings:

Archaeological interest

7.6 Archaeological interest of a heritage asset derives from the embodied evidence of past human activity. The evidence may sometimes be visible and relatively easy to access, but can also be less apparent (below ground remains and artefacts, palaeoenvironmental evidence, submerged marine heritage, or hidden beneath later built fabric) and therefore, obtained through careful investigation. The potential for evidence from occupied or vacant buildings must not be overlooked and is often an important driver for conservation decisions.

7.7 Physical remains of past human activity, including landform, are the primary source of evidence about the substance and evolution of a place, and of the people and cultures that made them. Landform includes monumental landscapes, with its deliberate connections from one monument to another or a prominent point in the landscape. These remains provide the primary evidence for when and how a heritage asset was made or built, what it was used for and how it has changed over time. The unrecorded loss of historic fabric represents the destruction of finite primary evidence.

7.8 Heritage assets will vary in how much they can contribute to our understanding

of our history and are vulnerable to inappropriate methods of gaining this knowledge. The use of good practice and appropriate techniques will ensure that information can be gained without causing unnecessary damage to potentially vulnerable structures. Any activity which prejudices future archaeological investigation harms the heritage asset. This can mean that some heritage assets, or parts of them, are very sensitive to change. Therefore, the use of good practice and appropriate techniques will ensure, that when unavoidable, information can be gained without causing unnecessary damage to potentially vulnerable structures. Expert advice must be sought to identify those sensitivities, and through suitable assessment or evaluation, informed decisions can be made on how best to proceed. Non-intrusive investigation is preferable to intrusive work to obtain the evidence without physical harm to the archaeology.

- 7.9 Additional evidence can be gained from documentary sources (historical records, contemporary written accounts, or reports from previous investigations), pictorial, maps or cartographic records, archaeological archives or museum collections. To assess the significance of this aspect of a heritage asset, all this evidence needs to be gathered in a systematic way and any gaps in the evidence identified.
- 7.10 Tangible and intangible evidence plays a vital role in helping us understand the past. The retention of as much of the primary evidence as possible, including local knowledge and tradition,

is critical in aiding our ability to properly understand its realities. The ultimate aim of archaeological investigation is to obtain the evidence to increase knowledge and our understanding without damage to the heritage asset. Where an impact on the historic fabric is unavoidable, this is kept to the absolute minimum necessary. This is not always possible, particularly when the requirement for investigative work arises as a final recourse to record archaeological remains in advance of destruction through development. However, identifying gaps in evidence through research and surveys can help inform small scale limited evaluation to answer specific conservation questions; these can be beneficial in informing objectives to conserve and protect the integrity of an asset, or ensure its preservation in situ.

Architectural interest

- 7.11 Architectural interest derives from the ways in which people draw sensory and intellectual stimulation from a heritage asset. It includes the style, character and ornamentation, the plan form and functionality of the physical structure, and how it is understood within its setting. It is an interest in the art or science, including the artistic endeavour of construction, craftsmanship, detailing and decoration of buildings or structures of all types. This can be through formal design or the seemingly incidental outcome, or both, of how the heritage asset has evolved over time.
- 7.12 Architectural interest of a building, structure or landscape as a whole embraces composition (proportions, form, massing, silhouette, views and

vistas as well as circulation) and includes materials or planting. Architectural interest also includes; setting, spatial organisation, technological innovation, interiors, alterations, group value and arrangement of spaces or landscape.

- 7.13 Formal design can be categorised by a designed concept, be it architecture, structures, including industrial and defence structures, or landscape reinforced by human embellishment; design created through detailed instructions (such as by a known patron, architect, gardener or craftsman).
- 7.14 Incidental design can be categorised as vernacular, that is, the result of a succession of responses within a particular cultural identity. They include, the relationship of buildings and structures and their materials to their locality; a harmonious, expressive or dramatic quality in the juxtaposition of buildings and structures with their setting; or the seemingly organic form of an urban or rural landscape.
- 7.15 The physical structure and composition of a heritage asset may have changed over time. Earlier visual records and written descriptions may be more powerful in people's minds than what survives today. Important vistas may be lost or screened, or access to them altered or temporarily denied. Therefore, the compiling of evidence of the past and present form of the heritage asset will inform our understanding, enabling decisions on the protection and conservation of the heritage asset.

- 7.16 Aesthetic interest resulting from the action of nature and time on buildings or structures, may overlie and enhance the interest of a conscious design (man-made) and may influence how we respond to the heritage asset. While the passage of time may simply add to the range and depth of the significance of the whole, on occasion nature may be in conflict with the heritage asset, and have the potential to cause harm, for example, vegetation rooting in masonry joints.

Historic interest

- 7.17 Historic interest derives not only from the ways in which past people, events and aspects of life can be connected through the fabric of a heritage asset to the present, but to a heritage asset's age, rarity and authenticity. Historic interest tends to be illustrative or associative.
- 7.18 Illustrative – the physical story of past historical events, people or distinctive aspects of life. The illustrative value of heritage assets tends to be greater if the historic fabric incorporates the first, or only surviving, example of an innovation derived from consequence, whether related to design, technology or aspects of social or cultural organisation.
- 7.19 Associative – the association with a notable person, family, movement or event. The place where something momentous happened can increase and intensify understanding through clear linking of historical accounts of events with the fabric of the heritage asset where they happened – provided the heritage asset still retains some semblance of its appearance at the time.

7.20 When these stories, illustrative or associative, form part of the identity or collective memory of a place for a community it can hold a social interest. Such values tend to change over time, and sometimes may be important for remembering positive or uncomfortable events, attitudes or periods in our history.

7.21 The functions of a heritage asset are likely to have changed over time, but the historic interest can be easily diminished when its history is concealed or not acknowledged.

7.22 Original fabric is a primary evidence source, and where it is associated with a notable individual or event it can expand our understanding and ability to illustrate our past.

7.23 The change from one style or fashion to another that a heritage asset may exhibit, will provide historic interest. For example, how an individual built or designed a garden, or created a settlement, may provide insight into their personality, or demonstrate their political or cultural affiliations. It can suggest aspects of their character and motivation that extend, or even contradict, what they or others wrote, or are recorded as having said, at the time.

7.24 The use of a heritage asset for its original purpose, for example as a place of recreation, defence, worship, or manufacture, illustrates the relationship between design and function, and so may make a major contribution to its historical interest. If so, cessation of that activity can potentially alter that interest. Conversely, abandoned historic

settlements for example, may illustrate important historic events.

7.25 While physical heritage assets offer clear and obvious insight to our past, the historical treatment and naming of the landscape, place names and townlands, also gives a sense of place and identity that is deeply embedded in our society, local culture and traditions. Intangible cultural heritage is an equally important part of the heritage interest and identity.

Further suggested heritage interests

7.26 In some cases it may be appropriate to consider other aspects of interest such as:

Authenticity interest – valued because it is unique and has an integrity which must be safeguarded. Such safeguarding can impose a significant constraint on project decision making; or

Communal interest - derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory; or

Economic interest – providing a valuable source of income or employment, for example a historic landscape may be sought out for enjoyment for private reflection or social events which could generate economic income for the surrounding locality; or

Scientific interest - may be important for its scientific content or as a source for scholarly study; or

Social interest – may contribute towards social stability, social interaction and community cohesion, helping to identify the group values that make the community a desirable place to live and work; or

Spiritual interest – emanating from religious beliefs, or reflecting present-day perceptions of the spirit of place; or

Symbolic interest – may convey meaning and information that helps local communities to interpret identity and assert cultural personality.

The above headings are not exhaustive, and are provided as guidance in the assessment of 'significance'. Many of the named heritage interests will apply to the assessment of the significance of statutorily protected heritage assets. Criteria for their designation is however derived from legislation.

Assessment of Significance

- 8.1 Significance is evidence based, and new evidence can be uncovered at any time which modifies our understanding of a heritage asset. To identify significance, the heritage interests of an asset, its history, fabric and character, must be correctly understood. The different heritage interests of the asset must be researched, assessed and outlined in a Statement of Significance.
- 8.2 A Statement of Significance is a succinct assessment of the heritage asset. For example, it should cover the heritage interests in detail through consideration of:
- the heritage asset's origins;
 - contextual relationship with other heritage assets;
 - the surrounding natural and built environment;
 - how and why it has changed over time;
 - the form and condition of its constituent elements and materials;
 - the technology of its construction;
 - the function it provided or provides;
 - any habitats it provides; and
 - comparison with similar heritage assets in the locality, region or even nationally.
- 8.3 It is desirable to protect, conserve and enhance all the identified heritage interests of a heritage asset; but on occasion, what is necessary to sustain some interests will conflict with what is necessary to sustain others. Therefore, understanding significance is essential to objective decision-making.
- 8.4 An assessment of significance will need to identify how particular parts of a heritage asset and different periods in its evolution contribute to, or detract from, each identified heritage interest, producing a chronological sequence of its evolution.
- 8.5 Engaging with appropriate professional expertise to undertake this work is important to ensure the consistency and validity of this assessment.
- 8.6 Sources of information may include:
- Historic Environment Record of Northern Ireland (HERoNI)
 - Documentation underpinning any existing statutory designations
 - Historical and archaeological archives (museum records)
 - Published research frameworks
 - Public Record Office of Northern Ireland (PRONI)
 - Personal recollections / dialogue
 - Specific programmes of archaeological survey and investigation
- 8.7 Part of the assessment will normally be illustrated by maps, plans or photographic record showing the age and relative significance of the components or character areas of the heritage asset. When a scheme of work proposes potential change, it is important that the elements directly affected are addressed at an appropriate level of detail, but always in relation to the heritage asset as a whole.

8.8 Designation at an international, national or local level is an indicator of the importance of a particular heritage asset. However, non-designated heritage assets may represent monuments, buildings or landscapes which are locally important. Therefore, the absence of statutory designation does not necessarily imply lack of significance. Detailed research and analysis may reveal new evidence about any heritage asset and therefore, enable its review within current selection criteria for designation or the application of protective policies.

8.9 The fact that a heritage asset does not meet current criteria for formal designation does not negate the heritage interests it may have in creating a distinctive character or local identity for particular communities. Such interests shall be taken into account in making decisions about their future through the local authority and marine planning systems.

8.10 It could be argued that no Statement of Significance can ever be complete or totally objective. However, it must try to express the heritage interests identified fairly and not be influenced by consideration of any changes being proposed. Different people and communities may attach different weight to the same heritage interests of a heritage asset at the same time. Judgements about heritage interests, especially those relating to the recent past, tend to be influenced by current perspectives, which will likely evolve over time. Therefore, it is important to acknowledge that Statements of Significance can change with time as new evidence emerges, or perceptions of the historic context of the heritage asset change.

Managing change to a heritage asset and its setting

- 9.1 Conservation involves the management of change in ways that will best protect, conserve and, where possible, enhance the significance of a heritage asset and the contribution its setting makes on that significance.
- 9.2 Factors to consider in assessing the impact of change include:
- the relative contribution to significance of the elements affected (where appropriate, by reference to criteria for national or local designation), including the contribution of its setting;
 - how the proposed change would affect these elements;
 - the extent of any uncertainty about its heritage interests (particularly in relation to potential for hidden or buried elements); and
 - any tensions between potentially conflicting interests.
- 9.3 Change to heritage assets is inevitable. The passage of time, natural forces and regular use will lead to erosion of historic fabric impacting the archaeological or architectural interest. Ensuring the long term future of our heritage assets often requires adaptation and change, which may be acceptable provided such interventions respect the recognised heritage interest and significance of the heritage asset. Owners and managers of heritage assets should not be discouraged from adding further layers of potential interest and value, provided that the existing recognised significance is not eroded or compromised in the process. It is acknowledged that work of successive generations often contributes to significance.
- 9.4 Retaining the economic viability or the social functions of heritage assets will sustain their survival and encourage their regular maintenance. For example, many archaeological sites can be maintained under sympathetic farming or forestry regimes, or as with historic parks, gardens or demesnes which form part of dynamic systems, they can benefit from continuous management practices. Lapses in management and maintenance regimes may lead to accelerated deterioration of heritage assets.
- 9.5 Decisions about change to heritage assets will involve balancing the significance of the heritage asset against the anticipated positives and negatives of the proposed intervention.
- 9.6 Managing appropriate change of a heritage asset balances a sound understanding of the significance of the asset with the requirements and aspirations of the current generation and a long term view for its protection for future generations. Only through this process, will we create a sustainable management of the historic environment.

Definitions

Includes words used in a specific or technical sense.

Alteration	Work intended to change the function or appearance of a heritage asset or part thereof
Authenticity	Those characteristics that most truthfully reflect and embody the cultural heritage interests of a heritage asset
Built Heritage	A collective term for heritage assets of local, regional or international significance because of their heritage value(s)
Conservation	The process of managing change to a heritage asset in its setting in ways that will best sustain its heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations
Conservation area	An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, designated under the Planning Act (Northern Ireland) 2011
Cultural heritage	Inherited assets which people identify and value as a reflection and expression of their evolving knowledge, beliefs and traditions, and of their understanding of the beliefs and traditions of others
Context	Any relationship between a heritage asset and its setting, including other places and its past, relevant to the values of that heritage asset
Designation	The recognition of particular heritage interest(s) of a heritage asset by giving it formal status under legislation or policy intended to sustain its significance
Designated Heritage Asset	A World Heritage Site, State Care Monument, Scheduled Monument, Area of Significant Archaeological Interest, Listed Building, Conservation Area, Area of Townscape/Village Character, Local Landscape Policy Area or Protected Wreck Site.
Fabric	The material substance of which places are formed, including geology, archaeological deposits, structures and buildings, construction materials, decorative details and finishes and planted or managed flora

Harm	Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage interest of a heritage asset
Heritage	All inherited resources which people value for reasons beyond mere utility
Heritage asset	A building, monument, site, place, area or landscape identified as having cultural significance
Historic environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and deliberately planted or managed flora
HERoNI	The Historic Environment Record of Northern Ireland (HERoNI), holds information on all elements of Northern Ireland's historic environment and heritage assets in the form of databases, written records, maps, photographic, drawn and digital material
Integrity	A measure of the wholeness and intactness of a heritage asset and the survival and condition of those elements that contribute to its significance
Intervention	Any action which has a physical effect on the fabric or appreciation of a place
Maintenance	Routine work necessary to keep the fabric of a place, including its setting, in good order
Preserve	To keep safe from harm
Proportionality	The quality of being appropriately related to something else in size, degree, or other measurable characteristics
Public	Of or concerning the people as a whole
Renewal	Comprehensive dismantling and replacement of an element of a place, in the case of structures normally reincorporating sound elements

Repair	Work beyond the scope of maintenance, to remedy defects caused by decay, damage or use, including minor adaptation to achieve a sustainable outcome, but not involving restoration or alteration
Restoration	To return a heritage asset to a known earlier state, on the basis of compelling evidence, without conjecture
Reversible	Capable of being removed so that the previous state is restored without loss of historic fabric. Here primarily referring to the effect of inappropriate interventions on the heritage interest of a heritage asset
Setting	The immediate and extended environment that is part of – and contributes to – the significance and distinctive character of a heritage asset, and through which a heritage asset is understood, seen, experienced and enjoyed
Significance	The value of a heritage asset to past, present and future generations because of the sum of its embodied heritage interests. Those interests may be archaeological, architectural, historic or others. Significance also derives from its setting
Sustain	Maintain, treasure and affirm significance
Sustainable	Capable of meeting present needs without compromising ability to meet future needs
Transparent	Open to public scrutiny
Value-based judgement	An assessment that reflects the values of the person or group making the assessment

Appendix A

International Charters and Conventions

The importance of conserving and protecting heritage assets is recognised in a number of international conventions and charters. Conventions are normally international treaties. Once the United Kingdom has ratified a convention it has obligations to implement its requirements. Charters are statements of internationally recognised best practice that shall be taken as guidance.

Conventions

United Nations Convention on the Law of the Sea (UNCLOS), 1982

Convention for the Protection of the Architectural Heritage of Europe (Granada Convention), 1985.

European Convention on the Protection of the Archaeological Heritage (Valletta Convention), 1992.

European Landscape Convention (Florence Convention), 2000.

Charters

The International Charter for the Conservation and Restoration of Monuments and Sites (Venice Charter), 1964.

The Preservation of Historic Gardens (Florence Charter), 1981.

The Charter on the Protection and Management of Underwater Cultural Heritage (ICOMOS), 1996

ICOMOS Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas. (Xi'an Declaration), 2005.

New Zealand ICOMOS Charter for the Conservation of Places of Cultural Heritage Value, 2010.

The Australia ICOMOS Charter for Places of Cultural Significance (Burra Charter), 2013.

Other guidance

Conservation Principles, Policies and Guidance, for the sustainable management of the historic environment (Historic England, 2008)

Conservation Principles for the sustainable management of the historic environment Wales (Cadw, 2011)

Architectural Heritage Protection, guideline for planning authorities (Dept. of Culture, Heritage and the Gaeltacht, 2011)

Historic Environment Policy for Scotland (Historic Environment Scotland, 2019)

British Standard Guide to the Conservation of Historic Buildings BS 7913:2013 (British Standard Institution, 2013)

Conservation Professional Practice Principles (Institute of Historic Buildings Conservation, 2017)



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Historic Environment Division

Ground Floor
9 Lanyon Place
Belfast
BT1 3LP

Tel: (028) 9081 9226

Email: HED.ConservationPrinciples@communities-ni.gov.uk

Web: www.communities-ni.gov.uk/topics/historic-environment

Front Cover Image:

Aerial view of Ardglass



Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 7 September 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present	Councillor Black, Chair	
	Councillors Bell, Clarke, Colvin*, Corry, Cuthbertson, Glasgow, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson	
Officers in Attendance	Dr Boomer, Planning Manager Mr Bowman, Head of Development Management Ms Donnelly, Council Solicitor Ms Doyle, Senior Planning Officer Mr Marrion, Senior Planning Officer Mr McClean, Senior Planning Officer Ms McCullagh, Senior Planning Officer Miss Thompson, Democratic Services Officer	
Others in Attendance	Councillor Gildernew***	
	LA09/2021/0635/O	Mr Gourley*
	LA09/2021/0734/RM	Mr McCann
		Ms McCann
	LA09/2017/1366/F	Mr Rogers*
		Ms McIlvar

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.27 pm

P117/21 Apologies

Councillors Brown and Hughes.

P118/21 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

Councillor McFlynn declared an interest in agenda item 8 - Receive report on request for review of TPO Decision.

Councillor D McPeake declared an interest in agenda item 5.14 - LA09/2021/0116/O - Dwelling & garage at lands E of 91 Creagh Road, Castledawson, for Ciaran Devlin.

P119/21 Chair's Business

The Planning Manager referred to recently held DEA meetings to discuss settlements and in particular the Cookstown DEA meeting in which only one Member could attend on the day. The Planning Manager asked if Members would like a further Cookstown DEA meeting to be held.

Proposed by Councillor Mallaghan
Seconded by Councillor Glasgow and

Resolved That a further Cookstown DEA meeting be scheduled to discuss settlements.

The Planning Manager drew attention to the addendum and the appeal decision regarding conditions for Creagh Concrete Quarry at Pomeroy. The Planning Manager stated that in the past there has been little to no restoration following quarrying activities and he felt there could be better governance on this matter. The Planning Manager stated that more recently, particularly in Scotland, when such applications have come forward conditions have been applied which would require the developer to take out some form of assurance in that if they went bust there would be a fund to undertake an appropriate level of restoration. In this instance, the Planning Manager stated that Creagh Concrete lodged an appeal regarding the conditions set and that they won their appeal. The Planning Manager stated that the Commissioner advises that the options are for standard conditions in which restoration will be sought against the landowner which the Planning Manager felt is of little use if the landowner has gone bust. The alternative option is to seek planning agreements, however the Planning Manager stated these can be costly and cause delays to an application. The Planning Manager stated that Creagh Concrete have won the appeal on this case and this did not give him any concern. Unfortunately, it now meant planning agreements would have to be pursued in some cases.

The Planning Manager referred to previous discussion in relation to holding an additional planning meeting and that a date was set in place for 28 September. The Planning Manager stated that when applications are advertised, dates of planning committees are also advertised in order to give prior warnings to applicants to check the Council website as to what is on the agenda for a meeting and that this caused a difficulty in trying to arrange an additional meeting. The Planning Manager stated it would be in order to hold an additional planning committee to discuss items which are not in the public domain ie. Local Development Plan or for overspill from one meeting to the next but not for new application items. The Planning Manager stated he felt the meeting scheduled for 28 September would no longer be required but that it may be wise to hold a further date for overspill however it would not be known if a further date would be required until after the planning meeting on 5 October.

In response to question from Councillor Mallaghan relating to the planning appeal by Creagh Concrete the Planning Manager advised that the planning application for Creagh Concrete had now been approved. The Planning Manager stated that Council were seeking better governance and were not trying to prevent development and that the standard conditions were applied to the approval by the PAC.

The Planning Manager referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda Item 4.1 – LA09/2019/0179/F - Variation of condition 12 of M/2011/0126/F (opening hours condition) at lands 70m S of 177 Annagher Road, Coalisland for DMAC Engineering.

Agenda Item 4.2 – LA09/2019/0822/F - Shed over existing storage tank at lands 48m SE of 130 Coolreaghs Road, Cookstown for Mr Ronnie Smith.

Agenda Item 4.4 – LA09/2019/1548/O - 4 Detached dwellings and garages, accessed through Riverside Gardens, at lands approx. 80m S of Hughes Furniture, Bellshill Road, Castledawson, for Hughes Furniture.

Agenda Item 4.16 – LA09/2021/0539/O - Site for dwelling & garage 180m NE of 83 Moneysharvan Road, Maghera, for Mrs Bridget Church.

Agenda Item 4.18 - LA09/2021/0690/O - 2 dwellings adjoining and NE of 100 Trewmount Road, Killyman, for Briege O'Donnell.

Agenda Item 4.20 - LA09/2021/0739/F - Dwelling & Garage/Store 150m NE of 230 Coalisland Road, Gortin, Dungannon, for Mr Cathal Keogh.

Councillor S McPeake asked that agenda item 4.21 - LA09/2021/0822/O - Infill site of dwelling & domestic garage at 60m S of 88 Gulladuff Hill, Magherafelt, for Dan McCrystal also be deferred for an office meeting as the applicant had not yet engaged an architect.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That the above planning applications be deferred for an office meeting.

The Planning Manager advised that agenda item 4.6 - LA09/2020/0516/F - Amendment of house location (previously approved in M/2008/0722/RM) and new access at 36 Lisgallon Road, Dungannon, for Farasha Properties Ltd had been withdrawn.

Matters for Decision

P120/21 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2019/0179/F Variation of condition 12 of M/2011/0126/F (opening hours condition) at lands 70m S of 177 Annagher Road, Coalisland for DMAC Engineering

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2019/0822/F Shed over existing storage tank at lands 48m SE of 130 Coolreaghs Road, Cookstown for Mr Ronnie Smith

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2019/1300/F Amendment to the overall turbine tip heights (consented under LA09/2015/0460/F and K/2015/0066/F) and varying of planning condition from 25 years to 35 years at Murley Wind Farm in the townlands of Killygordan, Tattanafinnell, Edgegole and Cole Glen Forest near Fivemiletown for Renewable Energy System Limited

Members considered previously circulated report on planning application LA09/2019/1300/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2019/1300/F be approved subject to conditions as per the officer's report.

LA09/2019/1548/O 4 Detached dwellings and garages, accessed through Riverside Gardens, at lands approx. 80m S of Hughes Furniture, Bellshill Road, Castledawson, for Hughes Furniture

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2019/1667/O 2 dwellings and garages with new access, at land adjacent to 95 Mullaghmore Road, Dungannon, for Ms C Cuskeran

Members considered previously circulated report on planning application LA09/2019/1667/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2019/1667/O be approved subject to conditions as per the officer's report.

LA09/2020/0516/F Amendment of house location (previously approved in M/2008/0722/RM) and new access at 36 Lisgallon Road, Dungannon, for Farasha Properties Ltd

Application withdrawn.

LA09/2020/0537/F Housing development (40 units) with associated carparking and landscaping, at Killymeal House and adjacent lands, Killymeal Road, Dungannon for J & V Construction

Members considered previously circulated report on planning application LA09/2020/0537/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0537/F be approved subject to conditions as per the officer's report.

LA09/2020/0759/F Housing development consisting of 8 dwellings with associated access, roads, landscaping and provision of temporary treatment plant (Amended Plan) at lands adjacent to 121 Ruskey Road, The Loup, for Mr McVey

Members considered previously circulated report on planning application LA09/2020/0759/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/0759/F be approved subject to conditions as per the officer's report.

LA09/2020/0832/F Application to vary Condition 16 of H/2010/0009/F to change the operational lifetime of the wind farm from 25 years to 30 years at Crocandun approx. 450m WSW of junction of Cullion Road and Drumard Road Draperstown for Brookfield Renewable

Members considered previously circulated report on planning application LA09/2020/0832/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0832/F be approved subject to conditions as per the officer's report.

LA09/2020/0949/F Extension of existing confectionery warehouse, additional car-parking and external hardstanding / loading / unloading area at 58 Old English Road, Dungannon, for Northern Confectioners Ltd

Members considered previously circulated report on planning application LA09/2020/0949/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2020/0949/F be approved subject to conditions as per the officer's report.

LA09/2021/0077/F Alternative acoustic noise barrier (to approved LA09/2016/0543/F) at 100 Gortgonis Road, Coalisland for Toubcal Limited

Members considered previously circulated report on planning application LA09/2021/0077/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2021/0077/F be approved subject to conditions as per the officer's report.

LA09/2021/0226/F Extension and alterations to existing clubhouse for additional changing facilities, bar/function area, kitchen, toilets, storage and viewing gallery at 7 Meadowbank Road, Magherafelt, for Rainey Old Boys RFC

Members considered previously circulated report on planning application LA09/2021/0226/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2021/0226/F be approved subject to conditions as per the officer's report.

LA09/2021/0387/F Renewal of change of house type from 3 detached dwellings (approved under I/2014/0081/F) to 6 semi detached dwellings at 15, 15A and 16 St Jeans Cottages Cookstown for Hoover Investments Ltd

Members considered previously circulated report on planning application LA09/2021/0387/F which had a recommendation for approval.

Proposed by Councillor Glasgow
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/0387/F be approved subject to conditions as per the officer's report.

LA09/2021/0462/F Housing development and associated works at lands immediately SW of 44 Dungannon Road, Moy, for P D Construction Ltd

Mr Marrion (SPO) presented a report on planning application LA09/2021/0462/F advising that it was recommended for approval. Mr Marrion drew attention to the addendum which advised of late objection and additional condition to be considered.

Councillor Colvin asked what happens if the developer proceeds to erect the houses before the drainage system is put in place.

The Planning Manager stated that planning is directed to use conditions if it enables development and this is the starting principle. If there is development outside of the conditions there are two courses of action namely a breach of condition notice which could be used for minor breaches or service of an enforcement notice with the further option of a stop notice for a breach such as commencing works prior to having proper infrastructure in place. If an enforcement notice is breached then an applicant can be summonsed and prosecuted. The Planning Manager stated the officer's condition is worded in such a way so as to have infrastructure in place prior to commencement of the development rather than prior to occupation of dwellings.

Councillor Colvin stated that on the face of it it all sounded good but that he had concerns that the houses will be built and bought before infrastructure is in place and the occupiers will be left to deal with the matter. The Councillor stated there are examples of where this has happened before and that this issue needs to be considered at a higher level.

Councillor Bell stated that the objector has legitimate concerns and that he would like reassurance from the officer that they are content with the conditions being proposed and that the drainage system will be adopted and maintained after the site is handed over.

Mr Marrion advised that officers consulted with DFI Rivers and that they advised that the systems will be adopted by NI Water via an Article 161 Agreement. Mr Marrion stated that those matters were outside of planning legislation and all planning can do is to put forward to the developer that they have certain obligations to adhere to before development commences.

Councillor Bell asked for the views of the Planning Manager on the concerns raised and that the developer won't be able to get away without putting infrastructure in place.

The Planning Manager stated that planning cannot prevent someone from not doing something they were supposed to do but that it can enforce against breaches and

that whilst Mid Ulster takes less enforcement complaints than any other council in NI it has taken action against more people than any other authority in NI. In this instance the matter relates to drainage and the Planning Manager advised he was not an expert in this regard nor were his staff. The Planning Manager advised that Rivers Agency had been consulted on the application and that they are not unduly concerned however a permission is needed and that the condition is stating that the permission should be in place before building commences. The Planning Manager stated that the condition is not standard and he could not guarantee it would not be appealed however he felt that it is right to put the condition in place.

The Chair, Councillor Black stated he accepted the comments of Councillors Bell and Colvin and that the Planning Manager has outlined a way of striking a balance.

Proposed by Councillor Robinson
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2021/0462/F be approved subject to conditions as per the officer's report and the additional condition outlined in the addendum.

LA09/2021/0478/F Dwelling (amended plans) at 20m SE of 30 Moneyneany Road, Moneyneany, for Mr F McCloskey

Members considered previously circulated report on planning application LA09/2021/0478/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/0478/F be approved subject to conditions as per the officer's report.

LA09/2021/0539/O Site for dwelling & garage 180m NE of 83 Moneysharvan Road, Maghera, for Mrs Bridget Church

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0635/O Dwelling & domestic garage at land immediately N of 43 Tullyglush Road & between 43 & 51a Tullyglush Road, Ballygawley, for Gerard Quinn

Mr Marrion (SPO) presented a report on planning application LA09/2021/0635/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Gourley to address the committee.

Mr Gourley attempted to address the committee remotely but Members were unable to hear what he was saying.

The Planning Manager stated that as there was a technical problem and the committee could not hear what Mr Gourley was saying he would offer an office meeting in this instance. The Planning Manager asked Mr Gourley if he would accept an office meeting.

Mr Gourley indicated that he would accept an office meeting.

Resolved That planning application LA09/2021/0635/O be deferred for an office meeting.

LA09/2021/0690/O 2 dwellings adjoining and NE of 100 Trewmount Road, Killyman, for Briege O'Donnell

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0734/RM 2 dwellings and garages at lands between 61 and 65 Kilnacart Road, Dungannon, for Mr Thomas Cassidy

Mr Marrion (SPO) presented a report on planning application LA09/2021/0734/RM advising that it was recommended for approval.

The Chair advised the committee that a request to speak on the application had been received and invited Mr McCann to address the committee.

Mr McCann stated he lived at 65 Kilnacart Road and that his neighbour at 61 Kilnacart Road has no soakaway from his tank with the result of effluent arriving outside his house. Mr McCann referred to the application for two more houses within the site boundary with no soakaway. Mr McCann also stated that the developer will be unable to access grounds as these are all family owned. Mr McCann asked who will be responsible when effluent arrives at his back door again and stated that his grandson had fell off his bike into the effluent which was not acceptable. Mr McCann referred to pumping machines and that he felt by pumping water up a hill it will only run down again. Mr McCann stated he was not objecting to development but that it was a basic civil right not to have to walk through other people's sewerage.

Ms McCann stated that this application has an in depth history and has been refused numerous time previously and this needs to be taken into consideration. Ms McCann stated the objection was on the grounds of health and safety and that there is an ongoing issue with effluent which will only be exacerbated by having two more dwellings.

Mr McCann stated that his neighbour's septic tank is piped halfway into the proposed site and then piped into the public sewer. When this blocks and overflows the effluent comes down the hill to his back door.

The Planning Manager asked when planning approval was granted for the application.

Mr Marrion advised that planning approval was granted by committee decision in July 2018 as infill.

The Planning Manager asked regarding the history of the site as previous refusals had been referred to.

Mr Marrion advised that there were previous refusals on the site which had been considered under previous policy context.

The Planning Manager stated that planning policy changed with the introduction of PPS21 and in some instances, such as infill, it made it easier to get planning permission. The Planning Manager advised that the planning permission was there and had to be honoured, that said, the objections in terms of provision of a septic tank were reasonable.

The Planning Manager asked if Water Service and Environmental Health had been consulted on the application.

Mr Marrion advised that the only consultation was with Roads Service in relation to access.

The Planning Manager stated he felt the other bodies should be consulted given the previous problems incurred in the area. The Planning Manager stated that planning does not regulate septic tanks and the upkeep of these is ultimately the responsibility of the individual concerned, Environmental Health could regulate if there were smells and NIEA could regulate if there was unauthorised discharge. The Planning Manager suggested that the application be deferred in order to consult with Environmental Health and NIEA.

Councillor Bell proposed that the application be deferred for consultation with the relevant bodies.

Councillor Cuthbertson seconded Councillor Bell's proposal as he felt now is the time to try to sort out the issues.

Councillor Bell asked if there could be a quick turnaround on getting responses to the consultations.

The Planning Manager stated that every effort will be made to get a quick turnaround. The Planning Manager stated that if there is discharge consent Building Control often ask for this and if they have a copy of the discharge consent then the question in that regard is answered but it would be better to conduct all consultations in order to be sure.

Councillor Colvin stated that Building Control's responsibility stops at the septic tank and that any problems beyond this will involve other bodies such as NIEA and Environmental Health.

The Chair, Councillor Black stated that the principle of development is there but it is important to look into the concerns which have been raised and that the consultations will allow this to happen.

Resolved That planning application LA09/2021/0734/RM be deferred for consultation with Environmental Health and NIEA.

LA09/2021/0739/F Dwelling & Garage/Store 150m NE of 230 Coalisland Road, Gortin, Dungannon, for Mr Cathal Keogh

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0822/O Infill site of dwelling & domestic garage at 60m S of 88 Gulladuff Hill, Magherafelt, for Dan McCrystal

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2017/0319/F Relocation of 2 chimney stacks (approved M/2011/0126/F); retention of 4 further chimney stacks at 70m S of 177 Annagher Road, Dungannon for DMAC Engineering

Members considered previously circulated report on planning application LA09/2017/0319/F which had a recommendation for approval.

The Planning Manager advised that a late objection addressed to the Chief Executive was received from Mr Hughes who had spoken against the application at a previous meeting and that the late objection was asking for a deferral and investigation. The Planning Manager stated he took the view that the application has been investigated as it was brought to committee and deferred, that meetings with Environmental Health and DMAC took place and a report was completed in relation to odour. The Planning Manager stated that Environmental Health have accepted the report based on the proper operation of the equipment. The Planning Manager stated that a site meeting had also taken place. The Planning Manager stated that it is up to DMAC to ensure the proper operation of the extraction system and if they fail in this then it becomes a matter for Environmental Health but that all planning tests have been met. The Planning Manager referred to the request for deferral but that he felt all investigations had been exhausted.

Councillor S McPeake proposed the officer recommendation.

Councillor Colvin seconded Councillor S McPeake's proposal.

Councillor Glasgow felt the site meeting was very beneficial and that on the day of the visit the site was a fully functioning operation so Members were able to get a good idea of how things worked on a day to day basis.

The Chair, Councillor Black stated the site meeting had been a good opportunity to look at the site first hand and that, as outlined by the Planning Manager, proper consideration has been given to the concerns raised.

Resolved That planning application LA09/2017/0319/F be approved subject to conditions as per the officer's report.

LA09/2017/1366/F Residential Development for 52 units at 20 Dungannon Road, Cookstown for McKernan Construction Ltd

Councillor Mallaghan declared an interest in this application and withdrew to the public gallery.

Ms Doyle (SPO) presented a report on planning application LA09/2017/1366/F advising that it was recommended for approval, the officer also drew attention to the addendum which set out a further condition of approval which had been omitted from the officer report.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Rogers to address the committee in the first instance.

Mr Rogers advised he was acting on behalf of Mr Anderson whose address is 15 Dungannon Road, Cookstown which is opposite the entrance to the application site. Mr Rogers advised that there had been an objection to this application since its inception in 2017 and that the last representation was made in December 2020. Mr Rogers advised that his client holds planning permission for 20 apartments at 15 Dungannon Road, Cookstown and that the permission has commenced within appropriate time limits and is protected by virtue of completing pre start conditions, entrance being formed from Dungannon Road and undertaking significant construction works on part of the building itself. In forming the entrance, Mr Rogers advised that a right hand turning lane was installed which is 15m long and allows 3 cars to safely queue, it was advised that this application seeks to reduce this to 6m and that the objection continues to be one of safe access. Mr Rogers stated he did not consider it to be reasonable to alter the existing approved entrance from 15m to 6m and felt that when TransportNI made their assessment they were not aware that the existing entrance permission was protected and that there is a live and lawful planning permission. Mr Rogers stated that the proposal significantly compromises the safety of the access and the economic viability of their site.

The Planning Manager asked if Mr Rogers was aware that the access and turning lane which exists on the ground has a certificate of lawful of development and that the planning appeal granted this.

Mr Rogers stated he was aware.

The Planning Manager asked if Mr Rogers had a certificate of lawful development.

Mr Rogers stated he did not.

The Planning Manager stated he could not verify if development had started as there was no certificate of lawful development and that this could have been obtained if the client had chosen to.

The Planning Manager asked the planning officer if the certificate of lawful development showed access to the other site.

Ms Doyle advised that the drawing submitted showed three right turn lanes – (1) To the applicant site (2) To Mr McGurk's site (3) To Mr Anderson's site.

The Planning Manager asked Mr Rogers why this application should be refused when, as stated, the other application had been started and there was an access in place.

Mr Rogers stated it was because it was felt the access was unsafe.

The Planning Manager stated that Roads Service have confirmed that the access is safe and that the matter has been given full consideration.

Ms McIlvar stated that in terms of roads issues she felt the Planning Manager had covered these. Ms McIlvar advised that the applicant has two certificates of lawful development in place which certify that the pre commencement works required for the 2012 permission were in place in time and the roadworks were commenced in time. Ms McIlvar stated that the planning appeal also worked out in favour of the applicant as there is also a certificate of lawful development for the right turning lanes. Ms McIlvar referred to comments relating to Roads Service not being aware of the application and highlighted that this application has been in the system for four years and that Roads Service have been consulted on numerous occasions throughout that period and there was no way there had been any oversight in that regard. Ms McIlvar stated that no statutory consultees had any objection to the application and urged Members to accept the recommendation to approve the application.

The Planning Manager stated that the issue of road safety was at play and that there was a view that an access was unsafe. The Planning Manager stated that Roads Service had granted a departure from standards on the piece of road in question and that this process is complex and lengthy.

The Planning Manager referred to comments relating to pre commencement conditions and that these had been met. The Planning Manager stated these had been met, however, in terms of the old permission a visibility splay had been interfered with because a totem pole had been put up which would question whether the original planning permission could be implemented. The Planning Manager stated that Roads Service accept that there is adequate visibility for this site due to the number of dwellings being reduced. The Planning Manager also referred to the argument as to whether a lawful start had been made but stated that this was not a key material consideration in this as it is clear a planning permission had been granted in the past and whether that planning permission could have been implemented is questionable. The Planning Manager stated that the application site is on white land, all technicalities have been overcome and the application has been widely consulted on and that there was no reason that the application could not go forward on its own merits.

Councillor Bell stated that having read the officer report and listened to the debate he would be happy to propose the recommendation.

Councillor Clarke seconded Councillor Bell's proposal.

Councillor McFlynn stated that as the application has been in the system for four years she had no doubt that all consultations have been undertaken and that she would be happy to support the proposal to approve.

Resolved That planning application LA09/2017/1366/F be approved subject to conditions as per the officer's report and condition outlined in addendum.

Councillor Mallaghan rejoined the meeting.

LA09/2018/1648/F Retention of open-sided storage building at Blackpark Road, Toomebridge, for Creagh Concrete Products Ltd

The Planning Manager advised that a late representation had been received in respect of this application.

Mr Marrion (SPO) outlined the late objection as per addendum. Mr Marrion stated that the objection does not change the considerations within the officer report as the same issues have been raised. It was advised however that there may still be another representative to come forward but highlighted that the application was subject to press notification.

The Planning Manager stated that the issue relating to the application relates to land ownership and it is not the role of planning to decide who owns land. The Planning Manager stated the application was deferred for a long period in order to investigate the submission of land ownership certificates and this was undertaken by the Council Solicitor. The Planning Manager stated that the advice given was that what had been done to date was procedurally correct. The Planning Manager stated that the law is there to protect ownership rights.

The Planning Manager stated that the development has occurred and from a planning point of view there is no objection to this. The Planning Manager stated that it is up to the Committee as to how it moves forward, that the application could be approved, deferred, or another decision taken. The Planning Manager stated that if there was a challenge then Council would have to defend its position.

Proposed by Councillor McKinney
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2018/1648/F be approved subject to conditions as per the officer's report.

LA09/2019/0787/O Site for a dwelling and garage at 40m SW of 44 Moyagoney Road, Portglenone, for Mr Paul Madden

Members considered previously circulated report on planning application LA09/2019/0787/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McKinney and

Resolved That planning application LA09/2019/0787/O be approved subject to conditions as per the officer's report.

LA09/2019/1305/F 8 No. two storey apartments within 2 blocks at 63 Thomas Street, Dungannon, for Farasha Properties Ltd

Members considered previously circulated report on planning application LA09/2019/1305/F which had a recommendation for approval.

Councillor Cuthbertson stated that when this application was previously presented he had requested a site meeting and that he had since attended the site meeting. Councillor Cuthbertson stated he still felt there would not be enough parking for eight apartments and that there should be two car park spaces per apartment. The Councillor felt that if this application was in a city centre occupiers would have access to buses and trains but that there was not the same provision in Dungannon. Councillor Cuthbertson also highlighted that if someone with a disability moved into one of the apartments then parking spaces would have to be redrawn in order to give proper spacing and thereby reducing the number of parking spaces further. Councillor Cuthbertson stated that on street parking in the area is limited to one hour.

Councillor Mallaghan stated he had also attended the site meeting and felt the Committee needed to be careful as approval had already been given by Roads Service for what was previously put forward. The Councillor stated that the Planning Committee sought to negotiate with the developer in order to achieve the best living conditions on site and that as a result the developer had included additional car parking spaces. Councillor Mallaghan felt that to push any further the developer would be within their rights to accuse the Committee of unnecessarily holding up their development.

The Planning Manager stated that when it comes to on site parking, planning are the determining authority and that Roads Service advise in relation to road safety.

Mr Marrion referred to the parking standards which planning have to adhere to which states that for a two bedroom apartment the number of car parking spaces per dwelling is 1.5 units therefore this application is in compliance with guidance as there are 8 apartments with 12 car parking spaces being provided.

Councillor Cuthbertson referred to Roads Service being consulted in relation to access onto the road and asked if they are also consulted on the site itself as he did not envisage the road on the site being adopted in the future.

Mr Marrion advised that there is a statutory responsibility to consult with Roads Service when a new access is being created to a public road or when there is likely to be intensification of access to the public road. Mr Marrion advised that Roads Service were consulted on this application and they came back with no objection.

The Planning Manager asked if there was a private streets determination.

Mr Marrion advised that there was not a private streets determination for this development.

The Planning Manager stated that as there is no private streets determination the assumption has to be the road on site will remain private. The Planning Manager stated that Roads Service can make comment on car parking but the decision is for the Planning Committee to take. The Planning Manager stated that if the application was refused and this was challenged he would have to prove that the Committee acted reasonably.

Councillor Cuthbertson stated he would not go against the recommendation but felt that, as discussed earlier, this was another example of the department having a policy which suits a city centre but not a rural town in Mid Ulster.

The Planning Manager stated he would agree with this.

The Chair, Councillor Black stated that the points raised by Councillor Cuthbertson were valid and it was good to get clarification on these.

Proposed by Councillor Corry
Seconded by Councillor Bell and

Resolved That planning application LA09/2019/1305/F be approved subject to conditions as per the officer's report.

LA09/2019/1432/O Site for dwelling and domestic garage at approx. 100m NW of 84 Loup Road, Moneymore, for Mr Michael O'Boyle

Members considered previously circulated report on planning application LA09/2019/1432/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2019/1432/O be approved subject to conditions as per the officer's report.

LA09/2020/0452/F Replacement dwelling and garage (amended description) at 20 Reaskcor Road, Dungannon, for Mr & Mrs G Burrows

Members considered previously circulated report on planning application LA09/2020/0452/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0452/F be approved subject to conditions as per the officer's report.

Councillor Robinson left the meeting at 9.15 pm

**LA09/2020/0657/O Dwelling between 66 & 66a Derryoghill Road, Dungannon,
for Eugene Daly**

Members considered previously circulated report on planning application LA09/2020/0657/O which had a recommendation for approval.

Councillor Cuthbertson asked if this application had been compared against the new planning guidance as it had been an infill site which was being refused originally.

Mr Marrion (SPO) stated that the application had originally been submitted and considered under infill policy, was recommended for refusal and then deferred. Mr Marrion stated that additional information was then submitted and a farming case was put forward however the application did not meet all the criteria under that policy. Mr Marrion advised that when the application was considered under clustering it met all criteria apart from having a focal point. Mr Marrion stated that the report recommends that an exception is made in this case based on the fact that the proposal will not impact on the character of the area nor the amenity of neighbouring dwellings and does have the appearance of a cluster. Mr Marrion stated that the Planning Advice Note recognises that there may be reasons for not meeting all policy tests and if that is the case these should be set out clearly. Mr Marrion stated that the report sets out all of the officer's considerations and reasons why an exception can be made in this case.

The Planning Manager stated that officers work in accordance with policy but that it is recognised that policy does not have to be followed slavishly in all instances as there may be reasons as to why a departure can be made. In this instance, the Planning Manager stated that for the reasons set out, a departure and exception from policy is recommended. The Planning Manager stated that the departure is minor in this case in order for an exception to be made but the important thing is that the reasons for the exception are cited.

Councillor Cuthbertson stated that whilst his question had been answered there were a number of policies this application had not met.

The Planning Manager stated that in planning, everything can be challenged.

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/0657/O be approved subject to conditions as per the officer's report.

**LA09/2020/0707/F Dwelling and garage 20m E of 15 Lisgorgan Lane, Maghera,
for William Drennan**

Members considered previously circulated report on planning application LA09/2020/0707/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0707/F be approved subject to conditions as per the officer's report.

LA09/2020/0840/F Dwelling and garage (infill site) adjacent to 55 and opposite 59 Coole Road, Bogside Aughamullan, Coalisland, for Fionntan Cullen & Niamh Carberry

Members considered previously circulated report on planning application LA09/2020/0840/F which had a recommendation for approval.

Proposed by Councillor Quinn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/0840/F be approved subject to conditions as per the officer's report.

LA09/2020/1337/O Dwelling and garage at 10m W of 45 Drumenny Road, Ballinderry, for Gavin Mc Geehan

Members considered previously circulated report on planning application LA09/2020/1337/O which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2020/1337/O be approved subject to conditions as per the officer's report.

LA09/2020/1549/F Football stand to cover existing stepped terrace at 108 Killyliss Road, Eglish, Dungannon for Eglish GAC

Councillor Clarke proposed the officer recommendation to approve.

Councillor Corry seconded Councillor Clarke's proposal.

Councillor Cuthbertson asked if the concerns of the objectors had been addressed.

The Planning Manager stated that the objectors were still objecting on this application.

The Head of Development Management presented a report on planning application LA09/2020/1549/F advising that it was recommended for approval.

Councillor McKinney stated he had been at the site meeting and would not be supporting the application as there was a lot of anti social behaviour whereby people were running through private back gardens. The Councillor also referred to the breakdown in communication between residents and the club and felt there was a lot going on with this application that he could not support at this time and that should a vote be taken tonight he asked that his concerns were noted.

Councillor S McPeake stated that he had been to the site meeting which he felt had been useful, that a number of residents had also been in attendance and had received a good hearing. The Councillor stated that he felt the design of the stand will not be detrimental to neighbouring properties and that in relation to the anti social behaviour there is an onus on landowners to ensure that their property is secured in order to prevent unwanted access. Councillor S McPeake stated he would be supportive of the application.

Councillor Colvin stated he felt the club were quite dismissive of the concerns of residents and that he did not want to be included in supporting the application.

The Planning Manager stated that it had been previously put forward that practically all the residents were objecting to this application and asked, from the experience of the site meeting, if it seemed that way or was it only one or two who were objecting.

The Head of Development Management stated that there were a number of residents who attended the site meeting and all contributed to the discussions on the day. The officer advised that most of the correspondence has been led by one or two individuals from the residents group but that he felt that the views were wide ranging from a number of properties on the day of the site meeting.

The Planning Manager stated that if the application is refused it does not cure any of the concerns the residents have in that noise will continue to be more open and access will still be gained through back gardens. The Planning Manager stated that the frequency of use for club games did not seem too arduous. The Planning Manager stated he did not feel the development will result in harm and in fact the situation might be improved.

Councillor Glasgow stated that he had been to the site meeting and that he felt there had been quite a large number of residents also in attendance. The Councillor stated that, in his own opinion, to put up a stand which is covered will make the residents a prisoner in their own back gardens. Councillor Glasgow stated he felt there was still merit in the alternative site and that this was discussed and explored at the site meeting. Councillor Glasgow stated he felt there was nothing to solve the ongoing problems but that to approve the proposal will only make matters worse.

Councillor D McPeake stated that he had been to the site visit and that whilst there are issues on the ground he did not feel the proposed stand will make any difference and he would therefore be supportive of the application.

Councillor McFlynn stated she had been unable to attend the site meeting but having listened to the residents when they addressed the Committee she would still have concerns and stated she didn't know whether she could fully support the recommendation to approve the application.

The Planning Manager stated he had not been to the site but that the key test in refusing an application is would it result in harm to those whose interests are of acknowledged importance. The Planning Manager stated there are clearly a number of residents whose interests are of acknowledged importance but that in relation to harm opinions had been provided from planning officers and Environmental Health

who state the application will not lead to further harm. The Planning Manager stated that the application is open to Members determination.

The Chair, Councillor Black stated that he also had concerns in relation to the application but that there is a balancing act. The Chair stated that residents have had the opportunity to raise their concerns and that officers have taken advice from consultees. The Chair stated that there is a terrace already in place and that Environmental Health have stated that a stand may help to shelter some of the noise. The Chair stated that whilst he had concerns he felt they had been adequately dealt with in so far as possible.

Councillor Bell asked for a recorded vote.

For –

Councillors Black, Bell, Clarke, Corry, Mallaghan, D McPeake, S McPeake, Quinn (8)

Against –

Councillors Colvin, Cuthbertson, Glasgow, McKinney (4)

Abstained –

Councillor McFlynn (1)

Resolved That planning application LA09/2020/1549/F be approved subject to conditions as per the officer's report.

LA09/2021/0053/F Change of house type (approved I/2008/0439/F) at approx. 120m E of 24 Muntober Road, Cookstown, Mr Daniel Ward

Members considered previously circulated report on planning application LA09/2021/0053/F which had a recommendation for approval.

Proposed by Councillor Clarke

Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0053/F be approved subject to conditions as per the officer's report.

LA09/2021/0116/O Dwelling & garage at lands E of 91 Creagh Road, Castledawson, for Ciaran Devlin

Members considered previously circulated report on planning application LA09/2021/0116/O which had a recommendation for approval.

Proposed by Councillor S McPeake

Seconded by Councillor Corry and

Resolved That planning application LA09/2021/0116/O be approved subject to conditions as per the officer's report.

**LA09/2021/0381/F Change of house type at approx. 110m S.W. of 125
Killycolpy Road, Ardboe, for Mr R O'Neill and Ms L Donnelly**

Members considered previously circulated report on planning application LA09/2021/0381/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/0381/F be approved subject to conditions as per the officer's report.

Councillor Glasgow left the meeting at 9.35 pm.

P121/21 Receive report on application LA10/2021/0806/F

Mr Marrion (SPO) presented previously circulated report which sought agreement in relation to Mid Ulster District Council's response to consultation on a planning application that Fermanagh and Omagh District Council are considering.

Councillor Cuthbertson stated it was his understanding that the dwellings on the other side of the road opposite the entrance to the factory are in Mid Ulster area. The Councillor also highlighted that there are two accesses into the factory, the original access which goes onto a minor road which then accesses the protected route, and which he felt would be the better route for the factory to be operating from rather than directly on to the relatively new access which is used. The Councillor stated that in order to protect road users and residents on the opposite side of the road the opinion should be to recommend that the rear access is used.

The Planning Manager stated that the fact that there is a rear access and that this should be used should be included in the response but it is hard to see how this could be regulated. The Planning Manager stated that this application is in Fermanagh and Omagh area but that it is reasonable for this Committee to give its observations.

Councillor Cuthbertson stated that while he recognised that this Council are not the decision makers on this application it is the response he would make on the consultation in order to protect the residents of Mid Ulster.

The Planning Manager stated the spirit of Councillor Cuthbertson's comments could be reflected within the response in that traffic should be directed to use the rear access.

Councillor Cuthbertson asked if Mid Ulster Environmental Health should be consulted in relation to noise impact on residents in Mid Ulster area.

Mr Marrion advised that Environmental Health in Mid Ulster have been consulted and that the closest residents are in the Fermanagh and Omagh District Council area. Mr Marrion advised that the closest residents in Mid Ulster live across the road from the factory and that this road in itself can generate a lot of noise.

Councillor S McPeake stated that he would be uncomfortable taking a decision without having a site visit.

Councillor Clarke stated that there is a crest in the road around the entrance to the factory and therefore there are not long views of traffic. The Councillor stated he also felt a site visit would be useful.

The Planning Manager stated that the Committee are not being asked to make a decision on the application but to give comment on it. The Planning Manager stated that if there are concerns these should be raised but that does not include saying whether the application should be approved or refused. The Planning Manager stated that a comment can be included within the response outlining the concerns in relation to road safety and use of a protected route and that this Council would trust that Fermanagh and Omagh District Council will work with Roads Service to ensure that those concerns are addressed.

Councillor S McPeake stated he was happy enough if the above comments were added to the response.

The Planning Manager stated that the concerns should be as definitive as possible and reflected in the right spirit.

Councillor Colvin stated that Council has been asked for its opinion on the application which is what it would be offering by adding commentary to the draft response as outlined by the Planning Manager.

The Planning Manager suggested that the following could be added to the response - "That Mid Ulster Council has noted that there is opportunity to provide access from another route other than the protected route ie. rear access to the factory and has also noted that there could be visibility issues associated with the access onto the protected route. Mid Ulster Council would trust that Fermanagh and Omagh District Council will work in conjunction with Roads Service to adequately address these concerns in order to facilitate this development."

Councillor Cuthbertson stated he would be content with this being added to the response and highlighted that there was another consultation a number of months ago in relation to electricity storage and that the same issues were raised as the two sites are beside each other.

Proposed by Councillor S McPeake
Seconded by Councillor Cuthbertson and

Resolved That Mid Ulster District Council respond to the consultation on planning application LA10/2021/0806/F as follows –
(1) Mid Ulster Council has noted that there is opportunity to provide access from another route other than the protected route ie. rear access to the factory and has also noted that there could be visibility issues associated with the access onto the protected route. Mid Ulster Council would trust that Fermanagh and Omagh District

- Council will work in conjunction with DFI Roads to adequately address these concerns in order to facilitate this development.
- (2) Fermanagh and Omagh District Council in consultation with DFI Roads may wish to consider upgrading the access into the proposed site.
 - (3) Mid Ulster District Council have no concerns in relation to long term visual impacts of this development provided a robust and properly detailed landscaping scheme and maintenance proposals are agreed prior to commencement of development and properly conditioned for implementation.

Matters for Information

P122/21 Minutes of Planning Committee held on 3 August 2021

Members noted minutes of Planning Committee held on 3 August 2021.

Councillors Clarke and Cuthbertson left the meeting at 9.48 pm.

Live broadcast ended at 9.48 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Bell
Seconded by Councillor S McPeake and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P123/21 to P128/21.

Matters for Decision

P123/21 Receive report on request for review of TPO Decision
P124/21 Receive Enforcement Report

Matters for Information

P125/21 Confidential Minutes of Planning Committee held on 3 August 2021
P126/21 Enforcement Case Live List
P127/21 Enforcement Cases Opened
P128/21 Enforcement Cases Closed

P129/21 Duration of Meeting

The meeting was called for 7 pm and concluded at 10.05 pm.

Chair _____ Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.
- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any

proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 7 September 2021

Additional information has been received on the following items since the agenda was issued.

Chairs Business

Receive appeal decision 2020/A0006 against conditions for Creagh Concrete, Quarry at Pomeroy.

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.14	<p>Late objection received Members to consider attaching an additional condition:</p> <p>Prior to the commencement of the development hereby approved, the developer shall provide a copy of an Article 161 Agreement with NI Water to show they will adopt and maintain the drainage system associated with the development.</p> <p>Reason: To prevent flooding and to ensure the drainage system is maintained.</p>	DFI Rivers and EHO have commented on the objection.
4.17	Photographs and Map included	Members to note for discussion of this item
5.1	Late correspondence received	Members to note.

5.2	<p>A condition was omitted from the case officer report and should be included should planning permission be granted. It should read as follows:</p> <p>“A stage 4 Safety Audit shall be carried out at the Right Turning Lane, 20 Dungannon Road, this should be completed to the approval of DFi Roads Authority in accordance with the Design Manual for Roads and Bridges, Standard GG119. Any recommendations/remedial works should be carried out prior to the erection of the dwellings hereby permitted. Reason: In the interest of road safety”.</p>	Members to note.
5.3	Late objection received	Members to note

Report on	Ulster Farmer's Union letter
Date of Meeting	5th October 2021
Reporting Officer	Planning Service Director
Contact Officer	Planning Service Director

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	For information
2.0	Background
2.1	The Farmers Union has written the Council expressing concerns on the Planning Advice Note (PAN) Implementation of Strategic Planning Policy on the Development in the Countryside (Appendix 1).
3.0	Main Report
3.1	The farmers Union have written to us expressing their concerns that the implementation of the Guidance Note will lead to less opportunities for farmers to provide family members a dwelling site and that this has implications this has for the vitality of the Countryside. They have asked the Council to support rural communities by requesting the Planning Advice Note be withdrawn.
3.2	Members are aware of the implications of the Panning Advice Note and all members across the parties have expressed their concern. Following a special Planning Committee the Chair and Vice Chair wrote to the Minister in setting out our concerns and requesting the Advice Note be withdrawn (Appendix 2).
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A

4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Action Taken
5.1	The Service Director has written to the Farmers Union advising of the Council's opposition to the Advice Note and providing a copy of the Chair/Vice Chairs letter calling for the withdrawal of the Planning Advice Note.
6.0	Documents Attached & References
6.1	Appendix One Letter from Ulster Farmers Union dated 20 th September 2021 Appendix Two: :Letter from the Chair/Vice Chair to the Minister dated 23 rd September 2021

FOR THE ATTENTION OF CHIEF EXECUTIVE AND LORD MAYOR

Mid Ulster District Council - Dungannon
Dungannon Office
Circular Road
DUNGANNON
BT71 6DT

20th September 2021

Re: Planning Advice Note (PAN) 'Implementation of Strategic Planning Policy on Development in the Countryside'

The Ulster Farmers' Union (UFU) is the largest farming organisation in Northern Ireland (NI) representing approximately 11,500 farming families. The UFU represents farmers from all areas of NI, across all sectors and has a vision of a productive, profitable and progressive farming sector. In addition to representing farming families, UFU also represent rural dwellers and their interests.

The UFU has recently become aware of the Planning Advice Note (PAN) issued by Minister Mallon - *Implementation of Strategic Planning Policy on Development in the Countryside*. Whilst the primary legislation has not changed, what has changed is councils' freedom to interpret and apply policy to planning applications in their area. The UFU is greatly concerned by the potential effects of this PAN on rural dwellers and communities. Rural communities form a very valuable contribution to the economy and society, this guidance will have serious implications for them and generations to come. It is extremely disappointing that this guidance has not been publicly consulted, on despite one of the core strategic objectives of DAERA is to facilitate generational renewal on our farms.

This PAN guidance asks councils to change their approach to assessing planning applications under PPS 21. If followed, it would result in applications for clusters and infill dwellings being refused, and dwellings on farms would have to be visually linked to the farmyard with no consideration given to other suitable sites on the farm, nor issues around mortgages or values.

Under PPS21 CT10 dwelling on farms policy states that new farm dwellings must be *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*. Every application to planning should be looked at on an individual basis. It is not always possible to integrate or cluster a new development with existing buildings. Whilst a farmer needs to live on the farm, from a safety point of view it is dangerous to expect a family to dwell immediately beside or within the yard. This is a major worry for our members as more than one generation needs to be able to live on farm. If adhered to, this PAN will not allow farmers to build elsewhere on their farm outside the actual yard and will make an already difficult system almost impossible.

In addition, due to the expected proximity of the house to the farm, banks will not lend by way of a mortgage to self- builds on farm, as the property is not saleable in a forced sale situation. This means farmers are expected to borrow against their farm so that more than one generation can live on site. It's not viable most farm business to do this. In addition infill and cluster homes are prohibited by the guidance meaning farmers would be unable to mortgage a new build elsewhere on their land. Contradicting bank and planning policy will make building on farms and rural areas impossible for many people.

UFU support orderly, consistent and sustainable development of land, however this policy is too restrictive. The effect of this PAN is far reaching, not limited to farming families and has the potential to devastate rural communities. Schools, shops, churches, and other rural business and services rely on local people. If future generations cannot build on their family farm, or rural locations the rural population will decrease and theses businesses and services will not have sufficient numbers to stay open and eventually close.

The UFU has written to Minister Mallon, requesting that this PAN is withdrawn due to it's potential to displace people from rural areas, destroy rural communities and negatively impact the rural economy through closure of services and businesses. UFU ask that you support rural communities by also requesting that the PAN is withdrawn.

If you require any further information please do not hesitate to get in contact. I look forward to your response.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'David Brown', with a stylized, cursive script.

David Brown
UFU President



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

23 September 2021

Regional Planning Directorate
Clarence Court
12-18 Adelaide Street
Belfast
BT2 8GB
Email: SPPSTeam@infrastructure-ni.gov.uk

Dear Minister Mallon

Planning Advice Note: Implementation of Strategic Planning Policy Advice for Development in the Countryside

As Chair and Deputy Chair of Mid Ulster District Council's Planning Committee, we are writing to express this Council's objection to the above Planning Advice Note.

Such was the level of concern at the ramifications of the Advice Note for our rural communities and our ability to make planning decisions which accommodate rural dwellings in a sustainable manner, that a special meeting of the Planning Committee was held on 7 September 2021 to discuss the matter.

The key area of contention relates to the introduction of new definitions of what comprises buildings on a farm and buildings which may be taken into account when assessing infill development.

The Advice Note states that the Committee "should not consider a group of buildings which constitute a dwelling and domestic garage only." If the Committee is required to apply this new advice, the consequences will be severe and far-reaching.

Many people on our farms live in houses, such as are described, simply because an old farmhouse which was not sited so as to be conducive to modern-day living, has been demolished.

Cookstown Office
Burn Road
Cookstown
BT80 8DT

Dungannon Office
Circular Road
Dungannon
BT71 6DT

Magherafelt Office
Ballyronan Road
Magherafelt
BT45 6EN

Telephone 03000 132 132
info@midulstercouncil.org
www.midulstercouncil.org

Often it is very easy to place a dwelling on a farm on sites which can achieve integration and also cluster such dwellings without leading to any change in rural character. More importantly, for many farming families these are the only opportunities they may have to live next to family members and benefit from family support.

The Committee believes this new advice represents a change or addition to existing policy and is unnecessarily restrictive, given that the key tests relate to integration and build up and are already set out in policy CTY13 and 14.

We would also draw your attention to the fact that there are many people living in our rural communities who do not have access to a dwelling on a farm but are from farming families. They all play a vital role in maintaining the vibrancy of their rural community and it is, therefore, very important that we do not act to further restrict access to sustainable sites to accommodate them.

We believe that asking the Planning Committee to exclude domestic garages and outbuildings because they are not deemed to be 'substantive' is restricting opportunities. In our experience, many garages and outbuilding are positioned fronting the roadside and can be nearly as large as a dwelling, particularly those which are older or meeting replacement criteria.

We are also strongly of the view that any analysis of buildings must go beyond simply counting the number which exist, and should instead be based on an assessment of the established character, the extent to which the proposal nestles with the ribbon and is book ended by existing development.

This guidance would effectively prevent local councils from bringing forward any policy which could facilitate only a single dwelling between a small gap of two dwellings where it integrates and is in keeping with rural character. It is very difficult to understand why this is unacceptable when the Department promotes two dwellings in a far larger gap between three buildings.

Since the introduction of PPS21, the extremes of unsustainable rural development have been curtailed and indeed, in Mid Ulster, the level of pressure for new development in the countryside is far lower than previously experienced in the first decade of this century.

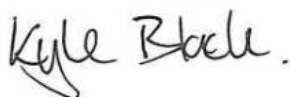
More importantly in Mid Ulster the proportion of new dwellings allowed in the countryside is lower than the proportion of people living in the countryside. There is no need, therefore, to place additional limitations on such development. In fact, there is a need to explore policy to provide additional sustainable opportunities for Mid Ulster's existing rural dwellers.

The question must also be asked about who is in the best position to make decisions for local areas? The transfer of planning powers to local councils has allowed planning decisions to be based on and tailored to local need. While other councils may face pressures in terms of accommodating rural development, we in Mid Ulster have the capacity to absorb new dwellings. To address the issue with a 'one size fits all' approach is not, therefore appropriate or reasonable and nor is it, in the view of the Committee, equitable or fair. Furthermore, we are concerned that the guidance could prejudice Mid Ulster's ability to progress its Draft Local Development Plan and receive a fair hearing at an independent examination.

We also believe that the implementation of this Advice Note has the potential to lead to legal challenges, a rise in planning appeals and complaints against the Council.

We, therefore, ask the Minister to withdraw the Planning Advice Note guidance.

Yours sincerely



Cllr Kyle Black
Chair of Planning Committee



Cllr Sean McPeake
Vice Chair of Planning Committee

