



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2019/0060/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed 2 No. holiday villas to match previously approved (I/2012/0159/F)	<b>Location:</b> 60m East of 62 Loughbracken Road Pomeroy
<b>Applicant Name and Address:</b> Karl Heron 11 The Dales Cookstown	<b>Agent name and Address:</b> APS Architects LLP Unit 4 Mid Ulster Business Pk Cookstown BT80 9LU
<b>Summary of Consultee Responses:</b>  No issues	
<b>Characteristics of the Site and Area:</b>  The application site is a 0.9 hectare parcel of land located 60m East of an unoccupied dwelling at 62 Loughbracken Road, Pomeroy. It is outside the development limits of any settlement defined in the Cookstown Area Plan 2020. The site is accessed via a long laneway which is also used to gain access to Loughbracken, a small lake which lies just to the NE of the site. The Western, Southern and South Eastern boundaries of the site are defined by thick gorse hedgerow. The remaining are undefined on the ground.  This area is very rural in character with a dispersed settlement pattern. There is a two storey detached dwelling and several outbuildings located to the immediate West of the site. The dwelling is currently unoccupied. This area is recognised as being an area of archaeological importance (TYR 037:048)	
<b>Description of Proposal</b>  This is a full application for 2 No. holiday villas to match previously approved (I/2012/0159/F)	

**Deferred Consideration:**

This application was originally recommended a refusal for following three 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. This proposal is contrary to Policy TSM 5 (B) of Planning Policy Statement 16 - Tourism in that the scheme is for less than 3 units and it has not been adequately demonstrated that the units are at or close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right. Furthermore, the overall design of the units and layout would not deter permanent residential use.
3. This proposal is contrary to paragraph 6.260 of the SPPS, in that it has not been demonstrated that this is an area where a tourist amenity is established or is likely to be provided as a result of tourism initiatives.

It was presented to Committee in Nov 2020 and subsequently deferred for a virtual office meeting with the Area Planning Manager which was held on 12th Nov 2020.

At this meeting it was agreed to compare the policy used to assess this proposal and that which was used on the historic approval on the site and also to take into account any potential tourist amenities nearby.

I/2012/0159/F was approved on 12.04.2013 under Policy TOU3 of the Planning Strategy for Rural NI (PSRNI). This approval expired in April 2018 and the current application was submitted in Jan 2019. It was assessed under PPS16 - policy TSM5, which was published in June 2013, so just 2 months after the first approval on the site.

This proposal is the exact same as that previously approved.

PSRNI as part of the assessment, made it necessary for the applicant to identify and detail a 'positive need' for a particular type of tourist accommodation in the area and for new builds, such as this, they needed to provide a 'special tourist need' or exceptional benefit to the tourist industry. This was demonstrated in the first approval I/2012/0159/F. The agent had submitted a tourist need case for the applicant and his chosen site. The statement highlights the important role that angling has to play within the overall Northern Ireland economy. The statement also advises of DCAL figures in relation to the amount of fishing licenses held in Northern Ireland and the revenue these licenses generate. This argument was accepted at the time of the initial approval and supported by Tourism board.

There also is approval for a jetty and slip way under I/2011/0381/F which has been constructed and would help increase tourism activity in the area.

The design of the units are rural in character and have been previously reduced in size and scale to ensure they were more appropriate as holiday accommodation. There are no issues in terms of impact on residential amenity and the landscaping proposals further aid in providing adequate integration.

Policy TSM5 states approval will be granted for a 'cluster of 3 or more new units at or close to an approved tourist amenity that is significant visitor attraction in its own right'. There was no stipulation of numbers of units in the PSRNI and so 2 units were approved at this time. Due to this, the proposal would not meet all criteria so this would have to be viewed as an exception to policy.

Approval is therefore 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 dwellings hereby permitted shall be used only for holiday accommodation and shall not be used for permanent residences.

Reason: The site is located within a rural area where it is the policy of the Council to restrict development and this consent is hereby granted solely because of its proposed holiday use.

3. The vehicular access, including visibility splays of *2.4 x 45m in both directions, and Forward Sight Distance of 45m* shall be provided in accordance with *Drg No 02 dated 15/01/19*, prior to the commencement of any other works or other development hereby permitted.

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

4. 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

5. The access gradient shall not exceed 8% (1 in 12.5) over the first **5.0m** outside the road boundary. Where the vehicular access crosses footway or verge, 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.

6. The existing natural screenings of the site, as indicated on approved drawing ref 02 date stamped received. 15 Jan 2019 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. The proposed planting as shown on the same plan should be carried out within the first available planting season.

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

**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	
<b>Committee Meeting Date:</b> 6/10/2020	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0060/F	<b>Target Date:</b> 30/4/2019
<b>Proposal:</b> Proposed 2 No. holiday villas to match previously approved (I/2012/0159/F)	<b>Location:</b> 60m East of 62 Loughbracken Road Pomeroy
<b>Referral Route:</b> Refusal recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Karl Heron 11 The Dales Cookstown	<b>Agent Name and Address:</b> APS Architects LLP Unit 4 Mid Ulster Business Pk Cookstown BT80 9LU
<b>Executive Summary:</b> This proposal fails to comply with Policies CTY 1 of PPS 21, TSM 5 (B) of PPS 16 and paragraph 6.260 of the SPPS. Refusal is therefore recommended.	
<b>Signature(s):</b>	

For Committee Member



21/9/2020

## 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 - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	NIEA	Advice
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	NIEA	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 has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All relevant neighbouring properties have been notified. To date there have been no objections to this proposal from any third party or consultee.

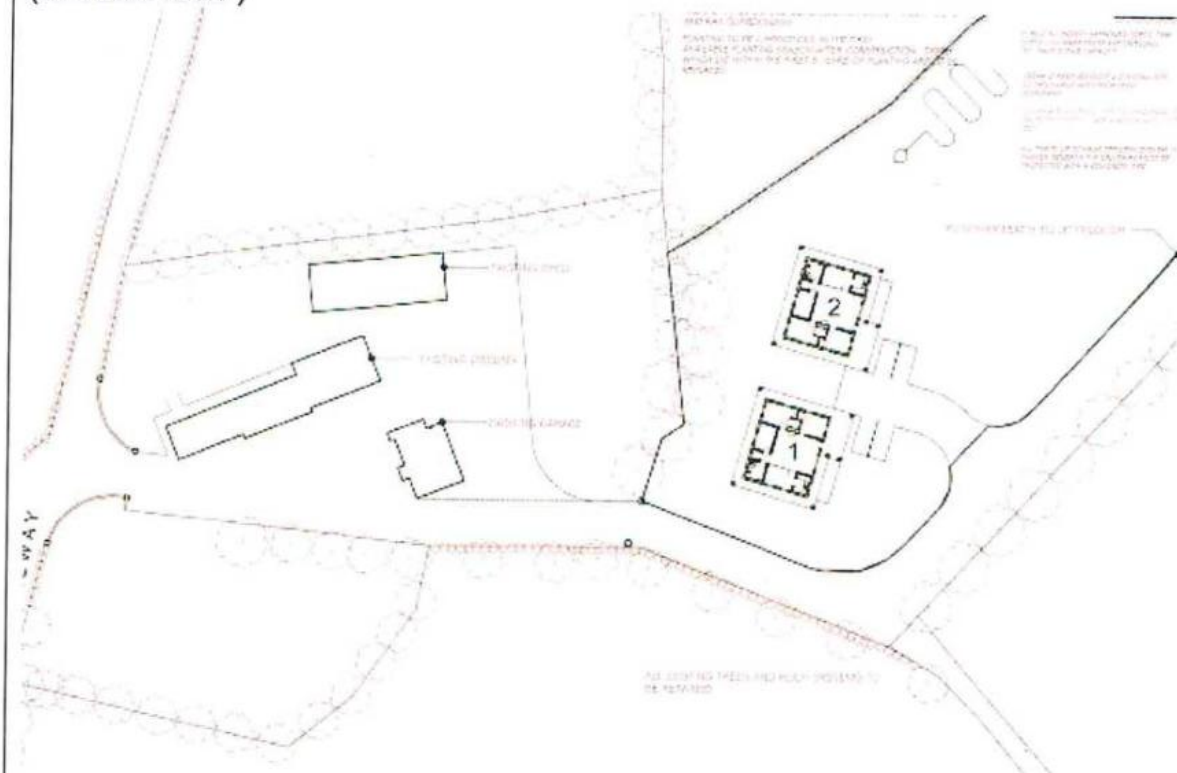
### Characteristics of the Site and Area

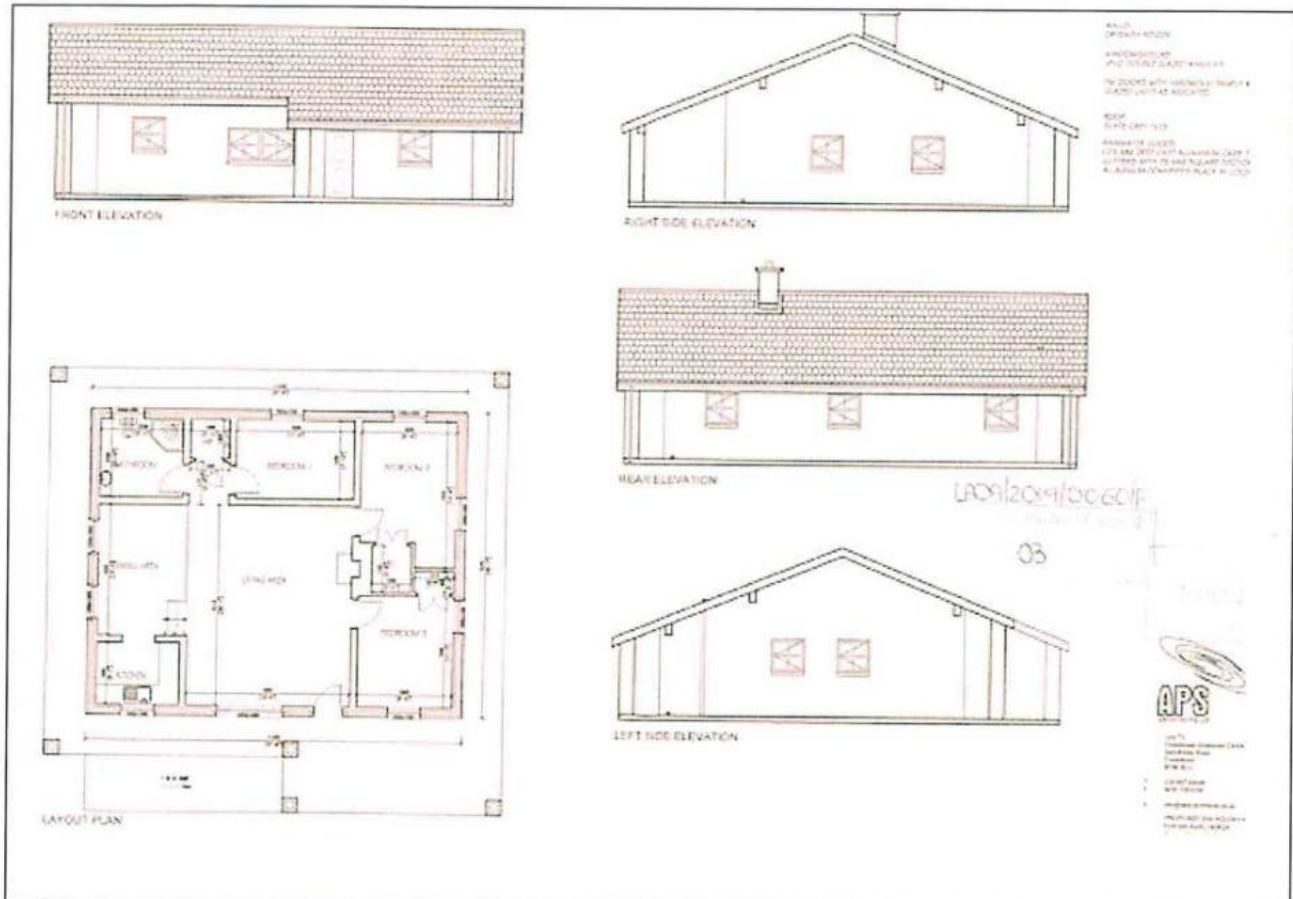
The application site is a 0.9 hectare parcel of land located 60m East of an unoccupied dwelling at 62 Loughbracken Road, Pomeroy. It is outside the development limits of any settlement defined in the Cookstown Area Plan 2020. The site is accessed via a long laneway which is also used to gain access to Loughbracken, a small lake which lies just to the NE of the site. The Western, Southern and South Eastern boundaries of the site are defined by thick gorse hedgerow. The remaining are undefined on the ground.

This area is very rural in character with a dispersed settlement pattern. There is a two storey detached dwelling and several outbuildings located to the immediate West of the site. The dwelling is currently unoccupied. This area is recognised as being an area of archaeological importance (TYR 037:048)

### Description of Proposal

This is a full application for 2 No. holiday villas to match previously approved (I/2012/0159/F)





## Planning Assessment of Policy and Other Material Considerations

### Relevant Planning History

- I/2011/0381/F - 235m NE of 62 Loughbracken Road, Pomeroy. Proposed retention of jetty and slip way. Approved 17.02.2012
- I/2012/0159/F - 60m East of no 62 Loughbracken Road, Pomeroy. Proposed 2 no holiday villas. Approved 12.04.2013

### Policy Consideration

The following policies will be considered in this assessment:

- Strategic Planning Policy Statement (SPPS)
- Cookstown Area Plan 2010
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 16 - Tourism
- Planning Policy Statement 21 - Sustainable Development in the Countryside
- Parking Standards

## **SPPS - Strategic Planning Policy Statement for Northern Ireland**

The SPPS gives provision for development in the countryside subject to a number policy provisions, including policy for Tourism Development. It does not present any major change in policy direction from that contained in existing tourism policy PPS 16. Paragraph 6.260 of the SPPS states that self catering accommodation, particularly in areas where tourist amenities and accommodation have become established will be acceptable. It has not been demonstrated that this is an area where a tourist amenity is established. This will be discussed in more detail further in this report. As such, this proposal is at conflict with the SPPS.

### **Cookstown Area Plan 2010**

This site is outside the development limits of any settlement defined in the Cookstown Area Plan 2010 and is not subject to any Area Plan designations or zonings.

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

The Draft Plan Strategy was launched on Friday 22nd February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

### **PPS 3 - Access, Movement and Parking**

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the use of an existing unaltered access on to the Loughbracken Road. DFI Roads have been consulted and have no concerns regarding road safety or traffic flow resulting from this proposal subject to provision of 2.4m x 45m splays and a 45m Forward Site Distance. This can be dealt with by planning condition.

Each holiday villa provides 2 in-curtilage parking spaces. This is in compliance with Parking Standards.

### **PPS21 - Sustainable Development in the Countryside**

Policy CTY 1 of PPS 21 sets out the different types of residential and non residential development which in principle is acceptable in the Countryside. With regards to Tourism Development it states it must be in accordance with the TOU policies in the PSRNI. This has now been superseded by PPS 16.

Policies CTY 13 Design and Integration and CTY 14 Rural Character are also relevant policy considerations under PPS21. The proposed holiday villas are small single storey buildings located on a low lying site that is set well back from the public road. They can not be viewed from the public road and they will not be prominent in the local landscape. The site benefits from fairly substantial boundary treatment which will help integrate the proposed villas. No ancillary works are proposed. In terms of design the villas reflect a

suburban type bungalow rather than a traditional rural building however their design was deemed acceptable under I/2012/0159/F so it would be difficult to sustain a refusal reason under CTY 13 as there has been no change in policy since the previous approval. Given the minor nature of the proposal, the lack of critical views into the site and the fact that the construction of these villas will not create a ribbon or unacceptable build up of development, I am satisfied that there will be no negative impact on the rural character of this area.

### **PPS 16 - Tourism**

This proposal is for 2 number self catering holiday villas in the Countryside. Policy TSM 5 Self Catering Accommodation in the Countryside is therefore the relevant policy test. TSM 5 permits self catering accommodation in certain circumstances one of which is a cluster of 3 or more new units at or close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right. From the outset this criteria is not being complied with as the proposal is for 2 villas and not 3. Only limited weight can be afforded to the previous approval for 2 villas as they were approved under a different policy (PSRNI) which had a lesser test. The previous approval has also expired.

TSM 5 also states that the units must be close to an existing/approved significant tourist amenity. The applicant has submitted 2 separate supporting statements to show compliance with this criteria however both fail to adequately demonstrate how Loughbraken is a significant tourist amenity in its own right. Reference has been made to the approved jetty and slipway however these features do not back up the applicants argument as they don't appear to be utilised to a significant extent. In the supporting statements more emphasis has been placed on other tourist amenities within the District (eg) Dark Skies Project at Davagh, however it is my opinion that the other amenities are too far removed from the application site.

Members are advised that internal consultation has been carried out with the Councils Head of Tourism who has advised that he would be supportive of the application as there is a need for more tourist accommodation in the District, however it is important that these type of proposals comply with the policy tests set out in PPS 16. This will avoid random development throughout the countryside and will safeguard the value of our tourism assets.

Policy TSM 5 also requires the overall design and layout of self catering schemes to deter permanent residential use. They should have an informal layout without designated car parking. Units must also be appropriately designed for holiday use (eg) rural cottage style. It is my opinion that the layout and design of these units replicate dwellings that would be permanently lived in. They are like dwellings that you would find in a housing development in any village or town throughout the District. Both have two formal parking spaces clearly annotated on the site layout. I do acknowledge that this layout and design was accepted under I/2012/0159/F but members are advised that the policy context is now different and it is the current policy that most hold determining weight.

Policy TSM 7 sets out general criteria for all Tourism proposals. This scheme will primarily support vehicular movements but could also be accessed on foot or by bicycle albeit there are no formal footpaths to or from the site. My concern with layout and

design is referred to above. Some new planting is proposed and existing vegetation is shown to be retained. No outside storage is proposed. Foul sewage will be disposed off via a septic tank and water obtained via mains. These are subject to separate Legislation outside the remit of Planning. No flood lighting is proposed however in-curtilage parking is being provided. The scheme is minor in nature and is generally compatible with the existing area. The site is located in an area where there may be natural heritage features. NIEA (Natural Heritage) were consulted with a Preliminary Ecological Assessment and a Bio-Diversity Checklist and they have advised that they have no concerns. They have recommended a condition in respect of the retention of existing boundary vegetation. Shared Environmental Service have also been consulted and have advised that the proposal will not have any conceivable effect on any European Site. The site is in an area of archaeological Importance. Historic Environment Division have been consulted and have raised no concerns about this proposal from an archaeological viewpoint. There are no listed buildings in close proximity to the site.

The closest third party dwelling to the application site is approx. 60m to the East. Given the nature of this proposal and separation distance between the units and this third party dwelling, I have no concern about the impact of the proposal on residential amenity.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

On the basis of the above assessment I recommend that this application be refused.

**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. This proposal is contrary to Policy TSM 5 (B) of Planning Policy Statement 16 - Tourism in that the scheme is for less than 3 units and it has not been adequately demonstrated that the units are at or close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right. Furthermore, the overall design of the units and layout would not deter permanent residential use.
3. This proposal is contrary to paragraph 6.260 of the SPPS, in that it has not been demonstrated that this is an area where a tourist amenity is established or is likely to be provided as a result of tourism initiatives.

**Signature(s)**



**Date:**

21-9-2020

<b>ANNEX</b>	
<b>Date Valid</b>	16th January 2019
<b>Date First Advertised</b>	31st January 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 62 Loughbracken Road Pomeroy Tyrone	
<b>Date of Last Neighbour Notification</b>	23rd January 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: I/2005/0120/O Proposal: Dwelling Address: Lands approximately 140 metres North of 62 Loughbracken Road, Pomeroy Decision: Decision Date: 15.03.2005  Ref ID: I/2007/0001/RM Proposal: Proposed dwelling and garage for domestic use. Amended plans. Address: 110m North of 60 Loughbracken Road, Pomeroy Decision: Decision Date: 20.09.2007  Ref ID: I/2005/0009/O Proposal: Dwelling and Garage Address: 110m North of 60 Loughbracken Road, Pomeroy Decision: Decision Date: 14.03.2005  Ref ID: I/2012/0159/F Proposal: Proposed 2 no holiday villas Address: 60m East of no 62 Loughbracken Road, Pomeroy,	

Decision: PG  
Decision Date: 12.04.2013

Ref ID: I/2006/0991/F  
Proposal: Proposed Dwelling and Garage  
Address: Lands Approx 160m North of 60 Loughbracken Road, Pomeroy, Co.Tyrone  
Decision:  
Decision Date: 23.03.2007

Ref ID: I/2011/0381/F  
Proposal: Proposed retention of jetty and slip way  
Address: 235m NE of 62 Loughbracken Road, Pomeroy,  
Decision:  
Decision Date: 17.02.2012

Ref ID: LA09/2019/0060/F  
Proposal: Proposed 2No, holiday villas to match previously approved (I/2012/0159/F)  
Address: 60m East of 62 Loughbracken Road, Pomeroy,  
Decision: RL  
Decision Date:

Ref ID: I/2008/0208/RM  
Proposal: Dwelling and garage  
Address: Lands approx 140 metres North of 62 Loughbracken Road Pomeroy Co Tyrone  
Decision:  
Decision Date: 18.08.2008

Ref ID: I/2011/0384/F  
Proposal: Proposed renovations to dwelling and retention of rebuilt extensions and rebuilt kids play room / study  
Address: No 62 Loughbracken Road, Pomeroy,  
Decision:  
Decision Date: 16.02.2012

Ref ID: I/2006/0494/F  
Proposal: Proposed dwelling and garage  
Address: Lands approx. 180 metres north west of 62 Loughbracken Road, Pomeroy, Co.Tyrone  
Decision:  
Decision Date: 19.12.2006

**Summary of Consultee Responses**

DFI Roads - No Objections  
 EH - No Objections  
 NIW - No Objections  
 SES - No Objections  
 NIEA - No Objections  
 HED - No Objections  
 Tourism Dept - In favour of the proposal

**Drawing Numbers and Title**

Drawing No. 01  
 Type: Technical Specification  
 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

**Notification to Department (if relevant)**

Date of Notification to Department:  
 Response of Department:



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2019/0944/F	<b>Target Date:</b>
<b>Proposal:</b> Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed.	<b>Location:</b> Between 90 and 92 Iniscarn Road Desertmartin
<b>Applicant Name and Address:</b> Mr Paul Bradley 90A Inniscarn Road Desertmartin	<b>Agent name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge
<b>Summary of Consultee Responses:</b>  DFI Rivers have given a final response on March 2021 with issues relating to FL1, FL3 and FL4.  DFI Roads are satisfied their conditions are acceptable in relation to the proposed access.	
<b>Characteristics of the Site and Area:</b>  The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 storey dwelling with a smooth render finish, detached garage and a dolls house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains	

undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road. The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

### Description of Proposal

Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective)  
New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed.



### Deferred Consideration:

This application was presented to Committee in Feb 2020 for the following refusal reason;

*The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons.*

It was subsequently deferred as additional information was submitted prior to the Committee meeting and it was agreed by Committee that this information should be considered by DFI Rivers. Rivers were re-consulted and replied that there were outstanding issues relating to PPS15.

In an attempt to resolve the flooding matter, the applicant was then offered the opportunity by the Council to remove the existing pipe and restore the open drain at the previous levels. The applicant has advised they do not wish to remove the pipe but rather 'work with DfI Rivers on site to carry out flood risk measures to prevent future flooding' and they state it is impossible to determine previous watercourse levels.

The main issues raised by neighbouring properties, is regarding flooding to their property and on the Iniscarn Road due to pipework and culverting carried out at this site. Objector comments raise the point that previous levels were given in a 2007 application, which would indicate how ground levels have changed and has in turn increased surface water runoff. The Objector mentions that the work carried out is unauthorised, there is a current enforcement case on the site which is pending the outcome of this application before any action will be taken. No.92 also mentions an issue relating to access to manhole covers, however this would not be considered a planning matter and should be dealt with between the two parties.

DFI Rivers have provided comment in relation to PPS15 – 'Planning and Flood Risk' and have had sight of all relevant objector and applicant correspondence, which has all been taken into account in their detailed responses. Following a number of reports, assessments and correspondence from both parties the latest response from Rivers dated 10 March 2021 (Appendix A) and concludes the following in summary;

**FLD1- *Development in Fluvial (Rivers) and Coastal Flood Plains***- The Hydraulic model used to assess fluvial flood risk in the original FRA, dated 31<sup>st</sup> October 2019, has been independently examined. The independent assessment has led to the conclusion there is a low level of confidence in the model outputs. Consequently fluvial flood risk remains an unresolved issue.

**FLD2 – *Protection of flood defences and drainage infrastructure*** - Rivers have advised this issue could be dealt with by an informative and it would be unreasonable to condition it for a single dwelling.

**FLD3 – *Development and surface water (pluvial) flood risk outside flood plains***, Plans were submitted by the applicant in an attempt to overcome this. However the drainage network assessed in the DA is not representative of the existing drainage network. If the drainage network is to be retained it should be discharged via the network as shown on submitted plans. If however the existing drainage is to be retained then additional analysis would be required to demonstrate management of flooding and overflow and to demonstrate proposed mitigation measures.

**FLD4 – *Artificial Modification of Watercourses***- the applicant has identified Health and safety concerns as the reason to pipe the open watercourse, however these are included as invalid reasons under FLD4 of PPS15 to pipe a watercourse. Paragraph 6.53 of PPS15 states that when there are health and safety concerns arising from open access to a watercourse alternatives to piping should be considered.

**FLD5 – *Developments in proximity to reservoirs*** - Development in proximity to reservoirs, is not relevant.

Basis on the information currently submitted refusal is recommend for the following in relation to PPS15 for the reasons stated below.

*1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.*

*2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.*

*3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated.*

Apart from the flooding concerns, objectors also raised issues relating to other planning matters, these have been received from No.92 and No. 90.

#### Overlooking/ privacy issues

In relation to No.90, there is sufficient separation distance between the two houses and a strong laurel hedge exists as a common boundary, the window referred to is a first floor bedroom window on the gable, and would be classed as a low occupancy room, although it has been argued by the objector that during recent Covid circumstances bedroom are being used more often for home schooling/offices etc. However, this is in the short term and not permanent, and would not change overall how these rooms would be considered. I do not consider there are overlooking or privacy issues which are significantly detrimental to the enjoyment of the neighbour's amenity space.



*Common boundary with No 90*

No.92 raise concerns about windows on the side gable overlooking their private garden area, which were not shown on the original plans. Although the windows weren't shown on original plans they will be assessed as part of this retrospective application. Part of the common boundary is a strong laurel hedge and close boarded wooden fence and further along the boundary are mature trees which would limit any impact of these windows and there is also adequate separation distance. The dwelling is set back from No.92 and its associated buildings and garden, with strong vegetation between them so there is no detrimental impact from overlooking. ( *see common boundary with No.92 in image below*)



An objection was received concerned about road safety due to the number of accesses on this part of Iniscarn Road, as they state there are already lorries and tankers brake testing here. The occupant of No.90 countered this objection by saying they have never been aware of this taking place. DFI Roads were consulted for their comments and have stated any issues of road safety as a result of reckless driving is a matter for PSNI. They are satisfied their recommended conditions are acceptable in relation to the proposed access.

One of the objections received was in terms of the planning assessment and questioned if the site complies with CTY8, in that it is not a small gap site in a continuous and substantially built up frontage, and in relation to the visual impact and rural character of the dwelling and proposed access. These issues were fully considered in the original case officer report under PPS21 and I would still agree with this assessment. An appeal decision 2016/A0160 was forwarded by the objector, however each case is assessed on its own merits and this appeal case is not directly comparable. I am satisfied this site and access meets the policies CTY1, CTY8, CTY13 and CTY14 and are acceptable in principle.

In conclusion, when taking into account all the information provided by the applicant and objectors and DFI Rivers final response of 10<sup>th</sup> March 2021 (attached as appendix A), the proposal must be recommended for refusal for the three reasons stated.

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

### **Refusal Reasons**

1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.
2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.
3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated.

**Signature(s):**

**Date**

## Appendix A – DfI Rivers response dated 10<sup>th</sup> March 2021



### DfI Rivers Planning, Advisory & Modelling Unit

Ms. Emma McCullagh  
Mid Ulster  
Local Planning Office  
Mid Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

44 Seagoe Industrial Estate  
CRAIGAVON  
Co. Armagh  
BT63 5QE  
Tel: 028 3839 9118

Your Ref: LA09/2019/0944/F  
Our Ref: IN1-19-11202

10<sup>th</sup> March 2021

Dear Madam

**Re: Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective).**

In response to your consultation dated 23<sup>rd</sup> February 2021 requesting comments on the most recent uploaded information (including emails) in relation to how it addresses FLD3 and to confirm if it addresses the issues with FLD1 and FLD4 or if they remain unresolved. DfI Rivers comments in accordance with PPS 15 are as follows.

#### Policy FLD 1

The hydraulic model used to assess fluvial flood risk in the original FRA, dated 31<sup>st</sup> October 2019, has been independently examined in order to confirm or allay DfI Rivers concerns about the model construction. The independent assessment has identified aspects of the model construction that have led to the conclusion that there is a low level of confidence in the model outputs. Consequently fluvial flood risk remains an unresolved issue.

The effects of piping the watercourse on downstream water levels and velocities have not been addressed. For an accurate assessment of potential downstream worsening with, respect to flooding and erosion, a pre-development model of the watercourse would be required for comparison. This is not possible.

#### Policy FLD 2

An undesignated piped watercourse flows along the south eastern boundary of the site. Under 6.32 of the policy a 5m maintenance strip is required. It is the legal responsibility of the land owner to maintain this watercourse.



### Policy FLD 3

Drawing No. C101 entitled '*Proposed Surface Water Attenuation System Using Storage Pipes And Hydrobrake For a 100 Year Return Period Event*' shows a proposal to construct a drainage network, with attenuation being provided by two 62.5m long lines of 750mm diameter pipes. It has been demonstrated that this drainage network would have the necessary capacity to be a viable solution. All surface runoff from the site should be collected, stored and discharged via this proposed drainage network. The drainage network assessed in the DA is not representative of the existing drainage network.

It is DfI Rivers understanding that the planning application for the dwelling is retrospective and therefore may include the existing drainage network as part of the application. If the existing drainage network is to be retained then it should be discharged via the proposed network as detailed on Drg. No. C101.

If the existing drainage network is to be retained, as the only drainage option, then the hydraulic capacity of the already constructed drainage network will have to be calculated. An analysis of the storm network, using FEH rainfall runoff methodology, will have to be provided to determine, in terms of return period, what the capacity of the network is. Other analysis to demonstrate the management of out of sewer flooding and overland flow, and to demonstrate the provision of necessary mitigating measures and safe storage areas will need to be carried out for a 1 in 100 year rainfall event.

### Policy FLD 4

An email, dated 23<sup>rd</sup> February 2021, from the applicant identifies health and safety concerns as the reason to pipe the open watercourse. Health and safety concerns are not included as valid reasons under Policy FLD4 of PPS 15 to pipe a watercourse. Paragraph 6.53 of PPS 15 states that when there are health and safety concerns arising from open access to a watercourse alternatives to piping should be considered.

### Policy FLD 5

Policy FLD 5 does not apply to this application.

---

I trust you find the foregoing to be helpful but should you require any further information or clarification please contact me at the above address.

Yours faithfully

**Neil Jenkinson**  
Planning, Advisory & Modelling Unit



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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0944/F	<b>Target Date:</b>
<b>Proposal:</b> Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed.	<b>Location:</b> Between 90 and 92 Iniscarn Road Desertmartin
<b>Referral Route:</b> Proposal is contrary to SPPS and Policy FLD 4 of PPS15.	
<b>Recommendation:</b>	<b>REFUSAL</b>
<b>Applicant Name and Address:</b> Mr Paul Bradley 90A Inniscarn Road Desertmartin	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge
<b>Executive Summary:</b>	

For committee decision



10 / 02 / 2020

**Signature(s):**

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice

### Representations:

Letters of Support	None Received
Letters of Objection	9
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

A number of issues were raised and they are discussed in this report.

### Characteristics of the Site and Area

The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 ? storey dwelling with a smooth render finish, detached garage and a doll's house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire

and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road.

The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

### **Description of Proposal**

The applicant seeks full planning permission for an Infill dwelling and garage between 90 & 92 Iniscarn Road, Desertmartin (Retrospective). New access laneway 130m west from the junction of Iniscarn / Gortahurk Road. Existing access onto Iniscarn Road to be permanently closed.

### **Planning Assessment of Policy and Other Material Considerations**

#### **Planning History**

LA09/2019/0005/CA - Alleged piping of a watercourse and Extension to Curtilage. Enforcement Case Closed 28.02.2019.

LA09/2019/0868/F - New laneway 130m West from the junction of Iniscarn Road/Gortahurk road to the dwelling between 90 & 92 Iniscarn Road - Withdrawn.

LA09/2018/0054/CA - Unauthorised Dwelling, unauthorised access, unauthorised piping of a watercourse, extension of curtilage area Enforcement Action Being Pursued - this application is relevant to this enforcement action.

H/2007/0691/RM - Proposed new 2 storey dwelling house and associated landscaping - Permission Granted 23.05.2008

H/2005/0636/O - Site of dwelling - Permission Granted 19.10.2005

#### **Neighbour Notification**

2 neighbours were notified of this planning application including nos. 90 & 92 Iniscarn Road, Desertmartin.

9 letters of objection and 1 non-committal letter was received at time of writing this report.

6 letters of objection were received from the occupier of no. 90 Iniscarn Road who raised concerns as follows:

1) Principle of development - the objector has concerns that the dwelling does not comply with Policy CTY1, CTY8, CTY13 and CTY14 of PPS21 - Sustainable Development in the Countryside, claiming that the dwelling does not meet the criteria to be an infill dwelling and does not comply with policies CTY13 or CTY14.

2) Unauthorised culverting of a watercourse and surface water flooding - the objector has raised concerns about the unauthorised pipework which has been installed around the dwelling. The objector has stated that this pipework has caused serious flooding at their property as well as at no.92 and along the Iniscarn Road. The objector has also stated that site levels have been raised during the development of the site which has increased surface water run off.

3) Overlooking and Loss of Privacy - concerns were raised about the bedroom window on the southern side elevation of the dwelling which looks out onto no.90's rear garden.

4) Increased extension to curtilage - the objector raised concerns about the increased curtilage of the site which could lead to further development around the dwelling.

5) Package Treatment Plant - the objector stated that in the past, the PTP had failed which led to a foul smelling odour in the past.

6) Lack of Landscaping - the objector raised concerns that submitted plans did not show much in way of landscaping.

7) Flood Risk Assessment - the objector raised a number of concerns regarding the Flood Risk Assessment, which was received on 11/11/2019. The concerns included objecting to the assessments reasoning for a flood occurrence happening at the objector and applicant's sites and states that not all gullies have been shown and assessed in this Flood Risk Assessment.

3 letters of representation were received from the owner of no. 92 Iniscarn Road. These objections raised concerns with the second floor window on the right hand side elevation of the dwelling (northern elevation). The objector also raised concerns that the dwelling does not comply with policy CTY14 of PPS21. This objector also raises the previous flooding event which also effected their property stating that it caused the downstairs had been flooded due to the culverting of the opening pipe.

One miscellaneous letter was received from the applicant at 90a Iniscarn Road. This letter rebutted initial comments made by the objector at 90 Iniscarn Road, suggesting that a lack of gullies at no. 90 Iniscarn Road contributed to the impact of the flooding event that occurred in the past.

### **Development Plan and Key Policy Consideration**

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.

Magherafelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019. 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.

PPS3: Access, Movement and Parking (Revised 2005) and PPS3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. Policies CTY1, CTY8, CTY13 and CTY14 are applicable.

Revised PPS15: Planning and Flood Risk: sets out planning policies to minimise and manage flood risk to people, property and the environment. Policy FLD4 is applicable to this application.

Planning Policy CTY1 of PPS21 states that planning permission will be granted for the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon 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 and 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 purposes of this policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

I am content that this proposal complies with policy CTY8 in principle as nos. 86a, 88, 90 & 92 create a substantially built up frontage along the main Iniscarn Road.

I am content that the site is a small gap site. Therefore, I am content that this proposal complies with Policy CTY8 of PPS21.

### **Integration**

Policy CTY13 of PPS21 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.

It has been noted that this is a large 2 storey dwelling. The ridge height is 8.1m high at its highest point and the left hand side portion of the dwelling has a ridge height of 7.2m. Although no. 90 Iniscarn Road is a single storey dwelling, no. 92 is a two storey dwelling to the north and the Iniscarn Road is characterised by a mix of single and two storey dwellings.

I am content that the laurel hedging which has been planted along the southern boundary has addressed issues of overlooking as it has grown quite considerably in a short space of time. The window which has been raised by the objector at no. 90, is a bedroom window which I consider to be a low occupancy room and is located approx. 7m from the boundary of no. 90 Iniscarn Road. Therefore this, coupled with the mature laurel hedging addresses the issue of overlooking.

The window which has been raised by the owner of no. 92 Iniscarn Road on the northern boundary of the property is again a bedroom window which is considered a low occupancy room. There is a considerable amount of mature trees and hedging along the northern boundary of the property and the window is set far enough back from the private amenity space of no. 92 Iniscarn Road. Therefore, I am content that this window does not propose any demonstrable harm on the amenity of no. 92 Iniscarn Road.

The new access proposed 130m west from the junction of Iniscarn / Gortahurk Road will run along the southern boundary of the property therefore complies with CTY13. On a whole, I am content that the dwelling complies with Policy CTY13 of PPS21.

### **Rural Character**

Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

It has been noted that this is a substantially large 2 storey dwelling however as mentioned above under CTY13 there is a mix of single storey and two storey dwellings along the Iniscarn Road therefore I am content that this proposal is in keeping with CTY14.

I am content on balance that this proposed application will not unduly change the character of the area. On a whole I am content that the proposed development complies with CTY 14.

### **PPS15: Planning and Flood Risk - Policy FLD4**

Policy FLD4 states that the planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations in either of the following exceptional circumstances:

- Where the culverting of a short length of a watercourse is necessary to provide access to development site or part thereof;
- Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there is no reasonable or practicable alternative courses of action.

Justification for the culverted watercourse was requested from the agent on 16/01/2020 and no reason was received at time of writing this report.

An email was received from the engineer who wrote the Flood Risk Assessment stating that the presence of the culvert significantly reduces flood risk at the site and that the flood event which occurred in the past happened when the culvert was only half installed and was a one-off occurrence. Although this may be the case, no exceptional circumstance or engineering reason has been provided to justify the culverting of the undesignated watercourse which flows along the southern boundary of the site. For this reason, this proposal does not comply with Policy FLD 4 of PPS15.

### **Other Material Considerations**

DfI Roads were consulted on this application and are content, subject to condition. DfI Rivers were consulted on this application and initially asked for a Flood Risk Assessment. The Flood Risk Assessment received was based on the culverted watercourse therefore DfI Rivers will not comment until the planning authority make a decision based on FLD4 of PPS15. As the planning authority is of the opinion that the proposal does not comply with FLD4 of PPS15, there was no need to re-consult.

### **Neighbour Notification Checked**

Yes

### **Summary of Recommendation:**

Refusal.

ANNEX	
<b>Date Valid</b>	8th July 2019
<b>Date First Advertised</b>	25th July 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) E Flanagan 12 Moybeg Road, Tobermore, Londonderry, Northern Ireland, BT45 5QH E Flanagan 12 Moybeg Road, Tobermore, Londonderry, Northern Ireland, BT45 5QH E Flanagan 12, Moybeg Road, Tobermore, Londonderry, Northern Ireland, BT45 5QH D Murray 90 Iniscarn Road, Desertmartin, Londonderry, Northern Ireland, BT45 5NH Damian Murray 90 Iniscarn Road, Desertmartin, Londonderry, Northern Ireland, BT45 5NH The Owner/Occupier, 90 Iniscarn Road, Desertmartin,BT45 5NH Mr D Murray 90 Iniscarn Road, Desertmartin,BT45 5NH Paul Bradley 90A Inniscarn Road,Desertmartin The Owner/Occupier, 92 Iniscarn Road, Desertmartin,BT45 5NH The Owner/Occupier, 92 Iniscarn Road, Desertmartin,BT45 5NH Mr D Murray Email Damien Murray Email Address D Murray Email Address	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No

**Planning History**

Ref ID: LA09/2019/0868/F

Proposal: New laneway 130m West from the junction of Iniscarn Road/Gortahurk road to service the dwelling between 90 & 92 Iniscarn Road. Existing access onto the Iniscarn road to be permanently closed.

Address: New laneway 130m West from the junction of Iniscarn Road/Gortahurk road to the dwelling between 90 & 92 Iniscarn Road.,

Decision:

Decision Date:

Ref ID: LA09/2019/0944/F

Proposal: Infill dwelling and garage between 90 and 92 Inishcarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Inishcarn Road/Gortahurk Road, existing access onto Inishcarn Road to be permanently closed

Address: Between 90 and 92 Inishcarn Road, Desertmartin,

Decision:

Decision Date:

Ref ID: H/2005/0636/O

Proposal: Site of dwelling

Address: Between 90 - 92 Iniscarn Road, Desertmartin

Decision:

Decision Date: 19.10.2005

Ref ID: H/2007/0691/RM

Proposal: Proposed new 2 storey dwelling house and associated landscaping.

Address: Lands situated between 90-92 Iniscarn Road, Moneymore, Magherafelt

Decision:

Decision Date: 23.05.2008

Ref ID: H/2002/0012/O

Proposal: Site of Dwelling

Address: Between 90 &amp; 92 Iniscarn Road, Desertmartin

Decision:

Decision Date: 02.07.2002

**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.  
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.  
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.  
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.  
Type:  
Status: Submitted

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

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

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

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

Drawing No. 05  
Type: Proposed Elevations  
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	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/0153/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed Dwelling & Domestic Garage	<b>Location:</b> Adjacent & North East of Junction with Mullaghmoyle Road on Colliers Lane Coalisland
<b>Applicant Name and Address:</b> Ms Marianne Sturtridge 68 Hermitage Road Plymouth PL3 4RY	<b>Agent name and Address:</b> McKeown & Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Summary of Issues:</b> The site is on phase 2 housing zoned in Dungannon South Tyrone Area Plan within Coalisland which has not been released for development. HOUS1 in the DSTAP only allows single houses in accordance with the prevailing rural policy. This development is not in accordance with any of the rural policies contained within PPS21 – Sustainable Development in the Countryside. An exception could be made to policy if it is clear the proposed development is rounding off and would not prejudice the future development of the Phase 2 housing lands.	
<b>Summary of Consultee Responses:</b> DFI Roads – access to east of frontage to achieve 2.4m x 45m sight lines and 45m forward sight distance GSNI – no known mines or workings at this location NI Water – no public sewer available EHO – no objection in principle, 4 objections noted and conditions relating to septic tank, wayleaves and consent to discharge recommended	
<b>Characteristics of the Site and Area:</b>  The application is located on Phase 2 Housing Land within the development limits of Coalisland as defined within the Dungannon and South Tyrone Area Plan 2010. The site comprises a roadside rectangular plot of land located at the junction of Mullaghmore Road with a proposed access on to	

Colliers Lane. The surrounding character is rural, however there is a medium degree of development pressure in the immediate surrounding context with 2 no. detached single storey dwellings, 1 and a ½ storey dwelling currently in construction to the southeast in a row. Immediately adjacent to the proposal site to the southwest there is also approval for a single dwelling M/2009/0280/F and this dwelling is now well under construction. The topography of the site is relatively flat. The northwest and southwest roadside boundaries are defined by established hedging. The northeast and southeast boundaries are currently defined by post and wire fencing.

### **Description of Proposal**

This is an outline planning application for a dwelling and garage on lands adjacent and north east of junction with Mullaghmoyle Road on Colliers Lane, Coalisland.

### **Deferred Consideration:**

This application was deferred at the planning committee in September 2020 to allow a meeting with the Planning Manager and allow full consideration of an objection that was submitted. An office meeting was held on 10<sup>th</sup> September 2020 and the agent for the applicant advised this is the last piece of ground along this frontage of Colliers Lane that has not been developed. Planning permission was granted on the adjacent site and has now been acted upon with the dwelling well up.

Members are advised there is an extensive planning history on the adjacent lands which can be seen in the attached map.



- 1- M/2004/0166/O – 1 no dwelling 29.04.2004  
M/2007/0482/RM – Proposed dwelling ARM 15.06.2007  
M/2009/0280/F - Proposed dwelling to increase site area & siting from previous planning application M/2007/0482/RM, pp granted 14.05.2009. The enforcement team have carried out an investigation and this dwelling was lawfully commenced. It is now under construction with the ground floor blockwork completed as can be seen below



- 2- M/2005/0260/O,  
 LA09/2016/0144/O - Proposed site for 2no. infill dwellings in accordance with policy CTY8 of PPS21, OPP Granted 04.08.2016  
 LA09/2018/0514/RM - Proposed dwelling and garage in accordance with previously approved outline planning permission LA09/2016/0144/O (amended site address), ARM Granted 23.08.2013



- 3- LA09/2016/0144/O - Proposed site for 2no. infill dwellings in accordance with policy CTY8 of PPS21, OPP Granted 04.08.2016  
 LA09/2019/1205/F - Proposed infill dwelling under PPS 21 CTY8, FPP Granted 23.10.2019.  
 No obvious commencement of development on this site.

Established houses between the recent development sites



- 4- M/2012/0173/O - Proposed site for two infill dwellings in accordance with Policy CTY8 of PPS21., OPP Granted 13.06.2013

LA09/2016/0169/RM - Dwelling and Garage, ARM Granted 23.05.2016  
LA09/2017/1546/F – Proposed change of house type from that approved under  
LA09/2016/0169/RM including erection of detached garage FPP Granted 27.02.2018



- 5- M/2003/0567/O – Dwelling House, OPP Granted 21.06.2003  
M/2006/1299/RM – Proposed dwelling and garage, ARM Granted 25.08.2006  
M/2012/0173/O - Proposed site for two infill dwellings in accordance with Policy CTY8 of PPS21., OPP Granted 13.06.2013  
M/2014/0443/RM – Proposed dwelling, ARM Granted 19.02.2015  
LA09/2015/0094/F – Amendment to house type previously approved under  
M/2014/0443/RM proposed detached double garage and domestic store, FPP Granted 18.06.2015  
LA09/2016/0459/NMC – LA09/2015/0094/F Non Material Change to Planning approval (detached double garage and domestic store). NMC Granted 09.05.2016
- 6- M/2003/0567/O - Dwelling House, OPP Granted 21.06.2003  
M/2006/1299/RM - Proposed dwelling and garage, ARM Granted 25.08.2006  
LA09/2018/0720/F - Change of house design to dwelling previously approved under application M/2006/1299/RM, FPP Granted 11.03.2019



The above aerial photograph is relatively recent and shows the proposed site in the context of the adjacent development.

Members will note there are 6 dwellings and 2 sites that have extant planning permission to the east of the proposed site. The issues here is that while the site is within the settlement limits for Coalisland where usually there is a presumption in favour of development as per Plan Policy SETT1, it is on Phase 2 housing land that has not yet been released for development. Plan Policy HOU1 holds the Phase 2 housing land in a land bank until the need for housing has been reviewed and the land released Single houses may be allowed if they accord with the current rural policies. It is quite clear this proposed development does not meet with any of the policies for houses set out in CTY1. Members could refuse this application in policy grounds and it is likely that any subsequent appeal would be successful.

That said, one of the purposes of HOU1 is to ensure the land is protected for comprehensive development in the future. Housing site CH24 has 8 key site requirements (KSR) and I do not consider a dwelling here would result in any prejudice to these being met. One of the KSR is that dwellings should face onto Mullaghmoyle Road and Lisnastrane Road (which appears to be Colliers Lane) and any dwelling here has the potential to front onto either or both if the design is reflective of its location. The agent has indicated this would be rounding off, however I do not consider it could be classed as rounding off as there is only development on one side. The real question is what impacts would a dwelling here have on the character of the area or the potential for the area to be comprehensively developed. In my opinion a dwelling here at the road junction with limited vegetation to separate it from the string of 8 houses beside it, would have little impact on the area. Any dwelling set back in the site in line with the other dwellings on Colliers Lane and a similar distance back from Mullaghmoyle Road, would not, in my view, prevent the overall comprehensive development of the larger housing zoning. The public road, I feel, effectively bookends the site and the established line of built development here, though I stress it does not meet with the exception in policy CTY8.

It would be desirable to have a footpath link along the road, however this has not been done with any of the houses on Colliers Lane and it may have to be provided on the opposite side of Colliers lane when housing zoning CH23 is being developed on a comprehensive basis.

Due to the sites location within the settlement limits and the particular set of circumstances outlined above, I do not believe a dwelling here would have any significant harm to the area and would not set a wide ranging precedent.

**Objections:**

No neighbour notification carried out

As there were no occupied properties which have a coming boundary with the application site, there were no notifiable neighbours.

Does not accord with CTY1 of PPS21

This has been considered in detail above, it is accepted the proposal does not meet with any of the policies.

**Flooding**

The NI Flood maps do not identify the site as being in a flood area.

**Sewage**

NI Water have advised there is no public sewer to serve the site and a septic tank should be used. A septic tank will require a separate consent from Water Management Unit in NIEA, however the site is similar in size to the other plots along here which are served by individual septic tanks. EHO officers have no concerns that a septic tank could not be provided within the site and have recommended a number of conditions to ensure any developer is aware they must satisfactorily deal with any foul sewage.

**Development beside the site not lawful**

An investigation of the adjacent site has been carried out, it has been demonstrated that development commenced in time and the planning permission is still live. This building is now at first floor level.

Taking into account the objections that have been received, the overall character of this area and the minimal impacts this development would have on the comprehensive development of the phase 2 housing lands in CH24, I recommend the members approve this proposal with the conditions attached.

**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 the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45m and a 45m 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. A detailed scheme of structured landscaping along all the new boundaries of the site identified in red on drawing no 01 bearing the stamp dated 05 FEB 2020, 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.

5. 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.

6. Prior to the commencement of any development hereby approved the developer shall provide Council with a copy of a Consent to Discharge Sewage Effluent obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999. This shall include a legal agreement in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required.

Reason: To prevent pollution.

7. Any new or existing septic tank unit shall be kept a minimum of 15 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.

Reason: In the interests of amenity.

8. The proposed development shall be sited so as not to compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.

Reason: To prevent pollution.

**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**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0153/O	<b>Target Date:</b> 20/05/20
<b>Proposal:</b> Proposed dwelling and domestic garage	<b>Location:</b> Adjacent and north east of junction with Mullaghmoyle Road on Colliers lane, Coalisland
<b>Referral Route:</b>  Recommended refusal	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Marianne Sturtridge 68 Hermitage Road Plymouth PL3 4RY	<b>Agent Name and Address:</b> McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non-Statutory	DETI	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 application is located on Phase 2 Housing Land within the development limits of Coalisland as defined within the Dungannon and South Tyrone Area Plan 2010. The site comprises a roadside rectangular plot of land located at the junction of Mullaghmore Road with a proposed access on to Colliers Lane. The surrounding character is rural, however there is a medium degree of development pressure in the immediate surrounding context with 2 no. detached single storey dwellings, 1 and a ½ storey dwelling currently in construction to the southeast in a row. Immediately adjacent to the proposal site to the southwest there is also approval for a single dwelling M/2009/0280/F and it appears the foundations are in place. The topography of the site is relatively flat. The northwest and southwest roadside boundaries are defined by established hedging. The northeast and southeast boundaries are currently defined by post and wire fencing.

### Description of Proposal

This is an outline planning application for a dwelling and garage on lands adjacent and north east of junction with Mullaghmoyle Road on Colliers Lane, Coalisland.

### 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

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

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

**Representations**

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. 1No. objection letter has been received on 15<sup>th</sup> May 2020, the details of which are outlined and considered below.

- The objection referred to previous planning approvals M/2009/0280 and M/2007/0482/RM querying has planning approval expired and seeking to lodge an objection due to failure to neighbour notify and also that there appears to be no discharge for water available.

The planning applications referred to relate to the same site, adjacent to the proposal site subject to this application, and were granted planning permission on 12/06/07 and 14/05/09 respectively. The matters raised above do not relate to this planning application, therefore the senior planner has responded to the objector on these matters separately.

- The objection seeks assurance that there is no encroachment on their property as both sites are situated on land adjacent to theirs.

It is unclear whether "both sites" relate to the proposal site subject to this application or the above referenced applications M/2009/0280 and M/2007/0482/RM only. Regardless, land ownership is outside the remit of planning and a civil matter between the applicant and the objectors. Any planning permission granted does not confer title. It is the responsibility of the applicant to ensure that they controls all the lands necessary to carry out the proposed development.

**History on Site**

M/2009/0280/F - Proposed dwelling to increase site area & siting from previous planning application M/2007/0482/RM - 140m NE of 23 Mullaghmoyle Road, Coalisland – Permission Granted 14/04/09

M/2007/0482/RM - Proposed dwelling - 140m N.E. of 23 Mullaghmoyle Road, Coalisland – Permission Granted 12/06/07

LA09/2019/1205/F- Proposed infill dwelling under PPS 21 CTY8 - Lands 10m NW of 27 Colliers Lane, Coalisland – Permission Granted 23/10/19

LA09/2017/1546/F - Proposed change of house type from that approved under LA09/2016/0169/RM including erection of detached garage – 52m South East of 25 Colliers Lane, Coalisland – Permission Granted 27/02/18

LA09/2016/0144/O - Dwelling and Garage - 52m SE of 25 Colliers Lane, Coalisland – Permission Granted 26/05/16

### **Key Policy Considerations/Assessment**

Dungannon and South Tyrone Area Plan 2010 – The application is located on Phase 2 Housing Land within the development limits of Coalisland. The Area Plan states Phase 2 Housing Land in Coalisland would not be released for development prior to a housing land review in 2005 and in the interim planning permission will only be granted on Phase 2 land for single dwellings that are in accordance with Green Belt policies. The housing review that took place in 2005 indicated that there was sufficient land within Phase 1 to accommodate future housing needs for Coalisland, without the release of Phase 2 land. As such proposals on land zoned for Phase 2 Housing Land in Coalisland are to be assessed under the rigours of Green Belt Policies. Green Belt policies have now been superseded by the provisions of PPS21 Sustainable Development in the Countryside, therefore this proposal will be assessed under PPS21.

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.

It was unclear from Drawing No.01 date stamped 5<sup>th</sup> February 2020 which policy under PPS21 the agent was relying on for this proposal therefore justification was sought. A Supporting Statement was received on 17/07/20; the arguments presented in the supporting statement are summarised below.

- The proposal site is within the settlement limits and comparable in scale and proportion to those sites already approved therefore it is considered it complies with and respects the spirit of the requirements of the Area Plan.
- A dwelling on the site would not have a detrimental effect on the future development of the adjoining housing land and sufficient weight should be applied to the planning history on the lands to the east.
- Paragraph 6.73 of SPPS and Policy CTY2a of PPS21 provides for reasonable flexibility for the rounding off of development

### Consideration

It is recognised that proposal site is located within the settlement limits of Dungannon, however the Dungannon and South Tyrone Area Plan 2010 designated this land as CH24 Phase 2 housing land and advised this land was to be held in reserve subject to a review and its development in the short term would not be permitted. The review in 2005 indicated that there was sufficient land within Phase 1 to accommodate future housing needs for Coalisland, without the release of Phase 2 land. Therefore, Policy HOU1 provides for this land to be safeguarded and proposals for single dwellings will only be allowed in accordance with relevant Green Belt Policies. The agent has argued the proposal site represents rounding off of development and will not prejudice the overall development of the remainder of the Phase 2 land. It is not considered that the applicant has put forward a sufficient argument to justify the release of this Phase 2 Housing Land and warrant approval. The forthcoming draft Plan Strategy will provide details of how housing growth will be allocated across the District, however the zoning of such land will form part of the second stage of the Development Plan process – the Local Policies Plan. Phase 1 and Phase 2 lands will continue to be reviewed as part of the plan making process.

The agent has relied on the planning history of adjacent land to the east of the proposal also zoned as Phase 2 housing land. PPS21 is the operable policy for these lands designated Phase 2, therefore these planning approvals were assessed and considered to comply with Policy contained within PPS21. The agent has referred to Policy CTY2a of PPS21 in support of this proposal.

Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided criteria are met. The application site abuts the existing road network to the west and south. West of the proposal site there is a farm complex accessed via Tullaghmore Road. Immediately east of the application site is a plot of land which appears to have foundations in place. Further east there is a 1 and ½ storey house under construction and adjacent to this there is 2no.detached single storey dwellings. There are a further 2 no. 2 storey dwellings further east approximately 220 metres from the proposal site. Given the separation distance with neighbouring properties and existing natural screening of the site, I do not have concerns with respect adverse impact on residential amenity. It is considered that the proposal site is located in an area with medium degree of development pressure and it may be considered when travelling along Colliers Lane this build-up of development could be read together as a visual entity. However, the application site is not located at a cross-roads nor associated with a focal point. Furthermore, the development is not bound on any side by development. Overall, I do not consider that the proposed development meets all the criteria outlined under CTY2a New Dwelling in an Existing Cluster to merit the granting of permission under this policy. Policy CTY8 states planning permission will be refused for a building which creates or adds to a ribbon of development. As the proposal is not bound on any side by development nor constitutes a small gap site in a continuous built up frontage, I consider if approved the proposal would reinforces a built-up appearance and is therefore also contrary to Policy CTY8.

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The application site is located along the roadside however given the

relatively flat topography and existing, roadside vegetation to the southeast and southwest boundaries, I consider the proposal site could provide a suitable degree of enclosure for a dwelling and garage without appearing as an overly prominent feature in the landscape. However I consider the principle of development is unacceptable as it does not meet any circumstance outlined within Policy CTY1.

In terms of policy CTY14, planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and the surrounding environment is suitable for absorbing a dwelling without significantly impacting on the surrounding character and therefore complies with Policy CTY14.

#### PPS 3: Access, Movement and Parking

DfI Roads have been consulted and have raised no objections to the proposal subject to conditions. Therefore, it is not considered a dwelling on the site satisfying Policy AMP2 of PPS3 and would not prejudice road safety or significantly inconvenience the flow of traffic.

#### Additional considerations

In addition to checks on the planning portal online, environmental map viewers have been checked and identified no natural or built heritage interests of significance on site. The site is located within an area of constraint on abandoned mines, however DETI Geological Survey of Northern Ireland were consulted and have offered no objections.

**Neighbour Notification Checked**

**Yes**

#### **Summary of Recommendation:**

The proposal is recommended for refusal for the reasons stated below.

#### **Reasons for Refusal:**

1. The proposal is contrary to Dungannon and South Tyrone Area Plan 2010 Policy HOUS1 in that the development is located on land zoned as Phase 2 Housing Land which is a land bank and currently not available for development and the proposal fails to meet any of the requirements for a single dwelling as specified in Policy CTY1 of Planning policy Statement 21, Sustainable Development in the Countryside.

**Signature(s)**

**Date:**

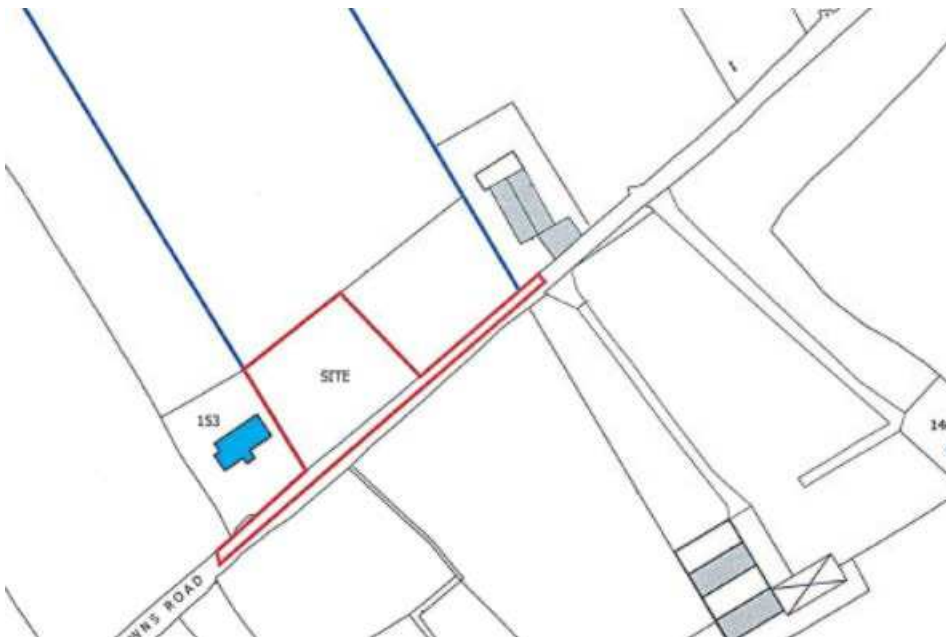


## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2020/0331/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for a dwelling and domestic garage based on policy CTY 8	<b>Location:</b> Approx 15 meters North-East of No. 153 Sixtowns Road Owenreagh Draperstown
<b>Applicant Name and Address:</b> Ms Lisa Murray 18 Cavanreagh Road Sixtowns BT45 7BS	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The application site is a 0.2 hectare parcel of land cut out of a larger agricultural field and is approximately 15m NE of a detached dwelling at number 153 Sixtowns Road, Draperstown. The site is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. It falls gently in a NW direction from the level of the public road. The roadside boundary is defined by a semi mature native species hedgerow. The boundary with the adjacent dwelling and the remaining boundaries are void of any established boundary treatment.  This is an upland area which is rural in character and has a dispersed settlement pattern. The predominant form of development being detached dwellings and agricultural buildings. Further to the NE of the site is an agricultural building. It is designated as an Area of Outstanding Natural Beauty in the Magherafelt Area Plan.	

## Description of Proposal

This is an outline application for a site for an infill dwelling and domestic garage.



## Deferred Consideration:

This application was presented to Committee in November 2020 as a refusal for the following three 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 site is not located within a substantially built up road frontage of 3 or more buildings.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling was approved on this site, it would have a detrimental impact on the existing rural of the area, by creating ribbon of development along this part of Sixtowns Road.

And subsequently this was deferred for a virtual office meeting held on 12<sup>th</sup> Nov 2020 with the Area Planning Manager

It was agreed at this meeting that a site visit would be carried out by the senior planner and a re-assessment made, in particular looking at the agricultural unit to the NE, included as part of the frontage and if it should be counted as one or more than one buildings.

Following a site visit, it is my opinion that the frontage in question cannot be considered as a continuous or substantial built up frontage, to include a line of 3 or more buildings. The frontage includes a detached dwelling at number 153 Sixtowns Road. Then there is a gap

which could accommodate a max of two dwellings based on the existing plot sizes. There is then an agricultural building, which I do acknowledge appears to be made up of 3 different interlinked blocks. However it very clearly reads as 1 singular building and on this basis can only be considered as the second building along the frontage. For this reason, the proposal is at conflict with the provisions of CTY 8 and refusal is recommended for this reason.



*Agricultural Unit to NE of site*

With regard to CTY 14 - Rural Character, if a dwelling was approved on this site it would have a detrimental impact on the existing rural character along this part of Sixtowns Road and would result in a creation a ribbon of development and so also fails to comply with this policy.

Refusal is therefore recommended for the following reasons ;

**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 site is not located within a substantially built up road frontage of 3 or more buildings and will result in a creation a ribbon of development.**
- 3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling was approved on this site, it would have a detrimental impact on the existing rural of the area, by creating ribbon of development along this part of Sixtowns Road.**

**Signature(s):**

**Date**

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6/10/2020	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0331/O	<b>Target Date:</b> 16/6/2020
<b>Proposal:</b> Proposed site for a dwelling and domestic garage based on policy CTY 8	<b>Location:</b> Approx 15 meters North-East of No. 153 Sixtowns Road, Owenreagh, Draperstown
<b>Referral Route:</b> Refusal is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Ms Lisa Murray 18 Cavanreagh Road Sixtowns BT45 7BS	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>  <p>The proposal fails to comply with Policies CTY 1, CTY 8 and CTY 14 of PPS 21. The site does not represent a gap within a substantial and built up road frontage and if a dwelling were approved on this site it would have a detrimental impact on the rural character of this Area of Outstanding Natural Beauty. Refusal is therefore recommended.</p>	
<b>Signature(s):</b>	

## 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 has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All relevant neighbouring properties have been notified. To date there have been no objections to this proposal from any third party or consultee.

### Characteristics of the Site and Area

The application site is a 0.2 hectare parcel of land cut out of a larger agricultural field and is approximately 15m NE of a detached dwelling at number 153 Sixtowns Road, Draperstown. The site is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. It falls gently in a NW direction from the level of the public road. The roadside boundary is defined by a semi mature native species hedgerow. The boundary with the adjacent dwelling and the remaining boundaries are void of any established boundary treatment.

This is an upland area which is rural in character and has a dispersed settlement pattern. The predominant form of development being detached dwellings and agricultural

buildings. Further to the NE of the site is an agricultural building. It is designated as an Area of Outstanding Natural Beauty in the Magherafelt Area Plan.

### **Description of Proposal**

This is an outline application for a site for an infill dwelling and domestic garage.

### **Planning Assessment of Policy and Other Material Considerations**

#### **Planning History**

There are no planning histories on or adjacent to this site to be considered in this assessment.

#### **Policy Consideration**

The following policies will be considered in this assessment:

- Strategic Planning Policy Statement (SPPS)
- Magherafelt Area Plan 2015
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 21 - Sustainable Development in the Countryside

#### **Strategic Planning Policy Statement (SPPS)**

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. Compliance with the Area Plan will be considered further in this report. The application site is not in an area where there are interests of acknowledged importance (eg) nearby Listed Buildings or areas of archaeological importance. Given the nature and location of the proposal it is not anticipated that it will give rises to any amenity issues.

#### **Magherafelt Area Plan 2015**

The application site is outside the development limits of any settlement defined in the Area Plan and is therefore not subject to any key site requirements. It is located within a designated AONB, however the Area Plan does not contain any specific policies in respect of AONB's.

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

The Draft Plan Strategy was launched on Friday 22nd February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March and was to run for 8

weeks. Due to issues being faced with COVID19, this period has been extended and will now close at 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

### **Planning Policy Statement 3 - Access, Movement and Parking.**

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the construction of a new access onto the Sixtowns Road. DFI Roads have been consulted with the proposal. They have no objections subject to a condition being attached to any decision to ensure the provision of splays (2.4m x 70m) and a Forward Site Distance (70m).

### **Planning Policy Statement 21 - Sustainable Development in the Countryside**

Policy CTY 1 of PPS 21 identifies the different types of development that are acceptable in the countryside, one of which is the development of a gap site in line with the provisions of policy CTY 8. The applicant has applied for an infill dwelling to be assessed under Policy CTY 8.

Policy CTY 8 - Ribbon Development, states that planning permission will be refused for a building which creates or adds to a ribbon of development.

It goes on to advise that 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.

It is my opinion that the frontage in question can not be considered substantial or built up to include a line of 3 or more buildings. The frontage includes a detached dwelling at number 153 Sixtowns Road. There is a gap which could accommodate a max of two dwellings based on the plot size of number 153. There is then an agricultural building, which I do acknowledge appears to be made up of 3 different interlinked blocks. However it very clearly reads as 1 singular building and on this basis can only be considered at the second building along the frontage. For this reason, the proposal is at conflict with the provisions of CTY 8 and refusal is recommended.

Policies CTY 13 - Design and Integration and CTY 14 - Rural Character are also considerations in this assessment. This is an outline application and no specific ridge height has been applied for. It is my opinion that single storey dwelling on this site would not appear overly prominent in this local landscape. It would benefit from a backdrop of rising land further to the NW and it would only be subject to short term localised views. The site does benefit from a fairly substantial roadside boundary but this would require removal to provide adequate visibility. The remaining boundaries are void of any vegetation. New planting would therefore be required to aid integration, but would not be the primary means of integration. The dwelling would read with the existing dwelling at number 153 which would provide a degree of enclosure. As this is an outline application the impact of design on the AONB is not a consideration at this stage.

<p>With regards to rural character it is my opinion that if a dwelling was approved on this site it would result in the creation of another potential 3 infill sites. This would create a ribbon of development along this section of the Sixtowns Road which would be clearly detrimental to the rural character and appearance of this area which is a designated an AONB characterised by a very dispersed settlement pattern.</p>	
<p><b>Neighbour Notification Checked</b></p>	<p><b>Yes</b></p>
<p><b>Summary of Recommendation:</b></p> <p>Refusal is recommended</p>	
<p><b>Refusal Reasons</b></p> <p>The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not located within a substantial and built up road frontage of 3 or more buildings</p> <p>The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that if a dwelling was approved on this site it would have a detrimental impact on the rural character of the area by creating a Ribbon of Development along this section of the Sixtowns Road.</p>	
<p><b>Signature(s)</b> <i>Kare McKinnis</i></p> <p><b>Date:</b> <i>21-9-20</i></p>	

<b>ANNEX</b>	
<b>Date Valid</b>	6th March 2020
<b>Date First Advertised</b>	17th March 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 150 Sixtowns Road, Draperstown, Londonderry, BT45 7BG The Owner / Occupier 153 Sixtowns Road, Draperstown, Londonderry, BT45 7BG	
<b>Date of Last Neighbour Notification</b>	20th March 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2020/0331/O Proposal: Proposed site for a dwelling and domestic garage based on policy CTY 8 Address: Approx 15 meters North-East of No. 153 Sixtowns Road, Owenreagh, Draperstown, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>  DFI Roads - No objections	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Status: Submitted	
<b>Notification to Department (if relevant)</b>  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	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/0841/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	<b>Location:</b> Approx 45 Meters West of No.59 Lurgaboy Lane Dungannon BT71 6JX
<b>Applicant Name and Address:</b> Mr Darren McKenna 26 Kindrum Dungannon BT71 6JP	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
<b>Summary of Issues:</b> 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.	
<b>Summary of Consultee Responses:</b> 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	
<b>Characteristics of the Site and Area:</b>  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 3<sup>rd</sup> 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 4<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> 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:**



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	
<b>Committee Meeting Date:</b> 03/11/2020	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0841/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	<b>Location:</b> Approx 45 Meters West of No.59 Lurgaboy Lane Dungannon BT71 6JX
<b>Referral Route:</b> <ol style="list-style-type: none"><li>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.</li><li>2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.</li><li>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.</li><li>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.</li></ol>	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Mr Darren McKenna 26 Kindrum Dungannon BT71 6JP	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
<b>Executive Summary:</b> 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><b>Characteristics of the Site and Area</b></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><b>Description of Proposal</b></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><b>Planning Assessment of Policy and Other Material Considerations</b></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><b>Representations</b></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><b>Planning History</b></p> <p>No recent planning histories at the application site.</p> <p><b>Mid Ulster Development Plan 2030 – Draft Plan Strategy</b></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><b>Dungannon and South Tyrone Area Plan 2010</b></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.

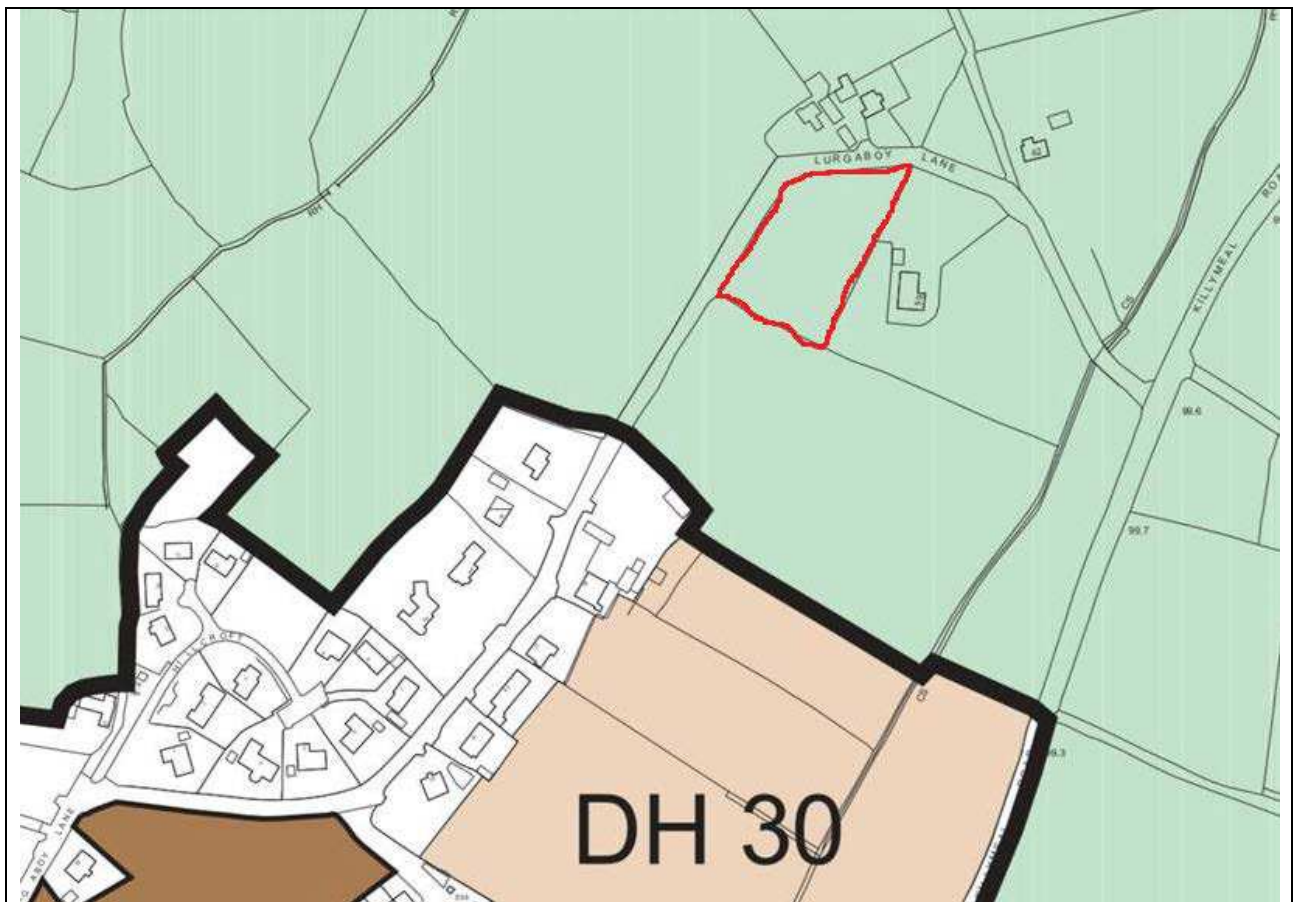


Figure 1 – Image of the edge of the settlement limit and the application site.



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.

<b>Neighbour Notification Checked</b>	Yes
---------------------------------------	-----

#### **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:**

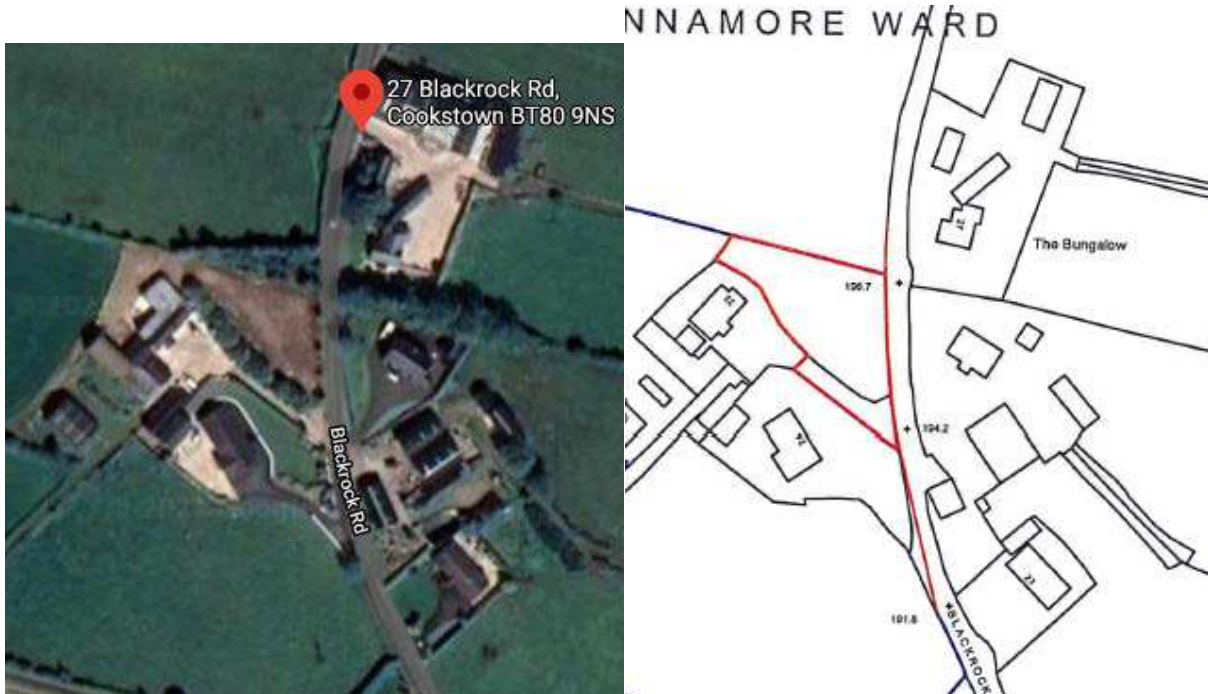


## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2020/0877/0	<b>Target Date:</b>
<b>Proposal:</b> Site for dwelling	<b>Location:</b> Lands approx. 25m East of 22 Blackrock Road Dunnamore Cookstown
<b>Applicant Name and Address:</b> Mr M Mallon 22 Blackrock Road Dunnamore Cookstown	<b>Agent name and Address:</b> Building Design Solutions 76 Main Street Pomeroy BT70 2QP
<b>Summary of Issues:</b>  Following the deferral of the above application and re-assessment, an approval with conditions is now recommended.	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The site is located approximately 0.85km north east of the development limits of Dunamore in which the site is located within the open countryside as per the Cookstown Area Plan 2010. The site is identified as 25m east of 22 Blackrock Road, Dunamore, in which the red line covers an agricultural field which is bounded by a mix of mature trees and hedging on all boundaries. I note that the site is accessed via an existing access which will need to be upgraded. The immediate and surrounding area is characterised by 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 December 2020 for the following reasons;

## Refusal Reasons

1. The proposal is contrary to the SPPS ad Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point or it is not located at a cross-roads.

It was subsequently deferred for an office meeting with the Area Planning Manager and a meeting was held on 10/12/2020.

It was agreed the site would be re-visited to consider it under CTY8, as well as looking into the merit of 'The Bungalow' across the road as a potential focal point under CTY2a.

In terms of CTY8, the site would not be considered a small gap within a substantial or continuous built up frontage. The site is located to the north of any development on the existing laneway and there is no development further north of it that could be used as a part of a build up to meet the criteria of CYT8 in terms of an infill.

No.27 Blackrock Road, referred to on the map as 'The Bungalow' is not identified as a listed building or one of historical merit by NIEA – historic buildings Dept. It cannot therefore be counted as a focal point under the criteria of CTY2a and as previously fails under this part of the policy.

However, I would consider this site as a rounding off to the existing cluster of development and a dwelling here would have no impact on existing rural character if the ridge height was limited to 6m. The site itself is flat and it sits at the same level as the road. There is strong boundary definition between the site and Nos 22 and 24, there would be no impact in terms of privacy for neighbours. A dwelling on this site would be in the spirit of Policy CTY2a and although failing only on having no focal point, it could be viewed as an exception to policy in this case, as there would be no detrimental impact on the character of the surrounding area.

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

### **Conditions:**

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

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

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

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

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

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

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

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

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

Reason: In the interests of visual amenity.

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

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

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

Reason: In the interest of visual amenity.

**Signature(s):**

**Date**

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0877/O	<b>Target Date:</b>
<b>Proposal:</b> Site for dwelling	<b>Location:</b> Lands approx. 25m East of 22 Blackrock Road Dunnamore Cookstown
<b>Referral Route:</b>  To Committee - Refusal - Contrary to CTY 1 and 2a of PPS 21.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Mr M Mallon 22 Blackrock Road Dunnamore Cookstown	<b>Agent Name and Address:</b> Building Design Solutions 76 Main Street Pomeroy BT70 2QP
<b>Executive Summary: Refusal</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

### 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 and 2a of PPS 21.

### Characteristics of the Site and Area

The site is located approximately 0.85km north east of the development limits of Dunamore in which the site is located within the open countryside as per the Cookstown Area Plan 2010. The site is identified as 25m east of 22 Blackrock Road, Dunamore, in which the red line covers an agricultural field which is bounded by a mix of mature trees and hedging on all boundaries. I note that the site is accessed via an existing access which will need to be upgraded. The immediate and surrounding area is characterised by agricultural land uses with a scattering of residential dwellings.

**Representations**

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

**Description of Proposal**

This is a proposed outline application for a site for dwelling, the site is identified as Lands approx. 25m East of 22 Blackrock Road, Dunnamore, Cookstown.

**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)  
 Mid Ulster Local Development Plan 2030 - Draft Plan Strategy  
 Cookstown Area Plan 2010  
 PPS 21: Sustainable Development in the Countryside  
 CTY 1- Development in the Countryside  
 CTY 2a - New Dwellings in Existing Clusters  
 CTY 13 - Integration and Design of Buildings in the Countryside; and  
 CTY14 - Rural Character  
 PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. This application is to be considered for a dwelling within an existing cluster, in which to be considered under CTY 2a.

- 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 and consists of four or more buildings in which more than three of such are dwellings (Nos. 22, 24, 23, 25, 27). In terms of the second I am content that the cluster appears as a visual entity in the local landscape. In terms of the focal point, I note that upon review of the submitted plans and what was witnessed on site 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. In terms of the site having a suitable degree of enclosure, I note that the site shares a boundary along the south western boundary with properties No. 22 and 24. I note that despite the public road between the site and No. 25 that there is still a shared boundary and from this the site is able to provide a suitable degree of enclosure. Furthermore, I am content that a dwelling in this location would be absorbed into the existing cluster and will not significantly alter the character of the area and in this position is unlikely to have an adverse impact on residential amenity.

I note that as the cluster is not associated with a focal point therefore I must hold the opinion that the application fails under CTY 2a.

I note that the agent in his submission provided the view that the application meets the overall thrust of the policy CTY 2a thereby is acceptable in principle and provided similar decision as follows;

- LA09/2019/1081/O, site granted by MUDC committee where the application was deemed as an exception to policy.
- LA09/2018/1022/O, site granted approval by MUDC where the site met the spirit of policy & did not have a focal point;
- 2017/A0222, site granted approval by Planning Appeals Commission where site met the spirit of policy CTY2a & did not have a focal point and;
- 2016/A0095, again granted without focal point.

In terms of the above I fully agree and I do not have any issues with any of the above decisions. However, my assessment must reflect policy in that the application must be in full compliance with all the criteria set down under CTY2A of PPS 21. As stated I must recommend refusal for this application.

I note that no other policy considerations were offered I am content that there is no replacement opportunity on site, no infill opportunity nor farm case. I note that the site is not located within a dispersed rural community, there is no valid conversion case evident nor is it for social housing or has there been any personal and domestic circumstances provided. Finally, I note that there has been evidence provided to have a dwelling for a non-agricultural business. From such, the site would fail under CTY 1 of PPS 21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I first note that this application is only outline therefore I cannot speak on the design, layout etc. However, I note that only an appropriately designed dwelling will be acceptable, from which I am content that the dwelling will not appear as a prominent feature in the landscape. In terms of integration, I note that the site has strong existing boundaries with mature trees and hedging which should be retained where possible and supplemented with additional landscaping to ensure integration. Therefore a landscaping scheme will be required in any 'reserved matters' application.

Given the landform of the site and the surrounding development I feel it necessary to restrict the height of the proposed dwelling to 6.5m above finish floor to ensure the dwelling is in-keeping with the surrounding area.

Policy CTY 14 deals with rural character and states that planning permission will be granted where the building it does not cause detrimental change to, or further erode the rural character of the area. As stated I am content that an appropriately designed dwelling will not be prominent feature nor will it result in a suburban style build-up of development. I note that the site is unlikely to lead to additional dwellings through infilling. From this, I am content that it complies under CTY 14 on balance.

**PPS 3 - Access, Movement and Parking**

DFI Roads were consulted and responded to say that DfI Roads do not offer an objection subject to 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.

**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 cluster is not associated with a focal point or it is not located at a cross-roads.

**Signature(s)**



**Date:**

18/11/20

ANNEX	
<b>Date Valid</b>	23rd July 2020
<b>Date First Advertised</b>	4th August 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 18 Blackrock Road Cookstown Tyrone The Owner/Occupier, 23 Blackrock Road Cookstown Tyrone The Owner/Occupier, 24 Blackrock Road Cookstown Tyrone The Owner/Occupier, 25 Blackrock Road Cookstown Tyrone The Owner/Occupier, 27 Blackrock Road Cookstown Tyrone	
<b>Date of Last Neighbour Notification</b>	5th August 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: I/2005/0168/F Proposal: Proposed Extension to Domestic Bungalow Address: 24 Blackrock Road, Dunamore, Cookstown Decision: Decision Date: 04.05.2005  Ref ID: I/1992/0252B Proposal: Bungalow Address: ADJACENT TO 22 BLACKROCK ROAD DUNAMORE COOKSTOWN Decision: Decision Date:  Ref ID: I/1992/0252 Proposal: Dwelling Address: ADJACENT TO 22 BLACKROCK ROAD DUNAMORE COOKSTOWN Decision: Decision Date:  Ref ID: I/2007/0943/RM Proposal: Proposed dwelling	

Address: 50m West of 25 Blackrock Road, Cookstown  
 Decision:  
 Decision Date: 15.05.2009

Ref ID: I/1974/0344  
 Proposal: EXTENSION TO FARMHOUSE  
 Address: DUNAMORE, COOKSTOWN  
 Decision:  
 Decision Date:

Ref ID: I/2004/1245/O  
 Proposal: Proposed dwelling  
 Address: 50m West of 25 Blackrock Road, Cookstown  
 Decision:  
 Decision Date: 16.03.2005

Ref ID: LA09/2020/0877/O  
 Proposal: Site for dwelling  
 Address: Lands approx. 25m East of 22 Blackrock Road, Dunnamore, 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	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/1082/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed site for dwelling based on policy CY2a (new dwelling in existing cluster)	<b>Location:</b> 35m West of 33 Gortnaskea Road Stewartstown.
<b>Applicant Name and Address:</b> Dr Rogers 33 Gortnaskea Road Stewartstown	<b>Agent Name and Address:</b> Arcen 3A Killycolp Road Cookstown BT80 9AD
<b>Summary of Issues:</b> The proposal is contrary to Policy CTY1 and CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; the cluster does not appear as a visual entity in the local landscape; and the cluster is not associated with a focal point or located at a cross-roads.  The proposal has also been assessed against Policy CTY8 to assess if it meets with the exception within the policy for a gapsite.	
<b>Summary of Consultee Responses:</b> DFI Rivers - development not inside 1 in 100 year flood area DFI Roads – access requires 2.4m x 45.0m sight lines	
<b>Characteristics of the Site and Area:</b> The site, which lies outside any settlement defined under the Cookstown Area Plan 2010, is located in the rural countryside approx. 2.2 miles northeast of Stewartstown and 500 metres east of Ballytrea Primary School.  The site is a flat, triangular shaped plot, comprising an agricultural field, nestled between nos. 33 and 35 Gortnaskea Rd.	

No. 33 Gortnaskea Rd is a bungalow dwelling bound to its rear / east side by a number of outbuildings, set on mature grounds accessed directly off, but well enclosed and screened from the adjacent Gortnaskea Rd by mature vegetation. No. 35 Gortnaskea Rd is a more recently constructed bungalow with garage located to its rear, set back from and accessed off the Gortnaskea Rd via a short gravelled lane.

The site sits within the expansive grounds of no. 33 Gortnaskea Rd. The site is well-enclosed by a mix of mature hedgerows and trees along its south / southeast boundary adjacent Gortnaskea Rd and short lane off it; and along its north / party boundary with no. 35 Gortnaskea Rd. The eastern boundary of the site is undefined opening up onto the host grounds of no. 33 Gortnaskea Rd.

Views of the site are screened by on the eastern approach to it and passing along its roadside frontage by existing vegetation bounding the grounds of 33 Gortnaskea Rd and along the roadside frontage of the site. Views of the site are on the western approach to it along the Gortnaskea Rd.

This area of countryside is typically rural in nature consisting by enlarge of agricultural land interspersed by single dwellings and farm groups.

#### **Description of Proposal**

This is an outline application for a dwelling and garage (based on policy CY2a New dwelling in existing clusters) to be located on lands 35m West of 33 Gortnaskea Road Stewartstown.

#### **Deferred Consideration:**

This application was before the Planning Committee in January 2021 and it was agreed to defer to meet with the Planning Manger to discuss the proposal and any other factors. A virtual meeting was held on 20 January where it was indicated this does not meet with the clustering policy. The agent advised the applicant is not a farmer and does not have any farming interests. The agent further advised he had looked at the proposal on the basis of infill development but had discounted it. Dr Boomer set out the principles of ribbon development and indicted this could be off a laneway and felt this element merited further consideration.

Members are aware policy CTY8 is primarily to prevent ribbon development, however development of a gap site is permissible were this is within a continuous and built up frontage. The policy 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. Amplification of the policy further clarifies that a road frontage **includes** (my emphasis) a footpath or private lane.

Notwithstanding this, the development must all have a common frontage. On reading the clarification, I consider it is entirely reasonable to assess the development from the lane or from the road. The Gortnaskea Road runs NE – SW and there is a private lane that comes off it in a N – S orientation, these are identified in yellow on the attached map. There is a group of buildings to the east: the applicants dwelling, a low domestic outbuilding to the side of it, an old stone barn in front and a larger garage to the east, this is all within the same curtilage and the garden area fronts onto Gortnaskea Road as indicated in blue in Fig 1. The blue outline appears to be a more indicative of the curtilage for the dwelling as

on the ground than as submitted in the application. To the north of the site is a dwelling and domestic garage, as shown in magenta in Fig 1, this is located off a private laneway which accesses that dwelling and some of the adjacent agricultural fields. However, the Gortnaskea Road and the private lane are not to be taken as the one frontage, nor do they share therefore a common frontage.

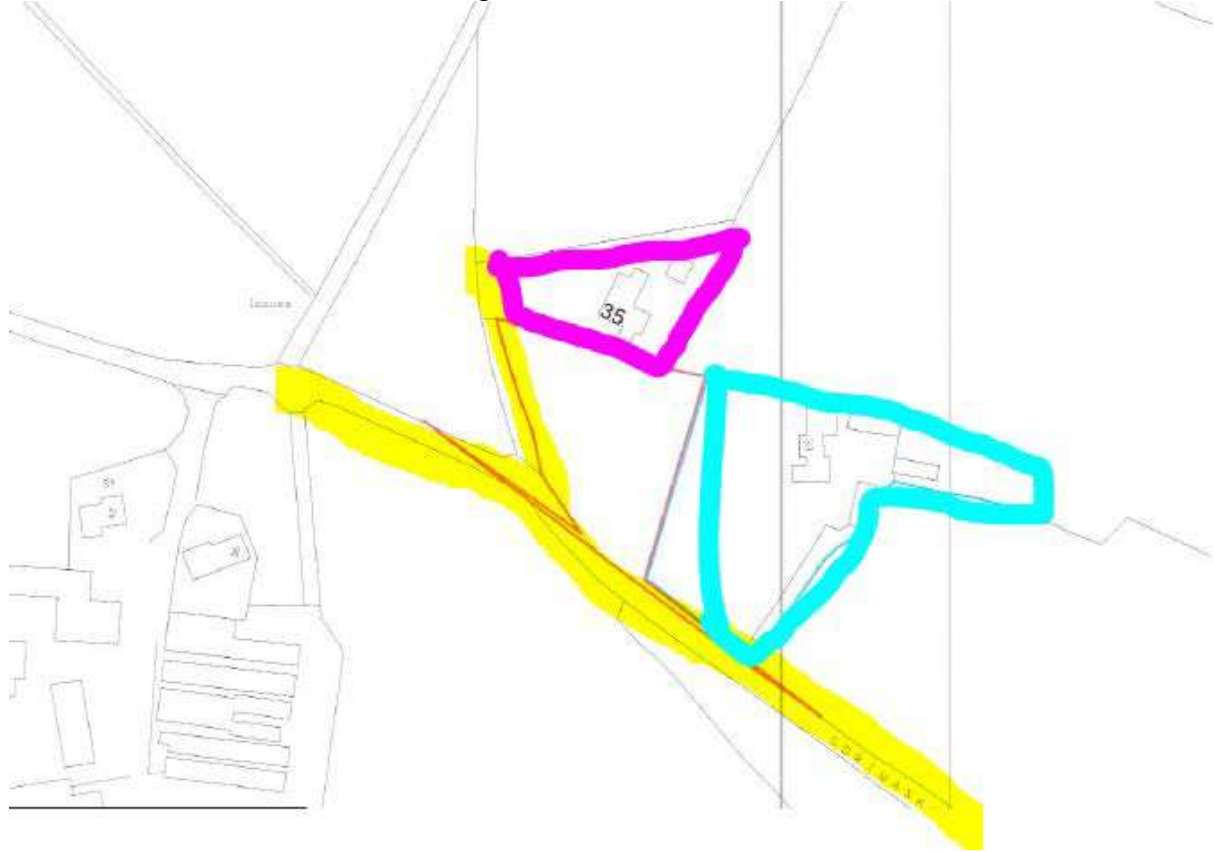


Fig 1 – road and private lane

On the ground, however, it is difficult to gain an impression of a built up frontage due to the existing vegetation and road alignment, as can be seen in the photographs below. The proposal would require the removal of approx. 60m of hedging along the frontage to achieve a safe and appropriate access from DFI Roads perspective. This would open up views into the site and could provide some, but not a strong visual linkage from the new access to the development site, as the remaining vegetation would still remain.



View of site from west from direction of Ballytrea School



View of site and buildings from the end of the private lane



View of site from east looking in the direction of Ballytrea School

I do not consider the proposal would constitute the infilling of a gap. I consider if a dwelling were approved on this site it would result in a loss of rural character to the area as it would be a build up of development and this, I feel, should be resisted.

My recommendation to the members is that this development should be refused as it does not meet with the policies for clustering, it is not an exception to CTY8 and if approved would result in the loss of rural character.

#### 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 dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; the cluster does not appear as a visual entity in the local landscape; and the cluster is not associated with a focal point or located at a cross-roads.

3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Ribbon Development in that the proposed dwelling is not located within a substantially built up frontage.
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 impact of ancillary works would damage rural character due to the loss of existing roadside vegetation to allow for a safe access to the proposed development.

**Signature(s)**

**Date:**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

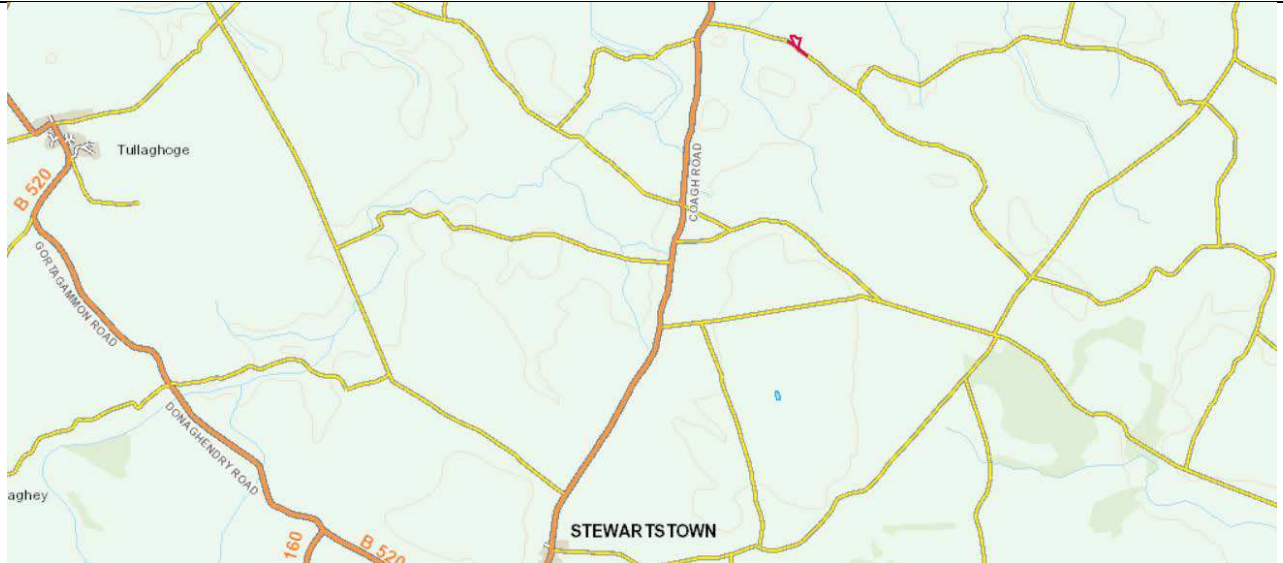
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1082/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for dwelling based on policy CY2a (new dwelling in existing cluster)	<b>Location:</b> 35m West of 33 Gortnaskea Road Stewartstown
<b>Referral Route: Refusal</b>	
<b>Recommendation: Refuse</b>	
<b>Applicant Name and Address:</b> Dr Rogers 33 Gortnaskea Road Stewartstown	<b>Agent Name and Address:</b> Arcen 3A Killycolp Road Cookstown BT80 9AD
<b>Executive Summary:</b> <p>The proposal is contrary to Policy CTY1 and CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; the cluster does not appear as a visual entity in the local landscape; and the cluster is not associated with a focal point or located at a cross-roads.</p> <p>Whilst I acknowledge a cluster of development may be considered to exist to the north and south of the Gortnaskea Rd immediately east of its junction with the Coagh Rd, encompassing 'Ballytrea Primary School' as the focal point, the site is too far removed by intervening lands to be associated with this potential cluster.</p> <p>Additionally, the intervening lands along the Gortnaskea Rd between 'Ballytrea Primary School' and just beyond the site, which the agent identified within this cluster, in my opinion comprises largely agricultural lands interspersed with a loose pattern of development in the form single dwellings, garages and farm groups, typical of the rural countryside. This loose pattern of development, could not be considered a cluster, as it does not read as a visual entity in the local landscape. Nor does it associate with the development at the Gortnaskea Rd / Coagh Rd junction.</p>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan





#### **Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice

#### **Representations:**

Letters of Support	None Received
Letters of Objection	0
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, which lies outside any settlement defined under the Cookstown Area Plan 2010, is located in the rural countryside approx. 2.2 miles northeast of Stewartstown and 500 metres east of Ballytreea Primary School.

The site is a flat, triangular shaped plot, comprising an agricultural field, nestled between nos. 33 and 35 Gortnaskea Rd.

No. 33 Gortnaskea Rd is a bungalow dwelling bound to its rear / east side by a number of outbuildings, set on mature grounds accessed directly off, but well enclosed and screened from the adjacent Gortnaskea Rd by mature vegetation. No. 35 Gortnaskea Rd is a more recently constructed bungalow with garage located to its rear, set back from and accessed off the Gortnaskea Rd via a short gravelled lane.

The site sits within the expansive grounds of no. 33 Gortnaskea Rd. The site is well-enclosed by a mix of mature hedgerows and trees along its south / southeast boundary adjacent Gortnaskea Rd and short lane off it; and along its north / party boundary with no. 35 Gortnaskea Rd. The eastern boundary of the site is undefined opening up onto the host grounds of no. 33 Gortnaskea Rd.

Views of the site are screened by on the eastern approach to it and passing along its roadside frontage by existing vegetation bounding the grounds of 33 Gortnaskea Rd and along the roadside frontage of the site. Views of the site are on the western approach to it along the Gortnaskea Rd.

This area of countryside is typically rural in nature consisting by enlarge of agricultural land interspersed by single dwellings and farm groups.

### **Description of Proposal**

This is an outline application for a dwelling and garage (based on policy CY2a New dwelling in existing clusters) to be located on lands 35m West of 33 Gortnaskea Road Stewartstown.

### **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 (Revised): Planning and Flood Risk

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

### **Representations**

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

### **Planning History**

On Site - None

### Adjacent

- I/2005/0030/O - Proposed dwelling & garage - 100 metres north west of 33 Gortnaskea Rd Stewartstown - Granted 9<sup>th</sup> February 2005
- I/2005/1050/RM - Proposed dwelling & garage - 100 metres north west of 33 Gortnaskea Rd Stewartstown - Granted 15<sup>th</sup> December 2005

Above applications relate to no. 35 Gortnaskea Rd, located to the north of the site.

### **Consultees**

1. DfI Roads were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives.

2. DfI Rivers Agency were consulted as Flood Maps indicated surface water flooding along the frontage of the site on to the Gortnaskea Rd. Rivers Agency responded with no objections to the proposal subject to standard informatives. Accordingly I have no concerns in this regard.

### **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: Sustainable Development in the Countryside - is the overarching policy for development in the countryside states 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 CTY1 of PPS21. One instance, and that which the applicant has applied under, is a new dwelling in an existing cluster in accordance with Policy CTY2a New Dwellings in Existing Clusters. Policy CTY 2a New Dwellings in Existing Clusters states planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria bullet pointed 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.
- Development would not adversely impact on residential amenity.

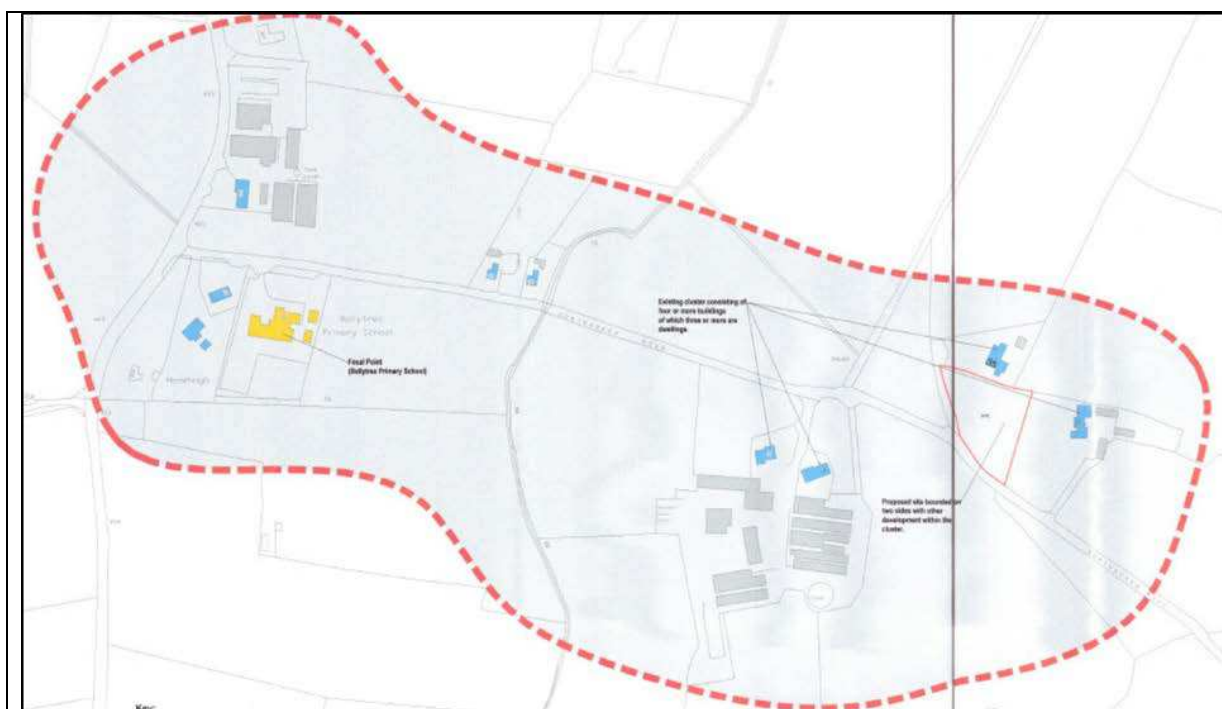


Fig 1: Red dash line around existing cluster identified by agent

Bearing in mind the above bullet points. In support of this application, the agent submitted a scaled drawing showing a red dashed line around what he considers to be the existing cluster of development the site sits within, extending approx. metres along the Gortnaskea Rd to and including its junction with the Coagh Rd (see Fig 1 above). Within the cluster, he has highlighted a number of existing dwellings blue and outbuildings / garages grey; and identified 'Ballytrea Primary School', yellow, as the focal point.

Having assessed the site and taken into account the information in support of this application, I do not consider the site meets with the requirements of Policy CTY2a. The site in my opinion is not located within an existing cluster of development lying outside of a farm and consisting of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.

Whilst I acknowledge a cluster of development may be considered to exist to the north and south of the Gortnaskea Rd immediately east of its junction with the Coagh Rd, encompassing 'Ballytrea Primary School' as the focal point, the site is too far removed by intervening lands to be associated with this potential cluster.

Additionally, the intervening lands along the Gortnaskea Rd between 'Ballytrea Primary School' and just beyond the site, which the agent identified within this cluster, in my opinion comprises largely agricultural lands interspersed with a loose pattern of development in the form single dwellings, garages and farm groups, typical of the rural countryside. This loose pattern of development, could not be considered a cluster, as it does not read as a visual entity in the local landscape. Nor does it associate with the development at the Gortnaskea Rd / Coagh Rd junction.

Whilst the site does not in my opinion meet with the policy requirements of Policy CTY2a, I acknowledge that had it, it would have provided a suitable degree of enclosure to accommodate a dwelling and garage of an appropriate size, scale, design. As it is well

enclosed by existing vegetation and bound on two sides by 2 existing dwellings one of which, the applicants home, is bound by a substantial no. of outbuildings. Furthermore, an indicative block plan submitted with this application showed adequate separation distances between the proposed property and existing could be readily achieved, so the residential amenity of neighbouring properties would not be significantly adversely impact by the proposal.

I have considered other instances listed under CTY1 of PPS21 whereby the development of a dwelling in the countryside is considered acceptable however this proposal fails to meet with any of these instance including a dwelling under Policy CTY8 - Ribbon Development. Policy CTY 8 permits 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. The proposed site is not located with the definition of a substantial built up frontage – a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Additional, I have been in contact with the agent via phone and email on the 19<sup>th</sup> November 2020 to advise Planning's opinion is that the case submitted does not comply with Policy CTY2a of PPS21 as the site is not located within an existing cluster of development in the countryside. Given the aforementioned opinion the agent was asked, has all other cases for a dwelling in the countryside been explored? E.g. does the applicant farm, is there any opportunity under Policy CTY 10 of PPS21 for a dwelling on a farm? The agent was advised to submit the additional information on a without prejudice basis within 14 days from the date of this email (by the 3<sup>rd</sup> December 2020) or the application would proceed to the next available committee meeting based on the information on file. To date no additional information has been received.

#### Other Policy and Material 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, I am content that as this site is on improved grassland, bound on two sides by development, this proposal is not likely to harm a European protected species in accordance with Policy NH 2 - Species Protected by Law European Protected Species.

**Recommend:** Refusal

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Refuse

#### **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 proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; the cluster does not appear as a visual entity in the local landscape; and the cluster is not associated with a focal point or located at a cross-roads.

**Signature(s)**

**Date:**