

**Development Management Officer Report
Committee Application**

| Summary | |
|--|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.1 |
| Application ID: LA09/2018/0873/LBC | Target Date: 15 August 2018 |
| Proposal: Alteration and extension of existing listed building (The Corner House) to include; demolition of ancillary unlisted spaces to the rear of the building, internal alterations and fit out to provide office and meeting space, original ground floor windows to be reinstated and provision of three storey rear extension to provide office and meeting space, canteen and pedestrian link to adjoining premises. | Location: 6-8 St Patrick's Street Draperstown Magherafelt |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Heron Brothers Ltd 2 St Patrick's Street Draperstown BT45 7AL | Agent Name and Address: MC Gurk's Architect's 33 King Street Magherafelt BT45 6AR |
| Executive Summary: This proposal is a Listed Building application for the Alteration and extension of existing listed building (The Corner House) to include; demolition of ancillary unlisted spaces to the rear of the building, internal alterations and fit out to provide office and meeting space, original ground floor windows to be reinstated and provision of three storey rear extension to provide office and meeting space, canteen and pedestrian link to adjoining premises. The rear extension is to be connected to the Listed Building by means of a glazed link. The proposal also involves the creation of a pedestrian link under the public road to connect the proposed extension to the applicant's existing office accommodation on the | |

opposite side of Cahore Terrace. The site is located within Draperstown Conservation Area.

Historic Environment Division (Historic Buildings) requested that the glazed link be extended to provide more of a separation between the proposed extension and the Listed Building and also proposed other amendments to the layout of the extension.

These issues were discussed at an office meeting between the Planning Department and the applicant and it was the Planning Departments opinion that the proposal was acceptable as it stands without the need for the amendments requested by HED.

The applicant, who is a major employer in the local area, commenced the development, which has now been completed and is fully occupied, in an effort to retain the company's headquarters in Draperstown as opposed to relocating these elsewhere outside Mid Ulster District.

The proposed development is also subject to a full planning application (LA09/2018/0887/F) which is also being presented to Committee and an application for consent to demolish within a conservation area (LA09/2018/0872/DCA).

As the Planning Department are recommending the application for approval against the advice received from HED, the application must also be referred to the Department for consideration.

Case Officer Report**Site Location Plan**

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Consultations:

| Consultation Type | Consultee | Response |
|-------------------|-------------------------------------|-----------------------------------|
| | Historic Environment Division (HED) | Substantive: YResponseType: FR |
| | Historic Environment Division (HED) | Substantive: TBC |
| | Historic Environment Division (HED) | Substantive: YResponseType: FR |
| | Historic Environment Division (HED) | Substantive: YResponseType: FR |
| | Historic Environment Division (HED) | Substantive: TBC |

Representations:

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

Summary of Issues

No representations were received in respect of the proposed development.

Characteristics of the Site and Area

The site is currently occupied by a two storey, five bay former public house (Grade B1 Listed Building) with a prime street frontage on a corner site at the junction of St. Patrick's Street and Cahore Terrace. The site extends back from the St. Patrick's street frontage to include a rear yard which site below the level of the adjacent Cahore Terrace. There are a number of out-buildings within the rear yard and which can be accessed via a vehicular gateway at the rear of the building. The boundary along the Cahore Terrace is defined by a rubble stone wall which forms part of the curtilage of the Listed Building. The southern boundary is defined by steel posts with steel sheeting which acts as a retaining structure along the difference in ground levels of approximately 5-6m between the site and the adjacent car park, which is also within the applicants ownership. The western part of the site extends to the rear of an adjacent café 'Slim's which abuts the vacant public house.

The applicant's joinery workshops are located to the south of the adjacent car park and has a separate access onto Cahore Terrace.

The existing property at 6-8 St. Patrick's Street is an early Victorian corn store, erected C.1841 to designs by W J Booth on behalf of the drapers as part of the regeneration of the town at that time. It is one of a few buildings of special historical significance remaining today within Draperstown Conservation Area.

The site is located within the settlement development limits of Draperstown in an area of whiteland which abuts an area identified as a major area of existing industry. The site occupies a prominent location on the St. Patrick's Street frontage and within the Draperstown Conservation Area, with the majority of the site located to the rear of the Listed Building. Whilst the site sits on the main street frontage of St. Patrick Street which contain a mixture of residential and commercial premises, the area immediately to the south of the site is predominantly industrial. However, the adjacent industrial area is within the ownership of the applicant.

Description of Proposal

The proposal is a Listed Building application for alteration and extension of existing listed building (The Corner House) to include; demolition of ancillary unlisted spaces to the rear of the building, internal alterations and fit out to provide office and meeting space, original ground floor windows to be reinstated and provision of three storey rear extension to provide office and meeting space, canteen and pedestrian link to adjoining premises.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The main policy considerations in the assessment of this application are:-

Magherafelt Area Plan 2015

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

Planning Strategy for Rural Northern Ireland

Draperstown Conservation Area Design Guide

PPS 6 - Planning, Archaeology and the Built Environment

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

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The proposal seeks Listed Building Consent to refurbish the existing listed building and to extend the building to the rear to facilitate the change of use to provide offices, board/meeting rooms, training room, canteen, courtyard, ancillary facilities, such as WC's and storage areas. Etc. and a link tunnel to the existing offices.

Heron Bros. currently occupy the buildings directly opposite the site on Cahore Terrace. These buildings are at full capacity and therefore limit the company's ability to expand their operations at this location. Therefore there is a clear need for more office space to allow further expansion in Draperstown. Whilst there are temporary modular office units within Heron Bros. existing site, these are unsuitable for long term use and are not adaptable to the changes in climate. The demand on the existing building infrastructure cannot be sustained without a major renovation which would impact on Heron Bros. ability to operate. Heron Bros, have offices located in Belfast, Glasgow, Manchester and London. Heron Bros. is a local family run business and they would prefer to keep the head offices in Draperstown, where the business originated.

The new extension will create office space for 55 desks with 3 meeting rooms. The listed building will also accommodate a reception/waiting area, 4 meeting rooms and storage/archive areas.

The concept for the design of the new office development is to treat the proposal as

three distinct elements;

1. Existing building;
2. Glazed link;
3. New office development to the rear.

The existing building will be treated with complete sensitivity to ensure all of its architectural qualities and character are retained. The use of the transparent glazed link to the rear of the property, set back from the Corner House, will ensure that the listed building remains the dominant feature. The glazed link provides a required physical connection to the new offices but enables the original structure to be viewed as a separate entity, thereby maintaining its character. The new build office block is then designed to be a contrasting element to the listed property and whilst it is a new element in the streetscape, it also compliments the listed building and the Conservation Area. This provides a clear differentiation between the original building and the new extension thereby reinforcing the significance of the historic building.

The Corner House is in reasonably good condition thereby requiring minimal intervention to enable it to be incorporated into the proposed development. It is proposed to demolish the ancillary unlisted outbuildings to the rear of the Corner House as these are unsympathetic to the listed building and detract from the historic and architectural quality of the Corner House building.

Externally, additional works are proposed as follows;

Modern signage, cigarette bins, signage boards etc. to be removed from the front elevation;

Damaged slates to be removed and replaced with Welsh slate to match existing;

Roof surface to be cleaned down;

Existing building to be cleaned and repainted with heritage paint colours;

New replacement cast aluminium gutters to be provided;

Plaster repairs to be carried out to all affected areas;

New flashing to be provided above fascia.

The existing entrance will be retained as the primary entrance to the building onto St. Patrick's Street. The existing stairs are to be retained in their current location. The new reception desk will be positioned to mimic the current bar with the current floor plans being on display in the reception area. All internal structural walls are to be retained with any new walls to be constructed in studwork which is easily reversed to its original state.

The new glazed link, which will extend back just in excess of 7.5m from the rear façade of the listed building, on the Cahore Terrace elevation, will replace the unsympathetic extension to the rear of the Corner House. This glazed link will allow for full integration between the existing listed building and the new extension.

The link will be largely glazed, with the addition of some vertical timber to provide shading. The glazed link will appear as a separate entity and also subordinate to the listed building and in doing so will provide passers by with a view of the rear of the existing building. The creation of the rear extension will be viewed as a complimentary addition, whilst also being a modern contrast. In doing so, the extension will both enhance and emphasise the setting and character of the listed building within the

Conservation Area. This concept is similar to that used on Union Road Presbyterian Church Hall Magherafelt. Notwithstanding this, there will only be transient views of the proposed extension on approach along Derrynoyd Road (55m stretch), St. Patrick's street (20m stretch) or when approaching along Cahore Terrace from the south where the extension will be largely associated with the existing industrial buildings.

The proposed development also includes a link tunnel under the Cahore Terrace, which will connect the new modern extension to the existing offices on the opposite side of road. This tunnel will facilitate staff moving between both buildings, without the need to cross the public road enabling integration between both office buildings thereby ensuring there is no separation in the day-to-day operations of the business. As the pedestrian link is underground, it will have little impact on the Listed Building.

The site is located adjacent to an area identified as a major area of existing industry. The proposed extension will create additional office floor space for an existing business to expand and thereby create security for the business. The proposed extension and alterations will alter the silhouette of the existing structure against the elevated landscape to the south of the site. Views into and out of Draperstown Conservation Area provide an important evidential link to the town's original form and layout.

Public views from St. Patrick's Street Draperstown are an important material consideration in relation to the Conservation Area designation, specifically the proposed Cahore Terrace elevation. The proposed extension will be the dominant feature in the streetscape, as one travels along Cahore Terrace from the junction with St. Patrick's Street in a southerly direction or indeed along Cahore Terrace in the opposite direction. Whilst the extension will tie in with the neighbouring skyline and be viewed mainly from Cahore Terrace it is important to establish whether this will cause harm to the setting of important listed buildings and to ensure that the character of the conservation area is protected. Accordingly the views of historic buildings division and Councils Conservation Area officer have been taken into account in assessing the application. The rear of the Listed Building is currently largely hidden from public viewpoints from the historic core of Draperstown and only becomes visible as one travels along Cahore Terrace. The elevated topographic nature of the existing landscape as one travels out of Draperstown, limits potential height, massing and form of any proposed extension in terms of its integration into the original historic layout, pattern massing, form and height of the authentic historic built fabric.

Notwithstanding the above, consideration must also be given to the proposal in proximity to the recent application LA09/2022/0032/F. That application proposed a second floor extension to an existing office block on Cahore Terrace directly opposite the proposed extension and is now also complete. That site extends back in a southerly direction further than the proposed site on the opposite side of Cahore Terrace and can be seen from St. Patricks Street. where it projects above the two storey building at 2A Cahore Terrace. The LA09/2022/0032/F planning application is a material consideration and the impact of the proposed extension as submitted, in my opinion, is no more detrimental to Draperstown Conservation Area than second floor extension now used as associated office accommodation.

A full planning application (LA09/2018/0887/F) and an application for consent to

demolish within the Conservation Area (LA09/2018/0872/DCA) have also been submitted and are material considerations in the assessment of this application.

Policy BH7 Change of use of a Listed Building allows for the use of a Listed Building to be changed provided this secures its upkeep and survival and the character and architectural or historic interest of the building is preserved or enhanced. The proposed change of use of the Listed Building from a public house to offices will be in keeping with the aims of this policy. HED HB have no objections in respect of the proposed use or the alterations being made to accommodate the proposed use.

Policy BH8 allows for extensions or alterations to a Listed Building where the proposal retains the character of the building and its features of special interest remain intact and unimpaired, the proposed works make use of traditional and/or sympathetic building materials which are in keeping with those found on the building, and the architectural details are in keeping with the building. The proposal retains the building both externally and internally with the majority of features such as the stairs are to be retained in their current positions. The new reception desk will mimic the current bar, thereby allowing users to understand the former use of the building and its previous layout. HED (Historic Buildings) advised that it does not have concerns with regards to the alterations to the interior of this building from its current arrangement.

Policy BH11 Development affecting the Setting of a Listed Building allows development where this does not have an adverse affect on the setting. Developments will normally only be considered acceptable where, the detailed design respects the listed building in terms of scale, height, massing and alignment; the proposed works make use of traditional or sympathetic materials and techniques which respect those found on the building; and the nature of the proposed use respect the character of the setting of the building.

HED (Historic Buildings) advised that they consider the proposal fails to retain the essential character of the building and its setting and that the works proposed do not make use of traditional/sympathetic materials in keeping with those found on the building as none are specified. HB also considers the scale, height, massing and alignment does not respect the listed building. HB justified the above by the following explanation;

- o The juxtaposition between the glazed link and the listed building is awkward - the link should ideally be lower than the existing eaves.

I disagree with this analysis as the glazed link will only be visible when standing beside the entrance to the link. Due to the footprint of the link being set back 1.0m behind the building line of the extension, it is largely screened from view both from Cahore Terrace and St. Patrick's Street. A suggested sketch was provided by Historic Buildings and noted that the rear link should be, at maximum, equal eaves height with traditional roof form. Therefore, the fact that the glazed link ties in with the eaves level of the existing building may not be ideal but this does not make it unacceptable.

- o It is appreciated that the solid to void ratio is designed to relate to a terrace rhythm. However, this expression is more appropriate to a city centre or greenfield site and does not take its cues from how a building such as 6-8 St. Patrick's Street might have developed. It is suggested that the back of the site is maximised to give breathing space

to the rear of the listed building.

The proposed extension is not attempting to replicate the existing building, rather it is designed to be a modern extension which will not compete with the existing listed building. In that sense, the proposal is, in my opinion, acceptable as it stands as a modern day extension separated from the listed building by the glazed link.

o the overall three-storey height appears overbearing in the context of predominantly two storey buildings, which are domestic in scale. The Corner House forms an end to a row of similarly scaled terraced buildings and although the others are not listed, they comprise a visually harmonious group. In addition, the junction of St Patrick Street and Cahore Terrace is an important viewpoint - HED consider that a three storey development would have a visually disruptive impact from this aspect.

In order to appear more sympathetic with the built form that characterises the wider setting, HED therefore offer the following suggestions:

a. reduce link height

b. increase footprint at southern end of site. Further articulation of the north and east elevations is also suggested to be more in keeping with the existing grain - the proposal appears monolithic from these aspects. Existing context illustrated below from N (left) and NW (right), which is largely single and two storey in scale:

I disagree with the comments above with regards to the three storey extension to the rear being disruptive. The development, which by now has been completed, can be viewed on site and as discussed above, is relatively well screened from view when travelling along St. Patrick's Street, Tobermore Road, High Street or the Derrynoyd Road. It is also well screened from view from Cahore Terrace on approach from the south due to the proximity of the associated industrial buildings and given the lower ground levels of the site, the building nestles well into the streetscape. Although the extension is a three storey building it is not visible over the top of the two storey buildings along the St. Patrick's Street frontage and therefore does not disrupt the streetscape. In this context, therefore I do not consider there is a need to seek amended plans or to seek a reduction in the height of the building.

o The roof plan on drawing No.2 (agent's ref: PLo4-D) appears to show solar panels - please confirm.

The solar panels have been removed from the proposed plans.

o Retention of the existing stone wall to the west elevation is welcomed. And the alignment of new additions with Cahore Terrace, as illustrated in the agent's historical street analysis, is considered appropriate.

I agree with the assessment in terms of the retention of the stone wall as it contributes to the character of the streetscape and is part of the historic setting of the Listed Building. Although parts of the stone wall have been lowered and a section has been removed to enable the construction of the associated retaining wall to the rear and the tunnel which is constructed under the road, the stone wall should be reinstated to retain the character of the setting of the Listed Building.

Given the above it is my opinion that the application should now be progressed to Committee with a recommendation to approve subject to the conditions listed below:-

Consultations

Historic Environment Division (Historic Buildings) and (Historic Monuments) advised as above.

Recommendation - Approve subject to the conditions listed below:-

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

This Consent is effective from the date of this decision notice and is issued under Article 94 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

Condition 2

The external finishes used on the building shall be as annotated on drawing no. 09/3 uploaded to the planning portal on 19th December 2023 and drawing no. 11/2 uploaded to the planning portal on 27th September 2019.

Reason: To ensure the extension hereby approved is in keeping with the character of Draperstown Conservation Area and protects the setting of the Listed Building.

Condition 3

All proposed works shall be carried out in accordance with stamped approved drawing no. 01 uploaded to the planning portal on 22nd June 2018, 02/1, 05/1, 06/1, 07/1, 08/1, 10/1, 11/2 uploaded to the planning portal on 27th September 2019, 09/3 uploaded to the planning portal on 19th December 2023 and 12 uploaded to the planning portal on 26th September 2018.

Reason: To protect, conserve and enhance the historic fabric and special architectural character and appearance and heritage values of Draperstown Conservation Area.

Condition 4

The existing random rubble stone wall along the eastern boundary of the site on Cahore Terrace shall be lowered to a height as identified on drawing no. 07/1 uploaded to the planning portal on 27th September 2019. Any stone removed from the wall shall be reused to reinstate the sections identified on drawing 07/1 uploaded to the planning portal on 27th September 2019, within six months of the date of this decision.

Reason: To protect, conserve and enhance the historic fabric and special architectural character and appearance and heritage values of Draperstown Conservation Area.

Case Officer: Malachy McCrystal

Date: 5 January 2024

| ANNEX | |
|---|-----------------|
| Date Valid | 20 June 2018 |
| Date First Advertised | 5 July 2018 |
| Date Last Advertised | 4 July 2018 |
| Details of Neighbour Notification (all addresses) | |
| Date of Last Neighbour Notification | |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| Summary of Consultee Responses | |
| <p>Historic Environment Division (HED)-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: TBC Historic Environment Division (HED)-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: TBC</p> | |

Drawing Numbers and Title

Proposed Plans Plan Ref: 08/1
Proposed Plans Plan Ref: 02/1
Proposed Floor Plans Plan Ref: 05/1
Proposed Floor Plans Plan Ref: 06/1
Proposed Elevations Plan Ref: 07/1
Further Particulars Plan Ref: 11/2
Proposed Plans Plan Ref: 09/1
Proposed Plans Plan Ref: 10/1
Further Particulars Plan Ref: 13
Further Particulars Plan Ref: 12
Further Particulars Plan Ref: 11/1
Proposed Plans Plan Ref: 11
Proposed Plans Plan Ref: 10
Proposed Plans Plan Ref: 09
Proposed Plans Plan Ref: 08
Proposed Elevations Plan Ref: 07
Proposed Floor Plans Plan Ref: 06
Proposed Floor Plans Plan Ref: 05
Existing Elevations Plan Ref: 04
Existing Site Survey Plan Ref: 03
Proposed Plans Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.2 |
| Application ID: LA09/2018/0887/F | Target Date: 17 August 2018 |
| Proposal: Alterations and extensions of existing listed building (the Corner House) to include: demolition of ancillary unlisted spaces to the rear of the building, internal alterations and fit out to provide office and meeting space, original ground floor windows to be reinstated and provision of three storey rear extension to provide office and meeting space, canteen and pedestrian link to adjoining premises. | Location: 6-8 St Patricks Street Draperstown Magherafelt BT45 7AL. |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Heron Brothers Ltd 2 St Patricks Street Draperstown BT45 7AL | Agent Name and Address: McGurks Architects 33 King Street Magherafelt BT45 6AR |
| Executive Summary: <p>This proposal is for the change of use of a vacant public house (Grade B2 Listed Building) to office accommodation with a large three storey extension to the rear. The rear extension is to be connected to the Listed Building by means of a glazed link. The proposal also involves the creation of a pedestrian link under the public road to connect the proposed extension to the applicant's existing office accommodation on the opposite side of Cahore Terrace. The site is located within Draperstown Conservation Area.</p> <p>Historic Environment Division (Historic Buildings) requested that the glazed link be extended to provide more of a separation between the proposed extension and the Listed Building and also proposed other amendments to the layout of the extension.</p> | |

These issues were discussed at an office meeting between the Planning Department and the applicant and it was the Planning Departments opinion that the proposal was acceptable as it stands without the need for the amendments requested by HED.

The provision of the pedestrian link under the public road required consultation with DfI Roads. Although DfI Roads provided some advice early in the process advising that the provision of the pedestrian link under the public road required Agreement in Principle, which was to be dealt with by Roads Headquarters, Roads have continually failed to respond to the consultation of 19th October 2021 despite a further consultation and eight reminders over the course of the past two years.

The applicant, who is a major employer in the local area, consequently commenced the development, which has now been completed and is fully occupied, in an effort to retain the company's headquarters in Draperstown as opposed to relocating these elsewhere outside Mid Ulster District.

The proposed development is subject to a Listed Building Consent application (LA09/2018/0873/LBC) which is also being presented to Committee. A further application for consent to demolish within a conservation area (LA09/2018/0872/DCA) is also currently being considered. As the full planning application, which includes the redevelopment of the area to be demolished, is being recommended to Committee for approval, if that recommendation is accepted by Committee, then the principle of demolition is also accepted and the demolition consent application can also issue.

As the Planning Department are recommending the application for approval against the advice received from HED, the application must also be referred to the Department for consideration.

Case Officer Report**Site Location Plan**

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Consultations:

| Consultation Type | Consultee | Response |
|--------------------------|---|-------------------------------------|
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | Environmental Health Mid Ulster Council | Substantive: TBCResponseType: FR |
| | Historic Environment Division (HED) | Substantive: YResponseType: FR |
| | Rivers Agency | Substantive: TBCResponseType: FR |
| | NI Water - Multiple Units West | Substantive: TBCResponseType: FR |
| | NI Water - Strategic Applications | Substantive: TBCResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: TBC |
| | Environmental Health Mid Ulster Council | Substantive: TBC |
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| Statutory Consultee | DFI Roads - Enniskillen Office | |
| Statutory Consultee | DFI Roads - Enniskillen Office | |
| Statutory Consultee | DFI Roads - Enniskillen Office | |
| Statutory Consultee | DFI Roads - Enniskillen Office | |
| Representations: | | |
| Letters of Support | | 0 |
| Letters of Objection | | 0 |
| Letters Non Committal | | 0 |
| Number of Support Petitions and signatures | | |
| Number of Petitions of Objection and signatures | | |
| Summary of Issues | | |
| No representations were received in respect of the proposed development. | | |
| Characteristics of the Site and Area | | |
| <p>The site is located within the settlement development limits of Draperstown in an area of whiteland which abuts an area identified as a major area of existing industry. The site occupies a prominent location on the St. Patrick's Street frontage and within the Draperstown Conservation Area, with the majority of the site located to the rear of the Listed Building. Whilst the site sits on the main street frontage of St. Patrick Street which contain a mixture of residential and commercial premises, the area immediately to the south of the site is predominantly industrial. However, the adjacent industrial area is within the ownership of the applicant.</p> | | |
| <p>The site is currently occupied by a two storey, five bay former public house (Grade B1 Listed Building) with a prime street frontage on a corner site at the junction of St. Patrick's Street and Cahore Terrace. The site extends back from the St. Patrick's street</p> | | |

frontage to include a rear yard which site below the level of the adjacent Cahore Terrace. There are a number of out-buildings within the rear yard and which can be accessed via a vehicular gateway at the rear of the building. The boundary along the Cahore Terrace is defined by a rubble stone wall which forms part of the curtilage of the Listed Building. The southern boundary is defined by steel posts with steel sheeting which acts as a retaining structure along the difference in ground levels of approximately 5-6m between the site and the adjacent car park, which is also within the applicants ownership. The western part of the site extends to the rear of an adjacent café 'Slim's which abuts the vacant public house.

The existing property at 6-8 St. Patrick's Street is an early Victorian corn store, erected C.1841 to designs by W J Booth on behalf of the drapers as part of the regeneration of the town at that time. It is one of a few buildings of special historical significance remaining today within Draperstown Conservation Area.

The applicant's joinery workshops are located to the south of the adjacent car park and has a separate access onto Cahore Terrace.

Description of Proposal

The proposal is for alterations an extensions of existing listed building (the Corner House) to include: demolition of ancillary unlisted spaces to the rear of the building, internal alterations and fit out to provide office and meeting space, original ground floor windows to be reinstated and provision of three storey rear extension to provide office and meeting space, canteen and pedestrian link to adjoining premises.

Planning Assessment of Policy and Other Material Considerations

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The main policy considerations in the assessment of this application are:-

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The Strategic Planning Policy Statement for Northern Ireland (SPPS)

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

Planning Strategy for Rural Northern Ireland

Draperstown Conservation Area Design Guide

PPS 3 - Access, Movement and Parking

PPS 4 - Planning and Economic Development.

PPS 6 - Planning, Archaeology and the Built Environment

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

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan

Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The proposal seeks full planning approval to refurbish the existing listed building and to extend the building to the rear to facilitate the change of use to provide offices, board/meeting rooms, training room, canteen, courtyard, ancillary facilities, such as WC's and storage areas. Etc. and a link tunnel to the existing offices.

Heron Bros. currently occupy the buildings directly opposite the site on Cahore Terrace. These buildings are at full capacity and therefore limit the company's ability to expand their operations at this location. Therefore there is a clear need for more office space to allow further expansion in Draperstown. Whilst there are temporary modular office units within Heron Bros. existing site, these are unsuitable for long term use and are not adaptable to the changes in climate. The demand on the existing building infrastructure cannot be sustained without a major renovation which would impact on Heron Bros. ability to operate. Heron Bros, have offices located in Belfast, Glasgow, Manchester and London. Heron Bros. is a local family run business and they would prefer to keep the head offices in Draperstown, where the business originated.

The new extension will create office space for 55 desks with 3 meeting rooms. The listed building will also accommodate a reception/waiting area, 4 meeting rooms and storage/archive areas.

The concept for the design of the new office development is to treat the proposal as three distinct elements;

1. Existing building;
2. Glazed link;
3. New office development to the rear.

The existing building will be treated with complete sensitivity to ensure all of its architectural qualities and character are retained. The use of the transparent glazed link to the rear of the property, set back from the Corner House, will ensure that the listed building remains the dominant feature. The glazed link provides a required physical connection to the new offices but enables the original structure to be viewed as a separate entity, thereby maintaining its character. The new build office block is then designed to be a contrasting element to the listed property and whilst it is a new element in the streetscape, it also compliments the listed building and the Conservation Area. This provides a clear differentiation between the original building and the new extension thereby reinforcing the significance of the historic building.

The Corner House is in reasonably good condition thereby requiring minimal intervention to enable it to be incorporated into the proposed development. It is proposed to demolish the ancillary unlisted outbuildings to the rear of the Corner House as these are unsympathetic to the listed building and detract from the historic and architectural quality of the Corner House building.

Externally, additional works are proposed as follows;
Modern signage, cigarette bins, signage boards etc. to be removed from the front elevation;
Damaged slates to be removed and replaced with Welsh slate to match existing;
Roof surface to be cleaned down;
Existing building to be cleaned and repainted with heritage paint colours;
New replacement cast aluminium gutters to be provided;
Plaster repairs to be carried out to all affected areas;
New flashing to be provided above fascia.

The existing entrance will be retained as the primary entrance to the building onto St. Patrick's Street. The existing stairs are to be retained in their current location. The new reception desk will be positioned to mimic the current bar with the current floor plans being on display in the reception area. All internal structural walls are to be retained with any new walls to be constructed in studwork which is easily reversed to its original state.

The new glazed link, which will be set back just in excess of 7.5m from the rear façade of the listed building, on the Cahore Terrace elevation, will replace the unsympathetic extension to the rear of the Corner House. This glazed link will allow for full integration between the existing listed building and the new extension.

The glazed link will be largely glazed, with the addition of some vertical timber to provide shading. The glazed link will appear as a separate entity and also subordinate to the listed building and in doing so will provide passers by with a view of the rear of the existing building. The creation of the rear extension will be viewed as a complimentary addition, whilst also being a modern contrast. In doing so, the extension will both enhance and emphasise the setting and character of the listed building within the Conservation Area. This concept is similar to that used on Union Road Presbyterian Church Hall Magherafelt. Notwithstanding this, there will be transient views of the proposed extension on approach along Derrynoyd Road (55m stretch), St. Patrick's street (20m stretch) or when approaching along Cahore Terrace from the south where the extension will be largely associated with the existing industrial buildings.

The proposed development also includes a link tunnel under the Cahore Terrace, which will connect the new modern extension to the existing offices on the opposite side of road. This tunnel will facilitate staff moving between both buildings, without the need to cross the public road enabling integration between both office buildings thereby ensuring there is no separation in the day-to-day operations of the business.

The site is located adjacent to an area identified as a major area of existing industry. The proposed extension will create additional office floor space for an existing business to expand and thereby create security for the business. The proposed extension and

alterations will alter the silhouette of the existing structure against the elevated landscape to the south of the site. Views into and out of Draperstown Conservation Area provide an important evidential link to the town's original form and layout.

Public views from St. Patrick's Street Draperstown are an important material consideration in relation to the Conservation Area designation, specifically the proposed Cahore Terrace elevation. The proposed extension will be the dominant feature in the streetscape, as one travels along Cahore Terrace from the junction with St. Patrick's Street in a southerly direction or indeed along Cahore Terrace in the opposite direction. Whilst the extension will tie in with the neighbouring skyline and be viewed mainly from Cahore Terrace it is important to establish whether this will cause harm to the setting of important listed buildings and to ensure that the character of the conservation area is protected. Accordingly the views of historic buildings division and Councils Conservation Area officer have been taken into account in assessing the application. The rear of the Listed Building is currently largely hidden from public viewpoints from the historic core of Draperstown and only becomes visible as one travels along Cahore Terrace. The elevated topographic nature of the existing landscape as one travels out of Draperstown, limits potential height, massing and form of any proposed extension in terms of its integration into the original historic layout, pattern massing, form and height of the authentic historic built fabric.

Notwithstanding the above, consideration must also be given to the proposal in proximity to the recent application LA09/2022/0032/F. That application proposed a second floor extension to an existing office block on Cahore Terrace directly opposite the proposed extension and is now also complete. That site extends back in a southerly direction further than the proposed site on the opposite side of Cahore Terrace and can be seen from St. Patricks Street. where it projects above the two storey building at 2A Cahore Terrace. The LA09/2022/0032/F planning application is a material consideration and the impact of the proposed extension as submitted, in my opinion, is no more detrimental to Draperstown Conservation Area than second floor extension now used as associated office accommodation.

A Listed Building application (LA09/2018/0873/LBC) and an application for consent to demolish within the Conservation Area (LA09/2018/0872/DCA) have also been submitted and are material considerations in the assessment of this application.

PPS 6 - Planning, Archaeology and the Built Environment

The site is located within Draperstown Conservation Area and in an area with the potential to have undiscovered archaeological remains, in addition to having an impact on existing Listed Buildings and the setting of the Conservation Area.

Policy BH7 Change of use of a Listed Building allows for the use of a Listed Building to be changed provided this secures its upkeep and survival and the character and architectural or historic interest of the building is preserved or enhanced. The proposed change of use of the Listed Building from a public house to offices will be in keeping with the aims of this policy. HED HB have no objections in respect of the proposed use or the alterations being made to accommodate the proposed use.

Policy BH8 allows for extensions or alterations to a Listed Building where the proposal

retains the character of the building and its features of special interest remain intact and unimpaired, the proposed works make use of traditional and/or sympathetic building materials which are in keeping with those found on the building, and the architectural details are in keeping with the building. The proposal retains the building both externally and internally with the majority of features such as the stairs are to be retained in their current positions. The new reception desk will mimic the current bar, thereby allowing users to understand the former use of the building and its previous layout. HED (Historic Buildings) advised that it does not have concerns with regards to the alterations to the interior of this building from its current arrangement.

Policy BH11 Development affecting the Setting of a Listed Building allows development where this does not have an adverse affect on the setting. Developments will normally only be considered acceptable where, the detailed design respects the listed building in terms of scale, height, massing and alignment; the proposed works make use of traditional or sympathetic materials and techniques which respect those found on the building; and the nature of the proposed use respect the character of the setting of the building.

HED (Historic Buildings) advised that they consider the proposal fails to retain the essential character of the building and its setting and that the works proposed do not make use of traditional/sympathetic materials in keeping with those found on the building as none are specified. HB also considers the scale, height, massing and alignment does not respect the listed building. HB justified the above by the following explanation;

- o The juxtaposition between the glazed link and the listed building is awkward - the link

should ideally be lower than the existing eaves.

I disagree with this analysis as the glazed link will only be visible when standing beside the entrance to the link. Due to the footprint of the link being set back 1.0m behind the building line of the extension, it is largely screened from view both from Cahore Terrace and St. Patrick's Street. A suggested sketch was provided by Historic Buildings and noted that the rear link should be, at maximum, equal eaves height with traditional roof form. Therefore, the fact that the glazed link ties in with the eaves level of the existing building may not be ideal but this does not make it unacceptable.

- o It is appreciated that the solid to void ratio is designed to relate to a terrace rhythm.

However, this expression is more appropriate to a city centre or greenfield site and does not take its cues from how a building such as 6-8 St. Patrick's Street might have developed. It is suggested that the back of the site is maximised to give breathing space to the rear of the listed building.

The proposed extension is not attempting to replicate the existing building, rather it is designed to be a modern extension which will not compete with the existing listed building. In that sense, the proposal is, in my opinion, acceptable as it stands as a modern day extension separated from the listed building by the glazed link.

- o the overall three-storey height appears overbearing in the context of predominantly two storey buildings, which are domestic in scale. The Corner House forms an end to a row of similarly scaled terraced buildings and although the others are

not listed, they comprise a visually harmonious group. In addition, the junction of St Patrick Street and Cahore Terrace is an important viewpoint - HED consider that a three storey development would have a visually disruptive impact from this aspect.

In order to appear more sympathetic with the built form that characterises the wider setting, HED therefore offer the following suggestions:

- a. reduce link height
- b. increase footprint at southern end of site. Further articulation of the north and east elevations is also suggested to be more in keeping with the existing grain - the proposal appears monolithic from these aspects. Existing context illustrated below from N (left) and NW (right), which is largely single and two storey in scale:

I disagree with the comments above with regards to the three storey extension to the rear being disruptive. The development, which by now has been completed, can be viewed on site and as discussed above, is relatively well screened from view when travelling along St. Patrick's Street, Tobermore Road, High Street or the Derrynoyd Road. It is also well screened from view from Cahore Terrace on approach from the south due to the proximity of the associated industrial buildings and given the lower ground levels of the site, the building nestles well into the streetscape. Although the extension is a three storey building it is not visible over the top of the two storey buildings along the St. Patrick's Street frontage and therefore does not disrupt the streetscape. In this context, therefore I do not consider there is a need to seek amended plans or to seek a reduction in the height of the building.

- o The roof plan on drawing No.2 (agent's ref: PLo4-D) appears to show solar panels - please confirm.

The solar panels have been removed from the proposed plans.

- o Retention of the existing stone wall to the west elevation is welcomed. And the alignment of new additions with Cahore Terrace, as illustrated in the agent's historical street analysis, is considered appropriate.

I agree with the assessment in terms of the retention of the stone wall as it adds to the character of the streetscape and is part of the historic setting of the Listed Building. Although parts of the stone wall have been lowered and a section has been removed to enable the construction of the associated retaining wall to the rear and the tunnel which is constructed under the road, the stone wall should be reinstated to retain the character of the setting of the Listed Building.

Policy BH12 Historic Environment Division (Historic Buildings) and (Historic Monuments) were consulted and advised that they considered the effects of the proposal on the listed buildings and on the basis of the additional information provided give the following advice:

- o HED (Historic Monuments) has now received the archaeological monitoring report submitted with this application and based on the results of this work archaeological mitigation is no longer required. On the basis of the information provided HED (HM) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- o Historic Environment Division (Historic Buildings) does not have concerns with regard to the alterations to the interior of this building from its current arrangement;
- o HED (HB) considers that the proposal fails to retain the essential character of the

building and its setting, and that the works proposed do not make use of traditional /sympathetic materials in keeping with those found on the building (none specified). It also considers that the detailed design does not respect the listed building in terms of scale, height, massing and alignment.

As advised by Council's Conservation Officer, Policy BH12 allows for modern designs which are sympathetic and complimentary to the existing character of the area and in their opinion, based on the maps submitted and evidence is that the overall design of the new build office extension is acceptable in terms of scale, massing, layout, height and materials.

I agree with the Conservation Officers opinion in that the extension is acceptable as currently proposed.

Other issues raised by HED have been discussed under policy BH11 above.

DES2 Townscape

This proposal is considered not to have such a detrimental impact on the streetscape of the town in accordance with DES 2 as to justify a refusal. Given the location of the building and the associated extensions to the rear of the Corner Bar Public House, I believe it will not have an adverse effect on the setting of Draperstown Conservation Area.

Policy PED9 of PPS4 - Planning and Economic Development, is also relevant in terms of general criteria for economic development.

All following criteria laid out in this policy has been met and in my opinion, the proposed development is acceptable in this respect.

- a) it is compatible with surrounding land uses;
- b) it does not harm the amenities of nearby residents;
- c) it does not adversely affect features of the natural or built heritage;
- d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
- e) it does not create a noise nuisance;
- f) it is capable of dealing satisfactorily with any emission or effluent;
- g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- h) adequate access arrangements, parking and manoeuvring areas are provided;
- i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- j) the site layout, building design, associated infrastructure and landscaping arrangements are acceptable and assist the promotion of sustainability and biodiversity;
- k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- l) is designed to deter crime and promote personal safety; and
- m) is not applicable as it relates to proposals in the countryside.

PPS 3 - Access, Movement and Parking

A proposal for an extension to office floorspace falls to be assessed under this policy. The proposal states that there will be a slight increase in employee numbers as the proposed development has been designed to accommodate an increase in staff numbers of up to 10% ie. 9 staff. Therefore there is a slight intensification of the use of the existing road leading to the car park on Cahore Terrace.

Dfl Roads were consulted in respect of this intensification in addition to the proposal to construct an underground tunnel extending from the existing premises on the eastern side of Cahore Terrace to the new premises on the western side. This tunnel is being proposed to enable staff to move between the existing and proposed premises without the need to cross the public road. It will also ensure there is no separation in the day to day operations of the business.

Due to the complexity of constructing such a tunnel under the public road, Dfl Roads advised that the structure would be subject to Technical Approval Procedures for Highway Structures. That process has been initiated by the developer and is currently being processed by Dfl roads HQ. Technical Approval will be required prior to planning permission and the department will be unable to provide a recommendation to approve until this process has been granted. The pedestrian underpass link is also fundamental to the operation and delivery of the proposed development. In conjunction with Technical Approval a Legal Agreement will be required between roads and the developer in terms of construction, maintenance and future liabilities. The submitted car parking statement addresses the issue of car parking and potential justification for the provision of a reduced level parking capacity.

Dfl Roads were initially consulted on 6th July 2018 and again on 31st July 2018 and responded to both consultations on 10th August 2018. A third consultation was issued on 30th September 2019 and was responded to on 21st October 2019. Following that response, further consultations were issued to Dfl Roads on 19th October 2021 and 15th November 2021. Neither of those consultations were responded to and despite seven reminders being issued between 10th January 2022 and 6th November 2023, Dfl Roads have failed to provide any comment or advice on the acceptability of the proposed development. A further e-mail was sent to Dfl Roads on 28th November 2023 advising Dfl Roads that unless a response was received to the outstanding consultations no later than 19th November 2023, it was Council's intention to recommend the application to the Planning Committee as an approval on 9th January 2024 without Dfl Roads conditions. No response has been received from Dfl roads.

It should be noted that Dfl Roads failure to respond to the consultations is the only issue delaying the progression of this application. It should also be noted that due to the length of time the application has been in the planning system, the applicant has progressed with the development to the extent that it is now fully operational and occupied, including the use of the pedestrian underpass.

Therefore, given the undue delay and repeated failure from Dfl in responding, it is my opinion that the application should now be progressed to Committee with a recommendation to approve subject to the conditions listed below:-

Consultations

Historic Environment Division (Historic Buildings) and (Historic Monuments) advised as

above.

DfI Roads as discussed above.

Environmental Health advised that they have no issues of concern arising.

NI Water advised that they have no issues of concern.

DfI Rivers advised that they have no issues of concern.

Recommendation - Approve subject to the conditions listed below:-

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

Condition 2

The premises hereby approved shall be used only for Use Class B1 - Business, and for no other purpose in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To prohibit a change to an unacceptable use within the Use Classes Order and to protect residential amenity from Noise and Odour.

Condition 3

The external finishes used on the building shall be as annotated on drawing no. 09/3 uploaded to the planning portal on 19th December 2023.

Reason: To ensure the extension hereby approved is in keeping with the character of Draperstown Conservation Area and protects the setting of the Listed Building.

Condition 4

All proposed works shall be carried out in accordance with stamped approved drawing no. 01 uploaded to the planning portal on 20th June 2018, 04/1, 05/1, 06/1, 07/1, 08/1, 10/1, 12/1 uploaded to the planning portal on 24th September 2019, 09/3 uploaded to the planning portal on 19th December 2023, 11 uploaded to the planning portal on 19th September 2018 and associated documents, namely Archaeological Monitoring by Gahan and Long Archaeological Services and design and Access Statement by McGurk Architects both uploaded to the planning portal on 27th June 2018.

Reason: To protect, conserve and enhance the historic fabric and special architectural character and appearance and heritage values of Draperstown Conservation Area.

Condition 5

The existing random rubble stone wall along the eastern boundary of the site on Cahore Terrace shall be lowered to a height as identified on drawing no. 07/1 uploaded to the planning portal on 24th September 2019 within six months of the date of this decision. Any stone removed from the wall shall be reused to reinstate the sections identified on drawing 07/1 uploaded to the planning portal on 24th September 2019.

Reason: To protect, conserve and enhance the historic fabric and special architectural character and appearance and heritage values of Draperstown Conservation Area.

Case Officer: Malachy McCrystal

Date: 20 December 2023

| ANNEX | |
|--|-----------------|
| Date Valid | 22 June 2018 |
| Date First Advertised | 5 July 2018 |
| Date Last Advertised | 4 July 2018 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier Slims Cafe 10 St. Patricks Street Draperstown Londonderry BT45 7AL The Owner / Occupier 12A St. Patricks Street Draperstown Londonderry BT45 7AL The Owner / Occupier Saddlery Shop 12B St. Patricks Street Draperstown Londonderry BT45 7AL The Owner / Occupier 10A St. Patricks Street Draperstown Londonderry BT45 7AL The Owner / Occupier 1 High Street Draperstown Londonderry BT45 7AB The Owner / Occupier 12 St. Patricks Street Draperstown Londonderry BT45 7AL The Owner / Occupier Heron Bros Ltd 2 St. Patricks Street Draperstown Londonderry BT45 7AL The Owner / Occupier 3 High Street, Draperstown, Londonderry, BT45 7AB, The Owner / Occupier Heron Bros Ltd 2A St. Patricks Street Draperstown Londonderry BT45 7AL The Owner / Occupier Heron Bros Ltd 2B St. Patricks Street Draperstown Londonderry BT45 7AL The Owner / Occupier 14 St. Patricks Street, Draperstown, Londonderry, BT45 7AL, The Owner / Occupier 16 St. Patricks Street, Draperstown, Londonderry, BT45 7AL, | |
| Date of Last Neighbour Notification | 9 July 2018 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
Historic Environment Division (HED)-Substantive: YResponseType: FR
Rivers Agency-Substantive: TBCResponseType: FR
NI Water - Multiple Units West-Substantive: TBCResponseType: FR
NI Water - Strategic Applications-Substantive: TBCResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
Environmental Health Mid Ulster Council-Substantive: TBC
Historic Environment Division (HED)-Substantive: TBC
Rivers Agency-Substantive: TBC
Historic Environment Division (HED)-Substantive: YResponseType: FR
NI Water - Strategic Applications-Substantive: TBC
Historic Environment Division (HED)-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Historic Environment Division (HED)-Substantive: YResponseType: FR
Historic Environment Division (HED)-Substantive: TBC
Historic Environment Division (HED)-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: TBC
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DFI Roads - Enniskillen Office-

Drawing Numbers and Title

Further Particulars Plan Ref: 12/1
Proposed Plans Plan Ref: 10/1
Proposed Plans Plan Ref: 09/1
Proposed Plans Plan Ref: 08/1
Proposed Plans Plan Ref: 07/1
Proposed Plans Plan Ref: 06/1
Proposed Plans Plan Ref: 05/1
Proposed Plans Plan Ref: 04/1
Further Particulars Plan Ref: 13
Further Particulars Plan Ref: 12
Further Particulars Plan Ref: 11
Site Location Plan Plan Ref: 01
Proposed Plans Plan Ref: 10
Proposed Plans Plan Ref: 09
Proposed Plans Plan Ref: 08
Proposed Plans Plan Ref: 07
Proposed Plans Plan Ref: 06
Proposed Plans Plan Ref: 05
Proposed Plans Plan Ref: 04
Existing Site Survey Plan Ref: 03
Existing Plans Plan Ref: 02

Notification to Department (if relevant)

Not ApplicableNot Applicable



Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5 |
| Application ID: LA09/2019/0331/F | Target Date: 6 May 2019 |
| Proposal: Construction of a new 4 span portal framed building to be used for sub-assembly and research/design formation of concrete areas throughout remainder of the site for storage and access and upgrade top parking and associated works (amended description) | Location: Unit 3 Granville Road Dungannon |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: MC Closkey International Ltd 47 Moor Road Dungannon | Agent Name and Address: Teague And Sally Ltd 3A Killycolp Road Cookstown BT80 9AD |
| Executive Summary: Approve with conditions | |

Case Officer Report**Site Location Plan**

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Consultations:

| Consultation Type | Consultee | Response |
|--------------------------|---|-------------------------------------|
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | NI Water - Strategic Applications | Substantive: TBCResponseType: FR |
| | Health & Safety Executive For NI | Substantive: YResponseType: FR |
| | NIEA | Substantive: YResponseType: FR |
| | Environmental Health Mid Ulster Council | Substantive: TBCResponseType: FR |
| | Environmental Health Mid Ulster Council | Substantive: TBC |
| | Environmental Health Mid Ulster Council | Substantive: TBC |
| | NI Water - Strategic Applications | Substantive: TBC |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | Rivers Agency | Substantive: TBCResponseType: FR |
| | Rivers Agency | Substantive: TBC |

| | | |
|---|---|--|
| | Rivers Agency | Substantive: TBC |
| | NI Water - Strategic Applications | Substantive: TBC |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | Environmental Health Mid Ulster Council | Substantive: TBCResponseType: FR |
| | Environmental Health Mid Ulster Council | Substantive: TBC |
| | Environmental Health Mid Ulster Council | Substantive: TBC |
| Statutory Consultee | DFI Roads - Enniskillen Office | 21-11-2022.docx |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | Response 2.pdfsee attached comment |
| Statutory Consultee | Environmental Health Mid Ulster Council | LA09.2019.0331.F.pdf |
| Statutory Consultee | Environmental Health Mid Ulster Council | LA09-19-0331 F Unit 3 Granville Road Dungannon.doc |
| Statutory Consultee | Rivers Agency | 11230 - Final Response.pdf |
| Statutory Consultee | NIEA | PRT LA09-2019-0331-F.PDF |
| Statutory Consultee | DFI Roads - Enniskillen Office | 06-04-2023.docx |
| Representations: | | |
| Letters of Support | | 0 |
| Letters of Objection | | 3 |
| Letters Non Committal | | 0 |
| Number of Support Petitions and signatures | | |
| Number of Petitions of Objection and signatures | | |
| Summary of Issues | | |
| Characteristics of the Site and Area | | |
| <p>The site is located within an existing brownfield site, within Zoned industrial land D1 01 as identified at Granville Industrial Estate in Dungannon Area Plan.</p> <p>Planning history:</p> <p>M/2007/1574/F- Proposed 14m high (approx ridge height) workshops for assembly of machinery and ancillary 2 storey office building, siteworks, car parking and landscaping. Approved 13.05.2008.</p> <p>M/2012/0519/F - Proposed 14.7M high (approx. ridge height) workshops for assembly of machinery and siteworks.</p> | | |

Description of Proposal

Construction of a new 4 span portal framed building to be used for sub-assembly and research/design formation of concrete areas throughout remainder of the site for storage and access and upgrade top parking and associated works (amended description)
Following concerns raised by Env Health the original proposal below was reduced from its previous description as detailed below;

'Construction of a 7-bay extension to existing manufacturing factory building incorporating a testing area and a covered drop off area to the side of the existing building (0.405 Hectares) construction of a new 3 span portal framed building to be used for sub-assembly and research/ design (0.2 hectares) formation of concrete areas throughout remainder of the site for storage and access'.

The applicant has reduced the scheme to remove the contentious 'noise generating' testing elements and included a new noise report and reduced the 7-bay extension to a new 4 span portal framed building comprises of 2183m². Env Health are now content and have provided conditions which is detailed further in the planning report.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Dungannon and South Tyrone Area Plan 2010

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being located within the development limits of Dungannon which, under policy SETT1 gives favourable consideration to proposals, subject to criteria outlined within the plan policies. The site is located within the Granville Industrial Centre which is existing industry and businesses. There are no other specific designations or zonings. SETT1 criteria is generally similar to those in PED9 and as such I consider if the proposal accords with PED9 it will also accord with SETT1.

Plan Policy IND 1 - Industry and Business states that within existing areas planning permission will normally be granted for industry, storage and distribution and other appropriate business uses where the development meets the key site requirements contained in Part 3 of the Plan. The introduction of inappropriate non-conforming uses that would prejudice the efficient operation of industrial and business uses will not normally be permitted. In this case the proposed use would be appropriate for the site.

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

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

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS encourages a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction from Policy PED 1 and PED 9 of PPS 4 - Planning and Economic Development therefore existing policy applies.

PPS4 – Planning & Economic Development

Policy PED 1 - Economic Development in Settlements of PPS 4 states that a development proposal of a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial/employment area provided it is of a scale, nature and form appropriate to the location on Granville Road.

In line with PED1, the proposal is acceptable in terms of scale, nature and form and it is an appropriate type of development in this location. In this case the site is well established as being industrial and the existing applicant, McCloskey's, manufacturing factory, has been on site a significant period of time.

Policy PED 9 - General Criteria for Economic Development sets out the criteria which a proposal for economic development will be required to meet and I will address each of these in turn.

(a) it is compatible with surrounding land uses;

The application is for construction of 4 span portal framed building to the existing manufacturing factory building. The site is located within an existing industrial estate with similar uses and previous approvals on the site show this use is well established. M/2012/0519/F was approved for machinery assembly workshops on the site.

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

The amenities will not be harmed and it will be located a sufficient distance from them to not cause demonstrable harm. The main neighbouring properties consist of industrial/commercial units.

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

It does not adversely affect features of natural or built heritage. This site is not in an area of archaeological importance nor is it adjacent to any Listed Buildings.

NIEA were consulted and Water Management Unit considered the impacts of the proposal on the surface water and are content with the proposal subject to conditions.

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

The relevant policy being PPS15, FLD1 – FLD5. DFI Rivers Agency (RA) were consulted and indicated the site does not lie within the 1 in 100 year fluvial flood plain and it is unaffected by a designated watercourse. A drainage assessment was reviewed by RA and they state they cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

(e) it does not create a noise nuisance;

Initially with the original scheme Env Health had raised concerns. As previously stated, the proposal has been significantly reduced, removing the testing building and reducing the scale of the extension, as well as a revised noise report and baseline noise surveys being carried out in terms of receptors nearby and cumulative effects. This has alleviated noise concerns and neighbours and objectors were re-consulted. EH have made comment based on the most recent information submitted and the reduced scheme and provided conditions to be attached to any approval.

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

The development is capable of dealing satisfactorily with any emission or effluent. The proposal does not involve the production of any emissions. Foul sewage and surface water will be disposed via mains.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

(h) adequate access arrangements, parking and manoeuvring areas are provided;

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

In terms of criteria (g) – (j) and traffic and roads issues DFI Roads were consulted on the basis of the initial application which included the 7-bay extension and testing area.

DFI Roads advised Council Planning in all their consultation responses (latest of 6th March 2023) that parking / servicing requirements are based on floor areas as set out in the various Class Uses in the Parking Standards document, whether a reduction for parking and servicing area due to the way the site operates is acceptable, is a matter for Council Planning to consider and advise Dfl Roads accordingly.

History on the site under permission M/2012/0519/F (Proposed 14.7M high approx. ridge height workshops for assembly of machinery and siteworks), permitted the phased implementation of the total parking provisions. This permission allowed for a total of 202 spaces, of which 124 were to be provided initially (to service the existing building) and 78 spaces were only required if/when a further 6988m² of floor space was to be created as part of the 2012 application.

Currently on site there are 126 spaces (net increase of 2) which are laid out slightly differently from that approved so LA09/2021/0541/F has been submitted to modify the surface layout of the 126 spaces to reflect the actual on ground parking arrangement. The additional floor space for the application for the 7-bay extension and R&D testing building is 6780m², which fell below the 6988m² of the previous approval for a similar use, workshops for the assembly of machinery which required 78 spaces. Therefore, a further 76 spaces (78 minus 2 surplus in place) remains appropriate. Accordingly, the proposal now has additional 76 spaces, bringing the total to be created is 202 spaces in total and plans now reflect this.

As Planning are now content with the reasoning, the section 54 (LA09/2021/0541/F) application to amend the hard surfacing would no longer be required and the agent has indicated it would be withdrawn if this current application was granted as parking needs would be met.

Following the amended plans to address EH concerns, the current application has been significantly reduced by around 4000m² (due to reduction of the 7-bay extension) and the 4-bay building comprises 2183m², there is an over provision of parking, however as Planning had accepted this for the larger proposal, the applicant is content to leave this rather than amend it at this stage.

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

Finishes and materials are of those typical for this type of proposal and are acceptable within this industrial park and match those existing. Walls will be painted white, steel double doors and Kingspan cladded panels. These will be of a high quality and adequate for purpose. Mature established trees and landscaping surrounding the site boundaries.

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

The extension will be well enclosed and protected from public views. As there are buildings currently on-site sufficient screening is currently in place, with mature

landscaping/trees and secure fencing enclosing the site.

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

The existing site is well secured with security fencing and barriers to ensure this is the case and that the property remains adequately secure.

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

The site is located within settlement limits within an existing industrial estate. Having considered the information above I am satisfied the proposed development fulfils the requirements of PPS 4.

• **Representations**

2 objections have been received.

One relating to additional traffic on the site which will add the already congested area and the cumulative effect of existing and new traffic, lack of car parking within the site.

These issues have been dealt with in detail in the assessment under PPS4 and parking and traffic have been fully considered and DFI Roads conditions will be applied.

The other objection related to noise pollution, adding to the current noise coming from the site. Issues with non-compliance of conditions 2 & 5 of M/2012/0519/F (relating to parking and noise issues).

Env Health were consulted in relation to noise and following amendments and a reduction in the scheme, they are now content to approve with conditions to protect the amenity of neighbouring properties.

In terms of the non-compliance with conditions, the related enforcement case is LA09/2019/0021/CA. Conditions 2,5, 6 & 7 were investigated and condition 5 (relating to noise) was discharged in the opinion of the enforcement team. This application was then submitted in relation to condition 2 in relation to hard surfacing areas to be used only for parking. This objection was received in Nov 2020, and since that amended plans and reports relating to the noise and parking issues have both been resolved as part of the current application these issues have been resolved. Re-notification letters were sent, and no further objections received since 2020.

In conclusion, after considering all the consultation responses, objections and the assessment against relevant planning policy, I recommended approval with relevant conditions.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

Operational works associated with the hereby permitted development shall only take place between 07:00hours -18:00hours Monday to Thursday, 07:00hours - 14:00hours Friday & Saturday and at no time on a Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect amenity of nearby residential properties

Condition 3

The cumulative noise level from the proposal shall not exceed the limits outlined in the table below during the permitted hours of operation when measured at a distance of 3m from the façade of the appropriate residential property as predicted in the Layde Consulting report titled "Revised Noise Impact Assessment, Proposed construction of portal framed sub-assembly building, Unit 3 Granville Road, Dungannon," dated October 2023 and referenced P749-1.

ID Address dBLAeq1hr

R1 69 Eskragh Road 37.3

R2 128 Ballygawley Road 22.7

R3 126 Ballygawley Road 24.0

R4 120 Ballygawley Road 27.0

R5 122 Ballygawley Road 28.2

R6 71 Eskragh Road 29.9

R7 77 Eskragh Road 26.5

Reason: To protect amenity of nearby residential dwellings.

Condition 4

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

Reason: To protect amenity of nearby residential dwellings.

Condition 5

Following completion of the noise survey and where noise monitoring demonstrates exceedances of the noise limit stipulated in condition 2 the applicant shall provide details of additional noise mitigation measures that will be incorporated into the proposal to ensure compliance with condition 3.

Reason: To protect amenity of nearby residential dwellings.

Condition 6

No testing of finished plant shall take place within the depicted red line of the site as shown on the Teague & Sally drawing number 3680, dated Jan 2019.

Reason: To protect amenity of nearby residential dwellings.

Condition 7

All doors to the proposal shall be kept closed at all times except for access and egress.

Reason: To control noise and protect residential amenity.

Condition 8

All fork-lift trucks operating within the development site shall be fitted with white noise (full spectrum) reversing alarms.

Reason: To protect amenity of nearby residential dwellings.

Condition 9

Construction works associated with this proposal, which are audible at any noise sensitive property outside the site, shall only take place between the hours of 07:00 - 19:00 hours on Monday to Friday, 07:00 -14:00 hours on Saturday with no works being undertaken on Public/Bank Holidays. Outside of these hours, work at the site shall be limited to emergency works, or construction work that is not audible at any noise sensitive property.

Reason: To control the noise levels from the development at noise sensitive locations.

Condition 10

The existing vegetation along the entire site boundaries shall be retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

Condition 11

If any retained tree is removed, uprooted or destroyed or dies within 5 years from the

date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

Case Officer: Emma McCullagh

Date: 18 January 2024

| ANNEX | |
|--|-----------------|
| Date Valid | 11 March 2019 |
| Date First Advertised | 28 March 2019 |
| Date Last Advertised | 27 March 2019 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier Linergy Limited, Granville Industrial Estate, Dungannon, BT70 1NJ The Owner / Occupier Granville Ecopark Ltd, Granville Road, Granville Industrial Estate, Dungannon, BT70 1NJ The Owner / Occupier Westland Horticulture, Unit 14, Granville Industrial Estate, Dungannon, BT70 1NJ The Owner / Occupier 20 Granville Road, Granville Industrial Estate, Dungannon, Tyrone, BT70 1NJ The Owner / Occupier 14 Granville Industrial Estate, Dungannon, Tyrone, BT70 1NJ The Owner / Occupier RNN 69 Eskragh Road, Dungannon, BT70 1NN | |
| Date of Last Neighbour Notification | 12 January 2024 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR NI Water - Strategic Applications-Substantive: TBCResponseType: FR Health & Safety Executive For NI-Substantive: YResponseType: FR NIEA-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC Environmental Health Mid Ulster Council-Substantive: TBC | |

NI Water - Strategic Applications-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Rivers Agency-Substantive: TBCResponseType: FR
Rivers Agency-Substantive: TBC
Rivers Agency-Substantive: TBC
NI Water - Strategic Applications-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBC
Environmental Health Mid Ulster Council-Substantive: TBC
DFI Roads - Enniskillen Office-21-11-2022.docx
Environmental Health Mid Ulster Council-Response 2.pdfsee attached comment
Environmental Health Mid Ulster Council-LA09.2019.0331.F.pdf
Environmental Health Mid Ulster Council-LA09-19-0331 F Unit 3 Granville Road
Dungannon.doc
Rivers Agency-11230 - Final Response.pdf
NIEA-PRT LA09-2019-0331-F.PDF
DFI Roads - Enniskillen Office-06-04-2023.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Existing Plans Plan Ref: 11
Existing Plans Plan Ref: 10
Proposed Elevations Plan Ref: 09
Cross Sections Plan Ref: 08
Site Layout or Block Plan Plan Ref: 07
Site Layout or Block Plan Plan Ref: 06
Cross Sections Plan Ref: 05
Proposed Floor Plans Plan Ref: 04
Proposed Floor Plans Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02
Site Layout or Block Plan
Proposed Plans
Proposed Floor Plans
Proposed Elevations
Proposed Elevations
Cross Sections
Site Layout or Block Plan Plan Ref: 06 Rev 1
Site Layout or Block Plan Plan Ref: 02 Rev 1
Site Layout or Block Plan Plan Ref: 12

Notification to Department (if relevant)

Not Applicable

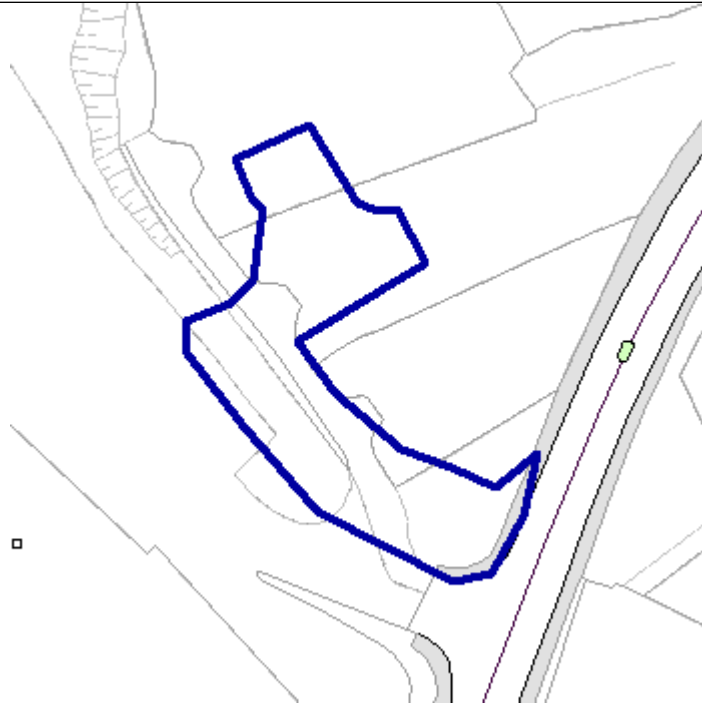


Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.4 |
| Application ID: LA09/2019/0854/F | Target Date: 14 August 2019 |
| Proposal: Proposed new spur road from Greers Road to lands approved (M/2014/0572/O) for outline residential development for maximum of 210 units with access onto Greers Road, Donaghmore Road and Quarry Lane. The right of way road will also provide access to the existing car park (Amended Description) | Location: Lands 37M West Of 6 Union Place Dungannon |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: The Mallon Family C/O 2ND Floor Corner House 64-66A Main Street Coalisland BT71 4NB | Agent Name and Address: Michael Herron Architects 2ND Floor Corner House 64-66A Main Street Coalisland BT71 4NB |
| Executive Summary: This application is for an amendment to access to lands that are zoned as a development opportunity site and housing lands. DFI Roads had issued in relation to the provision of access to the existing car park and development lands, other land owners have also had concerns and these have now been addressed. Access to other lands has also been retained. | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|--------------------------------|---|
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: TBC |
| | DFI Roads - Enniskillen Office | Substantive: TBC |
| Amendments Received | DFI Roads - Enniskillen Office | |
| Statutory Consultee | DFI Roads - Enniskillen Office | LA09 19 0854 F Greers rd dungannon 2.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | LA09 19 0854 F Greers rd dungannon.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | LA09 19 0854 F Greers rd dungannon 4.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | LA09 19 0854 F Greers rd |

| | | |
|---------------------|--------------------------------|--|
| | | dungannon 4.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | LA09 19 0854 F Greers rd dungannon 6.docx |

Representations:

| | |
|---|---|
| Letters of Support | 0 |
| Letters Non Committal | 0 |
| Letters of Objection | 4 |
| Number of Support Petitions and signatures | |
| Number of Petitions of Objection and signatures | |

Summary of Issues

Ownership of the lands, retention of provision of access to lands, design of the proposed road and access is excessive, issues with the developed this is to serve (no service yard),.

Characteristics of the Site and Area

The application site includes part of an existing public car park, private access road and junction onto Greers Road. The entrance here has bollards to separate the private access from the car park and there is a height restriction barrier and gates erected. (see figure 1 below). The site generally slopes away from Greers Road towards the north east.



Fig 1 - Site view from Greers Road

The site is located inside the identified Town Centre and as a Development Opportunity site in the Dungannon and South Tyrone Area Plan. The surrounding area is relatively

undeveloped with a vacant site owned by the Council to the southwest, fronting Anne Street. This is enclosed by a high palisade fence and walls. Other green fields are located to the north and these area accessed off the private access and also enclosed by palisade fences. Housing lands are zoned to the north east which extend to Quarry Lane and areas of protected housing zones close by. There are areas of retained car parking to the north west and south east and a mixture of commercial properties and public houses.

Description of Proposal

Proposed new spur road from Greers Road to lands approved (M/2014/0572/O) for outline residential development for maximum of 210 units with access onto Greers Road, Donaghmore Road and Quarry Lane. The right of way road will also provide access to the existing car park (Amended Description)

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. 4 letters have been received raising issues in relation to Ownership of the lands, retention of provision of access to lands, design of the proposed road and access excessive and detail of what this is proposed to access. Members are advised planning permission does not bestow title on any land and should the developer require additional, lands not within their control, it is a matter for them to obtain this prior to carrying out development. The objector has been notified about the proposal and has had opportunity to view the plans and make comments on them. Access rights have been maintained to private lands and to the public car park and DFI Roads are content with the design of the layout. I consider the concerns raised have been addressed.

Planning History

See end of report for details of applications in and around the site, applications to note relate to retail and hotel development on the site and close by as well as housing lands to the north west which are the subject of a recently approve outline planning application ref LA09/2022/1489/O.

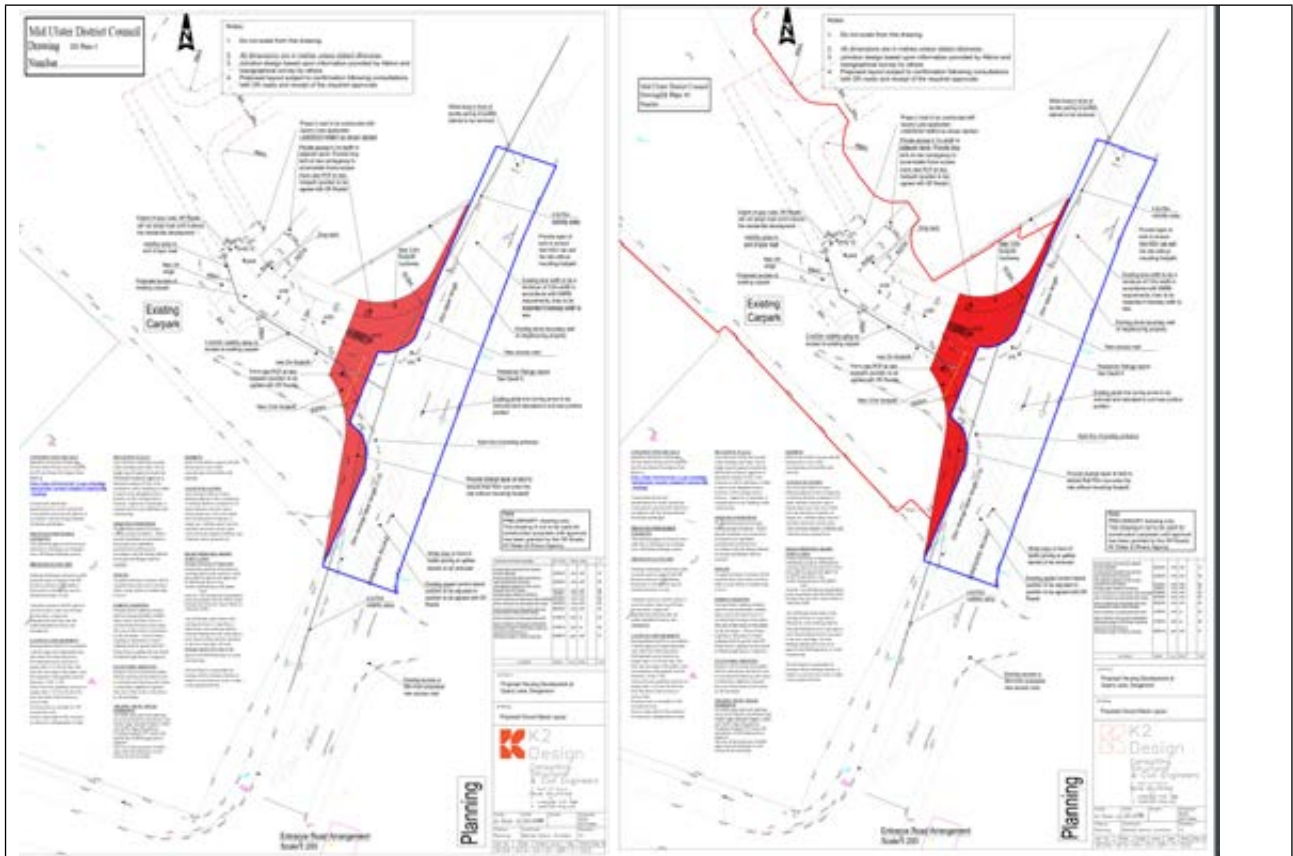
Members attention is also drawn to the Councils ownership of lands in close proximity to

this site and the affects on access to it and other adjoining lands.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010 (DSTAP)
- Strategic Planning Policy Statement (SPPS)
- PPS 3: Access, Movement and Parking
- The Local Development Plan 2030 – Draft Plan Strategy

The application site is located inside the settlement limits for Dungannon as designated through SETT1, Dungannon Town Centre as designated through Policy RSO1 and a Development Opportunity Site DOS 05 designated by Policy RSO3 of the DSTAP. These policies are generally permissive as they advocate for favourable consideration of development proposal if they meet the stated criteria and other regional policies. This proposal is essentially a relocation of and improvements to the access position onto Greers Road to ensure access can be provided for the existing retained car parking areas, the Development Opportunity Sites, zoned housing lands and other lands that are not identified as any particular use (white lands) and currently enjoy access off Greers Road at this location. The proposal will not result in the introduction of any new uses or buildings in this previously developed area. There are no sites of historic or conservation interest affected by the scheme. There have been significant discussions and revisions to the scheme to produce the amended layout shown on drawing No 03 Rev I received on 28 November 2023. It is noted this was a minor revision of Drawing No 03 Rev H received 23 November 2023 and removed some red lines that were not required (see below for comparison). The application that is being considered is as detailed on Drawing No 03 Rev I. Members are advised neighbour notification was carried out on 24 November 2023 and the period for commenting has passed without any additional comments being received.



DFI Roads have had extensive involvement with the overall design and discussions with this application. This scheme will provide a pedestrian crossing point on Greens Road, 3m wide footpath/cycle path connecting into the existing network, retained access widths to the adjoining lands and access into the existing car park. DFI Roads have advised that any works to the bell mouth will require separate consent from them, they have offered no objections to the proposal as shown on drawing No 03 Rev I and have not suggested any conditions should be attached to any planning decision.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development and promotes high standards in design. The SPPS also retains the Policies contained in Planning Policy Statement 3 – Access, Movement and Parking to ensure an accessible environment. It is my opinion, given DFI Roads comments, this proposal meets these requirements.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan

Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

This proposal is one way that could accommodate access to the lands here and adjoining this, without any undue detriment to the other interests raised. I acknowledge there may be alternatives to this scheme and these may be presented for consideration in future planning applications. I do not consider this permission would limit the potential for any alternative schemes or adversely impact on other areas of acknowledge interests and as such I recommend this application for approval.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Informative 1

Not withstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Dfl Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Dfl Roads Section Engineer whose address is Main Street, Moygashel Road, Dungannon. A monetary deposit will be required to cover works on the public road.

The applicant should upon completion of the Bellmouth Works arrange for the transfer of that additional Bell mouth area coloured red to be transferred through Land Registry to Dfl Roads.

Signature(s): Phelim Marrion

Date: 20 December 2023

| ANNEX | |
|--|------------------|
| Date Valid | 19 June 2019 |
| Date First Advertised | 21 August 2023 |
| Date Last Advertised | 3 July 2019 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 30 Union Place, Drumcoo, Dungannon, Co Tyrone, BT701DL</p> <p>The Owner / Occupier RNN -63 Irish Street, Drumcoo, Dungannon, Co Tyrone, BT701DQ</p> <p>The Owner / Occupier 65 Irish Street, Drumcoo, Dungannon, Co Tyrone, BT701DQ</p> | |
| Date of Last Neighbour Notification | 24 November 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: LA09/2023/1368/PAN Proposals: Erection of discount supermarket and cafe, provision of accesses, car parking, public realm works, hard and soft landscaping and associated site works. Decision: Decision Date:</p> <p>Ref: M/2005/2069/F Proposals: Renewal of M/1999/0232 (Retail Development and Associated Carparking). Decision: PG Decision Date: 10-MAY-06</p> <p>Ref: M/1997/0792 Proposals: Retail Warehousing and Associated Carparking, Housing and New Access Road Decision: WITHDR</p> | |

Decision Date:

Ref: LA09/2021/1505/PAN

Proposals: Renewal of residential development- M/2014.0572/O- maximum 210 units

Decision: PANACC

Decision Date: 02-NOV-21

Ref: LA09/2020/1105/PAD

Proposals: Option 3 - Proposed works to include development of new school accommodation, 2no. grass football pitches, 1no. synthetic hockey pitch, 5no. tennis courts, long jump area, hard play area and car parking areas (124no. spaces), one way internal road layout including car and bus drop off arrangements, entrance from the vehicular and pedestrian access vis Greers Road public car park, retaining walls and proposed landscaping.

Decision: PAD

Decision Date: 01-FEB-21

Ref: M/1999/0016

Proposals: Retail Warehousing and associated car parking, housing and new access road (amended scheme)

Decision: PG

Decision Date: 19-APR-00

Ref: M/2007/0787/O

Proposals: Residential development - maximum 210 units at 15m N.E. of 67a Donaghmore Road, Dungannon with access roads onto Greers Road, Donaghmore Road and Quarry Lane.

Decision: PG

Decision Date: 06-JAN-12

Ref: LA09/2022/1489/O

Proposals: Residential development - maximum 210 units at 15m NE of 67a Donaghmore Road, Dungannon access onto Greers Road, Donaghmore Road and Quarry Lane (previously approved under M/2014/0572/O)

Decision: APP

Decision Date:

Ref: LA09/2018/1121/PAD

Proposals: Application to vary or replace Roads Conditions imposed on Outline Planning Permission M/2014/0572/O approved 24th October 2016.

Decision: PAD

Decision Date: 08-APR-19

Ref: M/2005/0081/F

Proposals: Retail warehousing & associated car parking, housing and new access road
Renewal of M/1999/0016

Decision: PG
Decision Date: 12-APR-05

Ref: M/2006/1442/Q
Proposals: Housing Development
Decision: 211
Decision Date: 27-JUL-06

Ref: M/2014/0572/O
Proposals: Renewal of residential development (M/2007/0787/O), maximum of 210 units with access onto Greers Road, Donaghmore Road and Quarry Lane, Dungannon
Decision: PG
Decision Date: 25-OCT-16

Ref: LA09/2018/1277/PAN
Proposals: Redevelopment of existing brownfield site and car park to provide a mixed-use development including hotel, retail units, car parking, public realm and all associated site and access works
Decision: PANACC
Decision Date: 19-DEC-18

Ref: LA09/2018/1274/PAD
Proposals: Redevelopment of existing brownfield site and car park to provide a mixed-use development including hotel, retail units, car parking, public realm and all associated site and access works
Decision: PAD
Decision Date: 01-JAN-19

Ref: M/1976/0110
Proposals: PLANNING APPLICATION FOR CAR PARK
Decision: CROWN
Decision Date:

Ref: LA09/2017/0390/PAD
Proposals: Redevelopment Of Site
Decision: PAD
Decision Date: 08-JUN-17

Ref: M/1976/0427
Proposals: ERECTION OF HOTEL
Decision: PG
Decision Date:

Ref: LA09/2019/0854/F
Proposals: Proposed new spur road from Greers Road to lands approved (M/2014/0572/O) for outline residential development for maximum of 210 units with

access onto Greers Road, Donaghmore Road and Quarry Lane. The right of way road will also provide access to the existing car park (Amended Description)

Decision:

Decision Date:

Ref: M/1999/0068

Proposals: Retail Development

Decision: PG

Decision Date:

Ref: M/1999/0232

Proposals: Proposed Retail Development including associated car parking (Amended Site)

Decision: PG

Decision Date: 31-OCT-00

Ref: M/2007/0831/F

Proposals: Mixed use development, including retail space in 12 no. retail units, kiosk/cafe, 84no. apartments, associated landscaping, access, associated infrastructure and car parking.

Decision: PG

Decision Date: 22-DEC-09

Ref: M/2011/0322/F

Proposals: Renewal of planning approval M/2005/2069/F (Retail Development and Associated Carparking).

Decision: PG

Decision Date: 21-DEC-11

Ref: M/1973/0032

Proposals: HOTEL

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

DFI Roads - Enniskillen Office-Substantive: TBC

DFI Roads - Enniskillen Office-Substantive: TBC

DFI Roads - Enniskillen Office-

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DFI Roads - Enniskillen Office-LA09 19 0854 F Greers rd dungannon 4.docx
DFI Roads - Enniskillen Office-LA09 19 0854 F Greers rd dungannon 6.docx

Drawing Numbers and Title

Roads Details Plan Ref: 04
Site Layout or Block Plan Plan Ref: 02
Road Access Plan Plan Ref: 03
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.5 |
| Application ID: LA09/2019/1011/O | Target Date: 19 September 2019 |
| Proposal: Proposed housing development. | Location: Lands To The East & North East Of 89 Loup Road Loup Moneymore. |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Mr K Scullion 106 Loup Road Loup Moneymore BT45 7TD | Agent Name and Address: Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD |
| Executive Summary: | |

Case Officer Report**Site Location Plan**

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Consultations:

| Consultation Type | Consultee | Response |
|--------------------------|---|-------------------------------------|
| | NI Water - Multiple Units West | Substantive: TBCResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | Environmental Health Mid Ulster Council | Substantive: TBCResponseType: FR |
| | NI Water - Strategic Applications | Substantive: TBCResponseType: FR |
| | Historic Environment Division (HED) | Substantive: YResponseType: FR |
| | Rivers Agency | Substantive: YResponseType: FR |
| | NIE Belfast | Substantive: TBCResponseType: FR |
| | NI Water - Multiple Units West | Substantive: TBC |
| | NIE Belfast | Substantive: TBCResponseType: FR |
| | Environmental Health Mid Ulster Council | Substantive: TBCResponseType: FR |
| | NIE Belfast | Substantive: |

| | | |
|--|---|--|
| | | TBCResponseType: FR |
| | NI Water - Multiple Units West | Substantive: TBC |
| | NI Water - Multiple Units West | Substantive: TBC |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | Environmental Health Mid Ulster Council | Substantive: TBCResponseType: FR |
| | Environmental Health Mid Ulster Council | Substantive: TBCResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | NI Water - Multiple Units West | Substantive: TBCResponseType: FR |
| | Environmental Health Mid Ulster Council | Substantive: TBCResponseType: FR |
| | Rivers Agency | Substantive: YResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: TBC |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: TBC |
| | DFI Roads - Enniskillen Office | Substantive: TBC |
| Statutory Consultee | DFI Roads - Enniskillen Office | |
| Statutory Consultee | DFI Roads - Enniskillen Office | |
| Statutory Consultee | DFI Roads - Enniskillen Office | .Reply DFI La19 2019 1011 Loup Rd.docx |
| Non Statutory Consultee | NI Water - Multiple Units West | LA09-2019-1011-O.pdf |
| Statutory Consultee | DFI Roads - Enniskillen Office | |
| Statutory Consultee | NI Water - Multiple Units West | LA09-2019-1011-O.pdf |
| Statutory Consultee | DFI Roads - Enniskillen Office | 23-01-2023.docx.Reply DFI La19 2019 1011 Loup Rd - feb 2023.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | |
| Representations: | | |
| Letters of Support | | 0 |
| Letters of Objection | | 2 |
| Letters Non Committal | | 0 |
| Number of Support Petitions and signatures | | |
| Number of Petitions of Objection | | |

and signatures

Summary of Issues

Two letters of objection has been received in relation to this planning application and raised the following issues;

- o Visibility splays extending across third party lands without consent.

The issue of visibility splays crossing third party lands are a civil matter for consideration between the applicant and landowner.

- o Visibility splays at an adjacent access were required to be 2.04m x 120m, but the splays for the proposed development are only 2.4m x 78.6m.

The issue of visibility splays have been considered by Dfl roads service who have advised that visibility splays of 2.4 metres by 90 metres together with forward sight distance of 90 meters at the junction of the proposed access road from "site A" with the public road and visibility splays of 2.4 metres by 78.6 metres together with forward sight distance of 78.6 meters at the junction of the proposed access road from "site B" with the public road, shall be provided.

Dfl Roads did not advise as to why a reduction in the required visibility splays were accepted as referred to by the objector. However, each application is assessed on its own merits and as Dfl roads have advised that the proposed visibility splays are sufficient, therefore the proposal is being recommended for approval on that basis.

Characteristics of the Site and Area

The site comprises two separate fields on opposite sides of the Loup Road. The smaller field on the northern side of the Loup Road extends to around 0.4ha whilst the larger field to the southern side of the Loup Road extends to around 0.6ha.

The northern most part of the site is bounded along the road by a 1.2m wide grass verge with a dry ditch and a post and wire fence to the rear. The eastern and western boundaries are defined by a 1.5m high hedge and a mature hedgerow respectively. The northern boundary is defined by a 2.5m-3.0m high hedgerow. The field rises steeply from the road towards the northern boundary and also from the eastern side towards the north west corner. A high voltage overhead electricity line traverses the site in a north to south direction and continues across the road into the southern field. The public road rises up gently from the front of no.92 to a point approximately 40m from the western boundary before levelling out.

The southern field is bounded along the site frontage by a low cut thorn hedge with ground levels sitting slightly lower than and following those of the public road. The eastern boundary is undefined and traverses through the middle the open field, as does the southern boundary. The western boundary is defined by a mature hedgerow along the northern section with an agricultural laneway extending outside the site boundary and providing access to the adjacent fields to the south. The western boundary also contains a single storey stone shed with a number of mature trees and hedges to the north and south and which also extend trough the middle of the site. This section of the site falls gently from the road towards the south.

Description of Proposal

This is an outline application for a proposed housing development on a split site which extends across two separate parcels of land on opposite sides of the Loup Road. The notional concept plan indicates the provision of a total of ten dwellings split between the two parts of the site, four dwellings on the northern portion and six on the southern portion.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The relevant policies for consideration of this application are:

Cookstown Area Plan 2010

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Creating Places

The lands in question are contained within two separate parcels on opposite sides of the public road. Both parcels of land are indicated as white land in the Cookstown Area Plan.

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

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

As this is an outline application the concept plan is being treated as a proposed block plan and is therefore being assessed against these criteria as follows:-

(a) The proposal meets the first of these criteria in that it respects the surrounding context in terms of layout as the density of the proposed site is for ten dwellings, four on the northern portion and six on the southern portion. This extends to a total of 10 dwellings on a site of approximately 1.0ha. This density sits comfortably within the surrounding developments where the nearby development of Nenagh Place has five dwellings on a site of 0.4ha, giving a density of 12.5 per hectare.

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

Historic Environment Division were consulted in respect of three features of archaeological and built heritage and advised that on the basis of the information provided are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

(c) This layout shows a notional layout for 10 dwellings, therefore there is no requirement for the provision of public open space. This arrangement has the potential to provide for all dwellings to have adequate private amenity space.

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

(e) When developed, the site will have good access along the Loup Road, where the public footpath has recently been extended and which will connect through to the site, thereby providing an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system;

(f) Adequate provision can be made for all sites to have in-curtilage parking, as indicated on the concept plan.

(g) As this is an outline application, the design of the development in terms of form, materials and detailing has not been considered in detail. However, this can be conditioned and considered at Reserved Matters stage.

(h) The proposed housing layout should not create a conflict with adjacent land uses which are predominantly agricultural fields or existing dwellings. The separation distances from the existing dwellings are such that the proposed layout should not have a detrimental impact on those.

(i) Generally the layout can be designed to deter crime and to ensure there are no areas which are unsupervised or not overlooked.

Consultee responses

Historic Environment Division (Historic Monuments) assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Roads requested the submission of revised access plans. Amendments were duly

submitted which satisfied all DfI Roads concerns as the cross-section, drawing No. 09 uploaded to the planning portal on 12th December 2022, demonstrates that the two accesses can safely achieve the necessary visibility splays and forward sight distances. Therefore the proposed accesses are acceptable subject to the suggested conditions.

Environmental Health considered the noise impact assessment submitted and advised that they have no objections to the proposal subject to the suggested conditions.

DfI Rivers advised that they have no objection to the proposed development.

NI Water advised that the planning application has not identified the intention to connect to the public wastewater system as a means of disposal. The applicant has identified their intention to use an on-site wastewater treatment facility. On that basis, NI Water had no objection to the proposed development.

NI Electricity advised that subject to the amendments provided to the layout, they have no objection to the proposed development.

Recommendation

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 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.

Condition 3

The layout shall be in general conformity with the stamped approved concept plan drawing no. 10 uploaded to the planning portal on 6th November 2023 and shall be designed in accordance with Policy QD1 of Planning Policy Statement 7 "Quality Residential Environments" and the associated supplementary guidance "Creating Places".

Reason: To ensure the provision of a quality residential development.

Condition 4

The reserved matters submission shall include a plan of the site indicating the finished floor level(s) of the proposed building(s), existing and proposed ground levels in relation to a fixed point on the Loup Road and the position, height and materials of any retaining walls.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the existing and proposed dwellings.

Condition 5

A landscape management plan shall be submitted at reserved matters stage to include details of all existing vegetation within the site indicating those trees and hedgerows to be retained or removed and methods for their protection during construction works, all proposed hard and soft landscape works, planting plans; written planting specifications; schedules of plants and trees indicating site preparation, planting methods, the species, the size at time of planting, location, spacing and numbers and an implementation and maintenance programme. The landscape management plan should include adequate compensatory planting for the loss of the hedgerows along the Loup Road frontage.

Reason: To ensure the provision of a quality residential development.

Condition 6

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

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

Condition 7

The existing natural screenings along the northern and western boundaries of this site, shall be permanently retained at a minimum height of 4m, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

Reason: To ensure the provision of a quality residential development.

Condition 8

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

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

Condition 9

No development hereby permitted shall commence until a satisfactory method for sewage disposal has been submitted to and agreed with Mid Ulster District Council in consultation with NI Water.

Reason: In the interests of residential amenity and to ensure there is a satisfactory means of sewage disposal.

Condition 10

The 2m wide footway from entrance A should extend to the end of the radii with a PCP to the footway on the Northern side of the road. This will provide a safe crossing position for pedestrians. The remainder of the verge across site A shall be levelled to provide a 2.5m verge with side slope which will be adopted as part of the roads network. A new 2m wide footway should be provided across the frontage of site B to connect with the existing footway network.

Reason: to provide a safe environment for road users.

Condition 11

The visibility splays of 2.4 metres by 90 metres together with forward sight distance of 90 meters at the junction of the proposed access road from "site A" with the public road, shall be provided. The visibility splays of 2.4 metres by 78.6 metres together with forward sight distance of 78.6 meters at the junction of the proposed access road from "site B" with the public road, shall be provided.

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

Condition 12

The wastewater package treatment plant shall be located as shown on drawing 10 uploaded to the planning portal on 6th November 2023 and shall be installed and fully operational prior to the occupation of any dwellings hereby approved.

Reason: To protect nearby residential amenity from noise and odour.

Condition 13

The odour concentration associated with the wastewater package treatment plant in condition 12 shall not exceed 5 ouE/m³ directly above the unit and not more than 3

ouE/m³ at 5 metres from the unit.

Reason: To protect nearby residential amenity from odour.

Condition 14

The noise level associated with the wastewater package treatment plant in condition 12 shall not exceed 5dB (A) below any background level measured at the nearest sensitive dwelling.

Reason: To protect nearby residential amenity from noise.

Condition 15

An adequate maintenance programme for the wastewater package treatment plant, along with signed contract of those that will be responsible for its maintenance, shall be agreed in writing with Mid Ulster District Council prior to the occupation of any dwelling hereby approved. The agreed maintenance programme shall be carried out for the lifetime of the wastewater package treatment plant, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise and odour.

Condition 16

Within 4 weeks of a written request by Mid Ulster District Council, following odour or noise complaint from the occupant of a dwelling, which lawfully exists or has planning permission at the date of this consent, the operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of emissions from the wastewater package treatment plant.

Reason: To protect nearby residential amenity from noise and odour.

Condition 17

Any works required to resolve noise or odour issues shall be carried out by an approved operator of the wastewater package treatment plant and shall comply with the requirements of condition 15 and/or 16. The works shall be completed within a reasonable timeframe to the agreement of Mid Ulster District Council on identification of a nuisance. On completion of the works, the operator shall provide details of a monitoring survey to Mid Ulster District Council for written approval.

Reason: To protect nearby residential amenity from noise and odour.

Condition 18

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

The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

Case Officer: Malachy McCrystal

Date: 19 January 2024

| ANNEX | |
|--|-----------------|
| Date Valid | 25 July 2019 |
| Date First Advertised | 8 August 2019 |
| Date Last Advertised | 7 August 2019 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 87 Loup Road, Moneymore, Londonderry, BT45 7ST</p> <p>The Owner / Occupier 94 Loup Road, Moneymore, Londonderry, BT45 7ST</p> <p>The Owner / Occupier 89 Loup Road, Moneymore, Londonderry, BT45 7ST</p> <p>The Owner / Occupier 92 Loup Road, Moneymore, Londonderry, BT45 7ST</p> <p>The Owner / Occupier 88 Loup Road, Moneymore, Londonderry, BT45 7ST</p> <p>The Owner / Occupier 91 Loup Road, Moneymore, Londonderry, BT45 7ST</p> | |
| Date of Last Neighbour Notification | 1 July 2022 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| Summary of Consultee Responses | |
| <p>NI Water - Multiple Units West-Substantive: TBCResponseType: FR</p> <p>DFI Roads - Enniskillen Office-Substantive: YResponseType: FR</p> <p>Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR</p> <p>NI Water - Strategic Applications-Substantive: TBCResponseType: FR</p> <p>Historic Environment Division (HED)-Substantive: YResponseType: FR</p> <p>Rivers Agency-Substantive: YResponseType: FR</p> <p>NIE Belfast-Substantive: TBCResponseType: FR</p> <p>NI Water - Multiple Units West-Substantive: TBC</p> <p>NIE Belfast-Substantive: TBCResponseType: FR</p> | |

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
NIE Belfast-Substantive: TBCResponseType: FR
NI Water - Multiple Units West-Substantive: TBC
NI Water - Multiple Units West-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
NI Water - Multiple Units West-Substantive: TBCResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
Rivers Agency-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-
DFI Roads - Enniskillen Office-
DFI Roads - Enniskillen Office-.Reply DFI La19 2019 1011 Loup Rd.docx
NI Water - Multiple Units West-LA09-2019-1011-O.pdf
DFI Roads - Enniskillen Office-
NI Water - Multiple Units West-LA09-2019-1011-O.pdf
DFI Roads - Enniskillen Office-23-01-2023.docx.Reply DFI La19 2019 1011 Loup Rd -
feb 2023.docx
DFI Roads - Enniskillen Office-

Drawing Numbers and Title

Housing Concept Plan Plan Ref: 05/8
Housing Concept Plan Plan Ref: 05/6
Housing Concept Plan Plan Ref: 05/5
Housing Concept Plan Plan Ref: 06/1
Housing Concept Plan Plan Ref: 05/4
Site Location Plan Plan Ref: 01/1
Roads Details Plan Ref: 06
Housing Concept Plan Plan Ref: 05/3
Housing Concept Plan Plan Ref: 05/2
Housing Concept Plan Plan Ref: 05/1
Further Particulars Plan Ref: 03/1
Housing Concept Plan Plan Ref: 05
Further Particulars Plan Ref: 03
Housing Concept Plan Plan Ref: 04
Housing Concept Plan Plan Ref: 02
Site Location Plan Plan Ref: 01
Further Particulars Plan Ref: 07
Housing Concept Plan Plan Ref: 05/7
Housing Concept Plan
Cross Sections
Housing Concept Plan
Cross Sections Plan Ref: 07/1

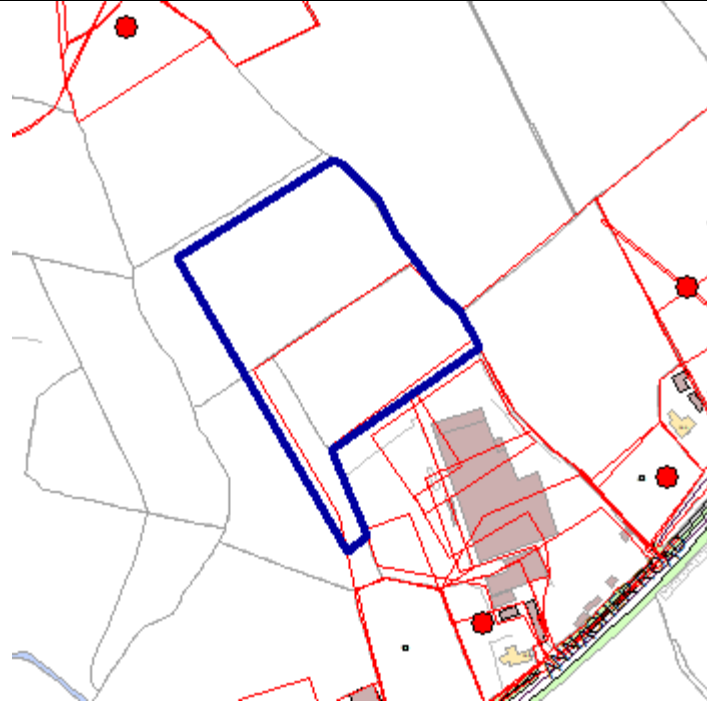
Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5 |
| Application ID: LA09/2021/0837/F | Target Date: 28 July 2021 |
| Proposal: Provision of assembly factory buildings and increased hardstanding to the rear of existing manufacturing premises in order to accommodate business expansion on existing site | Location: 200 Annagher Road Coalisland Dungannon |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: MC Grath Engineering Ltd 200 Annagher Road Coalisland | Agent Name and Address: Consulting Civil Engineers 15 Derrytresk Road Coalisland Dungannon BT71 4QL |
| Executive Summary: Approval recommended | |

Case Officer Report**Site Location Plan**

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Consultations:

| Consultation Type | Consultee | Response |
|--------------------------|---|---|
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | Environmental Health Mid Ulster Council | Substantive: TBCResponseType: FR |
| | DETI - Geological Survey (NI) | Substantive: YResponseType: FR |
| | NI Water - Strategic Applications | Substantive: YResponseType: FR |
| | DFI Roads - Enniskillen Office | Substantive: YResponseType: FR |
| | Environmental Health Mid Ulster Council | Substantive: TBC |
| | Environmental Health Mid Ulster Council | Substantive: TBC |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | LA09-22-0837 F 200 Annagher Road Coalisland Dungannon.doc |
| Statutory Consultee | Environmental Health Mid Ulster Council | |
| Statutory Consultee | Rivers Agency | 389251- Final |

| | | |
|---|---|----------------------------|
| | | Response.pdf |
| Statutory Consultee | Environmental Health Mid Ulster Council | LA09.2021.0837.F.pdf |
| Statutory Consultee | Rivers Agency | 312019- Final Response.pdf |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | |
| Statutory Consultee | Rivers Agency | 203203- Final Response.pdf |
| Statutory Consultee | Environmental Health Mid Ulster Council | Planning Response 4.pdf |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | |
| Representations: | | |
| Letters of Support | | 0 |
| Letters of Objection | | 1 |
| Letters Non Committal | | 0 |
| Number of Support Petitions and signatures | | |
| Number of Petitions of Objection and signatures | | |
| Characteristics of the Site and Area | | |
| <p>The site is located at 200 Annagher Road, Dungannon. It is located in open countryside outside the development limits of Coalisland.</p> <p>The site is currently agricultural land used for grazing. It is rectangular in shape and is located to the rear of existing industrial buildings and the applicants large, detached dwelling which occupies a generous plot.</p> <p>There are residential properties located along the Annagher Road in both directions, as well as a number of agricultural fields.</p> | | |
| Description of Proposal | | |
| <p>Provision of assembly factory buildings and increased hardstanding to the rear of existing manufacturing premises in order to accommodate business expansion on existing site</p> | | |
| Planning Assessment of Policy and Other Material Considerations | | |
| <u>Policy Consideration</u> | | |
| Dungannon and South Tyrone Area Plan 2010 | | |
| <p>The site is located as being in the open countryside, outside of the settlement limits of Coalisland, as defined by DSTAP 2010.</p> | | |

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

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

PPS21 - Policy CTY 1 – Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

However, planning permission will be granted for non-residential development in the countryside in certain cases, the relevant criteria in this case would be ‘industry and business uses in accordance with PPS 4’.

PPS4 – Planning & Economic Development’-

PED3 - expansion of an established economic development use in the countryside.

The expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated this is not possible, new buildings may be approved provided they are in proportion to the existing buildings and will integrate as part of the overall development.

Any extension or new building should respect the scale, design and materials of the original building.

If a proposal would not meet the above policy provisions, the major expansion of an existing industrial premises would only be permitted in exceptional circumstances where the following 3 points are demonstrated;

1. Relocation of the enterprise is not possible for particular operational or employment reasons;

McGrath Eng Ltd is a well-established engineering family business and a major employers in Dungannon. They manufacture materials handling equipment for the quarrying, construction and recycling industries. Demand for their equipment has grown and in response to this they have increased their manufacturing facilities. The proposal will enhance the existing factory which is currently on site and they will require to be

close and so a relocation of the enterprise would not be a viable option.

2. The proposal would make a significant contribution to the local economy;

The creation of jobs is a principle motivator for the company and in order to create and protect jobs this proposal is necessary to continue to expand the business.

3. The development would not undermine rural character;

Currently existing adjacent to the site are stores, canteen, office and assembly and prep areas, and an outside testing area, and area for finished products. This type of development is established in this particular location. It will have roller shutter grey doors, concrete walls and corrugated metal sheeting, all typical finishes and materials for this type of development.

Measures to aid integration will be required in all cases, and with this proposal the existing thorn hedges to the rear of the site will be conditioned to be retained and augmented when necessary. This will provide screening and limit the visual impact of the building into the rural landscape. The closest dwelling (not within the applicant's ownership) is No.206 Annagher Road, approx. 200m from the proposal and 80m from existing buildings.

Rural character will not be undermined due to this building, because of its location, screening provided and the existing development which currently existing adjacent to the site.

PED9 relates to the general criteria for economic development.

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

(a) It is compatible with surrounding land use.

The proposed site lies within an area that has similar uses in the open countryside. The nearby approvals show the site has industrial uses approved like this one.

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

There is no significant detrimental impact on any neighbouring residential properties. It is set a sufficient distance from existing dwellings which will remain relatively unaffected.

(c) It does not adversely affect features of the natural or built heritage.

There are no listed buildings nearby the site or any archaeological features that could be affected.

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

DFI Rivers were consulted from a drainage and flood risk aspect. The drainage assessment was reviewed, and it has demonstrated the design and construction of a suitable drainage network is feasible and a condition has been provided to safeguard against flood risk to the development.

(e) It does not create a noise nuisance.

Conditions have been provided from Env Health including those relating to operating hours and provision of a 5m berm, to protect residential properties amenity from noise.

(f) It is capable of dealing satisfactorily with any emission or effluent.

(g) The existing road network can safely handle any extra vehicular traffic.

DFI Roads have been consulted on submitted plans and offer no objections subject to conditions provided.

(h) Adequate access arrangements, parking and manoeuvring areas are provided.

Access, movement and parking have been assessed by DFI Roads and conditions have been provided.

(i) A movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport.

In line with PPS3, DFI Roads have been consulted and have no objections, providing conditions.

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

Finishes and materials of the building are typical for this type of development, and are acceptable in this location. The layout of the built form and the landscaping scheme are in keeping with the surrounding area and are of a high standard. These will also be conditioned.

(k) Appropriate boundary treatment and means of enclosure have been provided and any areas of outside storage proposed are adequately screened from public view.

The existing planting, which will be conditioned to be retained and the 5m berm proposed aids with this, while still providing the enclosure that a proposal of this type requires.

(l) It has been designed to deter crime and promote personal safety; and

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

The landscaping provides adequate screening for the site aiding with the integration of this rural open site as per the requirements of PED3. Conditions will be attached to ensure this.

Overall the proposal meets with the criteria of PED9 of PPS4 and the above criteria has been satisfactorily met.

PPS15 - Planning and Flood Risk

FLD3 - DFI Rivers have reviewed the Drainage Assessment (DA), which demonstrates that the design and construction of a suitable drainage network is feasible. It indicates the 1 in 100 year event with an additional allowance for climate change (10%) could be contained within the attenuation system, when discharging at existing green field runoff rate and therefore there will be no exceedance flows during this event.

The DA states that the drainage system could be subject to change at detailed drainage design therefore DFI Rivers requests a condition is added as part of planning approval to safeguard against any flood risk to and from the development.

Representations

Objections have been received from a neighbouring property, No 63 Lisnastrane Road (image 1). To note, this dwelling has approval for an off-site replacement under LA09/2017/0750/F and Renewal of LA09/2017/0750/F- Proposed replacement dwelling and outbuildings. The proposed location is some 20m forward of the current house and I am content the potential new location has also been taken into consideration in terms of noise issues and any impacts visually (see image 2 below)

The objector has no issue with business in principle, but has raised concerns which I will address in turn;

- Env Health issues in relation to noise, - increase in emissions, negative impact on Env and air quality.

EH were consulted and were made aware of the objectors' issues, an odour assessment and noise impact assessment were also considered. EH requested additional information which was submitted by the agent's Acoustic experts. It was noted the report advises the existing processes undertaken on site will be relocated to the proposal site, and the existing sheds will be converted to warehousing to provide better office and canteen facilities. Noise modelling was submitted, which includes the location of a 5m high noise berm to the northern and western boundaries of the site (as shown in image 1) Based on the information submitted EH would recommend approval with conditions.



Image 1

Following Env Health consultation response on 5th Jan 2024, the objectors raised number of points which I will address following discussion with the EH officer.

* In relation to the 5m Noise Berm – why is this only shown on the Northern and western sides and not on the eastern and southern sides?

The highest predicted noise level at 208 Annagher Road has been predicted with no noise berm in place along the eastern side of the proposal. The predicted noise level is based on all equipment and activities associated with the proposal operating simultaneously to capture a worst-case scenario.

With regards to the eastern boundary, although this was originally mentioned by the noise consultation in correspondence and that there has been issues with space, there is an existing bank and planting along here and through discussions with EH it was deemed acceptable that the proposed berms would enclose the sides of the building and integrate with that existing along the east.

* If planning had been sought before construction began rather than applied for retrospectively these issues would have been 'properly reviewed' at that time?

EH are content all noise issues have been taken into account and full consideration has been given to the objectors comments. The applicant's noise consultant has provided noise data and modelling which has allowed EH to provide a robust response and provide conditions which will protect the amenity of all nearby receptors.

* EH refer to drawing 486-016 in their condition and not the section drawing 486-014.

Following discussion with EH, they have no issue in my adding this drawing number to their condition to include the levels and cross sections of the 5m berms.

- Size and scale of the proposal.

The shed is 13.7m to the highest point. It is considered acceptable in this location with the screening provided and the distance from other properties.

- Mitigation measures are required.

Amended plans show the location of a 5m high noise berm to the northern and western boundaries of the site. These noise mitigation measures are considered adequate to protect the amenity of neighbouring properties.

- Access is dangerous.

DFI Roads were consulted on the access and have provided relevant conditions.

- Out of character and will set a precedent for the area.

The proposed development will integrate into the area due the set back nature of the site, planting scheme and the planning conditions to be attached, which will ensure retention and augmentation of vegetation.

Each application that is submitted in future will be assessed against relevant policy and current applications will be taken into consideration.

- Business has other premises elsewhere - other sites are more suitable.

The proposal has been assessed against PPS4 and is felt to have met the criteria as detailed above in the planning assessment.

- NN letter issue, in that due to the 90m rule a number of properties who should have been notified were not sent letters, and felt should have been due to the scale and size of this proposal.

This point is noted, however the Statutory Neighbour notification process was carried out correctly in accordance with our guidance and those neighbours notified. A press advertisement was also carried out to notify the public.



Image 2

- * Blue circle indicates the site
- * Yellow Circle indicated objectors property.

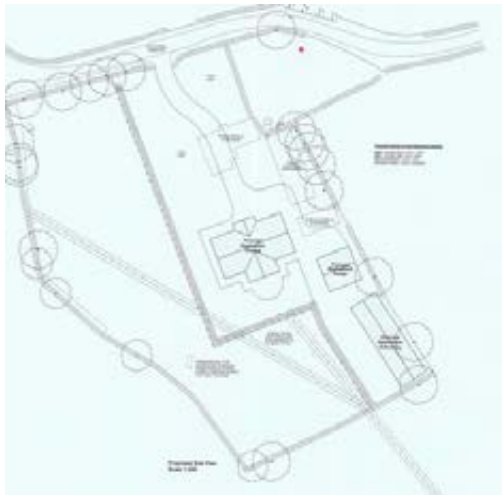


Image 3

- * Above map indicates position of approved replacement dwelling in relation to the existing buildings on site.

In conclusion, after considering all the consultation responses, objections and the assessment against relevant planning policy, I recommended approval with relevant conditions.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The noise level from the proposal shall not exceed the limits outlined in the table below during the permitted hours of operation when measured at a distance of 3 metre from the façade of the appropriate residential property as predicted in the Acoustic Designs email dated 18th December 2023

| Name | Address | X-Y coordinates | dB(A) |
|--------|---------------------|-----------------|-------|
| Rec 1 | 198 Annagher Road | 285,603 367,131 | 56.0 |
| Rec 2 | 196 Annagher Road | 285,554 367,082 | 51.2 |
| Rec 3 | 180 Annagher Road | 285,039 367,192 | 41.6 |
| Rec 4 | 47 Lisnastrane Road | 285,217 367,390 | 37.5 |
| Rec 5 | 49 Lisnastrane Road | 285,240 367,551 | 35.2 |
| Rec 6 | 55 Lisnastrane Road | 285,346 367,524 | 36.9 |
| Rec 7 | 63 Lisnastrane Road | 285,492 367,522 | 41.6 |
| Rec 8 | 24 Dernagh Drive | 285,877 367,537 | 45.5 |
| Rec 9 | 212 Annagher Road | 285,782 367,352 | 50.4 |
| Rec 10 | 208 Annagher Road | 285,748 367,254 | 52.4 |
| Rec 11 | 86 Moor Road | 285,887 367,178 | 47.2 |
| Rec 12 | 82 Moor Road | 285,865 367,020 | 38.3 |

Reason: To protect amenity of nearby residential dwellings.

Condition 3

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

Reason: To protect amenity of nearby residential dwellings.

Condition 4

Following completion of the noise survey and where noise monitoring demonstrates exceedances of noise limits stipulated in condition 1 the applicant shall provide details of additional noise mitigation measures that will be incorporated into the proposal to ensure compliance with condition 2.

Reason: To protect amenity of nearby residential dwellings.

Condition 5

Prior to the commencement of any work on site the applicant shall ensure that a 5m high noise berm as depicted on the PG Quinn Ltd drawing no 486-016m and 486-014 both dated 01.10.23 is erected along the northern and western sides of the proposal. The berm shall be permanently maintained and retained thereafter.

Reason: To protect amenity of nearby residential dwellings.

Condition 6

All fork-lift trucks operating within the development site shall be fitted with white noise (full spectrum) reversing alarms.

Reason: To protect amenity of nearby residential dwellings.

Condition 7

All doors to the proposal shall be kept closed at all times except for access and egress.

Reason: To control noise and protect residential amenity

Condition 8

No activities or processes associated with this proposal (apart from those modelled within the Acoustic Design reports) shall take place within the external yard area associated with this development, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect amenity of nearby residential dwellings.

Condition 9

The proposal shall not operate outside the hours of 08:00 hours and 18:30 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturdays, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect amenity of nearby residential dwellings.

Condition 10

There shall be no deliveries and/or external activity outside the hours of 08:00 hours and 18:30 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturdays. There shall be no site activity on Sundays or public/bank holidays.

Reason: To protect amenity of nearby residential dwellings.

Condition11

The use class of all existing buildings within the blue line as determined by the 'Planning (Use Classes) Order (Northern Ireland) 2015,' shall be restricted to Class B4: Storage or distribution.

Reason: To protect amenity of nearby residential properties.

Condition12

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

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

Condition13

The vehicular access (es), including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 REV1 bearing the date stamp 22 FEB 2022, prior to the (commencement/occupation/operation) of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition14

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

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

Condition15

Upon operation of the building hereby approved, the existing uses of the buildings as shown in green on Plan2 Rev 01 stamped 25 Feb 2002 should revert to storage/office use only.

Reason: To protect the amenity of nearby residential properties.

Condition16

The existing natural screenings of this site as shown on Plan 02 Rev01 date stamped 25 Feb 2022 shall be retained unless necessary to prevent danger to the public in which

case a full explanation shall be given to the Council in writing prior to their removal.

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

Condition17

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

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

Case Officer: Emma McCullagh

Date: 18 January 2024

| ANNEX | |
|--|------------------|
| Date Valid | 2 June 2021 |
| Date First Advertised | 8 November 2022 |
| Date Last Advertised | 15 June 2021 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier Con O'Neill 63 Lisnastrane Road Upper Dernagh Clonoe BT71 5DE | |
| Date of Last Neighbour Notification | 21 December 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| Summary of Consultee Responses | |
| <p>DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR DETI - Geological Survey (NI)-Substantive: YResponseType: FR NI Water - Strategic Applications-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC Environmental Health Mid Ulster Council-Substantive: TBC Environmental Health Mid Ulster Council-LA09-22-0837 F 200 Annagher Road Coalisland Dungannon.doc Environmental Health Mid Ulster Council- Rivers Agency-389251- Final Response.pdf Environmental Health Mid Ulster Council-LA09.2021.0837.F.pdf Rivers Agency-312019- Final Response.pdf Environmental Health Mid Ulster Council- Rivers Agency-203203- Final Response.pdf Environmental Health Mid Ulster Council-Planning Response 4.pdf Environmental Health Mid Ulster Council-</p> | |

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.7 |
| Application ID: LA09/2022/0607/F | Target Date: 4 July 2022 |
| Proposal: Proposed housing development consisting of 12 dwellings, 10 semi detached and 2 detached including access road | Location: Site Immediately East Of Ashbrook Nursing Home 50 Moor Road Coalisland |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: D M Investments | Agent Name and Address: MC Keown And Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE |
| Executive Summary: | |

Case Officer Report

Site Location Plan

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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|---|---|
| Non Statutory Consultee | Environmental Health Mid Ulster Council | |
| Statutory Consultee | Rivers Agency | 858249 final.pdf |
| Statutory Consultee | DFI Roads - Enniskillen Office | LA09-2022-0607-F Check List.docx LA09-2022-0607-F.docx |
| Non Statutory Consultee | NI Water - Multiple Units West | LA09-2022-0607-F.pdf |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | Planning Response LA09-22-0607.pdf |
| Statutory Consultee | Rivers Agency Craigavon | |
| Statutory Consultee | DFI Roads - Enniskillen Office | |
| Statutory Consultee | DFI Roads - Enniskillen Office | 23-10-2023 Consulted in error.docx |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | Planning Response3 LA09-22-0607.doc |
| Statutory Consultee | DFI Roads - Enniskillen Office | 22-05-2023.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | 27-07-23.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | 28-07-2023.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | Conditions 01-08-2023.docx |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | Planning Response2 LA09-22-0607.pdf |
| Statutory Consultee | Rivers Agency | 286310 final.pdf |
| Statutory Consultee | DFI Roads - Enniskillen Office | 05-05-2023.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | 07-03-2023.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | 03-03-2023.docx |

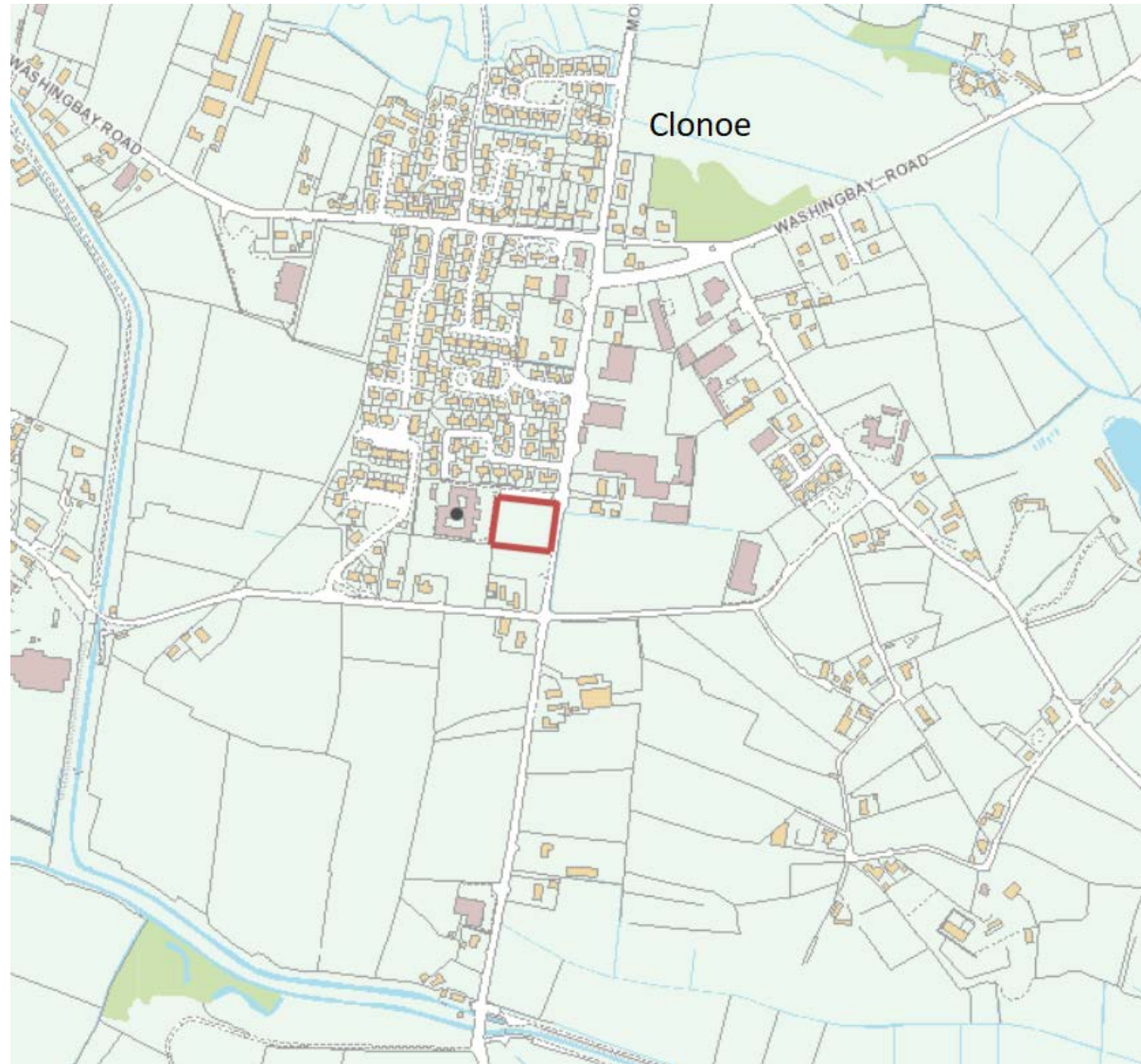
Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site lies within the settlement limits of Clonoe/Annaghmore and outside all other areas of constraint as depicted by the Dungannon and South Tyrone Area plan 2010.



The site is bounded by Ashbrooke Nursing home to the West, Moorlands housing to the North and the main Moor Road to the East and an open field to the South. The land is relatively flat and currently in good agricultural grazing condition.



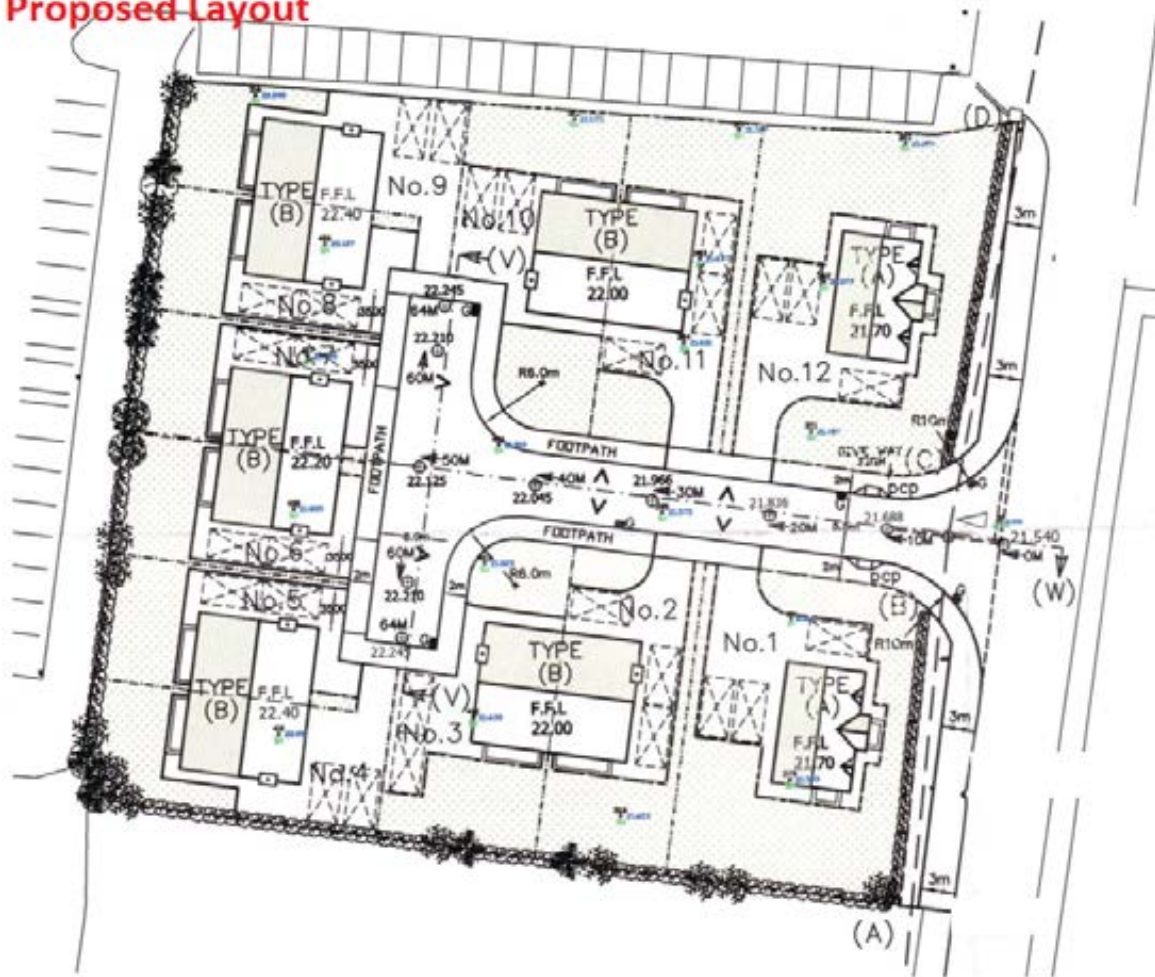
The northern boundary along the access to the nursing home is defined by a low brick wall and a fence, the same for the west along the nursing home frontage, the roadside east boundary is defined by a concrete post and wire fence and the southern boundary is undefined on the ground.



Description of Proposal

The proposal seeks full planning permission for a housing development consisting of 12 dwellings. (10 semidetached and 2 detached) including access road.

Proposed Layout



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Act 2011

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.

Area Plan

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

District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Dungannon and South Tyrone Area Plan 2010

The site is located within the development limits of Annaghmore/Clonoe as defined in the plan. No part of the site is zoned.

Policy SETT1 allows for favourable consideration of development within the limits of development provided it meets a number of criteria.

Relevant Policy

SPPS Strategic Planning Policy Statement
PPS7 Quality Residential Environments
PPS21 Sustainable Development in the Countryside
PPS3 Access, Movement and Parking

Third Party Representations

At the time of writing one objection has been received from a concerned neighbour of Moorlands. The objections main concerns are;

Loss of property value
Loss of privacy/sunlight
Road safety concerns

Consideration of objections

With regards to the first concerns the loss of a property value is not a material consideration for planning.

With regards to Loss of sunlight or privacy, the back to back separation distance between the proposed dwellings and the closest house in Moorlands is approx. 30 metres. This also includes an existing fence, existing row of car parking spaces, a grass verge and a further existing fence. It is clear there will be no loss of sunlight or impact on privacy given all of the above factors.

With regards to Road safety concerns, it is acknowledged that the proposal will create 12 new houses and therefore increased traffic flow. However, the site proposes its own access onto the main road with clear visibility splays of 4.5 x 90 metres in both directions as well as a 3 metre wide footpath along the whole of the site frontage. In addition DFI Roads have been consulted and have raised no concerns about road safety.

Relevant Planning History

There is no relevant planning history on this site.

Recommendation

This proposal seeks permission for a total of 12 units of accommodation. The proposed dwellings are comprised of 2 detached houses at either side of the site entrance and 10 semidetached houses.

The Strategic Planning Policy Statement which was published in September 2015 has retained PPS 7

which was the policy the original application was assessed under and thus applicable for this application.

The principle of development for housing on this site is considered acceptable given the land zoning.

Policy QD1 - Quality in New Residential Development states all proposals for residential development will be expected to conform to all of the following criteria:

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

To the North of the site is the housing development of Moorlands, which is a mix of semi detached and detached dwellings and has a similar density and dwelling size as the proposed. The proposed layout would be largely similar to the majority of the settlements other housing in terms of layout, scale, massing, and the general appearance. There is a proposal for a new native species hedgerow to be planted along the South east and western boundaries with some trees included along the frontage of the nursing home.

b) features of the archaeological and built heritage, and landscaped features are identified and, where appropriate, protected and integrated on a suitable manner into the overall design and layout of the development;

There are no archaeological features in the immediate vicinity of this site.

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

There is sufficient private amenity space provided for each dwelling in this application. A public area of open space has not been indicated within the development, however, it is not a must for a development of this size. A native species hedgerow is proposed along three sides with a scattering of trees along the boundary facing the existing nursing home, this will soften the visual impact of the development and assist in its integration with the surrounding area. I consider this to be acceptable for a development of this size.

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

There is no requirement to provide local neighbourhood facilities, given the proximity to local services and shops within the settlement.

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

There is also a footpath provision provided for pedestrians which would link into an existing footpath network that would lead into the heart of the village and to public transport nodes.

f) adequate and appropriate provision is made for parking;

There is adequate in-curtilage space for parking provided for each dwelling proposed. DfI Roads do not raise any concern in this regard.

g) the design of the development draws upon the best local traditions of form, materials and detailing; Proposed building materials are acceptable for this site and locality.

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

In terms of design the dwellings are all similar to the new dwellings in the surrounding housing developments, the main designs of both the detached and semis are shown below. They are finished in a cream dash with a dark tiled roof and uPvc windows and doors. There are no issues of overlooking or overshadowing and I find the layout to be acceptable when viewed in the context of existing surrounding development.



i) the development is designed to deter crime and promote personal safety.

The site has streetlights located along it which will provide a lit area. Rear gardens are protected by boundary fencing. Overall, the proposal is of a good layout to deter crime, while providing good connectivity to surrounding footpath and road networks.

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas states planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a) the proposed density is not significantly higher than that found in the established residential area; The density is similar to the existing surrounding area ie Moorlands, therefore it is my opinion that it is acceptable.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;

The layout and design of residential development within this development are two storey detached and semi detached. I do not think this proposal is conflicting with the character of the existing residential area.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A
The sizes of the dwellings proposed exceed the minimum recommended standards.

Other considerations

The site is not subject to flooding and there is no open watercourses being culverted.
DfI Roads, environmental health and EHO have also been consulted and responded with no objections subject to conditions and informatives. NIW was consulted and have responded that there is sufficient capacity at the WWTW, however there are potential network capacity issues. It is the councils position that we can negatively condition WWTWs to be agreed.

Recommendation Approval.

An Environmental Impact Assessment was also undertaken as this application falls under Schedule 2 Part 10 b Urban Development projects.

Form this it was determined no Environmental Assessment was required as any issues would be dealt with through the normal development management process in the determining of this application.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The visibility splays of 4.5 metres by 90 metres to the north and 4.5 metres by 120 metres to the south at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No. 06C published on the Council Planning portal on the 27th of July 2023, prior to the commencement of any other works or other development.

REASON: To ensure there is a satisfactory means of access in the interests of road

safety and the convenience of road users.

Condition 3

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

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

Condition 4

All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.02D dated 02 JUN 2023 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Condition 5

An acoustic ventilation system shall be incorporated into the east facing façades of dwellings annotated as sites 1 and 12, on approved drawing No 2D bearing the stamp dated 2 June 2023, prior to the occupation of these dwellings. Each fitted acoustic ventilation system shall have a sound reduction index of 30dB Rw.

Reason: To protect the amenity of residents

Condition 6

Prior to the occupation of any of the dwellings hereby permitted a 1.7m high acoustic barrier shall be erected between points (A) - (B) and (C) - (D) as indicated on approved drawing 2D bearing the stamp dated 2 June 2023. The barrier shall be constructed of either masonry or timber panelling (Close lapped with no gaps).

Reason: To protect the amenity of residents

Condition 7

Prior to the commencement of any of the approved development, the applicant must demonstrate how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161, in a 1 in 100-year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere.

Reason - In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

Condition 8

The development hereby permitted shall not commence until such time as the developer has provided adequate evidence to the Council that NI Water will allow connection to the public sewer, this condition has been discharged and the developer has received written confirmation that the Council has agreed to discharge this condition.

Reason: In the interests of public health.

Condition 9

PSD01 - The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 06C published on the Council Planning portal on the 27th of July 2023.

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

Condition 10

PSDF02 - The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number. 06C published on the Council Planning portal on the 27th of July 2023. The Department for Infrastructure has attached to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

Signature(s): Peter Hughes

Date: 19 December 2023

| ANNEX | |
|--|-----------------|
| Date Valid | 9 May 2022 |
| Date First Advertised | 24 May 2022 |
| Date Last Advertised | 24 May 2022 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 46 Moor Road Coalisland Tyrone BT71 4QB The Owner / Occupier 90 Gortgonis Road Coalisland Tyrone BT71 4QG The Owner / Occupier 10 Moorlands Coalisland Tyrone BT71 4SJ The Owner / Occupier 8 Moorlands Coalisland Tyrone BT71 4SJ The Owner / Occupier 6 Moorlands Coalisland Tyrone BT71 4SJ The Owner / Occupier 4 Moorlands Coalisland Tyrone BT71 4SJ The Owner / Occupier 2 Moorlands Coalisland Tyrone BT71 4SJ The Owner / Occupier 47B Moor Road Coalisland Tyrone BT71 4QB The Owner / Occupier 45 Moor Road Coalisland Tyrone BT71 4QB The Owner / Occupier 47A Moor Road Coalisland Tyrone BT71 4QB The Owner / Occupier 47 Moor Road Coalisland Tyrone BT71 4QB The Owner / Occupier 5 Moorlands Coalisland Tyrone BT71 4SJ The Owner / Occupier Ashbrook Nursing Home 50 Moor Road Coalisland Tyrone BT71 4QB</p> | |
| Date of Last Neighbour Notification | 4 December 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |

Planning History

Ref: M/1993/0621

Type: O

Status: PCO

Ref: LA09/2021/0650/F

Type: F

Status: APPRET

Ref: M/2010/0061/F

Type: F

Status: PG

Ref: LA09/2017/1394/F

Type: F

Status: PG

Ref: M/2002/0821/F

Type: F

Status: PG

Ref: M/2011/0068/F

Type: F

Status: PG

Ref: M/1997/0171

Type: F

Status: PCO

Ref: M/2005/1073/F

Type: F

Status: PG

Ref: M/2007/0496/F

Type: F

Status: PG

Ref: M/1996/0479

Type: F

Status: PCO

Ref: M/1996/0743

Type: F

Status: PCO

Ref: LA09/2022/0607/F

Type: F

Status: PCO

Ref: M/1984/041001

Type: H13

Status: PG

Ref: M/1984/0410

Type: H13

Status: PG

Ref: M/1996/0021

Type: F

Status: PCO

Ref: M/1993/6033

Type: PREAPP

Status: PCO

Ref: M/1979/0766

Type: H13

Status: PG

Ref: M/1975/0269

Type: H13

Status: PG

Ref: M/2003/1274/F

Type: F

Status: PG

Ref: M/2015/0089/F

Type: F

Status: PG

Ref: M/2004/1371/F

Type: F

Status: PG

Ref: M/2000/1077/F

Type: F

Status: PG

Ref: M/1988/0774

Type: F

Status: PCO

Ref: M/2011/0600/F

Type: F

Status: PG

Ref: M/1983/050501

Type: H13

Status: PG

Ref: M/1983/0505

Type: H13

Status: PG

Ref: M/2014/0371/F

Type: F

Status: PG

Ref: M/1993/6017

Type: PREAPP

Status: PCO

Ref: M/2004/1942/LDE

Type: LDE

Status: PG

Ref: M/2006/1772/F

Type: F

Status: PG

Ref: M/1999/0987

Type: A41

Status: 205

Ref: M/2004/0702/F

Type: F

Status: PG

Ref: M/2012/0388/F

Type: F

Status: PG

Ref: M/2006/1523/F

Type: F

Status: PG

Ref: M/2002/0217/O

Type: O

Status: PG

Ref: M/2010/0641/F

Type: F

Status: PG

Ref: M/1977/0011

Type: H13

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Ref: M/1977/001101

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Ref: M/1982/0105

Type: H13

Status: PG

Ref: M/1977/0470

Type: H13

Status: PG

Ref: M/1996/0271

Type: F

Status: PCO

Ref: M/1997/0009

Type: F

Status: PCO

Ref: M/1999/0818/F

Type: F

Status: APPRET

Ref: LA09/2019/1031/F

Type: F

Status: PG

Ref: M/1993/4037

Type: P

Status: PCO

Ref: M/1994/0283

Type: F

Status: PCO

Ref: LA09/2021/0671/F

Type: F

Status: PG

Ref: M/1993/0621C

Type: RM

Status: PCO

Ref: M/1993/0621B

Type: RM

Status: PCO

Ref: M/2011/0198/F

Type: F

Status: PG

Ref: M/1993/0620

Type: F

Status: PCO

Summary of Consultee Responses

Environmental Health Mid Ulster Council-

Rivers Agency-858249 final.pdf

DFI Roads - Enniskillen Office-LA09-2022-0607-F Check List.docxLA09-2022-0607-F.docx

NI Water - Multiple Units West-LA09-2022-0607-F.pdf

Environmental Health Mid Ulster Council-Planning Response LA09-22-0607.pdf

Rivers Agency Craigavon-

DFI Roads - Enniskillen Office-

DFI Roads - Enniskillen Office-23-10-2023 Consulted in error.docx

Environmental Health Mid Ulster Council-Planning Response3 LA09-22-0607.doc

DFI Roads - Enniskillen Office-22-05-2023.docx

DFI Roads - Enniskillen Office-27-07-23.docx

DFI Roads - Enniskillen Office-28-07-2023.docx

DFI Roads - Enniskillen Office-Conditions 01-08-2023.docx

Environmental Health Mid Ulster Council-Planning Response2 LA09-22-0607.pdf

Rivers Agency-286310 final.pdf

DFI Roads - Enniskillen Office-05-05-2023.docx

DFI Roads - Enniskillen Office-07-03-2023.docx

DFI Roads - Enniskillen Office-03-03-2023.docx

Drawing Numbers and Title

Site Layout or Block Plan
Proposed Plans
Site Location Plan
Site Layout or Block Plan
Proposed Plans
Proposed Plans
Cross Sections Plan Ref: 05
Proposed Plans Plan Ref: 04
Proposed Plans Plan Ref: 03
Site Layout or Block Plan
Site Location Plan
Site Location Plan Plan Ref: 01B
Site Layout or Block Plan Plan Ref: 02D
Proposed Plans Plan Ref: 06C
Proposed Plans Plan Ref: 07A
Roads Details

Notification to Department (if relevant)

Not ApplicableNot Applicable

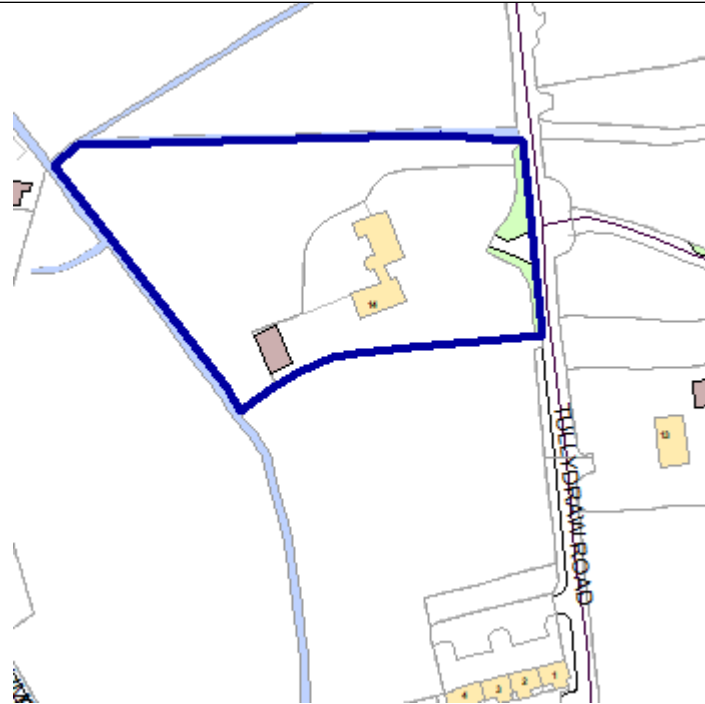


Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.8 |
| Application ID: LA09/2022/1117/F | Target Date: 18 October 2022 |
| Proposal: Retention of shed ancillary to existing business and domestic dwelling and associated works, including extension of domestic and commercial curtilage, landscaping works, garden wall estate fencing and widening of access. | Location: 14 Tullydraw Road Dungannon BT70 1RE |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Paul McCaul 14 Tullydraw Road Dungannon BT70 1RE | Agent Name and Address: 2Plan NI 47 Lough Fea Road Cookstown BT80 9QL |
| Executive Summary: 1no. third party representations has been received from the nearest notifiable neighbour to the rear of the application site. The main issues raised in the objection letter were infilling at the site and potential for flooding. The whole of the application site is within a 1 in 100 year fluvial flood plain. The shed to be retained has been shown as 149sqm commercial floor space and the remaining space domestic but this has just been shown as a line on the floor plan. FLD 1 in PPS 15 does allow for minor development of commercial floor space under 150sqm but this is subject to a satisfactory flood risk assessment. Rivers Agency consultation response stated that infilling had occurred at the site which would have an impact on the function of the flood plain. The applicant has proposed flood storage measures in the adjacent field but this is contrary to mitigation measures stated in FLD 1. | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|--------------------------------|--|
| Statutory Consultee | Rivers Agency | 650986 - Final Response.pdf |
| Statutory Consultee | DFI Roads - Enniskillen Office | Roads Consultation full approval.docx |
| Non Statutory Consultee | Geological Survey NI (DfE) | 3140 MUDC Planning. 14 Tullydraw Road Dungannon BT70 1RE.doc 3140 MUDC Planning. 14 Tullydraw Road Dungannon BT70 1RE.doc |
| Statutory Consultee | Rivers Agency | 698098 - Final Response.pdf |
| Statutory Consultee | Rivers Agency | |

Representations:

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

| | |
|---|--|
| Number of Petitions of Objection and signatures | |
| Summary of Issues | |
| <p>Characteristics of the Site and Area</p> <p>The application site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, detached dwellings on larger plots and groups of farm buildings. Across the road from the site are a row of single dwellings set back from the road and there are no dwellings abutting the north and south boundaries. The application site is a large plot with a flat topography and there is a sweeping driveway to an existing dwelling which is single storey. To the rear of the dwelling are 2no. commercial sheds with separate commercial access.</p> | |
| <p>Description of Proposal</p> <p>This is a full application for retention of shed ancillary to existing business and domestic dwelling and associated works, including extension of domestic and commercial curtilage, landscaping works, garden wall estate fencing and widening of access at 14 Tullydraw Road, Dungannon.</p> | |
| <p>Planning Assessment of Policy and Other Material Considerations</p> <p><u>Policy Consideration</u></p> <p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p> <p>Representations</p> <p>Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party objection has been received.</p> <p>The objection was received by letter on the 7th November 2022 from the owner/occupants of 147 Mullaghmore Road which is a dwelling to the rear of the site. The occupants stated they had no objection to the proposal but have some concerns about recent work carried out to increase the elevation of the application site. It is stated</p> | |

that surface levels have been increased by several feet in some areas. The objector states the area has been subject to regular flooding and has a Flood Risk Assessment been completed. The objector is concerned as to any impacts on her property. The flooding issues will be considered in the assessment of planning policy but Rivers Agency confirmed in their latest consultation response that infilling in the flood plain had occurred and they had concerns about the impact of this infilling on the functioning of the flood plain.

Planning History

No planning history at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010, so SETT 1 does not apply. The site is not within any other zonings or designations within the Plan.

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

PPS 21 Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

The proposal is for the retention of a shed used for both domestic and commercial storage in association with a business called Canadian Spa Ireland. In addition, there is an extension of the curtilage, landscaping works, garden wall, fencing and widening of the access.

Policy PED 4 – Redevelopment of an Established Economic Development Use in the Countryside

As the proposal is for the retention of a shed which is used in conjunction with an established commercial business PED 4 of PPS 4 is the relevant policy which applies.

As shown in figure 1 below the shed is a single-storey with a long rectangular form and metal sheeting on the roof and walls. The shed is located to the rear of the existing dwelling and there are no critical views of the shed in either direction along the Tullydraw Road. Blockwork rendered walls have been constructed behind the dwelling which also shield any critical views of the shed. In addition, as shown in figures 2 and 3 below the curtilage of the dwelling and business has been extended into a neighbouring field to the north. The extended area will serve as a domestic garden and new access to the commercial shed. I am content that the scale and nature of the proposal will not harm the rural character of the area.



Figure 1 – Image of shed to be retained.



Figure 2 – Image from orthophotography of the site in 2016.



Figure 3 – Image from orthophotography of the site in 2022.

I do not consider the proposal will bring environmental benefits to the site as infilling has occurred, the levels have been raised up and the site is within a flood plain. Rivers Agency confirmed in their consultation response on the 14th November 2023 that infilling undermines the flood plain's natural function so the works may exacerbate flooding into neighbouring third party properties and fields.

Overall, I consider the proposal does not meet all the criteria in PED 4.

Policy PED 9 – General Criteria for Economic Development

The proposal is for the retention of a commercial and domestic shed to the rear of the existing dwelling. There is already another shed which has been on site for several years and is associated with a spa business called Canadian Spa Ireland. This business fits swimming pools, spas and hot tubs so the majority of works are at customer's dwellings or businesses. The shed to be retained is for the storage of goods that were previously stored outside. I consider as there is no manufacturing of goods at the site and the shed is for the storage of parts, the use is compatible with the nearby land uses which are mainly residential. I am content there will not be excessive noise or smells from the site which could create unacceptable neighbour amenity.

The site is not within any areas zoned or designated for natural or built heritage.

The application site is wholly within the 1 in 100-year flood plain and Rivers Agency confirmed the applicant has completed infilling to raise up levels at the site. In Rivers Agency latest response it is stated that the infilling undermines the natural function of the flood plain.

I am content that the use of the proposed shed will not create a noise nuisance as the shed is used for storage by the existing business. There will not be high volumes of customers visiting the application site which may create excessive traffic movements.

I consider due to the nature of the business there will be no issues with emissions or effluent.

The applicant has stated on the P1 form there will be no increase in customers or

vehicular movements to the site so I am content there will not be any extra pressure on the road network.

DFI Roads were consulted in relation to the widened access and had no objection to the proposal. There is a concrete yard to the rear of the dwelling beside the sheds which I am content is sufficient for parking and turning of cars associated with the business.

The applicant has extended the curtilage to the north of the existing dwelling which was previously agricultural land. A landscaping scheme has been provided which demonstrates further planting in this area to promote biodiversity.

I am content the proposal will integrate into the landscape as the shed to be retained is to the rear and there are minimal critical views.

Overall, I consider the proposal does not meet all the criteria in PED 9.

Annex A – Homeworking

Within the application site there is an existing dwelling but to the rear are two sheds which are used in conjunction with a spa business. I consider the established business is homeworking as the applicant and owner of the spa business is living in the associated dwelling. The business use is primarily located in two sheds to the rear of the dwelling but the main use at the site is residential. The applicant has stated the main uses for the buildings at the site are storage and the applicant installs hot tubs at customers premises or dwellings so there are limited visitors to the site. I am content that due to the nature of the business and the use of the shed for storage there will not be unacceptable neighbour amenity. I consider the proposal can be considered homeworking as there is not a significant increase in the volume of traffic or visitors to the site or an increase in noise or fumes and no specialist equipment has been installed on site.

As a portion of the shed to be retained will be used for domestic purposes I consider PPS 7 Addendum is a relevant policy to be considered.

Addendum to PPS 7 - Residential Extensions and Alterations: sets out planning policy and guidance for achieving quality in relation to proposals for residential extensions and alterations.

No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (The Addendum). Policy EXT1 of APPS7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where four specific criteria are met.

Scale, Massing, Design and Appearance

I have no concerns about the scale and massing of the shed to be retained as it is located to the rear of an existing dwelling. The finishes are characteristic of a rural building so I am content the building will not have an unacceptable impact on the

character of the property or the surrounding area.

Neighbour Amenity

There are no dwellings abutting the site to the north, south and west so I am content there will not be unacceptable loss of light, privacy, or overshadowing. I am content there will be no unacceptable loss of neighbouring amenity.

Impact on Trees and Environmental Quality of this Area

There are no trees being removed as part of this proposal and I am content the shed will not detract from the environmental quality of the area.

Amenity Space, Parking and Manoeuvring

The proposal will use a portion of amenity space to the rear of the dwelling, but I am content there is still sufficient space for recreation and the storage of bins at the site. There is in-curtilage car parking to the front of the dwelling and the proposal will not impact on this parking, so I have no concerns.

PPS 15 – Planning and Flood Risk

Policy FLD 1 – Development in Fluvial (River) and Coastal Flood Plains

The application site is fully within the 1 in 100 fluvial floodplain and development is not allowed within a flood plain unless the proposal meets a criterion within the exception test.

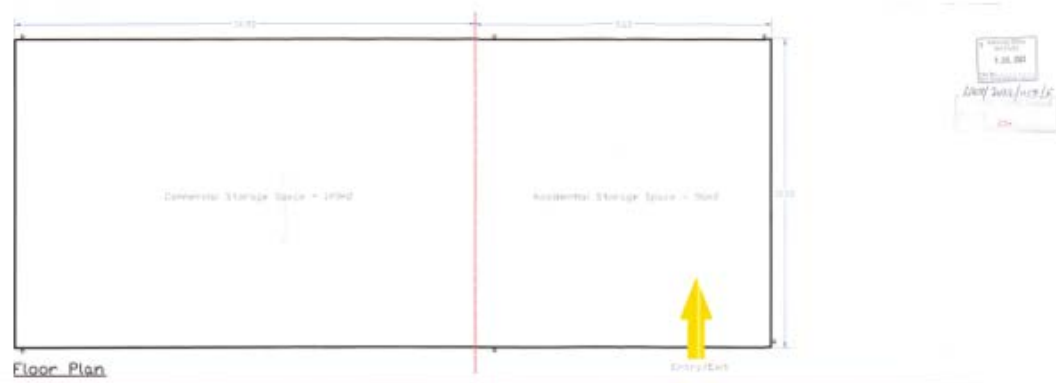


Figure 4 – Image of the floorplan of the shed to be retained.

As shown in figure 4 above the applicant has shown the shed is to have split use with 149sqm of commercial space and 96sqm of domestic space. FLD 1 states that minor development is acceptable within the floodplain subject to a satisfactory flood risk assessment. Minor development is defined as non-residential extensions for commercial use with a footprint of less than 150sqm and householder development such as sheds and garages within the curtilage of the existing dwelling. As a line has just been shown down the middle of the floorplan of the shed, I cannot state that less than 150sqm of the shed is being used for commercial floor space and I consider this would not be unenforceable. The proposal does not meet any other criteria in the exceptions test so if

the commercial space in the shed was over 150qm the proposal would not be an exception within FLD 1.

A Flood Risk Assessment was submitted and Rivers Agency as the statutory authority were consulted. Rivers responded on the 14th November 2023 stating that infilling had occurred at the site to raise the level of ground above the flood plain. In Rivers Agency opinion the proposal is contrary to FLD 1 as infilling undermines the natural function of the flood plain. This is stated in FLD 1 where it is stated the following flood protection measures are not acceptable –

- Flood compensation storage works.
- Infilling to elevate a site above the flood level within the undefended flood plain.

Following Rivers Response, it was discussed by the agent to amend the red line of the site to include land to the south and adjacent which is outside the flood plain and use this field as a flood storage area. As stated in FLD 1, this is an unacceptable method of flood mitigation as it would create flooding elsewhere and this was one of the concerns in the objector letter.

Overall, I consider the proposal does not meet the criteria in FLD 1 to be considered an exception.

PPS 3 – Access, Movement and Parking

The site does not access onto a protected route, so I have no concerns in this regard.

There was existing access to the dwelling and the applicant has widened the access to include a new commercial access to the shed to be retained. DFI roads were consulted as the statutory authority and had no objections.

Other Considerations

I completed checks on the statutory map viewers and I am content there are no ecological or built heritage issues at the application site.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it is not considered an exception within FLD 1 as the application is not subject to a satisfactory flood risk assessment. Flood storage compensation works have been proposed as mitigation which is unacceptable in FLD 1. Infilling within the flood plain at the application site has occurred which is contrary to FLD 1 in PPS 15.

Refusal Reasons

Reason 1

Proposal is contrary to FLD 1 - Development in Fluvial (River) and Coastal Plains in PPS 15 Planning and Flood Risk in that the proposal does not meet any criteria in the exception test for development within a flood plain.

Signature(s): Gillian Beattie

Date: 11 December 2023

| ANNEX | |
|--|-------------------|
| Date Valid | 5 July 2022 |
| Date First Advertised | 21 July 2022 |
| Date Last Advertised | 21 July 2022 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 147 Mullaghmore Road Dungannon BT70 1RD | |
| Date of Last Neighbour Notification | 25 September 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| Summary of Consultee Responses Rivers Agency-650986 - Final Response.pdf DFI Roads - Enniskillen Office-Roads Consultation full approval.docx Geological Survey NI (DfE)-3140 MUDC Planning. 14 Tullydraw Road Dungannon BT70 1RE.doc3140 MUDC Planning. 14 Tullydraw Road Dungannon BT70 1RE.doc Rivers Agency-698098 - Final Response.pdf Rivers Agency- | |
| Drawing Numbers and Title | |

Notification to Department (if relevant)

Not ApplicableNot ApplicableNot Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.9 |
| Application ID: LA09/2022/1638/F | Target Date: 9 March 2023 |
| Proposal: Alteration and extension to existing supermarket including change of use. Additional change of use to provide new off licence with first floor store | Location: 53, 55, 57 and 59 Church Street Cookstown |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Mr PEARCE KELLY 57-59 CHURCH STREET COOKSTOWN BT80 8HT | Agent Name and Address: Mr JOE DIAMOND 77 MAIN STREET MAGHERA BT46 5AB |
| Executive Summary: <p>This application relates to a terrace of 2 no. two storey dwellings and one single storey supermarket on a site which lies outside of Cookstown town centre. The application is for a change of use of one dwelling into additional retail floor space as an extension to the adjoining supermarket with the further adjacent dwelling being converted into an off-licence. There is a modest two storey extension proposed towards the rear of the second dwelling. One objection has been received and is detailed in the case officers report. The application and related objection has been assessed under the SPPS and considered by DfI Roads and MUDC Environmental Health Department, both of who have no objection to the proposed development subject to the suggested conditions.</p> | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|---|---|
| Statutory Consultee | DFI Roads - Enniskillen Office | DFI require application forms gerry |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | Planning response.pdf |
| Non Statutory Consultee | NI Water - Multiple Units West | Consulted in error. Please resend to NI Water - Strategic Applications. |
| Statutory Consultee | NI Water - Strategic Applications | LA09-2022-1638-F.pdf |
| Non Statutory Consultee | NI Water - Strategic Applications | LA09-2022-1638-F.pdf |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | Planning response 2.pdf |
| Non Statutory Consultee | NI Water - Strategic Applications | LA09-2022-1638-F.pdf |

| | | | |
|---------------------|-----------|---|---------------------------------------|
| Non Consultee | Statutory | Environmental Health Mid Ulster Council | |
| Non Consultee | Statutory | Environmental Health Mid Ulster Council | |
| Statutory Consultee | | DFI Roads - Enniskillen Office | Roads Consultation full approval.docx |
| Non Consultee | Statutory | Ni Water - Strategic Applications | LA09-2022-1638-F.pdf |

Representations:

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

Summary of Issues

One representation has been received in respect of this proposed development and relates to the following issues:-

o Car parking and traffic;

Dfi Roads considered the proposed development and did not raise any issues concerning car parking or traffic.

o Noise and odour;

Environmental Health requested that the submission of a noise impact assessment and an odour report as the proposed development included the creation of residential units on the first floor. However, the residential element was duly removed from the proposal and Environmental Health subsequently advised that they have no further concerns.

o Residential amenity and design.

The objection raised concerns regarding the layout of the site which requires customers to walk from the rear car park along the vehicular alleyway with trolleys/shopping, thereby creating a potential conflict with vehicles. The lack of trolley storage was also raised. The layout has been amended to include a rear pedestrian entrance directly from the car park and also provides for trolley storage.

Characteristics of the Site and Area

The site is located within the settlement development limit of Cookstown but outside the town centre and in an area not zoned for any particular use. The surrounding area is urban in character and is a mixture of residential and commercial properties.

Description of Proposal

This application is for the 'Alteration and extension to existing supermarket including change of use. Additional change of use to provide new off licence with first floor store.'

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The SPPS requires that all applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts so as to ensure safe, high quality and otherwise satisfactory forms of development.

The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand. The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS. Although the proposed site is outside the town centre it is located at existing retail premises thereby increasing the choice available to customers and helping to secure the future of the retail premises and will help to reduce the need for travel.

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

The SPPS (6.281) states that planning authorities must adopt a town centre first approach for town centre uses (such as retail) retail development. It states that, planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):

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

modes.

This application is removed from the town centre and insofar as it relates to the retail element would appear to be contrary to this policy direction. However, it is clear that the retail element of this proposal is intended to compliment and expand the existing shop and therefore I am content that the requirement to direct the retail element of this development towards the Town Centre has been diluted in this instance.

The proposal is to change the use of the dwelling house, No.55, into an extension to the adjoining retail unit with first floor storage facilities, in addition to changing the use of the adjacent dwelling No.53, into a separate retail unit (off-licence) with a rear extension to provide additional retail floorspace and storage facilities.

PPS 3 - Access, Movement and Parking

DfI Roads assessed the proposal and the issues raised in the objection. Their consideration is that the proposal is acceptable subject to the suggested condition.

Whilst the Environmental Health Department initially requested the submission of a noise impact assessment which considers the noise impact from the proposed development on the 3 proposed apartments and an odour impact assessment to assess odour from kitchen extraction equipment associated with the supermarket, the first floor apartments have consequently been removed in favour of first floor storage space. Therefore Environmental Health have advised that they have no further objections to the proposed development.

It is my opinion that from a visual perspective, the development of this site as has been proposed, will not have a detrimental impact on the character of the area. This area is located on the main approach to Cookstown from Dungannon and is not within the fabric of the main town centre which has its own distinctive character of historical buildings and linear street pattern. This site is removed from that part of the town and in my opinion the redevelopment, as proposed will maintain, if not improve, the aesthetic appeal of this site.

NI Water highlighted that there are foul network constraints downstream of the proposed development and duly requested the submission of a Waste Water Impact Assessment. However, as the proposal involves the change of use from one dwelling to an extension to a shop and the change of use of a second dwelling to a separate retail unit, has not been demonstrated that there is any additional loading on the existing network. Therefore in my opinion, there is no need for the WWIA as requested.

Therefore it is my opinion that the application is acceptable and should be approved subject to the conditions listed below:-

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The development hereby permitted shall be begun before the expiration of 5 years from

the date of this permission.

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

Condition 2

No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02/1 uploaded to the planning portal on 25th September 2023 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Condition 3

The development hereby permitted shall only operate between 06:30 hours - 22:00 hours Monday to Friday, 07:00 hours - 22:00 hours on Saturday, and 08:00 - 22:00 hours on Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

Condition 4

There shall be no deliveries of goods to the proposed development outside 07:00 hours - 18:00 hours Monday to Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

Condition 5

Within 4 weeks of a written request by the council, following a noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise from the development. Details of the noise monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing. The Planning Department shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity from noise.

Signature(s): Malachy McCrystal

Date: 24 January 2024

| ANNEX | |
|---|------------------|
| Date Valid | 24 November 2022 |
| Date First Advertised | 6 December 2022 |
| Date Last Advertised | 6 December 2022 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 51 Church Street Cookstown Tyrone BT80 8HT The Owner / Occupier 71 Church Street Cookstown Tyrone BT80 8HT The Owner / Occupier 73 Church Street Cookstown Tyrone BT80 8HT The Owner / Occupier 42 Church Street Cookstown Tyrone BT80 8HY The Owner / Occupier 44 Church Street Cookstown Tyrone BT80 8HY The Owner / Occupier 46 Church Street Cookstown Tyrone BT80 8HY The Owner / Occupier 48 Church Street Cookstown Tyrone BT80 8HY The Owner / Occupier 50 Church Street Cookstown Tyrone BT80 8HY</p> | |
| Date of Last Neighbour Notification | 7 December 2022 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: I/1996/0116 Proposals: Alterations and extension to shop Decision: PG Decision Date:</p> <p>Ref: LA09/2015/0112/F Proposals: Change of house type from 6No. apartments previously approved (block G) to 4No. town houses as a continuation to block F previously approved Decision: PG Decision Date: 19-JUN-15</p> | |

Ref: I/1976/0176

Proposals: MANUFACTURE OF CLOTHING

Decision: PG

Decision Date:

Ref: I/1985/0455

Proposals: CHANGE OF USE OF EXISTING FACTORY TO CLUBROOMS

Decision: PR

Decision Date:

Ref: LA09/2022/1638/F

Proposals: ALTERATION AND EXTENSION TO EXISTING SUPERMARKET INCLUDING CHANGE OF USE. ADDITIONAL CHANGE OF USE TO PROVIDE NEW OFF LICENCE WITH FIRST FLOOR STORE AND THE PROVISION OF 3 NO. FIRST FLOOR APARTMENTS

Decision:

Decision Date:

Ref: I/1993/0159

Proposals: Extension to furniture store

Decision: PG

Decision Date:

Ref: I/1996/0117

Proposals: Extension and Alterations to Factory Shop

Decision: PG

Decision Date:

Ref: LA09/2016/0318/F

Proposals: Change of house type's to retain 19 and 21 Church Street and provide 10no new 2 and 3 bedroom apartments

Decision: PG

Decision Date: 31-JAN-17

Ref: LA09/2017/1344/A

Proposals: Shop sign to replace existing

Decision: CG

Decision Date: 05-DEC-17

Ref: LA09/2017/0397/F

Proposals: Proposed extensions and alterations to existing shop

Decision: PG

Decision Date: 22-MAY-17

Ref: LA09/2017/1547/A

Proposals: Shop sign

Decision: CG

Decision Date: 26-JAN-18

Ref: I/2006/1284/F

Proposals: Demolition of No's 19, 21 & 59a Church Street, Cookstown. Proposed two and a half-three storey infill apartment block to Church Street consisting of 10 no2 bed appartments with associated parking&amenity spaces,also proposed 14 no.2 bed two and a half storey - three storey apartments and 9 No. 2 and a half storey townhouses with associated parking,access roads&amenity spaces to rear of existing development.Total no.of proposed units=33

Decision: PG

Decision Date: 01-AUG-08

Ref: I/2002/0071/F

Proposals: Proposed extension to provide additional storage & new office accomodatio

Decision: PG

Decision Date: 14-JUN-02

Ref: I/2010/0429/F

Proposals: Proposed extension to store to replace existing portal frame building with ancillary offices over and alteration to front elevation

Decision: PG

Decision Date: 26-JAN-11

Ref: I/2010/0428/A

Proposals: Shop Sign

Decision: CG

Decision Date: 09-NOV-10

Ref: I/2005/0459/Q

Proposals: Apartment Block & New Buildings to Rear of Site

Decision: ELR

Decision Date: 30-JUN-05

Ref: I/2012/0270/F

Proposals: New street elevation comprising the demolition of existing entrance porch to 65 Church Street and build up to create a new two storey facade. Form new archway lin between 65 and 73 Church Street and render over 73 Church Street.

Decision: PG

Decision Date: 19-SEP-12

Ref: I/2013/0253/A

Proposals: Projecting sign (3D Lettering) and shop signs

Decision: CG

Decision Date: 13-SEP-13

Ref: I/1994/6155

Proposals: Shop sign 73 Church Street

Decision: QL

Decision Date:

Ref: I/1986/0409

Proposals: CHANGE OF USE TO FURNITURE STORE AND SHOWROOM

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DFI require application forms

gerry

Environmental Health Mid Ulster Council-Planning response.pdf

NI Water - Multiple Units West-Consulted in error. Please resend to NI Water - Strategic Applications.

NI Water - Strategic Applications-LA09-2022-1638-F.pdf

NI Water - Strategic Applications-LA09-2022-1638-F.pdf

Environmental Health Mid Ulster Council-

Environmental Health Mid Ulster Council-Planning response 2.pdf

NI Water - Strategic Applications-LA09-2022-1638-F.pdf

Environmental Health Mid Ulster Council-

Environmental Health Mid Ulster Council-

DFI Roads - Enniskillen Office-Roads Consultation full approval.docx

NI Water - Strategic Applications-LA09-2022-1638-F.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Floor Plans Plan Ref: 03

Existing Floor Plans Plan Ref: 04

Site Layout or Block Plan Plan Ref: 02/1

Proposed Floor Plans Plan Ref: 03/1

Existing Floor Plans Plan Ref: 04/1

Notification to Department (if relevant)

Not Applicable

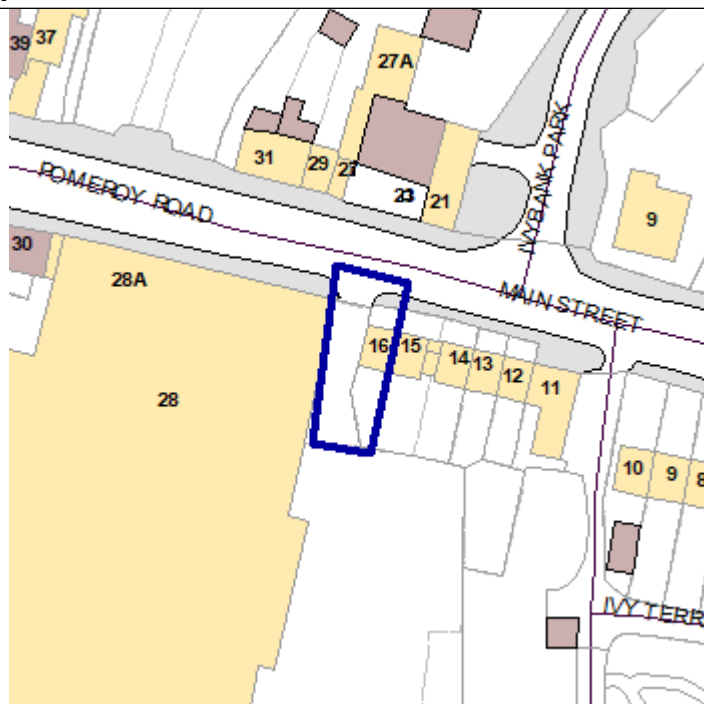


Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.10 |
| Application ID: LA09/2022/1728/F | Target Date: 30 March 2023 |
| Proposal: Widening of an established business access to facilitate safe access for HGV vehicles to the Moy Park Hatchery | Location: 16 Main Street Donaghmore |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Mr Michael Quail 28 Main Street Donaghmore, Dungannon BT70 3HA | Agent Name and Address: Dr Tony Quinn 5 Windsor Avenue North Malone Road Belfast BT9 6EL |
| Executive Summary: Objection received | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|--------------------------------|-----------------|
| Statutory Consultee | DFI Roads - Enniskillen Office | 24-11-2023.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | 03-04-2023.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | 26-09-2023.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | 02-06-2023.docx |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is in the centre of Donaghmore village on the southern side of the main street at No. 16 Main Street. It is within Donaghmore Settlement as defined in the Dungannon and South Tyrone Area Plan 2010. It is adjacent to, but outside the Area of Townscape Character.

The surrounding area is predominantly residential and commercial with housing and retail premises along Main Street as well as a primary school.

The site is rectangular in shape, comprising of an end of terrace two storey dwelling and the entrance and access lane to the adjacent hatchery. The dwelling is part red brick, part dash finish with dark slate roof. The boundary at the front of the dwelling is a low red brick wall enclosing a small, paved yard. The low red brick wall continues down the side of the dwelling and is topped with metal palisade fencing. This leads to a lawned garden at the rear of the dwelling. The access road with security gates, between the dwelling and the hatchery is tarmac surface leading to the concrete yard and parking areas to the side and rear of the hatchery.

Description of Proposal

This is a full application for the widening of an established business access to facilitate safe access for HGV vehicles to the Moy Park Hatchery, Main Street, Donaghmore.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Planning History

A planning search returned seven applications at the site. Five of these (M/1990/0030; M/2000/1016/F; M/2001/0511/F; M/2005/1711/F; M/2009/0612/F) all related to extensions to the hatchery, and all were granted. The other two applications, M/1999/0087 for re-structuring & improvements to existing vehicular entrance, and M/2003/0303/F for a replacement building to accommodate incubator units were both also granted.

Consultees

Dfi Roads were consulted in relation to the proposed widening of the established entrance and had no objections subject to standard conditions and informatives.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site is within the Plan Area Settlement for Donaghmore as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other designations or zonings within the Plan.

Plan Policy SETT1 – Settlement Limits

Favourable consideration will be given to development proposals within settlement limits including zoned sites provided the following criteria are met:

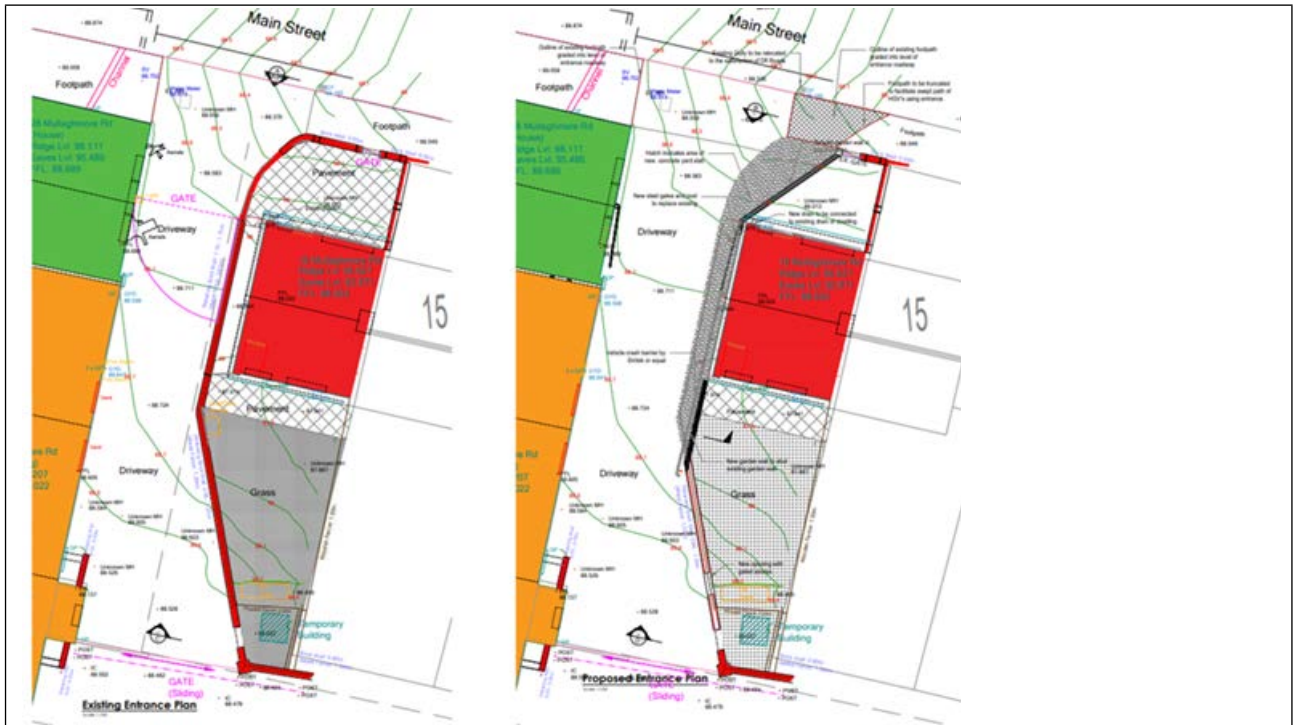
- the proposal is sensitive to the size, character and function of the settlement in terms of scale, form, design and use of materials;
- the proposal respects the opportunities and constraints of the specific site and its surroundings and, where appropriate, considers the potential for the creation of a new sense of place through sensitive design;
- there is no significant detrimental affect on amenities;
- there is no significant conflict with recognised conservation interests;
- there are satisfactory arrangements for access, parking and sewage disposal;
- where appropriate, any additional infrastructure necessary to accommodate the proposal is provided by the developer; and
- the proposal is in accordance with prevailing regional planning policy and the policies, requirements and guidance contained in Part 3 of the Plan.

It is considered that the proposal to widen the existing access meets the above criteria in SETT1 and favourable consideration should be given to the proposal.

The proposal is to improve access for HGV movement into and out of the established business.



It involves: repositioning and part removal of the front boundary wall at No. 16 Main Street; installation of crash barrier along the access lane; extension of wall and gated fencing for No. 16 along the access lane; replacement of existing security gates; tanking and lead flashing of side gable of No. 16 where infill concreting is proposed; and alterations to public footpath including loss of single on-street parking space to front of No. 16.



Existing and proposed entrance plan showing repositioning of front boundary wall and widening of entrance lane.

As a result of the above measures, the existing access width will be increased by 74cm from 4.46m to 5.20m, and the swept path for HGVs will be significantly enhanced.



The proposed works are sensitive in terms of scale, form and design, and respects the opportunities and constraints of the site, given that it will enable vehicles to enter and exit the premises more easily, reducing delays in through traffic along the Main Street.

The widening of the existing access is unlikely to adversely impact neighbouring properties. The access is between the hatchery and a residential dwelling, both owned by the applicant with the residential dwelling occupied by an employee of Moy Park and will be retained for residential purposes. The occupier currently parks their vehicle in the yard of Moy Park, as opposed to the on-street parking space to the front of the dwelling. The gate to the rear of the residential building is to facilitate the transfer of refuse bins down the widened access, and the occupant has keys for the security gates. The loss of the single on-street parking may have an impact on wider neighbours and users of the shop opposite the application site. However, it is considered

that the wider entrance and enhanced vehicle path enabling HGVs to enter and exit the hatchery with less disruption to parked vehicles and flow of through traffic will outweigh this loss.

There is no conflict with recognised conservation interests. The widening of the access will limit the damage currently incurred by HGV vehicles on the corner gable wall of the hatchery which forms part of the Area of Townscape character, so preventing further damage to this building. No additional infrastructure is necessary to accommodate the proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this application.

Planning Policy Statement 3 - Access, Movement and Parking

This PPS sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning. It embodies commitments to the provision of a modern, safe, sustainable transport system, the improvement of mobility for those who are socially excluded or whose mobility is impaired, the promotion of healthier living and improved road safety.

PPS 3 - Policy AMP 2 - Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of existing accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

The proposal is to widen the existing established access which in the supporting information with the application states is "...currently substandard in facilitating the movements of large HGV vehicles for a key employer in Donaghmore".

Given the proposal is to widen the existing access by 74cm to 5.2m, it could be assessed that this does not conflict with considerations to be given to the nature, character and scale of the proposal.

The widening of the entrance will result in the loss of a single on-street parking space to the front of No. 16 Main Street. However, it is considered that the wider public safety benefits that will accrue from this proposal will outweigh this loss.

Dfi Roads have been consulted and have no objections to the proposal.

It is considered that the proposal complies with Policy AMP2 of PPS3.

Other Considerations

Checks have been completed on the statutory NED, HED and flooding map viewers. There are no issues relating to this site.

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party objection has been received, from Mr Martin Hurson, joint owner of 15 Ivy Terrace, Main Street, Donaghmore (the adjacent property to the east). Concerns raised include:

- The hatchery is considered by many in the main street as a nuisance with HGV vehicles already endangering pedestrians, elderly residents, shoppers and school children.
- How the reduction of the pedestrian footpath to increase the entrance to the hatchery and enable a longer turning curve for HGVs could be interpreted as improvement of safety for villagers? Lorries would cut across at a more acute angle when entering and leaving the hatchery, at an increased speed, only serves to impact the safety of pedestrians by increasing the distance from pavement to pavement across the entrance.
- The main issue is the location of the hatchery, and the growth of the hatchery with no restrictions placed on it being incompatible with the adjoining residential receptors. The site being operational 24/7, impacts on the residential amenity of village residents through: vehicle movements, HGVs and staff vehicles constantly entering and leaving the site giving rise to noise and air pollution to unacceptable levels; the ventilation systems and generators are operational 24/7 with associated noise and air pollution; light pollution from the site also impacts on adjoining residents, with large spot lamps lighting up the yard at night creating light spill onto residents bedrooms, restricting people's ability to have a peaceful sleep.
- That the property owner has modern industrial buildings in the Dungannon area that would be more suitable for this use. If permission is granted for the widened access it will encourage the applicant to continue to run and potentially expand the business on the site, that will further impact the amenity of local residents.

Having taken into consideration Mr Hurson's objection, the opinion remains to approve the application. It is recognised that the existing entrance to the hatchery does not adequately cater for the swept path of larger HGV vehicles, particularly given the presence of on-street parking on both sides of the road, and a busy convenience store opposite. The supporting information submitted with the application states that it is often the case that people parked on the street are requested to move their vehicles in order to allow lorries to access and leave the Moy Park premises. Widening the access will provide a more suitable pathway for HGVs reducing the need for owners of parked cars to move their vehicles, and reducing delays in the flow of through traffic on the Main Street.

As detailed in the main body of this report, it is considered that the proposal meets with the most relevant planning policies; SETT1 and PPS 3 - AMP 2. DfI Roads have been consulted and have no objections with regard to road safety.

The objections relating to the location and use as a hatchery of the building in the Main Street, Donaghmore are not relevant to this application which is only in relation to the existing access of an already established business.

The proposal is recommended for approval as it complies with Policy SETT1 and with Policy AMP 2 in PPS 3.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Signature(s): Mark Edgar

Date: 25 January 2024

| ANNEX | |
|---|------------------|
| Date Valid | 15 December 2022 |
| Date First Advertised | 3 January 2023 |
| Date Last Advertised | 3 January 2023 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 27 Main Street Donaghmore Tyrone BT70 3ES The Owner / Occupier 23 Main Street Donaghmore Tyrone BT70 3ES The Owner / Occupier 21 Main Street Donaghmore Tyrone BT70 3ES The Owner / Occupier 28A Main Street Donaghmore Tyrone BT70 3EZ The Owner / Occupier 28 Main Street Donaghmore Tyrone BT70 3HA The Owner / Occupier 16 Ivy Terrace Donaghmore Tyrone BT70 3ET The Owner / Occupier 15 Ivy Terrace Donaghmore Tyrone BT70 3ET</p> | |
| Date of Last Neighbour Notification | 4 August 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: M/1980/0048 Proposals: CONVERSION OF EXISTING OFFICES TO DOMESTIC FLAT Decision: PG Decision Date:</p> <p>Ref: LA09/2022/1728/F Proposals: Widening of an established business access to facilitate safe access for HGV vehicles to the Moy Park Hatchery Decision: Decision Date:</p> <p>Ref: M/2009/0612/F</p> | |

Proposals: Proposed extension to existing factory

Decision: PG

Decision Date: 18-SEP-09

Ref: M/1990/0030

Proposals: Extension to hatchery

Decision: PG

Decision Date:

Ref: M/2003/0303/F

Proposals: Proposed replacement building to accommodate 15 new incubator units

Decision: PG

Decision Date: 27-JUN-03

Ref: M/2001/0511/F

Proposals: Proposed extension to hatchery buildings and provision of additional parking accommodation

Decision: PG

Decision Date: 28-JUN-01

Ref: M/1999/0087

Proposals: Proposed Re-Structuring & improvements to existing vehicular entrance

Decision: PG

Decision Date:

Ref: M/2005/1771/F

Proposals: Proposed extension to Hatchery Premises.

Decision: PG

Decision Date: 15-NOV-05

Ref: M/2000/1016/F

Proposals: Extension to hatchery

Decision: PG

Decision Date: 19-JAN-01

Summary of Consultee Responses

DFI Roads - Enniskillen Office-24-11-2023.docx

DFI Roads - Enniskillen Office-03-04-2023.docx

DFI Roads - Enniskillen Office-26-09-2023.docx

DFI Roads - Enniskillen Office-02-06-2023.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Cross Sections Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.11 |
| Application ID: LA09/2023/0290/O | Target Date: 29 June 2023 |
| Proposal: Proposed dwelling and garage | Location: Lands approximately 93M NE of 19 Coal Pit Road Dungannon |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr & Mrs Peter and Carmel Mc Brien 19 Coalpit Road Killybrackey Dungannon BT71 4BW | Agent Name and Address: Mr Seamus Donnelly 80a Mountjoy Road, Aughrimderg Coalisland BT71 5EF |
| Executive Summary: | |

Case Officer Report

Site Location Plan

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Consultations:

| Consultation Type | Consultee | Response |
|-------------------|--------------------------------|--|
| | DFI Roads - Enniskillen Office | DC Checklist 1.doc Roads outline.docx FORM RS1 STANDARD.doc Roads outline.docx |

Representations:

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

Summary of Issues

No issues. No representations received.

Characteristics of the Site and Area

The site is in the open countryside just a short distance to the North of the settlement limits of Dungannon and outside all other areas of constraint as depicted by the DSTAP 2010. It is located along the Coalpit road which is just off the main Coalisland Dungannon link road. The red line of the site includes a portion of lands set back slightly from the roadside and the proposed access arrangement onto Coal Pit Road. The lands are sloping, and rise gently from the roadside towards the site and beyond. The surrounding area is predominantly rural in nature with a scattering of dwellings or farm holdings located along the roadside.

Description of Proposal

Outline planning permission is sought for a proposed dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning History

LA09/2020/1674/O - Proposed replacement dwelling and garage - 185M North East Of

19 Coalpit Road, Killybrackey, Dungannon – PERMISSION GRANTED

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were no neighbours notified under this application. At the time of writing, no third party representations have been received.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being in the rural countryside. There are no other zonings or designations within the Plan.

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

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

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. This establishes the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

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

(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of

buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. The agent did not provide a business ID and thus DAERA were not consulted. They provided farming receipts and invoices, which details how the applicant was investing in the land and making an income by letting out the lands. The receipts date from 2016-2022, thus I am content that the farm business is active and established.

With respect to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. There was a recent approval for a replacement, approved under LA09/2020/1674/O, however a land registry check was carried out and the lands have not been sold off or transferred.

With respect to (c), there is considered to be appreciable distance between the site and buildings on the farm. The agent was asked for justification for the proposed siting and noted a range of reasons why this site was chosen. The justification given includes health and safety reasons, with an existing slurry tank which the agent notes poses some health and safety risks, particularly to potential kids at the site. The justification adds that if a new dwelling were built in situ and was repossessed it would clearly be very difficult to sell, given that the buyer would be in a working farm yard over which he/she had no control. I am not satisfied that the reasons given would justify a siting away from the farm buildings as there appears to be a number of alternative fields which would be deemed more suitable in terms of siting to visually linking with farm buildings. There are no verifiable plans that the farm business is to be expanded and as such the proposal fails on this criterion. The site is open and exposed and would not be clustered with the existing farm building, thus it is considered it fails on this criterion.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. However, as we feel that the proposal fails on criterion (g) of CTY 13 where in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm. If approval were to be forthcoming, the design and size of the dwelling should be carefully considered to ensure that it is not unduly prominent at this site. The site has good boundaries which should be conditioned to be retained if approval were forthcoming as they would help soften the impact of a dwelling at this site.

With reference to the history of this site, it is considered there was a generous approval under LA09/2020/1674/F for a replacement dwelling. The siting which was approved is shown below in figure 1 (highlighted yellow). It was noted to the agent that if this were to be built, it may change the consideration of this current application.

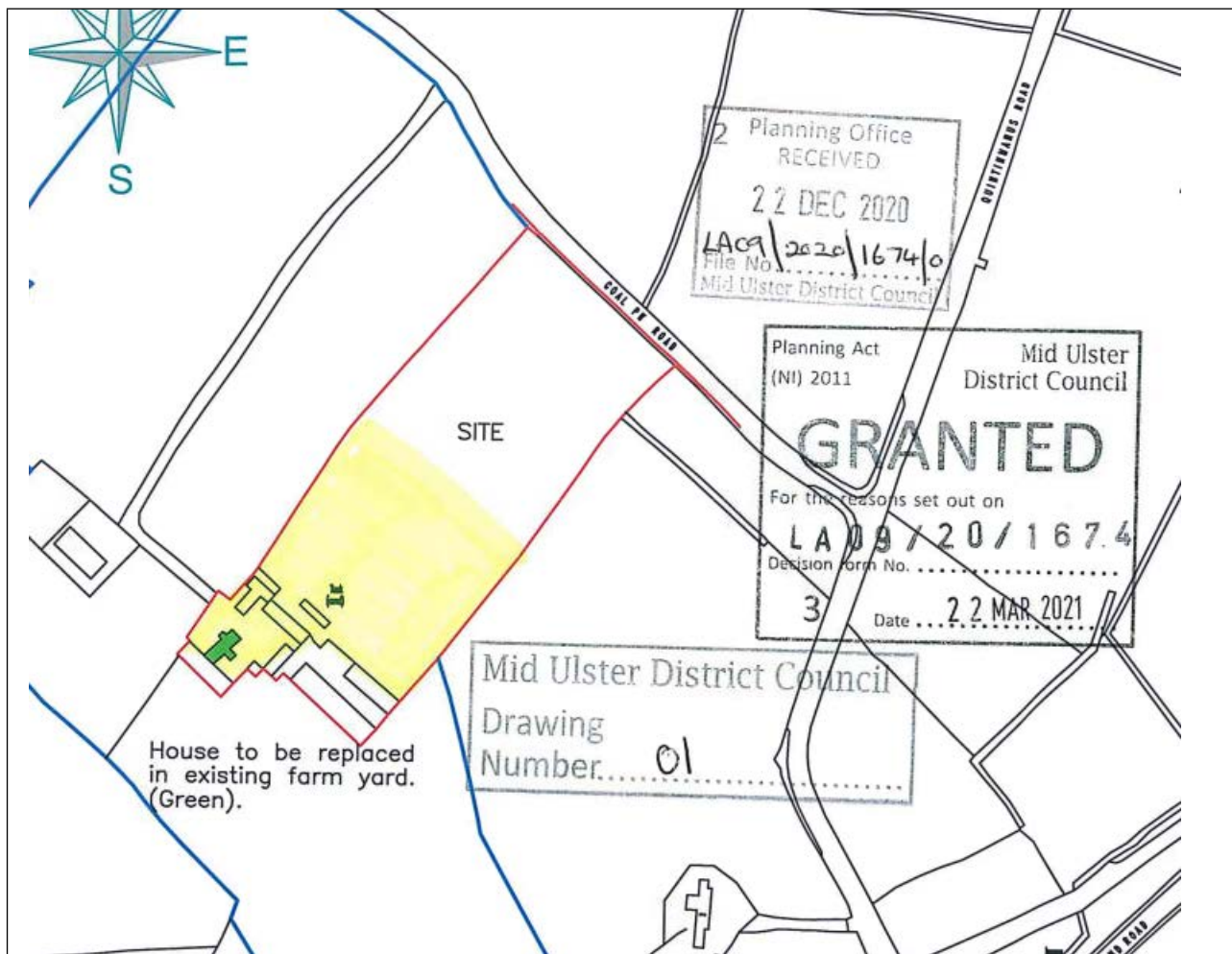


Figure 1 – Approved replacement dwelling (LA09/2020/1674/O with siting condition highlighted yellow)

The applicant has noted that they intend to create a new access onto Coal Pit Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the new building is not visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s): Sarah Duggan

Date: 23 January 2024

| ANNEX | |
|---|-----------------|
| Date Valid | 16 March 2023 |
| Date First Advertised | 27 March 2023 |
| Date Last Advertised | 27 March 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours | |
| Date of Last Neighbour Notification | |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: LA09/2023/0290/O Proposals: Proposed dwelling and garage Decision: Decision Date:</p> <p>Ref: M/2008/0997/F Proposals: 39.5km of pipeline to transfer drinking water from Ballydougan Service Reservoir, near Bleary, Co Down to Carland Service Reservoir, near Newmills, Co Tyrone via a water pumping station at Moy. Decision: PG Decision Date: 07-DEC-09</p> <p>Ref: M/2006/0251/Q Proposals: Proposed infilling of land for agricultural proposes. Decision: 207 Decision Date:</p> <p>Ref: M/2004/1636/O Proposals: Replacement dwelling house Decision: Decision Date:</p> | |

Ref: LA09/2020/1674/O

Proposals: Proposed replacement dwelling and garage

Decision: PG

Decision Date: 22-MAR-21

Ref: M/2007/0257/RM

Proposals: Replacment dwelling and garage.

Decision: PG

Decision Date: 05-JUN-07

Ref: M/2010/0723/F

Proposals: Re-use of existing farm buildings for storage and distribution of farm building products and new access laneway

Decision: PG

Decision Date: 17-OCT-11

Ref: M/2005/0673/O

Proposals: Replacement dwelling house

Decision: PG

Decision Date: 13-JUN-05

Ref: M/2009/0126/F

Proposals: 33kv O/H Line

Decision: PG

Decision Date: 13-MAR-09

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist 1.docRoads outline.docxFORM RS1 STANDARD.docRoads outline.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

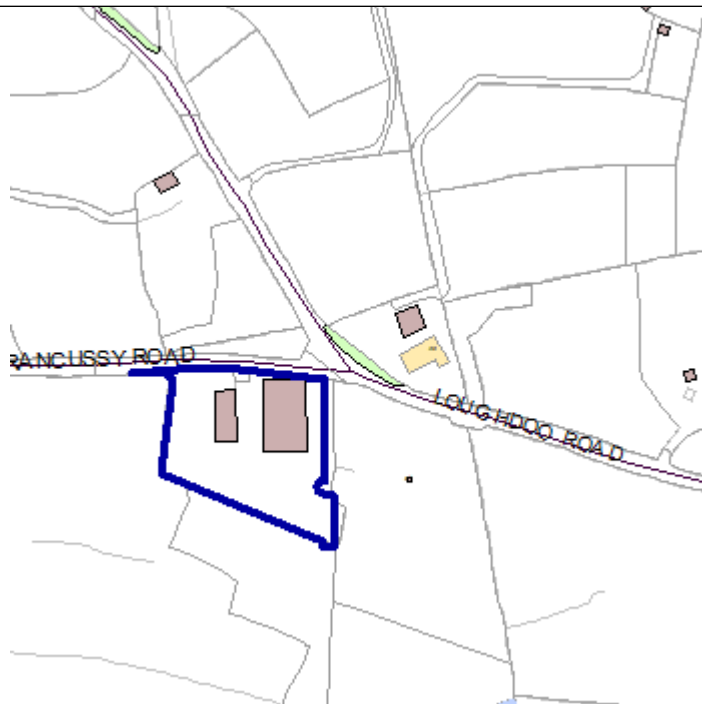


Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.12 |
| Application ID: LA09/2023/0304/F | Target Date: 5 July 2023 |
| Proposal: Retrospective Farm Diversification Agricultural Storage Shed / Office / Car Valet / Showroom | Location: 47 Crancussy Road Cookstown BT80 9PW |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr Karl Heron 47 Crancussy Road Cookstown BT80 9JG | Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ |
| Executive Summary: Retrospective Application for for agricultural storage shed / office / car valet / showroom. The site is in use by Bear Competitions as a showroom, office, storage building. This application has arisen off the back of an enforcement case on site - LA09/2021/0092CA which relates to unauthorised buildings on the site. The application has been submitted as farm diversification scheme under CTY 11 Presented to committee because it is recommended for refusal. Applicant has failed to provide information to prove the farm business has been established for 6 years. Farm business ID has only been in existence since 2021. Applicant has also failed to provide ecological information to address concerns of NIEA. Env Health have concerns over location of third party dwellings less than 75m away. No objections received | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|---|---|
| Statutory Consultee | DAERA - Omagh | LA09-2023-0304-F.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | Roads Consultation full approval.docx |
| | NI Water - Single Units West | Consulted in Error. Resend to Strategic Applications. |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | Planning response.pdf |
| Statutory Consultee | NIEA | PRT LA09-2023-0304-F.PDF |
| Statutory Consultee | Shared Environmental Services | LA09-2023-0304-F - Further info required 30.06.23.pdf |
| Statutory Consultee | NI Water - Strategic Applications | LA09-2023-0304-F.pdf |

Representations:

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

| | |
|--|--|
| signatures | |
| Number of Petitions of Objection and signatures | |
| Summary of Issues | |
| Characteristics of the Site and Area | |
| <p>The site in question is located in the countryside as per the Cookstown Area Plan (CAP).</p> <p>The site is located immediately adjacent to the junction of the Loughdoo Road and the Crancussy Road and consists of a quadrilateral shaped yard which houses two buildings. One of the buildings (the smaller building) appears to house an office although I was unable to gain access to this part of the building as well as a larger space with what appears to be a TV style studio complete with desk, green screen and back drop.</p> <p>The second building is larger consisting of three separate bays and appears to be a store for various kinds of items such as agricultural machinery and other types of equipment.</p> <p>The site is located in an area which is remote and rural but there is a concentrated small nucleus of development focussing on this road junction, with the development in question, a house and garage and a larger house under construction all located immediately adjacent to the site.</p> <p>The area immediately to the south and west is an area of peatland.</p> | |
| Description of Proposal | |
| <p>Retrospective permission for agricultural storage shed / office / car valet / showroom. The site is in use by Bear Competitions as a showroom, office, storage building.</p> <p>This application has arisen off the back of an enforcement case on site – LA09/2021/0092CA which relates to unauthorised buildings on the site.</p> <p>The application has been submitted as farm diversification scheme under CTY 11.</p> | |
| Planning Assessment of Policy and Other Material Considerations | |
| <u>Policy Consideration</u> | |
| <p>The relevant policy considerations are;</p> <ul style="list-style-type: none"> • Cookstown Area Plan (CAP) | |

- Strategic Planning Policy Statement (SPPS)
- PPS 21 – Sustainable Development in the Countryside
- PPS 2 – Natural Heritage

Cookstown Area Plan

The CAP shows that the site is within the countryside but also located within the Area of Constraint on Mineral Development designation. However, given the nature of this development which is not linked to mineral development, this designation is not relevant in this instance.

The site is approximately 700m south east of the Loughdoo ASSI which is a National designation.

Given the location of the site in the countryside, the default policy is therefore the prevailing rural.

Strategic Planning Policy Statement (SPPS)

The SPPS states at para. 6.73 that provision should be made for a farm diversification scheme where the farm business is currently active and established (for a minimum 6 years) and the proposal is to be run in conjunction with the agricultural operations of the farm. Proposals must involve the re-use or adaptation of existing buildings, with new buildings only being acceptable in exceptional circumstances.

PPS 21 – Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 sets out the range of development in the countryside which will be acceptable in a number of scenarios, one of which is a farm diversification proposal in accordance with CTY 11.

CTY 11 states that permission will be granted for a farm diversification scheme it will be ran in conjunction with the existing farm operations and that where;

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

Therefore, in order to assess this proposal as a farm diversification scheme, the policy considerations above need to be worked through in turn. Before considering points a)-d) as set out above, it is necessary to assess whether this operation will be ran in conjunction with the existing farm business.

From my site visit, I could see no evidence of existing agricultural operations ongoing from this site. There was no evidence of farming activity taking place at the yard, in the sheds or on the land immediately surrounding. Neither was there any evidence of livestock being housed at the site or on nearby lands. The only activity during my site

visit was the storage of equipment in the larger building. There was no one available to speak to during my visit.

a) The farm or forestry business is currently active or established

For the purposes of this criterion, the J&A of CTY 11 at para. 5.49 defines an active and established farm business as being that set out under CTY 10. This means therefore that the farm in question will need to be active and established for at least 6 years.

The applicant has submitted farm maps associated with a farm business ID as justification for the farm diversification rationale. DAERA have been consulted in relation to this and have responded to say that the farm business was established in 21/04/2021. It has not been established for more than 6 years therefore and has only been claiming relevant agricultural payments since 2022.

The farm business ID is therefore not active and established for more than 6 years but this does not however automatically infer that a farm has not been active and established. The PAC have set a precedent whereby a farm can still be active and established without a farm business ID. I have therefore requested from the agent on 5th June 2023 that they provide information to prove that the farm business at this site has been active and established for 6 years. There has been no response to this request.

I am therefore left with no option but to assume that the farm business has not been active for more than 6 years.

b) In terms of character and scale it is appropriate for its location

There are no long term views of this site from the public perspective. On approach from the south east along the Loughdoo Road, the view of the sheds are short term and they appear agricultural in nature and therefore in keeping with the character of the rural area. On approach from the NW along Loughdoo Road, the views into the site are screened by a small rise in the road prior to the junction with Crancussy Road. When approach from the west along the Crancussy Road, the land rises towards the west and is screened by mature road side hedging.

The result of this as well as the design of the buildings, which appear to be agricultural in nature is that the buildings are not out of keeping with the character of the area in terms of scale and location.

c) It will not have an adverse impact on the natural and built heritage

There are no features of the historic environment which will be impacted by this proposal.

In terms of natural environment, there is, as mentioned earlier, an area of peatland immediately adjacent to the site to the south and west. Loughdoo ASSI also exists

approx. 700m away from the site boundary to the west.

In relation to the peatland, I have requested preliminary ecological information via the agent on 30/3/23. The agent has responded by submitting a PEA which relates to a separate application LA09/2022/0696/F. NIEA do not accept this PEA as relating to this site and have requested a specific PEA for this site. I have forwarded this request to the agent (17/4/23) but they have not supplied the required ecological information.

NIEA have stated that they have concerns about this proposal as it is in an area which supports priority habitat and given the potential discharge of surface water into the drainage system they require further information to assess the impact on the priority habitat and other designated sites in the wider area.

Shared Environment Service (SES) are normally only consulted on SAC, SPA and / or RAMSAR designations but due to the agricultural nature of the application I sent an informal query to SES on 30/3/23 and they responded to say that they call in all agricultural applications and therefore wish to be formally consulted. Formal consultation was issued to them and they have responded to say that clarification is needed on whether vehicle washing will take place. This clarification was requested from the agent on 21/11/23 but this has as yet, not been submitted.

Given the lack of information provided by the agent, I am therefore unable to say with any degree of certainty that this proposal will not have an adverse impact on the natural heritage.

d) It will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

Environmental Health have been consulted as part of the application and have responded to say that they have concerns with agricultural sheds less than 75m from residential properties. There is a residential property within 45m of this proposal and therefore Environmental Health have stated that "it's likely that the occupants of the existing third party sensitive dwelling may experience loss of amenity due to noise, odour and pests from this proposed development."

Given all of the above, I am of the view that the proposal does not meet policy CTY 11 because of the following;

- Farm business has not been established for more than 6 years and the agent has failed to demonstrate that this is an active and established farm
- Lack of information to inform any decision on whether the proposal will impact on the priority peatland habitat
- Potential adverse impact on the nearby residential amenity at no. 30 Loughdoo Road

PPS 2 – Natural Heritage

As has already been alluded to, the proposal is located immediately adjacent to an area of peatland. Policy NH5 of PPS 2 states that planning permission will only be granted for a proposal which is not likely to have an unacceptable adverse impact on an area of active peatland. Given that no information has been submitted in regard to this, despite having been asked for on three occasions (17/4/23, 5/6/23 and 21/11/23), I cannot therefore state with certainty that there will not be an adverse impact on the adjacent area of peatland.

OTHER CONSIDERATIONS

There have been no objections received

Planning History – there is a significant planning history on and around this site. The two most relevant are laid out below.

1. **I/2012/0155/F** – Dwelling on a farm adjacent to site. The farm maps submitted with this application appear to be a different than those submitted to this application

OUTCOME – Permission granted

2. **I/2013/0224/F** - Part farm diversification to include the bulk storage of fuels to supply existing business, and a small office all within existing agricultural sheds and yard of active farm

OUTCOME – Refusal, appeal dismissed

Refusal reason relates to lack of evidence that proposal will be run in conjunction with an existing farm

Summary of Recommendation:

Refuse is recommended

Given all of the above consideration, I recommend that this proposal be refused for the following reasons;

Refusal Reasons

Reason 1

The proposed development is contrary to policy CTY 11 in that it has not been demonstrated that the farm in question is currently active and established.

Reason 2

The applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine if this proposal will have an unacceptable adverse impact on the nearby area of peatland and therefore the proposal is contrary to policy NH5 of PPS 2.

Reason 3

The proposal is contrary to policy CTY 11 of PPS 21 in that it would if permitted, have potential to cause unacceptable impact on the amenity of nearby residential properties by virtue of noise, odour and pests

Signature(s): Colin McKeown

Date: 24 January 2024

| ANNEX | |
|--|-----------------|
| Date Valid | 22 March 2023 |
| Date First Advertised | 4 April 2023 |
| Date Last Advertised | 4 April 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 30 Loughdoo Road Pomeroy Tyrone BT80 9JG | |
| Date of Last Neighbour Notification | 30 March 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: LA09/2022/0059/F Proposals: Proposed sensory space, hydro pool, garden space and extension to curtilage Decision: PG Decision Date: 30-NOV-22</p> <p>Ref: LA09/2022/0317/F Proposals: Proposal for new boundary wall and gates Decision: PG Decision Date: 20-JUL-22</p> <p>Ref: LA09/2020/1208/F Proposals: Proposed stables / Farm shed. Decision: Decision Date:</p> <p>Ref: LA09/2018/1122/F Proposals: Retention of dwelling and garage to include alterations from previously approved, (I/2012/0155/F). Decision: PG Decision Date: 13-FEB-19</p> <p>Ref: I/2013/0224/F</p> | |

Proposals: Part farm diversification to include the bulk storage of fuels to supply existing business, and a small office all within existing agricultural sheds and yard of active farm
Decision: PR
Decision Date: 22-JUL-14

Ref: I/2014/0382/F
Proposals: Proposed additional access
Decision:
Decision Date:

Ref: I/2012/0155/F
Proposals: Proposed dwelling on a farm
Decision: PG
Decision Date: 11-SEP-12

Ref: LA09/2023/0304/F
Proposals: Retrospective Farm Diversification Agricultural Storage Shed / Office / Car Valet / Showroom
Decision:
Decision Date:

Ref: LA09/2022/0696/F
Proposals: Infilling of existing farmland with inert material (clay and topsoil) for land improvements
Decision:
Decision Date:

Ref: LA09/2021/1411/F
Proposals: Retrospective application for the retention of stables, yard, paddock, horse walker and infilling of lands to raise site levels (Amended description)
Decision: PG
Decision Date: 05-MAY-22

Ref: LA09/2020/0156/F
Proposals: Proposed new Access to Dwelling
Decision: PG
Decision Date: 02-DEC-20

Ref: LA09/2021/1162/F
Proposals: Proposed sensory space, hydro pool and garden room.
Decision: PG
Decision Date: 04-OCT-21

Summary of Consultee Responses

DAERA - Omagh-LA09-2023-0304-F.docx
DFI Roads - Enniskillen Office-Roads Consultation full approval.docx
NI Water - Single Units West-Consulted in Error. Resend to Strategic Applications.
Environmental Health Mid Ulster Council-Planning response.pdf
NIEA-PRT LA09-2023-0304-F.PDF
Shared Environmental Services-LA09-2023-0304-F - Further info required 30.06.23.pdf
NI Water - Strategic Applications-LA09-2023-0304-F.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04
Proposed Elevations Plan Ref: 05

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.13 |
| Application ID: LA09/2023/0356/F | Target Date: 25 October 2023 |
| Proposal: Proposed Veterinary Clinic and animal rehabilitation centre, access, landscaping and ancillary site works | Location: Lands South of 165 Aughrim Road, Toome |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Taurus Hold Co Ltd. 10 Lough Road Magherafelt BT45 6LN | Agent Name and Address: Clyde Shanks 2nd Floor 7 Exchange Place Belfast BT1 2NA |
| Executive Summary: | |

Case Officer Report

Site Location Plan

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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|---|---|
| Statutory Consultee | NIEA | PRT LA09-2023-0356-F.PDF |
| | Shared Environmental Services | LA09-2023-0356-F HRA Elimination 17-01-2024.pdf |
| Statutory Consultee | NIEA | PRT LA09-2023-0356-F.PDF |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | la09.2023.0356.doc |
| Statutory Consultee | DFI Roads - Enniskillen Office | Full Resp.docx |
| Statutory Consultee | Rivers Agency | 308214 - Final reply.pdf |
| Statutory Consultee | Rivers Agency | 732618 - Final reply.pdf |
| Statutory Consultee | DFI Roads - Enniskillen Office | Full Resp.docx |

Representations:

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

Summary of Issues

No third party representations have been received. The application is being presented to committee as it is a Major application.

Characteristics of the Site and Area

The site is located on lands south of 165 Aughrim Road, Toome and is located outside any designated settlement limits as defined in the Magherafelt Area Plan, 2015. The site is not located within any protected or designated areas; however Creagh Local Landscape Policy Area (LLPA) bounds the site to the West.

The site is 1.3 ha in total and comprises a single brick building, adjacent hardstanding ground and silage clamp at the northwest of the site. This is bounded by a hedgerow to

the west and post and wire fencing to the north, south and east. The remainder of the site comprises an agricultural field which is currently used for pastoral grazing. The agricultural field is bound by mature hedgerows and trees to the south, east and west and by post and wire fencing to the north.

The surrounding area to the east and south of the site are predominantly industrial in nature and the lands to the north and west are primarily agricultural in nature with some dispersed dwellings and farm buildings.



Relevant Planning History

H/2001/0416/O – Site of Industrial Units to be used for light/general Industrial use, Airfield Road, Creagh, Toomebridge, Permission granted 10.05.2006

H/2008/0253/F - Erection of single storey steel portal framed structure with composite roof and wall cladding to house precast works and offices, Airfield Road, Creagh, Toomebridge, Permission granted 17.06.2010

LA09/2022/1446/PAN - Proposed veterinary clinic with land for animal rehabilitation, access, landscaping and ancillary site works, Lands South Of 165 Aughrim Road, Toome, BT41 3SH.

Description of Proposal

This is a full application for a Proposed Veterinary Clinic and animal rehabilitation centre, access, landscaping and ancillary site works at lands South of 165 Aughrim Road, Toome.

The existing single storey will be demolished and replaced by a larger two storey building (507.2sqm gross internal floor area) for use as a veterinary clinic.

The clinic includes significant space for the examination and consultation of agricultural and equine animals to the rear of the building with access to the adjacent rehabilitation lands. Provision is also made within the clinic for:

- 2x surgery rooms;
- 2x consultation rooms;
- x-ray suite;
- pharmacy;
- lab;
- holding pens;
- office and canteen; and
- staff welfare facilities

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS4 : Planning and Economic Development

PPS 3 - Access, Movement and Parking

PPS15 – Planning and Flood Risk

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan

Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan

The application is for a Veterinary Clinic and animal rehabilitation centre, access, landscaping and ancillary site works. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

Policy CTY 1 of PPS 21 states that there are a range of types of development which in principle are considered acceptable in the countryside. Under 'Non- residential Development' the policy states that planning permission will be granted for a 'necessary community facility to serve the local rural population'. It is understood that this proposal will predominantly facilitate the veterinary needs of farm and equine animals as well as small/domestic animals. The existing agricultural field adjacent to the proposed clinic building is to be used for rehabilitation, examining and holding of these animals.

The case made here is that the particular nature of this proposed development requires a rural location which can provide space for rehabilitation of animals following treatment in close proximity to suitable care facilities. An urban location could be judged to be inappropriate and unsuitable for this type of development particularly in relation to compatibility with residential uses,, for example which may conflict with the need to facilitate agricultural animals and the movement of agricultural vehicles. I feel that it is reasonable to consider proposal as a necessary community facility and one which serves the local rural population. It is also noted that it is located on a site that is bounded by industry and benefits from a previous planning history, a history which indicates the acceptance of industrial / commercial usage in 2008.

The proposed siting is considered to be suitable given the in-situ building and hardstanding area and the agricultural field with two accesses in-situ. There is adequate separation distance from the site to the nearest receptors so as not to impact on the residential amenity. Also, given the established nature of the surrounding land uses (commercial and industrial), I believe that this site is acceptable for this proposed development.

Policy CTY 13 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. I do not believe that the proposed building will not be unduly prominent in the landscape given the surrounding industrial land use to the south and east of the site. There is also mature landscaping to the south, east and west of the site which will assist with integration and provide a satisfactory degree of enclosure. There is also additional supplementary landscaping proposed to assist with further integrations. The proposed building will replace an existing building on the site. The scale, massing and design of the building is sympathetic to the surrounding industrial and agricultural buildings and the proposed material finishes are typical of rural settings.

Policy CTY 14 of PPS21 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I believe that the proposal will integrated into the

existing landscape sufficiently and will not have a detrimental impact on the rural character of the area and therefore complies with policy CTY 13 and 14 of PPS 21. Whilst this is a rural area as designated in the local area plan, the immediate locality has largely a built-up feel with large scale industrial and associated storage yards and other ancillary developments tending to dominate, especially east of the site.



Proposed site plan



Existing building and silage clamp



For the purposes of Planning Policy Statement 4, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2004: Class B1: Business Use –

- (a) as an office other than a use within Class A2 (Financial, professional and other services);
- (b) as a call centre;
- or (c) for research and development which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class D1: Community and Cultural Uses

Any use (not including a residential use)—

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner;

A rural veterinary clinic and rehabilitation centre can I feel be reasonably assessed therefore against Policy PED 9 of PPS 4, General Criteria for Economic Development, is also a policy consideration. It sets down 13 criteria which all economic development proposals must comply with:

- (a) it is compatible with surrounding land uses;*

The surrounding land use is a mix of rural/agricultural, commercial and industrial, the proposed development for a veterinary clinic with land for animal rehabilitation, is considered to be compatible with the surrounding land use.

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

The nearest receptor to the site is located approx. 143m South west of the existing building on the site. Environmental Health were consulted on the application and had no objections to the proposal. On this basis I am content that it will not harm residential amenity in this location.

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

There are no built heritage features in the immediate area. There was no evidence of any protected species on the site on the day of my site inspection.

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

The application site is located within a fluvial floodplain (PPS15 FLD1 is applicable) A flood risk assessment including hydraulic modelling to determine the extent of the predicted flooding at the site, has been prepared by Flood Risk Consulting and submitted with the application. DFI Rivers were consulted on the application and had no objection. Also, there is no development to be built within the existing agricultural field which will remain like for like for use by agricultural and equine animals. The development will be in the area where there is an existing single storey brick building insitu. This is assessed further below in relation to PPS15.

(d) it does not create a noise nuisance;

It is not anticipated that nuisance related noise generating activities will occur from the premises. (except during construction phase which will be temporary).

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

As indicated on the P1 form, there will be no trade effluent generated from the proposal, nor does it involve the production of any emissions.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

DFI Roads were consulted on the application and offered no objection. The proposed development will utilise an existing access onto Airfield Road which is to be upgraded.

(h) adequate access arrangements, parking and manoeuvring areas are provided;

Adequate access arrangements, parking and manoeuvring areas are provided. DFI Roads were consulted on the proposal and offered no objections.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

The site is located in the rural area and is accessed primarily by car/van and agricultural vehicles.

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

biodiversity;

The proposed development is acceptable in terms of the proposed finishes form, scale and massing. Additional landscaping is proposed on some boundaries to further assist with integration.

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

The application site is well screened with existing mature vegetation which will be retained where possible. New native species tree and hedgerow planting is proposed to supplement the existing boundaries.

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

The onus will be on the applicant to ensure any additional security measures are provided.

and

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

The site is well screened with existing mature vegetation and some additional new native species of trees and hedgerow planting has been proposed to further assist integration.

PPS 15 – Planning and Flood Risk

The application site is located within a fluvial floodplain. A flood risk assessment including hydraulic modelling to determine the extent of predicted flooding at the site, has been prepared by Flood Risk Consulting and submitted with the application for DFI Rivers consideration. The proposal does not constitute an exception to policy FLD 1 of PPS 15. The FRA concludes that the majority of the site, including the proposed building, access and car park is not located within the Q100 year floodplain. DFI Rivers were consulted on the application and responded to say that:

‘Part of the proposed construction lies within the 1 in 100 year climate change fluvial floodplain. The predicted 1 in 100 year climate change fluvial flood level at this location is 16.00mOD. DfI River recommend a FFL of 16.60mOD which would include the 600mm freeboard. If the recommended freeboard is not feasible flood mitigation methods, which may include flood resistant and resilient construction should be implemented up to a level of 16.60mOD.

In accordance with the precautionary approach, DfI advises climate change is considered and the necessary allowances incorporated in any assessment of flood risk’

The agent then submitted a revised Flood Risk Assessment and Drainage Assessment, and DFI Rivers were re-consulted. They responded to say that they:

‘DfI Rivers has reviewed the revised Flood Risk Assessment by Flood risk Consulting, dated October 2023, and comments as follows;

DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. The FRA shows the development is located outside the Q100 floodplain. The Q100 level at the site is 15.91m OD Belfast and the Q100 climate change level is 16.00mOD. Due to the near location to the flood

plain the developer should be advised that for design purposes all finished floor levels (including gardens, driveways and paths) should be placed at a minimum of 600mm above the Q100 climate change level. Infilling should not take place below the predicted Q100 fluvial flood level, as infilling of the flood plain will only serve to undermine the flood plain's natural function of accommodating and attenuating flood flows. The area of the site affected by flood plain should be kept free from future unauthorised development.

Therefore, provided development takes place as indicated on these drawings and finished floor levels recommended within the revised report are implemented, DfI Rivers would have no specific reason to object to this proposal from a fluvial flood risk perspective.

It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the flood risk assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors. (Refer to paragraph 5.1 of PPS 15).'

Based on this information, I am content that the criteria of FLD1 of PPS15 has been satisfied.

PPS 3 - Access, Movement and Parking

A Transport Assessment Form was submitted with the application and DfI Roads were consulted on the proposed development and offered no objection. They stated that the Council Planning Department should be aware that the proposed access is onto the Airfield Road and recommended a condition for inclusion in any planning approval.

PPS2 impacts.

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

Consultation with SES has returned the below comments:

This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Mid Ulster District Council which is the competent authority responsible for authorising the project. The assessment which informed this response is attached at Annex A. Outcome: Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. Elimination Reason: There is no viable environmental or pollution pathway for effects from the proposal on any European site or mobile site feature. Approve is recommended.

Approval Conditions

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

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

2. The use of the building and premises hereby approved shall be restricted to a Veterinary Clinic and animal rehabilitation centre and for no other use as may be specified in the Planning Use Classes Order NI 2015.

Reason: This development is approved on the basis of a specific need requiring its location within the open countryside.

3) The development hereby approved shall take place as indicated on drawing no 02 Rev B, dated 13th October 2023 and the finished floor levels should be implemented as indicated on drawing No 02 Rev B, dated 13th October 2023. All finished floor levels (including gardens, driveways and paths) should be placed at a minimum of 600mm above the Q100climate change level.

Reason: To ensure the proposed development does not contribute to Fluvial Flood Risk due to the near location of the flood plain.

4) The vehicular access including visibility splays 2.4 x 90 metres and a 90 metre forward sight distance, shall be provided in accordance with **Drawing No 02 Rev B, bearing the date 13/1/2023** prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5)The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council in writing, and agreed, prior to the commencement of any works.

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

6)The scheme of planting hereby approved shall be carried out during the first planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replace in the next planting season with others of a similar size and species unless Mid Ulster District Council gives written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape in the interests of visual amenity and to minimise the impact of the proposal on the biodiversity value of the site

Summary of Recommendation:

Approve is recommended

Approval Conditions

Signature(s): Melvin Bowman

Date: 19 January 2024

| ANNEX | |
|--|-----------------|
| Date Valid | 29 March 2023 |
| Date First Advertised | 11 April 2023 |
| Date Last Advertised | 11 April 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 165 Aughrim Road, Creagh Toome BT41 3SH The Owner / Occupier 163 Aughrim Road, Creagh Toome BT41 3SH The Owner / Occupier 70 Airfield Road Creagh Toome BT41 3SQ The Owner / Occupier 60 Creagh Road Creagh Toome BT41 3SE | |
| Date of Last Neighbour Notification | 28 April 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: H/2004/1406/F Proposals: Relocation and upgrading of existing office and showroom accommodation and associated visitor parking, and proposed weighbridge. Decision: PG Decision Date: 27-MAY-05</p> <p>Ref: H/2001/0009/F Proposals: Land To Be Used For Placing Of a Finished Product From Adjacent Factory Before Delivery Off Site. Decision: PG Decision Date: 24-AUG-01</p> <p>Ref: LA09/2023/0356/F Proposals: Proposed Veterinary Clinic and animal rehabilitation centre, access, landscaping and ancillary site works Decision: Decision Date:</p> | |

Ref: LA09/2022/1446/PAN

Proposals: Proposed veterinary clinic with land for animal rehabilitation, access, landscaping and ancillary site works.

Decision: PANACC

Decision Date: 27-OCT-22

Ref: H/2001/0416/O

Proposals: Site of Industrial Units to be used for light/general Industrial use

Decision: PG

Decision Date: 12-MAY-06

Ref: H/2008/0253/F

Proposals: Erection of single storey steel portal framed structure with composite roof and wall cladding to house precast works and offices

Decision: PG

Decision Date: 18-JUN-10

Ref: H/1994/0531

Proposals: ALTS AND ADDS TO EXISTING OFFICES

Decision: PG

Decision Date:

Ref: H/2000/0411/F

Proposals: Extension To Existing Factory

Decision: PG

Decision Date: 19-SEP-00

Ref: H/2003/1015/F

Proposals: Relocation and upgrading of existing office and showroom accommodation and associated visitor parking.

Decision: PG

Decision Date: 23-MAR-04

Summary of Consultee Responses

NIEA-PRT LA09-2023-0356-F.PDF

Shared Environmental Services-LA09-2023-0356-F HRA Elimination 17-01-2024.pdf

NIEA-PRT LA09-2023-0356-F.PDF

Environmental Health Mid Ulster Council-la09.2023.0356.doc

DFI Roads - Enniskillen Office-Full Resp.docx

Rivers Agency-308214 - Final reply.pdf

Rivers Agency-732618 - Final reply.pdf

DFI Roads - Enniskillen Office-Full Resp.docx

Drawing Numbers and Title

Site Layout or Block Plan
Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Elevations and Floor Plans Plan Ref: 03
Cross Sections Plan Ref: 04
Landscape Proposals Plan Ref: 05

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.14 |
| Application ID: LA09/2023/0425/F | Target Date: 20 July 2023 |
| Proposal: Proposed farm building | Location: 200M South West of 31 Camaghy Road South Galbally Dungannon |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr Seamus McGlinchey 92 Lurgylea Rd Galbally Dungannon BT70 2NL | Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY |
| Executive Summary: The proposal is being presented to Committee as it is contrary to Policy CTY 1, 12 and 13 of Planning Policy Statement 21 and would, if approved, be prominent in the countryside. | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|--------------------------------|----------------------------|
| Statutory Consultee | DFI Roads - Enniskillen Office | 23 0425 F Cover sheet.docx |
| Non Statutory Consultee | DAERA - Omagh | LA09-2023-0425-F.docx |

Representations:

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

Summary of Issues

Characteristics of the Site and Area



The site is located within the rural area approximately 200m north-west of Galbally along the Camaghy Road South. The site is outwith any settlement limits as set down in the Dungannon and South Tyrone Area Plan 2010. The site is a 0.22ha roughly square parcel of land, located to the front of an elongated agricultural field along the public road. The southern and northern boundaries are defined by whin bushes and intermittent trees, with the eastern (roadside) boundary defined by hedging and whin bushes. The western boundary is undefined as it is cut out of the large agricultural field. A watercourse runs along the northern portion of the eastern boundary.

There is little recent development pressure in the immediate area, with no development between the site and the development limits of Galbally which lies 200m to the south-east of the site.

Description of Proposal

Proposed farm building

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant history

There are no relevant histories on this site to consider however, the applicant has an

application recently approved by the Council ref: LA09/2023/0950/O for a proposed dwelling on a farm, which is sited away from the farm grouping due to health and safety reasons.

Representations

No neighbouring properties were identified to be notified and press advertisement has been carried out in line with the Council's statutory duty. To date no letters of representation have been received.

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing planning policies should be applied in this assessment.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction therefore existing policy applies.

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 a new access unto the public road. DFI Roads were consulted and require amended drawings which would need to be received prior to any approval on site. These amendments have not been requested to date as I do not feel it is reasonable to request any amendments given my opinion to refuse the application.

Planning Policy Statement 21 - Sustainable Development in the Countryside

CTY 1 states that planning permission will be granted for non-residential development in the countryside, in this case where it is shown to be necessary for agricultural and

forestry development in accordance with Policy CTY 12.

CTY 12 of PPS21 states that Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

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

DAERA have been consulted and advise that the applicant is a Category 1 farmer whose business ID has been in existence for more than 6 years and who has claimed payments through schemes and is therefore on an active and established agricultural forestry holding. They also advise that the proposed site is located on land that is under the control of the farm business identified on the application form. The proposal involves a new farm building. Additional information was requested relating to the necessity of this building, and the agent has stated that the proposal is required to house sick animals that cannot leave the outlying farm to travel to existing buildings on another section of the farm.

The site does not possess a great deal of mature vegetation in order to give it a sense of enclosure to aid integration, and there will be critical views when travelling in both directions along the public road. The roadside hedge will be replaced with a 1.2m high post and wire fence which will also define the proposed hardcore area surrounding the building. It is not stated that any of the existing boundaries are to be retained, and no additional landscaping is proposed. I am not satisfied that the proposal will visually integrate into the local landscape.

The proposal will not have an adverse impact on the natural or built heritage as there are no particular features of built heritage within the vicinity. I am content that there should be no adverse impact on the closest neighbouring residential property by virtue of noise smell or pollution as it lies approximately 150m from the site. I am not of the opinion that this proposal meets the tests for integration into the local landscape and I consider it will have a negative impact on the character of the locality.

Furthermore the policy requires that where a new farm building is proposed, applicants will also need to provide sufficient information to confirm all of the following:

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

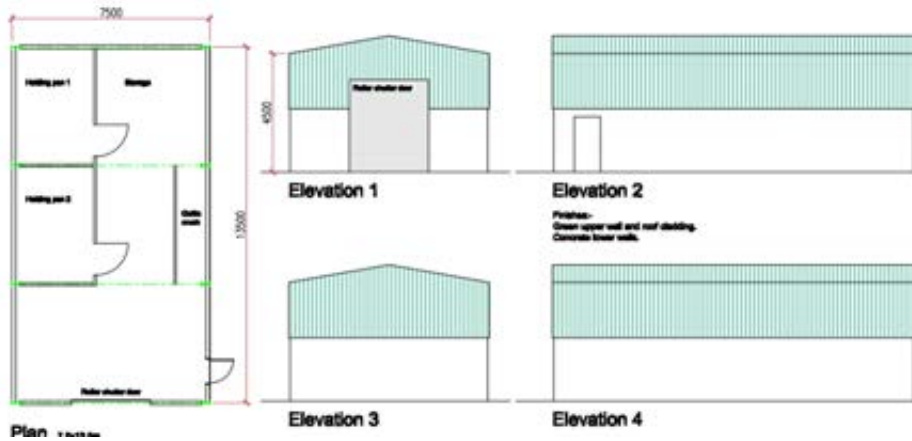
The proposed development is located approximately 900m south-east of the farm holding. The applicant was asked why none of the existing buildings would be suitable and he explained that a new farm building is required to house sick animals that cannot leave the outlying farm to travel to existing buildings on another section of the farm. I am not persuaded that a distance of 900m would be excessive to travel and that a new building would be essential and not simply desirable to necessitate the efficient use of the holding, given the short distance from the existing farm grouping as shown below.



The applicant contends that the area is characterised by agricultural development and detached single dwellings and in their opinion these sheds are typical in design and dimensions to many agricultural sheds throughout the district and will not have an adverse impact on the character of the area. I am content the design and materials of green upper wall and roof cladding and concrete lower walls are sympathetic to the locality; however, I am not convinced there is sufficient information to allow for a new building sited away from the existing farm holding. In my opinion the applicant has failed to demonstrate that the proposed development is necessary for the efficient use of the holding, and that no suitable buildings already exist. I do not feel the proposal is a viable exception to policy and it is therefore contrary to CTY 12.

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

CTY 13 of PPS21 – Integration and Design of Buildings 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 new building measures 13.5m x 7.5m x 5.1m in height and I consider the design and materials are acceptable for an agricultural building in the countryside. Nonetheless, given the fact the new building is located within an agricultural field and there are no other buildings in the immediate vicinity I am not satisfied that the proposed building can be visually integrated into the surrounding countryside.

No levels have been provided for assessment purposes, nor have I requested them given the fact I do not consider this proposal meets policy. They may need to be requested prior to any approval on site however at this point I do not consider the proposal meets policy criteria contained within policy CTY13 of PPS21.

CTY 14 of PPS21 – Rural Character states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed dwelling will be unduly prominent in the landscape as it is not sited with an existing farm grouping. I do not consider it would result in build up nor would it add to a ribbon of development. The ancillary works comprising of a significant section of hardcore may damage rural character. I consider the proposal is contrary to CTY 14 as it will be unduly prominent in the landscape.

Other Material Considerations

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

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

From assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map (NI) the eastern boundary of the site is affected by surface water flooding, however none of the proposed development is located within this area and consultation with Rivers Agency is not considered necessary.

As the proposal is contrary to CTY 1, 12 and 13 of PPS 21 it is not considered acceptable, and I recommend refusal.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been satisfactorily demonstrated that:- it is necessary for the efficient use of the active and established agricultural holding; there are no suitable existing buildings on the holding or enterprise that can be used; the proposal is sited beside existing farm buildings; there are no alternative sites available at another group of buildings on the holding; health and safety reasons exist to justify an alternative site away from the existing farm buildings; and that the alternative site is essential for the efficient functioning of the business.

Reason 3

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

Signature(s): Deirdre Laverty

Date: 22 January 2024

| ANNEX | |
|---|-----------------|
| Date Valid | 6 April 2023 |
| Date First Advertised | 18 April 2023 |
| Date Last Advertised | 18 April 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours | |
| Date of Last Neighbour Notification | |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> Ref: LA09/2023/0425/F Proposals: Proposed farm building Decision: Decision Date: | |
| Summary of Consultee Responses DFI Roads - Enniskillen Office-23 0425 F Cover sheet.docx DAERA - Omagh-LA09-2023-0425-F.docx | |
| Drawing Numbers and Title Site Location Plan Plan Ref: 01 | |
| Notification to Department (if relevant) Not Applicable | |



Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.15 |
| Application ID: LA09/2023/0426/F | Target Date: 20 July 2023 |
| Proposal: Farm Shed to Replace Existing Farm Buildings for Storage of Farm Machinery and Fodder | Location: 78 Moneygran Road Kilrea, BT51 5SL |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr Damian Shields 78 MONEYGRAN ROAD KILREA BT51 5SL | Agent Name and Address: Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG |
| Executive Summary: <p>This application is being presented with the recommendation to refuse. The proposal is contrary to policies CTY 12, 13 and 14. The applicant has failed to provide evidence that the farm business has been active and established for each of the last 6 years. The proposed building is of a very large scale and no reasoning has been provided to establish the need for a building of this size, other than to say it is to replace existing buildings which are too small. The proposal is to create eight times more floor space than what is currently on site, without any justification or evidence. Due to the scale of the proposal, it would result in the building being a prominent feature in the landscape and therefore also fails to meet CTY 13 and 14 of PPS 21.</p> <p>Consultations were issued to DAERA, DfI Rivers and DfI Roads- non of which offered any objection. No third party objections were received.</p> | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|--------------------------------|--|
| Statutory Consultee | DAERA - Coleraine | Consultee Response LA09-2023-0426-F.DOCX |
| Statutory Consultee | Rivers Agency | 737925 - Final reply.pdf |
| Statutory Consultee | Rivers Agency | |
| Statutory Consultee | DFI Roads - Enniskillen Office | Full Resp.docx |

Representations:

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

Summary of Issues

The proposal is contrary to CTY 1, CTY 12, CTY 13 and CTY 14 of PPS 21.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits or designations as per the Magherafelt Area Plan 2015. The red line of the application site includes an existing access lane from the Moneygran Road and extends East. It includes the existing dwelling at 78 Moneygran Road and includes four smaller outbuildings. The location of the proposed shed is located in an existing agricultural field to the north west of the dwelling. The site is relatively flat with the level of the lands sloping in an eastern direction. There are third party sheds located immediately north of the site adjacent to a sand pit. The site is bounded on all sides by low level hedges and post and wire fencing. Existing views of the undeveloped site are limited from public view points.

Representations

No third party representations have been received.

Description of Proposal

This is a full planning application for a farm shed to replace existing farm buildings for storage of farm machinery and fodder.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

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. Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

One of these types of development is agricultural and forestry development in accordance with Policy CTY 12. Provisions of SPPS do not impact on this policy.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;*
- (b) in terms of character and scale it is appropriate to its location;*
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;*

*(d) it will not have an adverse impact on the natural or built heritage; and
(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

Firstly, with regards to determining if the agricultural holding is active and established as set out within Policy CTY 10, DAERA responded to a consultation response after a P1C form was submitted to confirm that the Business ID was established in April 2023. The agent contends that the farm holding was originally owned by Mr. Irwin who is now deceased, and that the applicant purchased the farm holding after Mr. Irwin passed. The agent argues that, “the proposal does not involve the erection of a new building rather it is the replacement of a number of existing buildings and he should not be required to provide a 6 year history in a replacement case.” The facts are the proposal does involve the erection of a new building and the relevant policy is CTY 12, which clearly states that planning permission will be granted for development on an active and established agricultural holding. Therefore, it is required that the applicant or agent demonstrate that the holding is active and established and the onus is on the agent or applicant to do this.

However, on the evidence provided to Mid Ulster District Council which is a farm business ID that was allocated in April 2023, the proposal fails to demonstrate that the agricultural holding has been established for the past 6 years. As such the proposal fails to meet CTY 12. For full clarity, the application will be further assessed against the remaining criteria of CTY 12.

With regards to Criteria A, the applicant has failed to demonstrate that the proposal is necessary for the efficient use of the holding. Within the statement of case submitted by the agent they stated in relation to criteria A that the existing farm sheds are dilapidated, none of which are useable. It is proposed to replace all these sheds with one general purpose farm storage shed. However, within the statement of case the agent identified buildings that are outside the applicant’s ownership as needing to be replaced by this one large shed. While I accept this argument to some degree, the existing outbuildings that the applicant owns are quite run down, there does not appear to be any farming activity taking place on site.

Furthermore, with regard to criteria B in terms of the scale of the proposal I do not believe it is necessary. The existing outbuildings measure approximately 175sqm in total whereas the proposed shed measures 1482sqm. This is a substantial size difference, and no case has been put forward to establish the need for a building of this size, other to say that the existing buildings are delapidated and too small. In an email the agent stated that the applicant owns a tractor, several trailers and other various items of farm machinery. However, no evidence of these items have been provided and I still do not believe these items would require a shed this size. Therefore, the proposal fails to meet criteria A and B.

With regards to criteria C, I do not believe the proposed shed will visually integrate into the local landscape given the sheer scale of the proposal. While it is recognized that the scale in terms of floor space is excessive, the proposed ridge height of 10.3m above finished floor level would result in a very large building being visible in the local landscape and it will fail to integrate. No proposed planting has been shown on the block

plan.

With regards to criteria D & E I do not believe the proposal will have an adverse impact on the natural or built heritage. The existing site is a flat agricultural field and will not require the removal of any existing trees. In terms of the development resulting in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution I have no concerns. There are no third party dwellings within close proximity to the development. The development is also for storage and no animal housing is to take place. If the development was to be approved a condition could be applied to any approval to ensure that the development is used only for storage.

Furthermore, policy CTY 12 states that,

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

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

In terms of there being no suitable existing buildings on the holding that can be used, I am content that existing buildings on the holding are not suitable to be used for agricultural purposes. Having carried out a site visit, it is my view that the buildings on site are more like outbuildings rather than agricultural buildings. They have small doors to access the buildings and it is clear that storage of machinery in these buildings would not be possible. However, this does not overcome the concerns regarding the need for a new building of the size proposed.

In terms of the design and materials of the proposed building I am content that they are sympathetic to the locality and are a common finish for agricultural buildings and the proposal is sited beside existing farm buildings.

Overall, the proposal fails to meet Policy CTY 12 as it has not been demonstrated that the agricultural holding is not active and established. Furthermore, it has not been demonstrated that the proposal is necessary for the efficient use of the agricultural holding, in terms of its scale is not appropriate to its location and it fails to visually integrate into the local landscape and no additional planting has been proposed.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. As previously mentioned, I do not believe the proposal visually integrates into the local landscape. It will result in the building being a prominent feature in the landscape and lacks long established natural boundaries to provide a suitable degree of enclosure. While the scale of the proposal is not acceptable in the local area, I am satisfied that the design of the building in terms of its finishes is acceptable. The new farm building would also visually link with the established group of buildings on the farm.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously mentioned the proposal will result in the building being a prominent feature in the landscape which will erode the rural character. I have no concerns regarding suburban style build up of development or add to or create a ribbon development. The access is existing and will have no impact on the character of the area.

PPS 3: Access, Movement and Parking

DFI Roads development control offer no objection to the above mentioned proposal as the existing access is in place with sufficient visibility splays.

Other Material Considerations

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that; there is an active and established farm holding, the building is necessary for the efficient use of the agricultural holding and in terms of character and scale it is not appropriate to its location and it will not visually integrate into the local landscape and no additional planting has been proposed.

Reason 3

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that in terms of character and scale it is not appropriate to its location and it will be a prominent feature in the landscape.

Reason 4

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would be unduly prominent in the landscape.

Signature(s): Ciaran Devlin

Date: 22 January 2024

| ANNEX | |
|---|-----------------|
| Date Valid | 6 April 2023 |
| Date First Advertised | 18 April 2023 |
| Date Last Advertised | 18 April 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 75 Moneygran Road Kilrea Londonderry BT51 5SL The Owner / Occupier 76 Moneygran Road Kilrea Londonderry BT51 5SL | |
| Date of Last Neighbour Notification | 18 April 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: LA09/2016/1473/DC Proposals: Discharge of conditions 8, 6, 8 for Planning Application LA09/2015/1294/F Decision: RL Decision Date: 30-APR-18</p> <p>Ref: H/1990/6040 Proposals: RETIREMENT BUNGALOW MONEYGRAN ROAD KILREA Decision: PRENC Decision Date: 31-MAY-90</p> <p>Ref: H/2010/0286/RM Proposals: Proposed dwelling and garage Decision: PG Decision Date: 17-AUG-10</p> <p>Ref: H/2005/0523/O Proposals: Site Of Dwelling & Garage Decision: PG Decision Date: 04-JUL-07</p> <p>Ref: LA09/2023/0426/F Proposals: Farm Shed to Replace Existing Farm Buildings for Storage of Farm Machine</p> | |

and Fodder
Decision:
Decision Date:

Summary of Consultee Responses

DAERA - Coleraine-Consultee Response LA09-2023-0426-F.DOCX
Rivers Agency-737925 - Final reply.pdf
Rivers Agency-
DFI Roads - Enniskillen Office-Full Resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Proposed Plans Plan Ref: 04
Proposed Elevations Plan Ref: 05
Proposed Elevations Plan Ref: 06

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.16 |
| Application ID: LA09/2023/0509/O | Target Date: 22 August 2023 |
| Proposal: Proposed site for dwelling and garage | Location: 30M S.E of 35 Kilrea Road Upperlands |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Mr Darren Mc Guckin 73 Gorticlare Road Donemana Strabane BT82 0QD | Agent Name and Address: Mr Damien Kearney 2a Coleraine Road Maghera BT46 5BN |
| Executive Summary: The current application is presented as an approval, however is being presented at Committee following receipt of an objection. | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|--------------------------------|-------------------|
| Statutory Consultee | DFI Roads - Enniskillen Office | Outline resp.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | Outline resp.docx |

Representations:

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

Summary of Issues

The objector's concerns are addressed below:

- Concerns relating to volume of traffic on the lane, and if the lane is capable of taking more users – DfI Roads were consulted initially on this application and responded that they had no objections to approval being granted to this application subject to conditions. Following receipt of this objection I reconsulted with DfI and outlined the specific concerns raised by the objector. DfI noted and

considered the objection received. In their response they stated: *“To prevent reversing movements onto the Kilrea Road from this existing access laneway DfI Roads recommend (RS1 Form) that this existing lane is widened to a minimum of 4.8 metres for the first 10 metres in from the public road.”* The applicant, through signing certificate A on the P1 Form, is in control of the laneway and that if this condition is added then it is achievable to ensure road safety. To conclude, DfI stated again that they had no objection to this proposal.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The site is identified as 30m Southeast of No. 35 Kilrea Road, Upperlands. The site sits adjacent to a group of dwellings, outbuildings, a filling station and a recently approved site LA09/2022/0573/O. The site is an agricultural field. The northern boundary is defined by mature hedging and a large shed. The eastern and southern boundaries are enclosed with mature trees and hedging, while the western boundary fronts the existing laneway and is bound by wire and wooden fencing. The existing laneway serves the majority of the dwellings and outbuildings within this grouping.

Description of Proposal

This is an outline planning application for a proposed site for dwelling and garage. The site is identified as 30m Southeast of No. 35 Kilrea Road, Upperlands.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

One neighbour notification letter was issued.

One objection was received in connection with this application.

Relevant Planning History

LA09/2022/0573/O – Proposed site for dwelling and garage, Adjacent And South Of 35B Kilrea Road, Upperlands, Maghera. Permission Granted – 28.10.2022.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 1: General Principles

PPS 3: Access, Movement and Parking

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

CTY 14 – Rural Character

Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside

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

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 area are acceptable in the countryside. In this instance the application is for a new dwelling in an existing cluster therefore this development must be considered under CTY 2a of PPS 21. Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

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

I am content that the cluster lies outside a farm in which I am content that there is four or more buildings within the cluster and at least three of these buildings are dwellings (Nos. 31, 33, 35, 35b, 37a) with the cluster appearing as a visual entity. The filling station has been identified as a focal point. I note that this grouping has been accepted as a cluster before in planning approval LA09/2022/0573/O, and the filling station was accepted as a focal point therefore this will hold material weight. In terms of enclosure I note that it bounds a large shed along the northern boundary and an existing shed and an existing

garage along the western boundary. Finally, in terms of impact on residential amenity, I am content that the proposal is unlikely to impact on residential amenity. From this I am content that the application complies with CTY 2a.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that an appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape. Taken into consideration the landform and the surrounding development I feel it necessary to restrict the ridge height to be no more than 7.5m from finish floor level. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not have a detrimental impact on the character of the area and would be able to comply under CTY 14.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

An application for approval of the reserve 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 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 61 of the Planning Act (Northern Ireland) 2011.

Condition 2

The proposed dwelling shall have a ridge height of less than 7.5 metres above the finished floor level of the site and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.

Condition 3

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.

Condition 4

During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Condition 5

The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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

Condition 6

If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

Condition 7

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

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

Signature(s): Seáinín Mhic Íomhair

Date: 23 January 2024

| ANNEX | |
|--|-----------------|
| Date Valid | 9 May 2023 |
| Date First Advertised | 23 May 2023 |
| Date Last Advertised | 23 May 2023 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 37A Kilrea Road Upperlands Londonderry BT46 5SN The Owner / Occupier 33 Kilrea Road Upperlands Londonderry BT46 5SN The Owner / Occupier 35B Kilrea Road Upperlands Londonderry BT46 5SN The Owner / Occupier 37 Kilrea Road Upperlands Londonderry BT46 5SN The Owner / Occupier 35 Kilrea Road Upperlands Londonderry BT46 5SN</p> | |
| Date of Last Neighbour Notification | 15 May 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: H/1984/0131 Proposals: BUNGALOW Decision: PG Decision Date:</p> <p>Ref: LA09/2019/1348/F Proposals: Proposed sun lounge extension and new domestic garage/games area Decision: PG Decision Date: 20-NOV-19</p> <p>Ref: H/1997/0001 Proposals: RETENTION OF BUILDING FOR THE STORAGE OF GOODS/EQUIPMENT FOR ROOFING BUSINESS AND FOR PETROL FILLING STATION SHOP Decision: PR</p> | |

Decision Date:

Ref: H/1978/0380

Proposals: EXTENSION TO PETROL FILLING STATION

Decision: PG

Decision Date:

Ref: H/1988/0529

Proposals: CANOPY

Decision: PG

Decision Date:

Ref: LA09/2023/0509/O

Proposals: Proposed site for dwelling and garage

Decision:

Decision Date:

Ref: H/2002/0759/RM

Proposals: Dwelling and Garage

Decision: PG

Decision Date: 16-OCT-02

Ref: H/2002/0007/O

Proposals: Site Of Dwelling with detached garage

Decision: PG

Decision Date: 14-MAR-02

Ref: H/2007/0704/F

Proposals: Demolish existing 1½ storey dwelling and the construction of new proposed 1½ storey dwelling

Decision: PG

Decision Date: 22-JAN-08

Ref: H/2015/0058/F

Proposals: Proposed Replacement 2 Storey Dwelling and Garage

Decision: PG

Decision Date: 05-AUG-15

Ref: LA09/2015/1036/RM

Proposals: Proposed Farm Dwelling and garage

Decision:

Decision Date:

Ref: H/2014/0164/O

Proposals: Farm dwelling and garage

Decision: PG

Decision Date: 16-MAR-15

Ref: LA09/2016/1419/F

Proposals: Proposed dwelling and garage under policy CTY2a

Decision: PG

Decision Date: 26-JAN-17

Ref: H/2000/0258/F

Proposals: Dwelling and Garage

Decision: PG

Decision Date: 19-SEP-00

Ref: H/1999/0720/O

Proposals: Site of Dwelling and Garage

Decision: PG

Decision Date: 11-JUN-00

Ref: H/1995/0600

Proposals: SITE OF BUNGALOW AND GARAGE

Decision: PR

Decision Date:

Ref: H/2004/1603/O

Proposals: Site of Dwelling & Garage

Decision: PG

Decision Date: 02-AUG-06

Ref: H/2003/0398/F

Proposals: Sunroom Extension.

Decision: PG

Decision Date: 06-SEP-03

Ref: H/1994/0002

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: H/2006/0181/O

Proposals: Site of Dwelling and Domestic Garage.

Decision: PG

Decision Date: 19-MAY-06

Ref: H/2006/0182/O

Proposals: Site of Dwelling & Domestic Garage.

Decision: PR

Decision Date: 20-DEC-07

Ref: H/2001/1056/F
Proposals: Replacement Dwelling & Garage
Decision: PG
Decision Date: 19-MAR-02

Ref: LA09/2022/0573/O
Proposals: Proposed site for dwelling and garage
Decision: PG
Decision Date: 28-OCT-22

Ref: H/2002/1111/F
Proposals: Extensions & Alterations to dwelling.
Decision: PG
Decision Date: 17-JAN-03

Ref: H/1999/0513
Proposals: RETENTION OF BUILDING FOR STORAGE OF GOODS/EQUIPMENT FOR
ROOFING BUSINESS AND FOR PETROL FILLING STATION SHOP
Decision: PG
Decision Date:

Ref: H/2006/0944/RM
Proposals: Proposed two storey dwelling house and detached storey and half garage
Decision: PG
Decision Date: 20-JUN-07

Ref: H/2008/0310/RM
Proposals: Proposed dwelling and domestic garage
Decision: PG
Decision Date: 21-JAN-09

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx
DFI Roads - Enniskillen Office-Outline resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

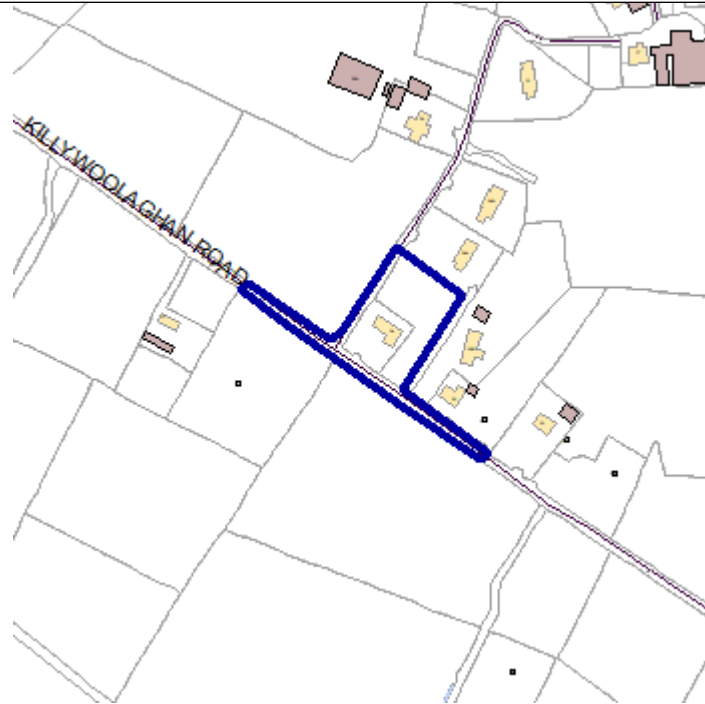


Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.17 |
| Application ID: LA09/2023/0518/O | Target Date: 23 August 2023 |
| Proposal: Proposed site for dwelling and garage | Location: 40M North of 24 Killywoolaghan Road Ardboe |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Christopher Scullion 41 Mullanahoe Road Ardboe | Agent Name and Address: No Agent |
| Executive Summary: | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|--------------------------------|---|
| Statutory Consultee | DFI Roads - Enniskillen Office | FORM RS1 STANDARD - Updated.doc Roads outline - Updated.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | FORM RS1 STANDARD.doc DC Checklist 1.doc Roads outline.docx |

Representations:

| | |
|---|---|
| Letters of Support | 0 |
| Letters Non Committal | 0 |
| Letters of Objection | 2 |
| Number of Support Petitions and signatures | |
| Number of Petitions of Objection and signatures | |

Summary of Issues

Characteristics of the Site and Area

The site is located in the rural countryside, as defined by the Cookstown Area Plan 2010, approx. 2.7km south southwest of Ardboe and 2.7km west of Lough Neagh.



Fig 1: Site outlined red.



Fig 2: Site outlined red.

The site is a relatively flat L-shaped plot comprising an agricultural field that runs to the

southeast side and rear / northeast of, no. 24 Killywoolaghan Road, a single storey roadside dwelling fronting onto and accessed off the Killywoolaghan Road. The main rectangular body of the site sits to the rear of no. 24 Killywoolaghan Road and is to be accessed off the Killywoolaghan Road through the secondary body of the site along the southeast side of no. 24 Killywoolaghan Road.

The main body of the site, to the rear of no. 24 is located within a line of existing development comprising 3 single storey detached dwellings running along the east side of a lane accessed off the Killywoolaghan Road. The 3 dwellings in this line running from southwest to northeast include no. 24 Killywoolaghan Road orientated gable end onto the lane and nos. 24a and 24b Killywoolaghan Road fronting onto, and accessed off, the lane. The main body of the site sits between nos. 24 and 24a Killywoolaghan Road. This lane appears to serve a small number of additional dwellings, business, and agricultural buildings. The secondary body of the site, through which its access will run, is also located within a substantial line of development comprising approx. 6 dwellings of mixed ridge heights running along the northeast side of the Killywoolaghan Road. The secondary body of the site sits between no. 24 Killywoolaghan Road and the curtilage of no. 26b Killywoolaghan Road, a relatively newly constructed bungalow facing west onto the site. Albeit the access lane serving no. 24a Killywoolaghan Road, the dwelling to the rear of the site, separates the site from the curtilage of no. 26b Killywoolaghan Road.



Fig 3: Google Streetview image of site including nos. 24, 24a, 26b and 26 Killywoolaghan Road, whilst captured in 2021, reflective of the site today albeit there has been some additional planting and / or matured vegetation both on site and in the wider vicinity.

The northwest boundary and northeast boundary of the site, which bound the adjacent lane and the curtilage of no. 24a Killywoolaghan Road respectively, are well defined by mature trees and hedgerow vegetation. The southeast boundary of the site, adjacent the lane serving no. 24a Killywoolaghan Road, is defined by a mix of post and wire fencing and a relatively new hedge. The party boundaries of the site with no. 24 Killywoolaghan Road are defined by post and wire fencing. The roadside frontage of the site is largely undefined.

Critical views into the site are limited on both approaches along the Killywoolaghan Road until just before and passing along its roadside frontage due to the flat topography of the area and its location within two existing lines of development that alongside existing vegetation bounding the site and in the wider vicinity helps to screen and enclose it. The

vegetation bounding the site screens views into it from the from the lane bounding it to the west.

The wider area surrounding the site is rural in nature characterised by flat agricultural land typical of the lough shores interspersed with detached dwellings, ancillary buildings, and farm groups. The immediate area however has come under considerable development pressure in recent years as detailed above with a substantial number of dwellings running largely along the north side of the Killywoolaghan Road; and along the east side of the lane off the Killywoolaghan Road that bounds the site.

Description of Proposal

This is an outline planning application for a dwelling and garage to be located on lands 40m north of 24 Killywoolaghan Road Ardboe.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Cookstown Area Plan 2010
Planning Policy Statement 3: Access, Movement and Parking
Development Control Advice Note 15: Vehicular Standards
Planning Policy Statement 21: Sustainable Development in the Countryside
Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside.

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

Relevant Planning History

Non-applicable

Consultees

1. DFI Roads were consulted in relation to this proposals access, movement and parking

arrangements that were revised during the processing of this application to instead of being taken off the lane bounding the site as indicated at the outset to now be taken off the Killywoolaghan Road. DFI Road assessed the revised access arrangements to be taken directly off the Killywoolaghan Road (Drawing 01 REV.01 received 23 Oct 2023) and had no objections to the proposal subject to standard conditions and informatives, which will be applied to any subsequent decision notice to comply with the requirements of Planning Policy Statement 3: Access, Movement and Parking. Accordingly, I am content a safe access can be achieved to accommodate this proposal.

Consideration

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21. It has been submitted the current proposal falls under one of these instances, the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

I consider this application in principle acceptable under CTY8. It is my opinion that the current site constitutes a small gap site suitable to accommodate one dwelling within an otherwise substantial and continuously built-up frontage as detailed further above in 'Characteristics of the Site and Area' it is located within a substantial line of development including 3 dwellings running along the east side of a lane accessed off the Killywoolaghan Road. It also sits within a substantial line of development comprising approx. 6 dwellings of mixed ridge heights running along the northeast side of the Killywoolaghan Road.

I believe a dwelling of an appropriate siting, size, scale, and design with a ridge height no greater than 5m above FFL similar to neighbouring properties should read within and respect the existing development pattern and integrate into this gap site with minimal disruption to the rural character of the area. From public views as detailed above in the 'Characteristics of the Site and Area' a dwelling on this site will benefit from the flat topography of the area and its location within two existing lines of development that alongside existing vegetation bounding the site and within the wider vicinity will help to screen, enclose, and provide it with a backdrop.

As this is an outline application the details of the siting, size, scale, design and orientation of the dwelling can be considered further under any subsequent reserved matter application.

I am content subject to a suitably designed scheme coming forward under any subsequent reserved matter application it should not have any unreasonable impact on neighbouring amenity

in terms of overlooking or overshadowing with particular regard being given to nos. 24, 24a, 26 and 26b Killywoolaghan Road the closest properties to the site. I consider given the dimensions of the site, as shown below in Fig 4, which are similar to those in the vicinity it should be able to accommodate a dwelling with a 5m ridge height of a suitable siting, size, scale, design and orientation with adequate separation distances to neighbouring properties. The site benefits from thick vegetation to its northeast boundary which will help prevent unreasonable overlooking to no. 24a's private amenity area. Whilst the boundary treatments between the site and nos. 26 and 26b located to its southeast and east respectively comprises relatively low fencing and hedging along the lane serving no. 24a I am content that this proposal does not offer any significantly greater potential for unreasonable overlooking to these properties than currently exists from the lane. I consider that in addition to the lane including hedging and vegetation separating the site from these properties adequate separation distances could be achieved and that any frontage of the potential property should not overlook the private amenity area located and screened to the rear of these properties. In relation to no. 24, which is identified on the site location plan submitted as being within the control of the applicant, whilst only post and wire fencing encloses the private amenity area to its rear that back onto the site, I am reasonable content given the 49.9m depth of the site a dwelling should be able to be adequately sited with the aid of an additional screen of planting to protect the no. 24's amenity.



Fig 4: Dimensions of the site.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 2 third party objections were received.

1 from Mr Conor Delaney and Ms Geraldine Delaney the owner / occupiers of a property accessed via the lane bounding the site to the northwest; and 1 from Mr John Mulgrew the owner/occupier of no. 28b Killywoolaghan Road, the neighbouring property to the southeast of the site.

Mr Conor Delaney and Ms Geraldine Delaney raised a land ownership challenge in response to

the initial site location plan submitted at the outset of this proposal that showed the lane which now runs along the outside of the site's northwest boundary within the red line of the site and ownership of the applicant. As a result of this challenge the applicant was contacted and subsequently removed this lane from within the red line of the site. Accordingly, I am content this matter, which will now see the site accessed directly off the Killywoolaghan Road rather than via the lane, has been addressed.

Mr John Mulgrew raised concerns in relation to:

Highway access / safety - That there are already a number of entrances onto the Killywoolaghan Road with 50 yards of the site and if approved this proposal would increase these to an unacceptable level for safety; and

Overlooking and loss of privacy – That the dwelling would be directly in front of his property. That whilst this is only an outline application without further design details he can only assume overlooking and loss of privacy to his property.

In relation to bullet point as detailed further above (see 'Consultees') I am content that DFI Roads have assessed the access arrangements and have raised no concerns from a safety aspect subject to standard conditions and informatives, which will be applied to any subsequent decision notice. In relation to bullet point 2 also as addressed further above (see 'Consideration') I consider given the dimensions of the site, as shown below in Fig 4, which are similar to those in the vicinity it should be able to accommodate a dwelling with a 5m ridge height of a suitable siting, size, scale, design and orientation with adequate separations distances to neighbouring properties. Particularly with regards to no. 26b whilst I noted the boundary treatments between it and the site along the lane serving no. 24a comprise relatively low fencing and hedging I am content that this proposal does not offer any significantly greater potential for unreasonable overlooking than currently exists from the lane. I consider that in addition to the lane including hedging and vegetation separating the site from no. 26 adequate separation distances could be achieved and that any frontage of the potential property should not overlook the private amenity area located and screened to the rear of no. 26.

Additional considerations

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online have been checked. HED's map viewer identified no built heritage features of significance on site; and whilst NED's map viewer showed the site to be within an area known to breeding waders, I am content that the site comprises improved grassland within a cluster of development unlikely to support and / or have any significant impact on these species.

NI Flood Maps indicate no flooding on site.

Recommendation: Approve

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 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.

Condition 3

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

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

Condition 4

The proposed dwelling shall have a ridge height no greater than 5 metres above finished floor level.

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

Condition 5

The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.35 metres at any point.

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

Condition 6

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

Reason: In the interest of visual amenity and residential amenity.

Condition 7

The existing mature trees and vegetation along the boundaries of the site indicated in green on Drawing 01 REV.01 received 23 Oct 2023, shall be retained except where it is required to provide access and / or sight lines. No trees or vegetation shall be lopped,

topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual and residential amenity.

Condition 8

During the first available planting season prior to the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those hedgerows and trees to be retained and measures for their protection during the course of development; and a native species hedge along the site boundaries indicated in yellow on Drawing 01 REV.01 received 23 Oct 2023. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual and residential amenity.

Condition 9

A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the RS1 form attached to the DFI Roads comments dated 12 DEC 2023 on the Planning Portal and shall include sight splays of 2.4m x 65 in both directions onto the public road and any forward sight distance required. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Signature(s): Emma Richardson

Date: 24 January 2024

| ANNEX | |
|---|------------------|
| Date Valid | 10 May 2023 |
| Date First Advertised | 23 May 2023 |
| Date Last Advertised | 23 May 2023 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 19 Killywoolaghan Road Stewartstown Tyrone BT71 5AS</p> <p>The Owner / Occupier 24 Killywoolaghan Road Stewartstown BT71 5AS</p> <p>The Owner / Occupier 24A Killywoolaghan Road Stewartstown Tyrone BT71 5AS</p> <p>The Owner / Occupier 28 Killywoolaghan Road Stewartstown Tyrone BT71 5AS</p> <p>The Owner / Occupier 26B Killywoolaghan Road Stewartstown Tyrone BT71 5AS</p> <p>The Owner / Occupier 26 Killywoolaghan Road Stewartstown Tyrone BT71 5AS</p> <p>The Owner / Occupier 26A Killywoolaghan Road Stewartstown Tyrone BT71 5AS</p> | |
| Date of Last Neighbour Notification | 16 November 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: I/1995/0057 Proposals: Site for dwelling Decision: PG Decision Date:</p> <p>Ref: I/2005/0774/O Proposals: Proposed dwelling & garge to replace previous application I/2002/0271 Decision: PG Decision Date: 14-JUL-05</p> <p>Ref: I/2002/0271/O Proposals: Site for a dwelling</p> | |

Decision: PG
Decision Date: 17-SEP-02

Ref: I/1986/0215
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: LA09/2017/0687/RM
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 29-AUG-17

Ref: LA09/2016/1780/O
Proposals: Site for farm dwelling and garage
Decision: PG
Decision Date: 31-MAR-17

Ref: I/2004/1161/O
Proposals: Proposed Dwelling
Decision: PG
Decision Date: 17-DEC-04

Ref: I/2005/0248/F
Proposals: Proposed dwelling
Decision: PG
Decision Date: 29-APR-05

Ref: LA09/2016/1727/LDE
Proposals: E M Automation have used the outbuildings to the rear of their premises as a base for their business over 7 years. The buildings are used as an office, storage, assembly, servicing and dispatch of various types of automated packaging machinery and equipment
Decision: PG
Decision Date: 10-MAR-17

Ref: I/2004/0881/F
Proposals: Proposed dwelling
Decision: PG
Decision Date: 16-OCT-04

Ref: I/2009/0280/F
Proposals: Proposed sunroom extension to existing dwelling
Decision: PG
Decision Date: 07-JUL-09

Ref: I/1998/0167

Proposals: Site for Dwelling

Decision: PG

Decision Date:

Ref: LA09/2023/0518/O

Proposals: Proposed site for dwelling and garage

Decision:

Decision Date:

Ref: I/2007/0488/RM

Proposals: Proposed dwelling and garage to replace previous application I/2002/0271

Decision: PG

Decision Date: 20-SEP-07

Ref: I/2013/0126/F

Proposals: Retention of re-orientated dwelling previously approved I/2007/0488/RM and associated garage and siteworks

Decision: PG

Decision Date: 27-JUN-13

Ref: I/2002/0812/RM

Proposals: Replacement dwelling and garage

Decision: PG

Decision Date: 16-JAN-03

Ref: I/2004/0567/O

Proposals: Proposed dwelling - living accommodation

Decision: PG

Decision Date: 22-JUL-04

Ref: I/2006/1221/RM

Proposals: Proposed dwelling - living accommodation

Decision: PG

Decision Date: 18-JUN-07

Ref: I/2010/0096/F

Proposals: Proposed dwelling- infill site

Decision: PG

Decision Date: 20-JUL-10

Ref: I/1993/0067

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: I/1993/0067B
Proposals: Dwelling
Decision: PG
Decision Date:

Ref: I/2001/0429/F
Proposals: Proposed Dwelling
Decision: PG
Decision Date: 24-JUL-01

Ref: LA09/2017/0760/F
Proposals: Proposed storage workshop for existing approved business (ref. LA09/2016/1727/LDE)
Decision: PG
Decision Date: 08-MAR-18

Ref: I/2001/0290/O
Proposals: Proposed Dwelling
Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-FORM RS1 STANDARD - Updated.doc
Roads outline - Updated.docx
DFI Roads - Enniskillen Office-FORM RS1 STANDARD.doc
DC Checklist 1.doc
Roads outline.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.18 |
| Application ID: LA09/2023/0595/F | Target Date: 7 September 2023 |
| Proposal: Conversion of rear yard to beer garden to Public House | Location: The Cosy Corner Bar 68 Gulladuff Road Gulladuff |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Seamus Boyle 66 Gulladuff Road Gulladuff BT45 8NT | Agent Name and Address: McGurk Architects 33 King Street Magherafelt BT45 6AR |
| Executive Summary: <p>This full planning application is for The Cosy Corner Bar in Gulladuff and involves the proposed conversion of the existing rear yard to a beer garden. The application is brought before the planning committee because there is a declared interest in the P1 form - the applicant's sister works for Mid Ulster District Council.</p> <p>The proposed development satisfies all relevant planning policy and therefore I recommend that planning permission be granted.</p> | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|---|----------------------------------|
| Non Statutory Consultee | Environmental Health Mid Ulster Council | LA09 2023 0595 F Cosy Corner.doc |
| Statutory Consultee | Historic Environment Division (HED) | |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | LA09.2023.0595.F.pdf |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site of the proposed is located in the Gulladuff settlement limit as defined in the Magherafelt Area Plan 2015. The application site comprises the Cosy Corner establishment. This is a single storey existing bar / off sales complete with a rear yard area. The site is located on the corner of the Gulladuff Rd / Gulladuff Hill Rd, off the roundabout. Neighbours include the Vivo shop to the west and residential dwellings to the north and east of the site.

Description of Proposal

This is a full application for the conversion of rear yard to beer garden.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Magherafelt Area Plan 2015

The site of the proposed is located in the Gulladuff settlement limit. Map No. 21 shows the site which is adjacent to a Protected Route. The following designation applies:

Designation GF 01 Settlement Development Limit

The settlement development limit is designated to consolidate existing development, including existing commitments, and prevent ribboning and urban sprawl encroaching into the surrounding countryside. I am content that the proposed development does not offend this designation and is in keeping with the use of the public house establishment.

Relevant Planning Histories

LA09/2019/1190/F – Internal alterations to public house to enlarge existing off sales within bar area with new shop front and external refurbishment of off sales and bar elevations – The Cosy Corner Bar 68 Gulladuff Road Gulladuff – Permission Granted 09/10/2019.

LA09/2022/1496/NMC – Proposed covered beer garden area to the rear of the existing public house – The Cosy Corner Bar 68 Gulladuff Road Gulladuff – Non Material Change Refused 21/02/2023.

LA09/2022/0250/F – Proposed covered outdoor area to rear of existing public house – The Cosy Corner Bar 68 Gulladuff Road Gulladuff – Permission Granted 09/08/2022.

Representations

No representations have been received to date.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

The proposal will not cause demonstrable harm to any interests of acknowledged importance. The proposal seeks to convert the existing rear yard area to a beer garden for the existing public house. The proposal will not impact on built heritage or sites of archaeological interest and this has been demonstrated by HED who were consulted under the LA09/2022/0250/F planning approval. Following the submission of a Noise Management Plan, Environmental Health have provided no objection to the proposed development with recommended conditions to be attached if approval is granted.

Planning Policy Statement 3 – Access, Movement and Parking

I note that the site intends to use an existing unaltered access, with no predicted increase in patrons. I am content that the existing parking arrangements will be more than sufficient to deal with the parking requirements. Given all of the above it was not deemed necessary to consult with DfI Roads. I am content that the proposed development does not offend the policy within PPS 3.

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

The site is located within an area of archaeological potential. I refer to planning approval LA09/2022/0250/F for a similar proposed development at the site. HED were consulted in this application at the time and commented that they are content that the proposal is satisfactory to SPPS and PPS 5 archaeological policy requirements. On the basis of this application being similar to the previous approval at the site, I am content to proceed without further comment from HED and I am satisfied that the proposed development does not offend the policy within PPS 6.

A Planning Strategy for Rural Northern Ireland

Policy DES 2 Townscape of A Planning Strategy for Rural Northern Ireland requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of material. As previously stated the proposed development is considered appropriate and will not cause demonstrable harm to any interests of acknowledged importance.

DCAN 7 – Public Houses

This development control advice note gives the planning department general guidance on the regulations of public houses. The application seeks to convert the existing rear yard area into an outdoor beer garden area. I am content that given the small scale of the proposal that there is no conflict with the guidance. Having consulted with Environmental Health, I am of the opinion that the proposed works are unlikely to cause any additional nuisance to any neighbouring amenity when the conditions are applied to the development. From such I am content that the proposal does not unduly affect the privacy or amenity of neighbouring residents. The proposed development does not result in the loss of any trees or other landscape features. The proposed development would not have an adverse impact upon the character of the area.

Other Material Considerations

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

There are no issues pertaining to flooding at the site.

Recommendation

Having assessed the application against the above planning policy and all other material considerations relevant to the case, I recommend that planning permission be granted.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

No loudspeaker(s) or amplified music (including televisions) shall be played in the beer garden area as annotated on drawing no. 03 uploaded to public access on 25th May 2023.

Reason: To protect amenity of nearby residential properties.

Condition 3

Within 8 weeks of a written request by the Planning Department, following a reasonable noise complaint, the applicant shall, at their expense, employ a suitably qualified and competent person to assess and report the level of noise emissions from the site and their impact at the complainant's property. Details of the noise monitoring survey shall be submitted to Mid Ulster District Council for written approval prior to any monitoring commencing.

Reason: To protect amenity of nearby residential properties.

Signature(s): Benjamin Porter

Date: 24 January 2024

| ANNEX | |
|--|-----------------|
| Date Valid | 25 May 2023 |
| Date First Advertised | 6 June 2023 |
| Date Last Advertised | 6 June 2023 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 66 Gulladuff Road Gulladuff Londonderry BT45 8NT</p> <p>The Owner / Occupier 66A Gulladuff Road Gulladuff Londonderry BT45 8NT</p> <p>The Owner / Occupier 64A Gulladuff Road Maghera Londonderry BT45 8NT</p> <p>The Owner / Occupier 12 Gulladuff Hill Gulladuff Londonderry BT45 8NU</p> <p>The Owner / Occupier 11 Gulladuff Hill Gulladuff Londonderry BT45 8NU</p> <p>The Owner / Occupier 13 Gulladuff Hill Gulladuff Londonderry BT45 8NU</p> <p>The Owner / Occupier 7 Gulladuff Hill Gulladuff Londonderry BT45 8NU</p> <p>The Owner / Occupier 76 Gulladuff Road Gulladuff Londonderry BT45 8NT</p> | |
| Date of Last Neighbour Notification | 2 June 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: LA09/2022/0250/F Proposals: Proposed covered outdoor area to rear of existing public house Decision: PG Decision Date: 09-AUG-22</p> <p>Ref: H/1980/0188 Proposals: CHANGE OF USE FROM GARAGE TO SHOP Decision: PG Decision Date:</p> <p>Ref: H/2012/0008/F</p> | |

Proposals: Proposed extension to existing shop and change of use from existing conservatory to dwelling to storage to shop

Decision: PG

Decision Date: 12-MAR-12

Ref: H/2003/0542/F

Proposals: Dwelling and garage.

Decision: PG

Decision Date: 10-FEB-04

Ref: LA09/2022/1496/NMC

Proposals: Proposed covered beer garden area to the rear of the existing public house

Decision: RENMC

Decision Date: 21-FEB-23

Ref: LA09/2023/0595/F

Proposals: Conversion of rear yard to beer garden to Public House

Decision:

Decision Date:

Ref: H/1988/0049

Proposals: 33,000V INTERCONNECTOR

Decision: PG

Decision Date:

Ref: H/1985/0055

Proposals: SITE OF BUNGALOW AND GARAGE

Decision: PG

Decision Date:

Ref: H/1985/0441

Proposals: CONVERSION OF GARAGE TO SHOP

Decision: PG

Decision Date:

Ref: H/1980/0291

Proposals: CONVERSION OF PART OF PUBLIC HOUSE TO OFF LICENSE AND ALTERATIONS TO

Decision: PG

Decision Date:

Ref: H/1989/0333

Proposals: EXTENSION TO PUBLIC HOUSE

Decision: PG

Decision Date:

Ref: LA09/2019/1190/F

Proposals: Internal alterations to public house to enlarge existing off sales within bar area with new shop front and external refurbishment of off sales and bar elevations

Decision: PG

Decision Date: 08-OCT-19

Ref: H/1989/0494

Proposals: GARAGE AND STORE

Decision: PG

Decision Date:

Ref: H/1986/0109

Proposals: REPLACEMENT BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2019/0477/F

Proposals: Proposed domestic garage to side of existing dwelling

Decision: PG

Decision Date: 02-JUL-19

Summary of Consultee Responses

Environmental Health Mid Ulster Council-LA09 2023 0595 F Cosy Corner.doc
Historic Environment Division (HED)-
Environmental Health Mid Ulster Council-LA09.2023.0595.F.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Existing Plans Plan Ref: 02
Proposed Plans Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

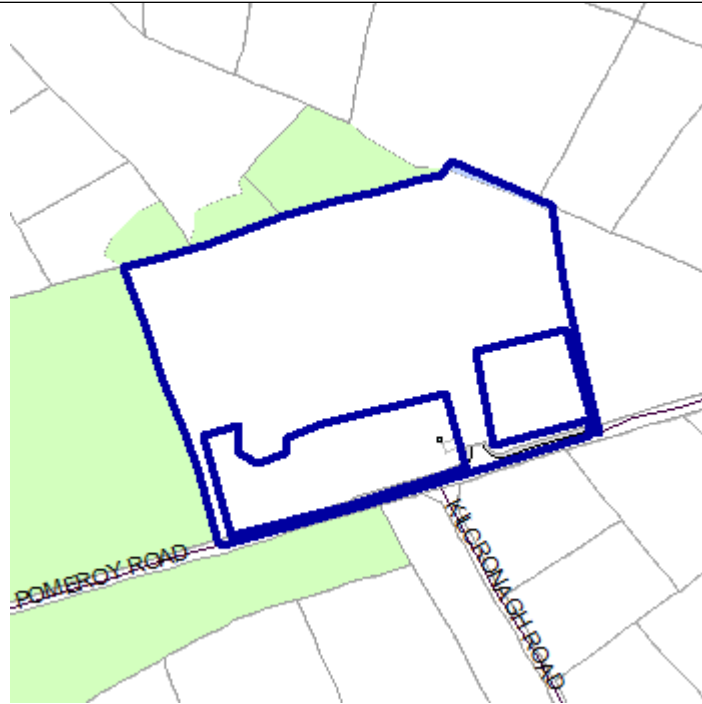


Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.19 |
| Application ID: LA09/2023/0635/F | Target Date: 3 January 2024 |
| Proposal: Industrial unit and site office in existing industrial park | Location: Lands immediately North of Junction of Pomeroy Road & Kilcronagh Road, Cookstown |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Mr PJ Mc Gee 3 Tandragee Road Pomeroy BT70 3DS | Agent Name and Address: Mr Paul Bradley 76 Main Street Pomeroy BT70 2QP |
| Executive Summary: Approve with conditions | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|---|---------------------------------------|
| Statutory Consultee | Environmental Health Mid Ulster Council | |
| Statutory Consultee | DFI Roads - Enniskillen Office | Roads Consultation full approval.docx |
| | Environmental Health Mid Ulster Council | Planning Response LA09-23-0635..pdf |
| | DFI Roads - Enniskillen Office | Roads Consultation full approval.docx |
| Statutory Consultee | NIEA | PRT LA09-2023-0635-F.PDF |
| Statutory Consultee | Rivers Agency | 854532 - Final reply.pdf |

Representations:

| | |
|---|---|
| Letters of Support | 0 |
| Letters Non Committal | 0 |
| Letters of Objection | 2 |
| Number of Support Petitions and signatures | |
| Number of Petitions of Objection and signatures | |

Summary of Issues

Characteristics of the Site and Area

The site is located on Pomeroy Road, across from Kilconagh Road, at Ballygrooby Park (name as assigned by Cookstown District Council in 2014). A more accurate description of 'Lands immediately North of Junction of Pomeroy Road & Kilconagh Road, Cookstown' was requested from agent so neighbours would clear where the location was and neighbours were notified on this.

The site to be comprised of two fields of rushy wet grassland that are cut for silage or grazed by sheep or cattle. The site is within an area that was mapped as peatland. The field is bounded to the north and west by deciduous woodland with birch.

The eastern boundary is a very scrappy hedge with occasional trees. The southern boundary along the main road is a post and wire fence with occasional trees. The central fence is post & wire.

Description of Proposal

Industrial unit and site office in existing industrial park

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The proposed site lies within a previously approved industrial park located within the open countryside. The site is being sought for an industrial building and office building within the approved Park. Works have commenced on site including a substructure for a security building and the access has been formed and kerbed.



Site in August 2023

Assessment of Policy and other material considerations

Previous history on the site include;

History dates back as follows;

I/1985/0333- Workshop

I/1993/0437/0 - Erection of Engineering Factory

I/1995/0088/F - Engineering Factory

I/2001/01770/O- Proposed Business Park to Accommodate Light Industrial Use (Class 4) with Associated Works

I/2004/0362/F- Advanced road construction in conjunction with planning approval
I/2001/0177/O.

I/2008/0416/F- Proposed light industrial unit for class 4 use, in conjunction with approved road construction Ref: I/2004/0362/F

I/2013/0379/O- Proposed security office at entrance to approved site.

There is clearly a lengthy planning history relating to this site.

The first commercial permission being in 1985. Subsequent approvals demonstrate a

continuation of industrial proposals up to 2013. Whilst there are passages of time before some of the earlier permissions, the 2001 outline approval appears to establish the site as a business park. The DOE approved a 2004 application for road works in conjunction with the 2001 permission and shortly after a 2008 permission for light industrial unit tie to the 2004 approval. In 2013 the Department also approved a security hut again linked to the approval of the site as an industrial site.

In the absence of any clear evidence to the contrary and considering the planning history of the site, along with works carried out on site it appears that an industrial use is established on the lands associated with this application.

The site entrance and the security hut substructure were installed on site prior to the expiry date of 2013 approval, 19th Feb 2019. A google street view image shows in 2016 this was in place.



Building Control confirmation has been forwarded for the security office that it was approved on 28 Feb 2014 and in inspection showed founds were in place in April 2014.

Consideration of LDP and Planning policy

Cookstown Area Plan (CAP) 2010

In relation to Industry and mixed use, it is stated there a keenness to facilitate the development of new businesses and encourage appropriate future expansion of existing firms. The objectives within the CAP are to promote development within existing urban area but due to the previous history establishes this as an acceptable location for industrial development.

It directs assessment to PPS4 for the full range of industrial policies and these types of projects in the countryside.

As per the **Local Development Plan 2030 Draft Plan**, Economic Development is encouraged by Mid Ulster Council and the plan states that the council will support industrial and manufacturing development within the District. Although this is a material consideration significant weight cannot be given to the draft plan until it is adopted.

The applicant, Fabricat, has been established for over 25 years and they employ around 25 employees at their current site in Pomeroy. They have outgrown the site a number of years ago and have finally found a suitable site with an established industrial use. As

part of the new expansion with this new site Fabricat envisage employing up to 40 new full-time employees for the efficient running of the new site. In addition to the full-time employees, there will be short term employment within the construction industry to deliver the project.

Whilst the proposal will be required to meet the relevant policy tests, nonetheless, the economic benefits and job creation affected by this proposal are an additional material consideration that weigh in favour of the application.

The SPPS shows support for economic development of this type.

The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment.

In the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted, however exceptions to this general principle may be justified. In this case, the site lies within a previously approved industrial park located where commencement of the development has begun.

PPS21 - Policy CTY 1 – Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

However, planning permission will be granted for non-residential development in the countryside in certain cases, the relevant criteria in this case would be ‘industry and business uses in accordance with PPS 4’.

PPS4 – Planning & Economic Development’;

PED2 – Economic Dev in the Countryside ;

Proposals for economic development uses in the countryside will be permitted in accordance with the provision of PED3.

PED3 -Expansion of an established economic development use in the countryside

Under this policy, planning permission for the expansion of an established economic development use in the countryside will be granted where the scale and nature of the proposal does not harm the rural character of the area and the proposal can be accommodated within the established curtilage of the site. In my view this site is ‘established’ by virtue of the planning history works carried out to implement these provisions.

PED 3 goes on to state ‘Any new buildings should respect the scale, design and materials of the original and any historical interest they may have’. In this case the

approvals have not been erected. Design and materials of the proposal are in keeping with industrial and office buildings and would be acceptable in this location. The Industrial unit is long and narrow and will have cladding on external walls and roller shutter doors. The site office is 2 storey, with large glazed area to reception and in the boardroom, with timber cladding features and cladding to the roof. It is acknowledged the scale and size of the building is significant, however its siting to the rear of the rear coupled with the vegetation and forest drop back, ensure it meets the requirements of policies CTY13 and CTY14 in terms of integration and rural character.

The proposed site layout below shows the location of the industrial unit and site office building will be set to the rear of the site, with the approved shed to the roadside.

Plans show the existing trees bordering the site will all be retained. The western boundary will be enhanced with a double row of Birch and Alder trees. The eastern boundary will be planted with a hawthorn hedge with a double row of Birch and Alder trees. The southern boundary will have a bank planted with a double row of Birch and Alder trees. An additional hawthorn hedge will be planted across the middle of the site from west to east. Conditions can be attached to ensure this. Along the front of the site 2m trees are proposed behind a fence, these will help to soften the visual impact while still providing enclosure for the site. The landscaping provides good screening for the site aiding with the integration of this rural open site as per the requirements of PED3.

There will be no detrimental impact on any neighbouring residential properties. There is a large buffer with the existing forest area which will remain unaffected between the site and the nearest dwelling. There are no dwellings located directly adjacent to the site.



PED9 relates to the general criteria for economic development.

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

(a) It is compatible with surrounding land uses; The proposed site lies within a previously approved industrial park located within the open countryside. The extensive approvals show the site has industrial uses approved similar to this one.

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

There is no detrimental impact on any neighbouring residential properties.

There is a large buffer with the existing forest area which will remain unaffected between the site and the nearest dwelling.

(c) It does not adversely affect features of the natural or built heritage.

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

DFI Rivers were consulted from a drainage and flood risk aspect. The drainage assessment was reviewed and it has demonstrated the design and construction of a suitable drainage network is feasible and a condition has been provided to safeguard against flood risk to the development.

(e) It does not create a noise nuisance Conditions have been provided from Env Health in relation to operating hours and times of deliveries, to protect residential properties amenity from noise.

(f) It is capable of dealing satisfactorily with any emission or effluent. A septic tank has been proposed and is shown on plan 2 rev01 in an acceptable location.

(g) The existing road network can safely handle any extra vehicular traffic. The proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified.

(h) Adequate access arrangements, parking and manoeuvring areas are provided.

(i) A movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport.

DFI Roads have been consulted and have no objections, providing conditions.

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

(k) Appropriate boundary treatment and means of enclosure have been provided and any areas of outside storage proposed are adequately screened from public view. The forested area helps with this and the proposed landscaping plan.

(l) It has been designed to deter crime and promote personal safety; and

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

The landscaping provides good screening for the site aiding with the integration of this rural open site as per the requirements of PED3. Conditions can be attached to ensure this.

Overall the proposal meets with the criteria of PED9 of PPS4 and the above criteria has been met.

Representations

3 objections have been received and the main issues of concern are as follows;

- **25 Pomeroy Road**

Impact on surrounding forestry and landscape.

NIEA Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided has no concerns. The objection letter were brought to the attention of Natural Heritage and they considered them fully in their response of no objections.

The site lies approximately 1km south of the Upper Ballinderry River ASSI/SAC. However, there does not appear to be any hydrological link to the river. NED therefore has no concerns regarding impacts to designated sites.

Impact on local wildlife/ecology

No Northern Ireland Priority Habitats appear to be present onsite. NED has no concerns regarding impacts to Priority Habitats or protected species.

Noise levels increasing

Env Health were consulted on the submitted noise impact assessment. It does not consider any night time activity as the site will only be operational during the day. Noise from the internal units will rely on the structure of the building and fully close doors to provide attenuation. Conditions have been provided in relation to operating hours and times of deliveries, to protect residential properties amenity from noise.

Traffic issues

DFI Roads were consulted and offer no objections and have provided conditions to be attached to any approval.

Increase in pollution

NIEA and Env Health have been consulted and have objections.

Scale of building out of keeping with the area.

We acknowledge the industrial building is of a substantial size and scale. However, it is located to the rear of the site adjacent to the heavily forested area. It is on the furthest part of the site from the main road. Its scale, location and design is appropriate for the site and will cause the least detrimental impact at this siting.

Other more suitable sites elsewhere.

We can only assess the application that has been submitted against the relevant policy considerations. There is a long history of industrial approval on the site.

- 39 Kilcronagh Road (2 objections)

Out of keeping with local character of the area.

Although it is acknowledged the site appears rural in nature, the industrial approvals have in principle changed the future character of the site. As a lawful start has commencement on these the site will change to a more industrial nature once further

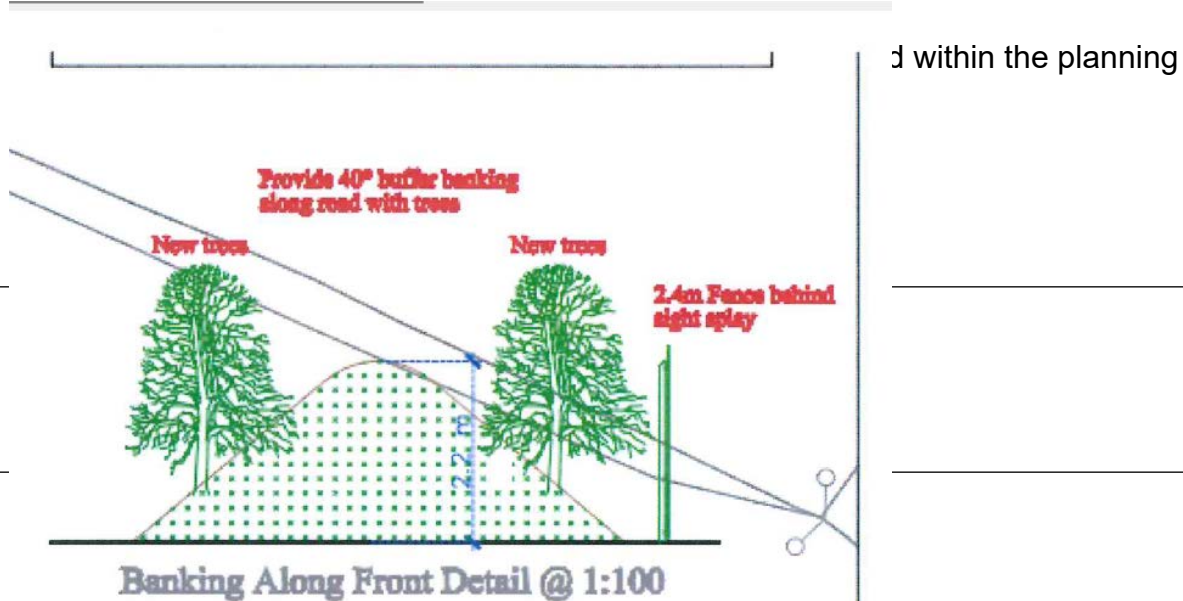
works commence.

Suggestions have been made for proposed boundary treatment, screening and alternative access details.

The proposed access has been fully considered by DFI Roads and they have no objections in terms of road safety or traffic concerns. Visually, the proposed access will not have a detrimental visual impact on existing rural character or issues with integration in line with policy CTY13 or CTY14 of PPS21.

As shown on the image below, the agent has provided details of a 2.4m fence along the front of the site behind the sight splays with 2m trees and a bund and a second row of 2m trees, these will help soften the visual impact while still providing enclosure, which would be expected for this type of this industrial nature.

I feel, the proposed planting scheme along with the existing vegetation and adjacent forested area provides adequate screening to the site and protection and will not significantly impact visually on any nearby dwellings. A condition will also be added to ensure the fence is palisade and dark in colour, which will soften views into the site along the proposed vegetation, as well as providing enclosure.



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

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

Condition 2

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02 Rev01 uploaded 8 Dec 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level

of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing Drawing No 02 Rev 01 uploaded 8 Dec 2023 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Condition 4

The industrial unit hereby permitted shall not operate outside 08:00 - 18:00hrs Monday to Friday, 08:00 - 13:00hrs on Saturday, and no operation on a Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect residential amenity from noise

Condition 5

All external doors to the proposed development shall remain closed at all times except when used for access and egress.

Reason: To protect residential amenity from noise

Condition 6

There shall be no storage of materials in the external areas associated with the proposed development.

Reason: To protect residential amenity from noise

Condition 7

Within 4 weeks of a written request by the Planning Department, following a noise complaint the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise immissions from the site at the complainant's property following the procedures described in: BS 4142:2014 Methods for rating and assessing industrial and commercial sound. Details of the noise monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To protect residential amenity from noise

Condition 8

There shall be no deliveries of goods to the industrial unit outside 08:00 - 18:00hrs Monday to Friday, 08:00 - 13:00hrs on Saturday, and no delivery of goods on a Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect residential amenity from noise

Condition 9

Prior to commencement of the development hereby permitted, the banking as detailed on plan 02 Rev 01 uploaded 8 Dec 2023 shall be carried out in the first available planting season unless otherwise agreed in writing with Mid Ulster District Council.

Reason: In the interests of visual amenity in this rural location.

Condition 10

The existing natural screenings of the site, as indicated on approved drawing Drawing No 02 Rev 01 uploaded 8 Dec 2023 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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

Condition 11

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

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

Condition 12

No development hereby permitted shall take place until a 5 metre level maintenance strip is provided along the eastern boundary of the site to be protected from impediments, land raising or future unapproved development.

Reason: To ensure protection from impediments in relation to potential flooding issues.

Condition 13

Full details of the 2.4m fence as detailed on plan 02 Rev 01 uploaded 8 Dec 2023 showing a 2.4m palaside fence in dark green/black should be submitted to MUDC for their approval, prior to commencement of the development hereby permitted.

Reason: In the interests of visual amenity in this rural location.

Signature(s): Emma McCullagh

Date: 16 January 2024

| ANNEX | |
|---|------------------|
| Date Valid | 7 June 2023 |
| Date First Advertised | 19 December 2023 |
| Date Last Advertised | 20 June 2023 |
| Details of Neighbour Notification (all addresses) | |
| Date of Last Neighbour Notification | 11 December 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: I/1985/0333 Proposals: WORKSHOP Decision: PG Decision Date:</p> <p>Ref: LA09/2021/1285/PAN Proposals: Proposed industrial unit and site office in existing industrial park. Decision: PANACC Decision Date: 07-OCT-21</p> <p>Ref: I/2004/0362/F Proposals: Advanced road construction in conjunction with planning approval I/2001/0177/O. Decision: PG Decision Date: 15-OCT-04</p> <p>Ref: LA09/2023/0635/F Proposals: Industrial unit and site office in existing industrial park Decision: Decision Date:</p> <p>Ref: I/2013/0379/F</p> | |

Proposals: Proposed security office at entrance to approved site.

Decision: PG

Decision Date: 24-FEB-14

Ref: I/2001/0177/O

Proposals: Proposed Business Park to Accommodate Light Industrial Use (Class 4) with Associated Works

Decision: PG

Decision Date: 30-NOV-01

Ref: I/1995/0088

Proposals: Engineering Factory

Decision: PG

Decision Date:

Ref: I/2008/0416/F

Proposals: Proposed light industrial unit for class 4 use, in conjunction with approved road construction Ref: I/2004/0362/F

Decision: PG

Decision Date: 18-DEC-08

Ref: I/1993/0437

Proposals: Erection of Engineering Factory

Decision: PG

Decision Date:

Ref: I/1983/0181

Proposals: ERECTION OF DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: I/1983/018101

Proposals: ERECTION OF DWELLING AND GARAGE

Decision: PG

Decision Date:

Summary of Consultee Responses

Environmental Health Mid Ulster Council-

DFI Roads - Enniskillen Office-Roads Consultation full approval.docx

Environmental Health Mid Ulster Council-Planning Response LA09-23-0635..pdf

DFI Roads - Enniskillen Office-Roads Consultation full approval.docx

NIEA-PRT LA09-2023-0635-F.PDF

Rivers Agency-854532 - Final reply.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Elevations and Floor Plans Plan Ref: 03
Elevations and Floor Plans Plan Ref: 04
Elevations and Floor Plans Plan Ref: 05
Cross Sections Plan Ref: 06
Cross Sections Plan Ref: 07

Notification to Department (if relevant)

Not Applicable

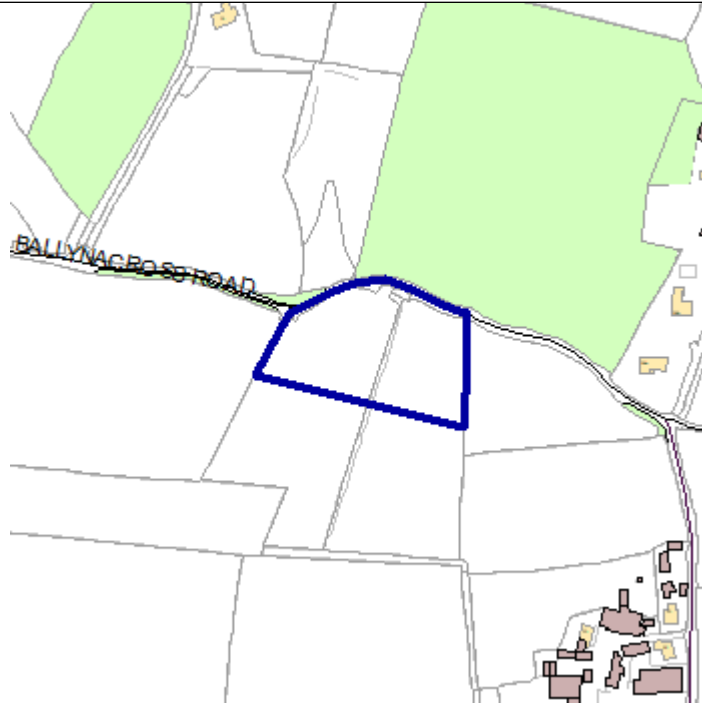


Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.20 |
| Application ID: LA09/2023/0652/O | Target Date: 25 September 2023 |
| Proposal: Proposed Dwelling on a Farm | Location: Site at 150M West of 18A Ballynacross Road, Maghera |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr David Fulton 100 Carricknakielt Road Knockcloghrim Magherafelt BT45 8PU | Agent Name and Address: Mr Martin Kearney NEWLINE ARCHITECTS 48 Main Street Castledawson Magherafelt BT45 8AB |
| Executive Summary: <p>This application is brought to the planning committee with a recommendation for refusal. The proposal does not comply with Policy CTY 10 of PPS 21 in that the farm dwelling does not visually link or cluster with an established group of farm buildings. The proposal is also contrary to Policy CTY 13 and Policy CTY 14 of PPS 21 in that it would be unduly prominent in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.</p> | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|--------------------------------|--|
| Statutory Consultee | DAERA - Coleraine | Consultee Response LA09-2023-0652-O.DOCX |
| Statutory Consultee | DAERA - Coleraine | Consultee Response LA09-2023-0652-O.DOCX |
| Statutory Consultee | DFI Roads - Enniskillen Office | Outline resp.docx |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site of the proposed development is located in the rural countryside approximately

0.8 miles north west and outside the Knockcloghrim settlement limit as defined in the Magherafelt Area Plan 2015. The 0.92 hectare area site comprises two adjoining agricultural fields which front the Ballynacross Rd. The western field section of the site is relatively flat while the eastern portion slopes upwards to the east. The existing access to the site is that of a field gate. Field hedgerow runs down the middle of the site between the two fields, with a small scattering of trees. Site boundaries include field hedgerow along the northern roadside boundary and post and wire fencing along the southern edge of the site. There are no nearby farm buildings to the site. The wider surrounding environment consists mostly of agricultural fields with a series of farm yards, buildings and dwellings scattered all along the Ballynacross Rd.

Description of Proposal

The proposed is an outline application for a proposed dwelling on a farm.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Magherafelt Area Plan 2015

The site of the proposed development is located in the rural countryside approximately 0.8 miles north west and outside the Knockcloghrim settlement limit as defined in the Magherafelt Area Plan 2015.

Relevant Histories

None

Representations

No third party representation have been received to date.

Other Constraints

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

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

The Flood Maps NI identify two small lines of surface water flooding on the western portion of the site which is the flatter area of land. This is a miniscule area of surface

water flooding. As a precaution, If approval is to be granted, it is recommended that a siting condition be applied so that the dwelling or any hard surfacing is located away from this area.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes farm dwellings. 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: Sustainable Development in the Countryside

Policy CTY1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a dwelling on a farm and therefore must be considered against Policy CTY 10.

A consultation was made to DAERA who confirmed that the farm business is currently active and has been established for at least 6 years.

A check on planning portal of all the farm lands attached to the farm number provided confirm that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of this application.

A new access is proposed for the dwelling at this outline stage. There are no nearby buildings on the farm that a dwelling at this site is able to visually link or cluster with. The agent was asked to consider an alternative siting with the applicant. It was suggested that a siting at lands at 100 Carricknakielt Rd (close to applicant's current address) would provide visual linkage with existing buildings on the farm, with scope to also provide a separation distance of 75m from the same group of buildings, which are used for pig farming.

Because the current siting is without visual linkage to any buildings on the farm, the

proposed development fails to satisfy Policy CTY 10.

Policy CTY 13 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This is an outline application and therefore such details as the design are only received at the reserved matters stage if approval is granted at this outline stage. It is considered that a dwelling at this site would be an unduly prominent feature in the environment. The site is quite open and sits close to the road. The most prominent views of the site are along the western approach of the Ballynacross Rd where both fields are in clear view. It is my view that a dwelling at this site would spoil the rural character of this area with its prominence. A dwelling at this site would also have to rely almost entirely on the use of new landscaping for its integration. It is therefore my view that the proposed development fails to satisfy Policy CTY 13.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As mentioned above, it is considered that a new dwelling at this site would be unduly prominent in the landscape and damage the rural character of the area. It is therefore my view that the proposed development fails to satisfy Policy CTY 14.

Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. The proposed access arrangements involve the creation of a new access onto the public road. DfI Roads were consulted in this application and provided no objection to the proposed subject to condition. It is considered that the proposed accords with Policy AMP 2 of PPS 3.

Recommendation

Given the proposed development does not site to visually link or cluster with any established buildings on the farm, the proposed fails to meet Policy CTY 10 and therefore I have to recommend that this application be refused. It is also considered that a dwelling at this site would be a prominent feature in the landscape and therefore it is my opinion that the proposed development fails to meet Policy CTY 13 and CTY 14 of PPS 21.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on this site does not visually link or cluster with an established group of farm buildings.

Reason 3

The proposal is contrary to Policy CTY 13 and Policy CTY 14 of PPS 21 in that it would be unduly prominent in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

Signature(s): Benjamin Porter

Date: 23 January 2024

| ANNEX | |
|---|-----------------|
| Date Valid | 12 June 2023 |
| Date First Advertised | 27 June 2023 |
| Date Last Advertised | 27 June 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours | |
| Date of Last Neighbour Notification | |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <p><u>Planning History</u></p> <p>Ref: LA09/2023/0652/O Proposals: Proposed Dwelling on a Farm Decision: Decision Date:</p> <p>Ref: H/2003/0797/F Proposals: New 33kv Overhead Electric Line and alterations to existing lines. Decision: Decision Date:</p> | |
| <p>Summary of Consultee Responses</p> <p>DAERA - Coleraine-Consultee Response LA09-2023-0652-O.DOCX DAERA - Coleraine-Consultee Response LA09-2023-0652-O.DOCX DFI Roads - Enniskillen Office-Outline resp.docx</p> | |

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Farm Boundary Map Plan Ref: 02

Notification to Department (if relevant)

Not Applicable

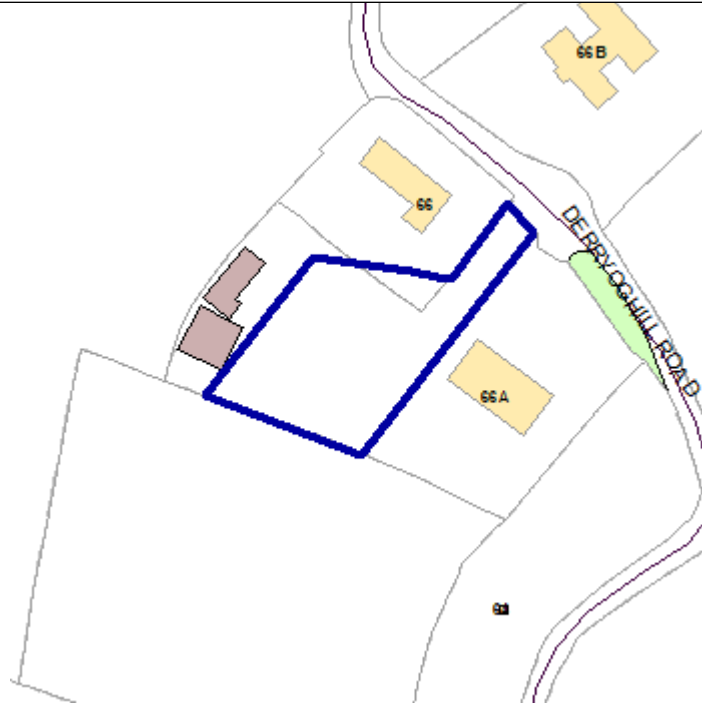


Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.21 |
| Application ID: LA09/2023/0733/RM | Target Date: 17 October 2023 |
| Proposal: Proposed dwelling | Location: Between 66 and 66A Derryoghill Road Dungannon |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Jacinta Hughes 136 Clay Rd Keady Armagh BT60 3QU | Agent Name and Address: Mr John Aidan Kelly 50 Tullycullion Road Dungannon BT70 3LY |
| Executive Summary: One third party representation has been received. The main issues raised are concerning sewage and the septic tank. | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------|-----------|----------|
| | | |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site lies within the rural area outside any defined settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site comprises a roadside plot of land to the side and rear of No.66 Derryoghill Road with the red line also including a portion of the existing curtilage of No.66. The adjacent road network is a minor, single-track winding road. The settlement of the Moy is in proximity to the

northeast. The immediate surrounding context is rural characterised predominantly by agricultural fields, however there is moderate development pressure in the immediate context. The site is relatively open to the front with gravel and hard-core present particularly around the entrance where there is a metal gate for enclosure. The southern boundary is well defined with established trees. The eastern boundary is currently defined with scattered trees and wooden fencing enclosing the neighbouring property, No.66a. The western boundary of the proposal site is currently undefined however beyond the red line behind the existing outbuildings, which are in the western corner of the field, established trees and hedging define the western boundary of the land. There is a gradual incline from northeast to southwest, with the proposal site on slight elevated ground from that of the adjacent road.

Description of Proposal

This is a reserved matters for a proposed dwelling at Between 66 and 66A Derryoghill Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party representation has been received.

One comment has been submitted from the neighbour Mr Anderson at No. 66a Derryogill Road which is to the east of the site. Mr Anderson has concerns where the sewage from the proposed dwelling will go as it is positioned in front of his septic tank. I consider the issues raised are third party concerns and are not material planning considerations. It is the responsibility of the owner/applicant to ensure planning approval can be enacted according to the approved plans.

Planning History

LA09/2020/0657/O - Proposed Dwelling - Between 66 & 66A Derryoghill Road,

Dungannon – permission granted 8th September 2021.

LA09/2022/1551/F - Variation of condition 6 of planning approval LA09/2020/0657/O - Between 66 & 66A Derryoghill Road, Dungannon – permission granted 8th February 2023.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other zonings or designations as defined in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster’s Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

There is an outline application LA09/2020/0657/O at this site, which was granted approval on 8th September 2021. This application was received and validated on the 4th July 2023 so I am content the reserved matters has been submitted within 3 years from the approval date of the outline. Therefore, I am content the principle of development has been established at the site. I am satisfied all the conditions at outline stage have been met so this assessment will only consider the design and boundaries at the site.

CTY 13 – Integration and Design of Buildings and CTY 14 – Rural Character

The application site is a portion of land between No.66 to the north and No.66a to the south. The topography rises from the roadside where it levels off at the back of the site where the proposed dwelling will be situated. As the dwelling will sit to the rear of the site with associated farm buildings to the north, I am content the proposal will not be a prominent feature in the landscape. There is hedging along the southern boundary, but the applicant has proposed additional planting which will assist in protecting

neighbouring amenity.

As shown in figure 1 below the proposed dwelling is single storey with a ridge height of 5.3m to finished floor level. The dwelling has external finishes of grey tile or slate roof tiles, smooth rendered walls, and upvc windows and doors. The proposed dwelling is characteristic of a simple rural form and a dwelling in the countryside. The dwelling is set back from the roadside and there are limited critical views in both directions.



Figure 1 – Proposed front elevation of the dwelling.

As stated previously as this is a modest single storey dwelling, I am content it will not be a prominent feature in the landscape.

Overall, I consider the proposed dwelling will integrate into the landscape and not have a detrimental impact on rural character.

Other Considerations

I have checked the statutory map viewers and I am content there are no other ecological, flooding or built heritage issues at the site.

Summary of Recommendation:

Approve is recommended

The proposal is recommended for approval as it complies with CTY 13 and CTY14 in PPS 21.

Approval Conditions

Condition 1

The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission;

or

ii. The expiration of a period of 2 years from the date hereof.

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

Condition 2

Prior to commencement of the development hereby permitted, access and visibility splays of 2m x 33m in both directions and 33m forward sight distance shall be provided in accordance with the approved drawing No.02 Rev 1 date received 08 DEC 2023, or as may otherwise be agreed in writing with the Department. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

Condition 3

All landscaping comprised in the approved details of landscaping on the approved drawing No.02 Rev 1 date received 08 DEC 2023 shall be carried out in the first planting season following the occupation of the development hereby approved. Any tree shrub or other plants identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the development integrates into the countryside.

Condition 4

The existing natural screenings of the site shall be retained in accordance with details shown on approved drawing 02 Rev 1 date received 08 DEC 2023. These shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of biodiversity.

Condition 5

The existing buildings identified as A and B on approved drawing No.02 Rev 1 date received 08 DEC 2023 shall be retained. These shall be retained unless necessary to prevent danger to the public.

Reason: This development is granted solely on the basis these buildings provide enclosure to the proposed development.

Signature(s): Gillian Beattie

Date: 11 December 2023

| ANNEX | |
|--|-----------------|
| Date Valid | 4 July 2023 |
| Date First Advertised | 17 July 2023 |
| Date Last Advertised | 17 July 2023 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 66A Derryoghill Road Dungannon Tyrone BT71 7JJ</p> <p>The Owner / Occupier 66 Derryoghill Road Dungannon Tyrone BT71 7JJ</p> <p>The Owner / Occupier 66B Derryoghill Road Dungannon Tyrone BT71 7JJ</p> | |
| Date of Last Neighbour Notification | 11 July 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: LA09/2022/1551/F Proposals: Variation of condition 6 of planning approval LA09/2020/0657/O Decision: PG Decision Date: 15-FEB-23</p> <p>Ref: LA09/2020/0657/O Proposals: Proposed Dwelling Decision: PG Decision Date: 08-SEP-21</p> <p>Ref: M/1998/0587 Proposals: Erection of dwelling Decision: PG Decision Date:</p> <p>Ref: LA09/2023/0733/RM Proposals: Proposed dwelling Decision: Decision Date:</p> | |

Ref: M/1978/0347
Proposals: EXTENSIONS TO DWELLING
Decision: PG
Decision Date:

Ref: M/2003/0996/O
Proposals: Proposed dwelling
Decision: PG
Decision Date: 17-OCT-03

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Proposed Plans Plan Ref: 02 Rev 1

Notification to Department (if relevant)

Not ApplicableNot ApplicableNot Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.22 |
| Application ID: LA09/2023/0790/F | Target Date: 10 November 2023 |
| Proposal: Proposed garage | Location: 73 Favour Royal Road Aughnacloy |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr Stuart Henderson 73 Favour Royal Road Aughnacloy BT69 6BR | Agent Name and Address: Mr raymond gillespie 1 Lismore Road Ballygawley Dungannon BT70 2ND |
| Executive Summary: <p>The application is being presented to Committee as the scale, massing, design and external materials of the proposed garage are not sympathetic with the built form and appearance of the existing property, and would, if approved, appear incongruous in the rural countryside.</p> <p>The proposal is contrary to Policy CTY1 of PPS 21, Sustainable Development in the Countryside and EXT1 of the Addendum to PPS 7, Residential Extensions and Alterations.</p> | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|--------------------------------|---|
| Statutory Consultee | DFI Roads - Enniskillen Office | DC Checklist 1.doc Roads Consultation - Approval response.docx |

Representations:

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

Summary of Issues

Characteristics of the Site and Area



The site is located at No. 73 Favour Royal Road, approximately 2.6km north-west of Aughnacloy as identified in the Dungannon and South Tyrone Area Plan 2010. The site outlined in red is roughly rectangular shaped and includes a recently constructed two-storey dwelling and its square defined curtilage, as well as a portion of an agricultural field to the west of the dwelling and the access to the public road. A post and wire fence defines the entire curtilage of the dwelling. The southern boundary of the site outlined in red is undefined as it is cut out of a larger agricultural field. A hedgerow defines the northern, eastern and western boundaries of the site. The site is set back from the public road by approximately 60m and is at a lower level than it with rising land to the north.

The surrounding area is agricultural, of an undulating nature, with development taking the form of single dwellings and associated outhouses. There is little recent development pressure in the area, with a 2 storey dwelling recently constructed to the south-west of the site, between the application site and the public road.

Description of Proposal

Full application for proposed garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Histories

Ref: M/2000/0243/O

Proposals: Chalet Dwelling

Decision: PG

Decision Date: 31-JUL-00

Ref: M/2003/0700/O

Proposals: Dwelling

Decision: PG

Decision Date: 01-AUG-03

Ref: M/2003/1191/O

Proposals: Proposed dwelling

Decision: PG

Decision Date: 27-NOV-03

Ref: M/2006/1954/F

Proposals: Proposed Dwelling and Garage

Decision: PG

Decision Date: 02-OCT-07

Ref: M/2006/1973/RM

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 21-MAR-07

Ref: LA09/2021/0440/F

Proposals: Change of house design & location as approved under M/2006/1973/RM.

Decision: PG

Decision Date: 08-JUL-21

Representations

One (1) no. neighbour notification has been carried out as well as press advertisement in line with the Council's statutory duty. To date no third party representations have been received.

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing

planning policies should be applied in this assessment.

Mid Ulster District Council Draft Plan Strategy 2030

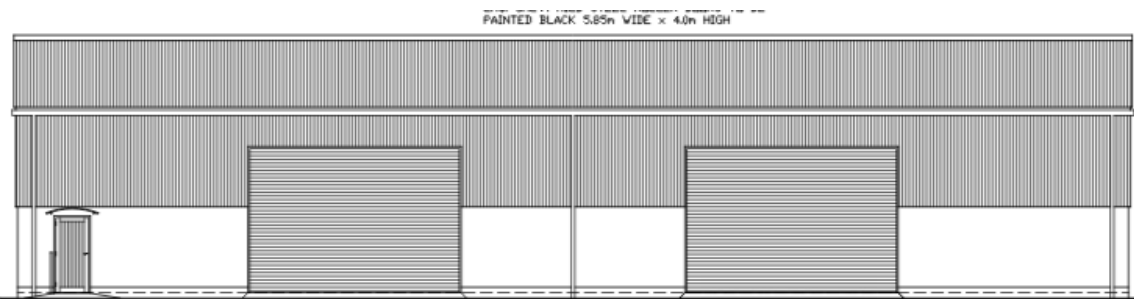
The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The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

SPPS – Strategic Planning Policy Statement for Northern Ireland

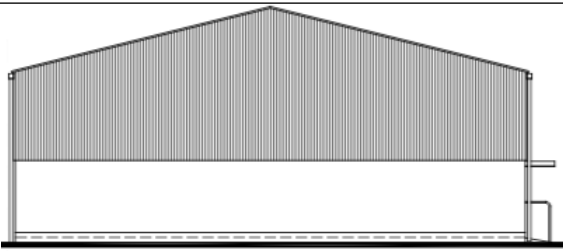
The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by PPS21 Sustainable Development in the Countryside and the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (The Addendum).

Planning Policy CTY 1 of PPS 21 allows for extensions in the countryside where they meet with policy EXT 1 of PPS7, which permits development where a range of criteria have been met.

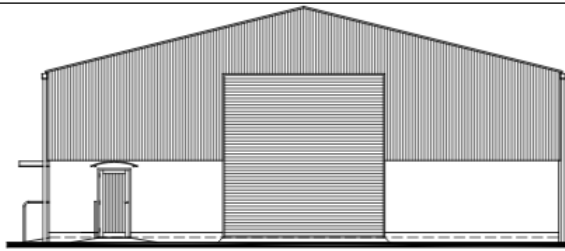
This application is for a domestic garage as clarified by the agent on 11th September 2023 and 4th December 2023. The proposal also includes an extension to the existing curtilage and the additional fee for this has been paid. The proposed garage is sited approximately 60m to the west of the dwellinghouse and measures 30.5m x 15.6m x 7m in height. There are 2 no. roller doors and a pedestrian door to the front elevation, with a roller door and pedestrian door on one of the side elevations. The proposed finishes are sand/cement smooth render to the lower walls with Kingspan roof and wall system colour grey fixed as per Kingspan specification. The roller doors will be painted black.



PROPOSED FRONT ELEVATION
SCALE 1/100



PROPOSED SIDE ELEVATION
SCALE 1/100

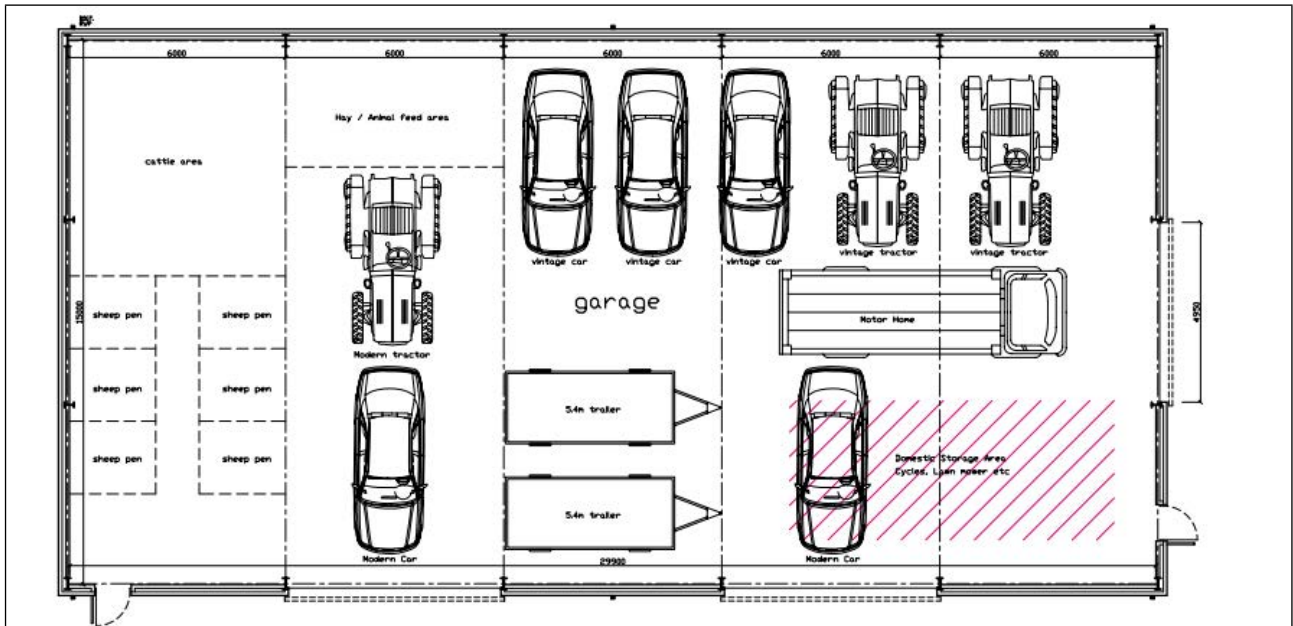


PROPOSED SIDE ELEVATION
SCALE 1/100
GALV. MILD STEEL ROLLER DOORS TO BE
PAINTED BLACK 4.95m WIDE x 5.0m HIGH

The extended curtilage will increase the size of the domestic curtilage of the dwelling by approximately 80m, with the proposed garage located 60m from the dwelling. I consider this a substantial increase for a domestic curtilage. The large building is not sympathetic with the built form and appearance of the dwelling on site in terms of scale, massing, design and external materials as it has the appearance of an industrial shed as opposed to a domestic garage. The proposal is not subordinate to the dwelling and in my opinion, exceeds the size and scale, as well as the appearance, of what you would expect for a domestic garage.

Additionally, I do not consider the extended curtilage is reflective of the character of the area. Paragraph A13 of PPS7 states that in the countryside ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings. The large separation distance between the dwelling and the proposed building gives the appearance of a standalone building in the countryside, as opposed to an integrated rural group of buildings.

The agent has been informed of our concerns and provided a further supporting statement whereby they argue that the applicant has 2 no. domestic cars, 3 no. vintage cars, 2 no. vintage tractors, a motorhome and 2 no. 5.4m long trailers that he needs to store safely. The applicant is from a farming family in Fermanagh and he would also do the repairs/service on some of the farm machinery solely for his own farm. He also breeds rare sheep and he would like to use a portion of the shed for this, with approximately $\frac{1}{4}$ of the building used for animals with $\frac{3}{4}$ of the shed domestic use. An indicative layout has been provided and is shown below.



Indicative layout of proposed garage

The agent feels that while it will be part domestic, part agricultural it will be classed as a domestic garage hence falling under PPS7 guidelines. I do not agree that a mixed use development can be considered solely as a domestic garage. The site does benefit from lying below the level of the public road, with rising land to the rear, and critical views will not be long term. The agent argues that the positioning of the garage will minimise critical views, and that the mass of the building would overpower the existing house if located near it. They also indicate that they are considering an extension to the side of the dwelling and do not want to be looking into the garage. No application for this extension has been received to date and therefore cannot be considered. There are no overlooking concerns or overshadowing concerns as there are no neighbouring properties in the vicinity. No vegetation removal is required to facilitate development; consequently, there is no unacceptable loss to trees or other landscape features. Sufficient space remains within the curtilage of the property for recreational and domestic purposes, and there will be no negative impact on parking and manoeuvring of vehicles within the site, given the large increase in curtilage. Whilst the proposal meets a number of criteria set out in EXT 1 it fails to meet criterion (a) and therefore cannot be approved.

It is my opinion that the proposed building is contrary to PPS7 given its size, scale and massing, and the increase in the size of the curtilage is not acceptable in the rural countryside. The agent has indicated that his client needs all the floor area applied for but would be willing to reduce the overall height by approximately 0.5m. I do not consider this will reduce the significant impact of the building, or make it appear less incongruous in the countryside. Furthermore, I am not persuaded that the building is wholly domestic in nature and is contrary to PPS7 and I recommend refusal.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside and EXT1 of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the scale, massing, design and external materials of the proposed garage are not sympathetic with the built form and appearance of the existing property, and would, if approved, appear incongruous in the rural countryside.

Signature(s): Deirdre Laverty

Date: 18 January 2024

| ANNEX | |
|--|-----------------|
| Date Valid | 28 July 2023 |
| Date First Advertised | 7 August 2023 |
| Date Last Advertised | 7 August 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 75 Favour Royal Road Aughnacloy Tyrone BT69 6BR | |
| Date of Last Neighbour Notification | 2 August 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: LA09/2021/0440/F Proposals: Change of house design & location as approved under M/2006/1973/RM. Decision: PG Decision Date: 08-JUL-21</p> <p>Ref: M/2003/0446/O Proposals: Proposed 2 story dwelling and garage Decision: PG Decision Date: 02-SEP-03</p> <p>Ref: M/2006/1954/F Proposals: Proposed Dwelling and Garage Decision: PG Decision Date: 02-OCT-07</p> <p>Ref: M/2003/0700/O Proposals: Dwelling Decision: PG Decision Date: 01-AUG-03</p> <p>Ref: LA09/2023/0790/F Proposals: Proposed garage</p> | |

Decision:
Decision Date:

Ref: M/2003/1191/O
Proposals: Proposed dwelling
Decision: PG
Decision Date: 27-NOV-03

Ref: LA09/2021/0441/F
Proposals: Change of house design & location as approved under M/2006/1954/F.
Decision: PG
Decision Date: 08-JUL-21

Ref: M/2006/1973/RM
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 21-MAR-07

Ref: M/2000/0243/O
Proposals: Chalet Dwelling
Decision: PG
Decision Date: 31-JUL-00

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist 1.doc
Roads Consultation - Approval response.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Elevations and Floor Plans Plan Ref: 02
Site Location Plan Plan Ref: 01 rev. 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.23 |
| Application ID: LA09/2023/0874/F | Target Date: 1 December 2023 |
| Proposal: Proposed farm shed | Location: Lands Approx 53M East of 17A Corvanaghan Road Cookstown |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr Charles Quinn 35 Corvanaghan Road Cookstown BT80 9TW | Agent Name and Address: Mor Architects 11 Dunamore Road Cookstown BT80 9NR |
| Executive Summary: <p>The proposal is being presented to members with the recommendation to refuse the application as it is contrary to CTY 12 in that it has not been demonstrated that the proposal is necessary for the efficient use of the agricultural holding. Insufficient evidence has been provided to demonstrate that there is a need for the building. Furthermore, the size and scale of the building is unsuitable for the site. It is not sited beside existing farm buildings and again, no evidence has been provided to demonstrate it is essential for the efficient functioning of the business. The proposal also fails to comply with CTY 13 & CTY 14 due to the size and scale and the location of the proposed shed, it would result it becoming a prominent feature in the landscape.</p> <p>DfI Roads were consulted and requested amendments which to date have not been requested or provided by the agent. Therefore, in its current form the application also fails to comply with PPS 3. It is likely that these issues could be overcome with the amendments being made as requested. No third party objections were received.</p> | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|---|--|
| Statutory Consultee | DFI Roads - Enniskillen Office | DC Checklist 1.doc Roads Consultation full.docx |
| Statutory Consultee | DAERA - Omagh | LA09-2023-0874-F.docx |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | Planning response.pdf |
| Statutory Consultee | DAERA - Omagh | LA09-2023-0874-F.docx |

Representations:

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

Summary of Issues

The proposal is contrary to CTY 1, 12, 13 & 14 of PPS 21. The proposal is also contrary to PPS 3.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The red line of the application site is located within the southern part of a larger agricultural field which extends further north east. The land rises in a north direction gradually. The southern boundary of the site is defined by a low level hedgerow separating the site and the public road. The northern boundary is defined partly by the gable end of a third party dwelling and garage, with trees defining the remainder of the boundary at that side. The south eastern boundary is partially defined by trees and hedgerows. The corner of the site is open with a field access. The north-eastern boundary is currently undefined with the agricultural field extending further. The surrounding area is a mix of residential dwellings located immediately to the north west, with single dwellings located sporadically throughout the countryside.

Description of Proposal

This is a full planning application for a proposed farm shed.

Representations

No third-party representations have been received.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Cookstown Area Plan 2010
Strategic Planning Policy Statement (SPPS)
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

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. Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

One of these types of development is agricultural and forestry development in accordance with Policy CTY 12. Provisions of SPPS do not impact on this policy.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;

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

Firstly, with regards to determining if the agricultural holding is active and established as set out within Policy CTY 10, DAERA responded to confirm that the farm business is active and established.

With regards to criteria A, I am not satisfied enough justification and information has been provided to justify the need for the shed and how it is necessary for the efficient use of the holding. The agent submitted a statement of case in which the applicant stated they wish to start a sheep enterprise now, and they state no animals are currently kept on the holding as there is no housing available. However, within the statement of case they contradict this by stating there is an agricultural shed adjacent to the applicants dwelling that is being used mainly for domestic storage as there is no garage associated with the dwelling. The agricultural shed identified at the applicants home at 35 Corvanaghan Road measures approximately 170sqm with the proposed shed measuring approximately 230sqm. From this, I believe it is reasonable to assume that the existing shed at 35 Corvanaghan Road could be utilised for the storage of animal feed, veterinary medicine, straw and hay. The onus is on the applicant to provide information on why the proposed shed is necessary for the efficient use of the agricultural holding, which I do not believe is the case.

I do not believe the character and scale of the proposal is appropriate for the local landscape and it will not visually integrate into the local landscape. The agent has not provided a strong enough justification for the need for the proposed shed, especially one of this size. In my opinion, the proposed shed is larger than what is required to accommodate a small herd of sheep. In terms of the ridge height the proposed shed measures approximately 6.3m in height above finished floor level. The shed also has a roller shutter door which is common with agricultural buildings to store machinery such as tractors and other machinery. If the applicant owns any machinery which they have not confirmed, it will leave the question where these are currently stored. The applicant has not provided any clear need for the proposed shed and why it is required to be at the scale proposed. With regards to the site, although there are boundaries on the wider boundary of the site, I believe it is a very open site, with the land rising in a north-eastern direction, it would result in the building being prominent and failing to integrate into the local landscape. The proposed block plan only indicates proposed post and wire fence being used on the boundary of the site, which will not aid integration of the proposal.

I have no concerns that the proposal will not have an adverse impact on the natural or built heritage. Environmental Health were consulted on the proposal and advised that the original plans showed the proposed shed located within 75m of a third party dwelling and it may result in nuisance. The agent then amended the site block plan and moved the proposed shed further north east to ensure there was a separation distance of at least 75m between the proposed shed and third party dwellings. Furthermore, a

condition could be applied to any approval to ensure that the shed is used only for lambing purposes and general storage of farm machinery and feed.

Policy CTY 12 states further that;

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

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

I believe there is a suitable building located on the holding at the applicants home address at 35 Corvanaghan, which in the statement of case has been referred to as an agricultural shed. While the scale of the proposed shed is excessive I am content with the design and materials being proposed. The proposal is not sited beside existing farm buildings.

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

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

I am content that there no alternative sites available at the group of buildings at No.35 Corvanaghan Road, based on the information provided by the agent. However, I am not satisfied that it is essential for the efficient functioning of the business. No demonstrable health and safety reasons have been provided.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. As previously mentioned, I do not believe the proposal visually integrates into the local landscape. It will result in the building being a prominent feature in the landscape and lacks long established natural boundaries to provide a suitable degree of enclosure. While the scale of the proposal is not acceptable in the local area, I am satisfied that the design of the building in terms of its finishes is acceptable.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously mentioned, the proposal will result in the building being a prominent feature in the landscape which will erode the rural character. I have no concerns regarding suburban style build-up of development or add to or create a ribbon development.

PPS 3: Access, Movement and Parking

DfI Roads were consulted on the proposed plans and requested a number of amendments be made to ensure that a safe access is being provided. These amendments were not sought as the principle of development has not been accepted at this location. As such, in its current form the proposal is contrary to Policy AMP 2 of PPS 3 as insufficient information has been provided to demonstrate that the proposal will create a safe access onto the public road. It should be noted for members that should the principle of development be accepted here in line with other prevailing policy, any concerns related to PPS 3 are likely able to be overcome.

Other Material Considerations

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that; there is an active and established farm holding, the building is necessary for the efficient use of the agricultural holding and in terms of character and scale it is not appropriate to its location and it will not visually integrate into the local landscape and no additional planting has been proposed. The proposal is also not sited beside existing farm buildings.

Reason 3

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that in terms of character and scale it is not appropriate to its location and it will be a prominent feature in the landscape.

Reason 4

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would be unduly prominent in the landscape.

Signature(s): Ciaran Devlin

Date: 23 January 2024

| ANNEX | |
|--|-----------------|
| Date Valid | 18 August 2023 |
| Date First Advertised | 29 August 2023 |
| Date Last Advertised | 29 August 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 17A Corvanaghan Road Cookstown Tyrone BT80 9TN | |
| Date of Last Neighbour Notification | 24 August 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: I/1991/0269 Proposals: Dwelling and Garage Decision: PR Decision Date:</p> <p>Ref: I/1981/032701 Proposals: ERECTION OF BUNGALOW Decision: PG Decision Date:</p> <p>Ref: I/1981/0327 Proposals: BUNGALOW Decision: PG Decision Date:</p> <p>Ref: I/2001/0802/O Proposals: Site for dwelling Decision: PG Decision Date: 14-JAN-02</p> <p>Ref: LA09/2023/0874/F Proposals: Proposed farm shed</p> | |

Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist 1.doc
Roads Consultation full.docx
DAERA - Omagh-LA09-2023-0874-F.docx
Environmental Health Mid Ulster Council-Planning response.pdf
DAERA - Omagh-LA09-2023-0874-F.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.24 |
| Application ID: LA09/2023/0899/F | Target Date: 12 December 2023 |
| Proposal: Proposed replacement of existing wind turbine as approved under planning reference H/2011/0329/F with a new wind turbine to a hub height of 53m and a rotar diameter of 52m along with associated development | Location: Lands Approx 320M South East of No 6 Brackaghlistea Road Draperstown |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Mr Austin Kelly 6 Brackaghlistea Road Draperstown Magherafelt BT45 7JZ | Agent Name and Address: Clyde Shanks Ltd 7 Exchange Place Belfast BT1 2NA |
| Executive Summary: <p>Application is to replace an existing turbine with a new larger turbine. Existing turbine approved under H/2011/0329/F with a height to the hub of 40m and rotor diameter of 29m. This proposed turbine has a hub height of 53m and rotor diameter of 52m.</p> <p>Application is presented to committee because there have been three objections. Objections relate to size of turbine, noise, shadow flicker and impacts on character of the area. All of these issues have been addressed in the case officers report.</p> <p>Env Health have been consulted and have no issue subject to imposition of condtions. A curtaliment calendar will be implmented to mitigate issues of shadow flicker which will impact on 8 identiifed propoerties. It should be noted that objectors will NOT be impacted by shadow flicker as identified in the shadow flicker assessment.</p> <p>Proposal is in accordance with PPS 18.</p> | |

Recommendation is to approve subject to condition.

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|---|--|
| Statutory Consultee | NIEA | PRT LA09-2023-0899-F.PDF |
| Statutory Consultee | Environmental Health Mid Ulster Council | LA09 2023 0899 F V0 WT 320m S of 6 Brackaghlistlea Rd.doc |
| Non Statutory Consultee | ESB Telecoms Ltd | |
| Non Statutory Consultee | National Air Traffic Services | Land approx 320M SE of No 6 Brackaghlistlea Road - no impact.pdf |
| Non Statutory Consultee | Joint Radio Company | |
| Non Statutory Consultee | P.S.N.I Information And Communications Services | MUCLA0920230899F.pdf |
| Non Statutory Consultee | Belfast City Airport | NSO Letter.rtf |
| Non Statutory Consultee | Belfast International Airport | BIA No Objections.pdf |
| Non Statutory Consultee | UK Crown Bodies - Safeguarding (DIO) | |

| | | | |
|--|-----------|---|--|
| Non Consultee | Statutory | Arqiva Services Limited | <p>LA09_2023_0899_F_- Arqiva response.docx</p> <p>The wind turbine co-ordinates in the application form do not match with the Location - Lands Approx 320M South East of No 6 Brackaghlistlea Road, Draperstown</p> <p>The turbine co-ordinates in the application form are 282022 (E) 403838 (N), which place the turbine close to a separate application (LA09/2023/0904/F).</p> <p>Can the correct turbine co-ordinates be provided, as an Arqiva RBL link is close to the vicinity of 6 Brackaghlistlea Road, Draperstown.</p> |
| Non Consultee | Statutory | Environmental Health Mid Ulster Council | LA09.2023.0899.F .pdf |
| Representations: | | | |
| Letters of Support | | 0 | |
| Letters Non Committal | | 0 | |
| Letters of Objection | | 3 | |
| Number of Support Petitions and signatures | | | |
| Number of Petitions of Objection and signatures | | | |
| Summary of Issues | | | |
| Characteristics of the Site and Area | | | |
| <p>The site is located approximately 3.5km south east of the settlement of Draperstown, in the countryside as per the Magherafelt Area Plan.</p> <p>The site consists of a rectangular shaped field which slopes considerable downwards from south to north. There is an agricultural laneway which runs along the western boundary and leads from a farmyard which is connected to the field. The address of the farmyard is no. 6 Brackalisleagh Road. The laneway leads to an existing wind turbine</p> | | | |

which was approved under H/2011/0329/F.

Description of Proposal

The proposal is for a new turbine to replace that approved under H/2011/0329/F. The application is for a turbine which is 53m high to the hub and a rotor diameter of 52m. There will be an overall height to the tip therefore of 79m. The existing turbine was approved as 40m to the hub and 29m rotor diameter. The overall height of the turbine, as approved therefore is 54.5m.

The new, proposed turbine will therefore be 24.5m higher in total (i.e. from base to tip) and have a hub height which is greater by 13m.

The new proposed turbine will also be sited approx. 8.5 metres to the north, further down the slope of the field.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The relevant policy considerations are;

- Magherafelt Area Plan (MAP)
- SPPS – Strategic Planning Policy Statement
- PPS 21 – Sustainable Development in the Countryside
- PPS 18 – Renewable Energy
- Best Practice Guidance (BPG) to PPS 18
- Wind Energy Development in Northern Ireland Landscapes – SPG TO PP S18 (2010)

Magherafelt Area Plan (MAP)

The site is located in the countryside as per the MAP and therefore must be considered under the prevailing policy for the rural area which is PPS 21, Sustainable Development in the Countryside.

SPPS

Para. 6.224 of the SPPS states that development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning considerations:

- public safety, human health, or residential amenity;

- visual amenity and landscape character;
- biodiversity, nature conservation or built heritage interests;
- local natural resources, such as air quality, water quality or quantity; and,
- public access to the countryside.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that one acceptable form of development in the rural area is renewable energy development, where it accords with PPS 18. PPS 18 therefore becomes the main policy consideration in relation to the specific details of this application.

PPS 18 – Renewable Energy

Policy RE1 states that development that generates energy from renewable resources will be permitted provided the proposal will not result in an unacceptable adverse impact on:

- a) Public safety, human health or residential amenity;
- b) Visual amenity and landscape character;
- c) Biodiversity, nature conservation or built heritage interests;
- d) Local natural resources, such as air quality or water quality; and
- e) Public access to the countryside.

The policy goes on to say, more specifically to wind energy development that they will also be required to demonstrate all of the following:

- (i) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
- (ii) that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications;
- (iii) that the development will not create a significant risk of landslide or bog burst;
- (iv) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;
- (v) that no part of the development will have an unacceptable impact on roads, rail or aviation safety;
- (vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors¹ (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and

- (vii) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

The first point to consider therefore is the potential for this turbine to impact on human health and residential amenity.

The closest property to the proposed turbine is approximately 200m away so the risk to habitable property if the turbine were to collapse or throw a blade is minimal. Likewise the nearest public road is 300m away so any potential impact on road safety is not an issue to consider.

Noise from wind turbines can be an issue which affects human health. In relation to noise from this proposed, more powerful turbine, Environmental Health have been consulted and have not stated any objection subject to conditions restricting noise at certain properties. They have also sought and received confirmation that no. 6 Brackalisleagh Road has a financial interest in the turbine.

As well as noise, shadow flicker has potential impact negatively on residential amenity. Shadow flicker is unlikely to occur at properties outside of a distance of 10 times the rotor diameter and PPS 18 best practice guidance recommends that shadow flicker at properties within this distance is kept to a minimum of 30 hours per year or 30 minutes per day.

As part of this application, the developer has submitted a shadow flicker assessment which shows that there are 8 properties within the distance of 10 times the rotor diameter which have potential to be affected by shadow flicker to a level above that recommended as acceptable by PPS 18 BPG. These properties are;

- 6 Brackalisleagh Road
- 7 Brackalisleagh Road
- 8 Brackalisleagh Road
- 8a Brackalisleagh Road
- 10 Brackalisleagh Road
- 10a Brackalisleagh Road
- 111 Iniscarn Road
- 114 Iniscarn Road

The shadow flicker assessment goes on to propose mitigation for these properties by way of a curtailment calendar which sets out times when the turbine shall be shut off from operating in order to keep shadow flicker below the recommended parameters. I have spoken via telephone with the author of the report on 17/01/2024 and he confirmed that the curtailment calendar is adequate to ensure none of the properties in question will suffer from shadow flicker above the recommended exceedances.

I am therefore satisfied that this curtailment calendar can be implemented via a condition

to ensure that shadow flicker is not experienced at any properties, above the recommended level of 30 hours per year or 30 minutes per day.

In terms of the visual impact of the proposed turbine, the main view of the existing turbine is from Brackalisleagh Road and from the Drpaerstown Road, both of which are less than 1km away. The existing turbine is a prominent feature on the skyline when viewed from Brackaghlistlea Rd, as is viewed from the photograph below. Given the roadside hedges and topography, views from the Draperstown Road are less widespread and are softened by the backdrop of Slieve Gallion to the south.



The site is located within the Upper Moyola Valley Landscape Character Area as defined by the NILCA 2000 and described as “undulating” with a “strong sense of enclosure.” The Supplementary Planning Guidance (SPG) for Wind Energy in Northern Ireland Landscapes”, states that this LCA has a high to medium sensitivity in relation to new turbines with the least sensitive part of the LCA being the southern edge of the valley, on the lower slopes of Slieve Gallion – which is where this development is located. The SPG also states that consideration should be given to using hillside backdrops to help soften visual impact, which as stated above, has been achieved in this case with some views being softened by the backdrop of Slieve Gallion.

In addition to the consideration above, I am also conscious of the fact that in this case, we are starting from a baseline of a large turbine already being in situ. I am not therefore, considering the visual impact of the whole turbine, but rather the 13m

additional hub height and the overall height to the tip of around 25m. In my opinion, the most visual parts of these machines are the shaft and the hub so the additional 13m of height of this part of the structure. Whilst not discounting the visual impact of the rotor blades, I am of the view that the hub height is a more critical element in terms of the visual impact.

I am also conscious that there are no other single turbines in the immediate vicinity so cumulative impact is low.

Given all of the above consideration and the additional height of the proposed turbine when assessed against the existing turbine, I am of the opinion that there will not be a significant impact on the visual amenity and landscape character of the area.

In relation to biodiversity and impacts on the natural environment, NIEA have been consulted and have stated that they have no concerns subject to conditions requiring the submission of a BMMP (this has also been recommended by the developer) and feathering of blades. The site is not located on active peatland.

There is a rath feature located approx. 90m away from the proposed turbine but given that the groundwork for the existing turbine as already been carried out, closer to this feature, I do not feel that there is a need to consult HED in relation to this feature.

PSNI, JRC and Arqiva have all been consulted and have not raised any concern in terms of impact on radio communication or infrastructure. Likewise, the Civil Aviation Authority, Belfast City Airport and Belfast International Airport have all been consulted and have not raised any concerns in terms of impacts on aviation safety although Belfast International Airport recommend that medium strength omni directional light on the turbine to advise low flying aircraft of its location.

OTHER MATERIAL CONSIDERATIONS

There have been three objections received from the public in relation to this applications. Objections have been received from;

- 35a Draperstown Road (approx. 930m from proposed turbine)
- 35b Draperstown Road (approx. 900m from proposed turbine)
- 3 Rectory Road (approx. 720m from proposed turbine)

The content of the objection letters are summarised into the main issues as laid out below and addressed in the following paragraphs;

3 Rectory Road

- Development too high
- Too close to adjoining properties
- Noise nuisance
- Out of character with the area

In relation to the comment that the development is “too high” it is unclear as to what the

development is “too high” for but I am assuming the impact on the character of the area is what is being referred to. The overall height of the development is increasing but as outlined above, the impact on the area is assessed bearing in mind the existing turbine. I have given a detailed consideration of the impact of the turbine on the character of the area and this is outlined in the main body of this report.

Once again, the assertion of the turbine being “too close to adjoining properties” is not expanded upon as to what the properties are “too close” for. In terms of health and safety, I do not consider there to be any property which is at risk where the turbine to fall for instance. Similarly, the impact on noise and shadow flicker of those properties which are closer have been assessed. Environmental Health have not raised any objections in relation to noise and the issue of shadow flicker has been addressed via the implementation of a curtailment calendar to mitigate the impact.

35A and 35B Draperstown Road

- Noise impact
- Shadow Flicker
- Impact on the character of the area (LCA)
- Neighbour Notification Procedures

Again the impact of noise has been addressed through the consultation with environmental health department. The objectors state that as part of H/2011/0329/F, Env Health stated that noise would be an issue at locations within 10 times the rotor diameter of the turbine. This is not clear from a review of this application but it seems that the Env Health have instead quoted PPS 18 where it says that 10 times rotor diameter is the distance whereby *shadow flicker* will be a problem. In terms of noise, the Env Health consultation for this application has considered the proposal and the supporting Noise Impact Assessment and have not raised any objections.

The two properties are approx. 1km away from the turbine and therefore unlikely to be affected by shadow flicker to any significant degree. Para. 1.3.76 of the BPG to PPS 18 states that “at distances greater than 10 times rotor diameter from a turbine, the potential for shadow flicker is very low.” Given the location of these properties, almost 1km away, I am content that shadow flicker at these properties should not be a significant problem.

As with the other objection, the impact on the character of this area, with reference to NILCA 2000 LCAs, has been considered in the main body of the report under assessment of relevant policy.

Neighbour notification procedures are set out in legislation and cannot be addressed as part of this application.

Summary of Recommendation:

Approve is recommended

Given all of the above assessment of policy and consideration of objections raised, I recommend that this application be approved subject to the following conditions

Approval Conditions

Condition 1

As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

Condition 2

The approved turbine shall not become operation until the existing turbine approved under H/2011/0329/F has been decommissioned and removed from the development site.

Reason: To control the noise levels from the development at noise sensitive locations

Condition 3

The wind turbine to be installed shall be a 53m hub height Vesta V52 turbine with a generating capacity curtailed to 250kW. The approved turbine shall be located at Irish Grid co-ordinates E281813 N393632 unless otherwise agreed in writing (in consultation with the Environmental Health Department) with the Local Planning Department.

Reason: To control the noise levels from the development at noise sensitive locations.

Condition 4

The level of noise imissions from the wind turbine (including the application of any tonal penalty when calculated in accordance with the procedures described on Pages 104-109 of ETSU-R-97 and the Institute of Acoustic's Good Practice Guide) at all times shall not exceed the values set out in the table which is included on page 2 of the Environmental Health Dept. consultation repsonse, which is uploaded to mid ulster planning portal (under reference LA09/2023/0899/F) and dated 15th January 2024.

Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the above table shall be those of the physically closest location listed in the table, unless otherwise agreed by the

Department.

Reason: To control the noise levels from the development at noise sensitive locations.

Condition 5

Within 28 days of being notified by the Planning Department of a reasonable complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of consent, the wind turbine operator shall, at his/her own expense employ a consultant, approved by the Planning Department, to assess the level of noise emissions from the wind turbine at the complainant's property following the procedures described in the Institute of Acoustic's Good Practice Guide. The Department shall be notified not less than two weeks in advance of the date of the commencement of the noise monitoring.

Reason: To control the noise levels from the development at noise sensitive locations.

Condition 6

The wind turbine operator shall provide to the Planning Department the consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within three months of the date of the written request of the Department unless otherwise extended in writing by the Department.

Reason: To control the noise levels from the development at noise sensitive locations.

Condition 7

Wind speed, wind direction and power generation data shall be continuously logged throughout the period of operation of the wind turbine. The data shall be retained for a period of not less than 12 months. At the request of Mid Ulster District Council, the recorded wind data, standardised to 10m height above ground level and relating to any periods during which noise monitoring took place or any periods when there was a specific noise complaint, shall be made available to Mid Ulster District Council.

Reason: To control the noise levels from the development at noise sensitive locations.

Condition 8

Within 4 weeks from receipt of a written request from Mid Ulster District Council, following an amplitude modulation (AM) complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall submit a scheme for the assessment and regulation of AM to Mid Ulster District Council for its written approval. The applicant must ensure that the Institute of Acoustics metric shall be applied to the data collected to derive the reconstructed AM values for consecutive 10- minute periods, as per the 'IOA Noise Working Group (Wind Turbine Noise), Amplitude Modulation Working Group Final Report - A Method for Rating Amplitude Modulation in Wind Turbine Noise - 9th August 2016 - Version 1'.

For each period with an AM value of equal to or greater than 3 dB, a penalty shall be assigned (in accordance with Figure 1 on page 4 of the Environmental Health Dept.

consultation response, which is uploaded to Mid Ulster District Council planning portal (under reference LA09/2023/0899/F and dated 15th January 2024) and added to the absolute level of noise. Each summed value of overall average level (corrected for background where necessary) + AM penalty + Tonal Penalty (if applicable) shall be binned into wind speeds of 1 m/s intervals over the range of the data for when the turbine is operating and complaints occurring. Where the number of 10-minute breaches at any given wind speed during the period of complaint is considered to be unacceptable by Mid Ulster District Council, the operator shall submit details of a scheme describing proposals for suitable mitigation of the unacceptable AM periods to reduce the number of breaches during the operational conditions giving rise to the complaint, to that considered acceptable by Mid Ulster District Council and then implement such a scheme in a time period agreed with Mid Ulster District Council.

Reason: To control the levels of amplitude modulation from the development at noise sensitive locations.

Condition 9

Construction works, which are audible at any noise sensitive property outside the site, shall only take place between the hours of 07:00 -19:00 hours on Monday to Friday, 07:00 -13:00 hours on Saturday with no works being undertaken on Public/Bank Holidays. Outside of these hours, work at the site shall be limited to turbine erection, testing/commissioning works, emergency works, or construction work that is not audible at any noise sensitive property.

Reason: To control the noise levels from the development at noise sensitive locations.

Condition10

The wind turbine hereby approved shall not become operational until the wind turbine has been installed with a computerised control system necessary to shut down the turbine when conditions would cause shadowing of the residential properties during the dates and times outlined in the shadow flicker curtailment calendar on page 38 of the Shadow Flicker Assessment and Report which is uploaded on Mid Ulster Planning Portal (under reference LA09/2023/0899/F) and dated 28th August 2023.

Reason: to reduce the impacts of shadow flicker on identified properties to acceptable levels in accordance with Best Practice Guidance to PPS 18.

Condition11

The developer must install a Medium Intensity, Omni-directional, Night Vision Compatible, Steady Red Obstacle light at the highest point of the hub. The light should be lit 24 hours a day, seven days a week and it is to warn low flying aircraft that there is an obstacle at this location.

Reason: In the interests of aviation safety.

Condition12

No wind turbine shall become operational until a Bat Monitoring and Mitigation Plan (BMMP) has been submitted to and approved in writing by the Planning Authority. The BMMP should adhere to the Guidance on Bat Surveys, Assessment & Mitigation for

Onshore Wind Turbine Developments NIEA, Natural Environment Division, August 2021. The approved BMMP shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The BMMP shall include the following:

- a) Details of the further automated acoustic monitoring of bat activity across the site post construction using appropriate methodology for a period of three years;
- b) Details of bat carcass searches at selected turbines using appropriate methodology for the appropriate recommended length;
- c) Details of appropriate weather monitoring;
- d) Details of the production of yearly monitoring reports to be submitted to the planning authority within 6 months of the end of each monitoring year;
- e) Provision for additional mitigation or contingency measures which may be deemed necessary depending on the results of the monitoring and which shall be implemented if instructed by the Planning Authority;
- f) Provision for review of the mitigation measures and the length of the monitoring plan. The further monitoring should follow the guidelines laid out in the response above.

Reason: to monitor and mitigate the impact of the proposal on bats.

Condition13

All wind turbine blades shall be "feathered" when wind speeds are below the "cut-in speed" of the operational turbines. This shall involve pitching the blades to 90 degrees and/or rotating the blades parallel to the wind direction to reduce the blade rotation speed below two revolutions per minute while idling.

Reason: to protect bats

Signature(s): Colin McKeown

Date: 22 January 2024

| ANNEX | |
|--|-------------------|
| Date Valid | 29 August 2023 |
| Date First Advertised | 12 September 2023 |
| Date Last Advertised | 12 September 2023 |
| Details of Neighbour Notification (all addresses) | |
| Date of Last Neighbour Notification | |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <p><u>Planning History</u></p> <p>Ref: H/2011/0329/F Proposals: Proposed wind turbine (Vestas v29 225kw with 40m hub height and 29 diameter rotors). Decision: PG Decision Date: 13-MAY-13</p> <p>Ref: LA09/2023/0899/F Proposals: Proposed replacement of existing wind turbine as approved under planning reference H/2011/0329/F with a new wind turbine to a hub height of 53m and a rotar diameter of 52m along with associated development Decision: Decision Date:</p> | |
| <p>Summary of Consultee Responses</p> <p>NIEA-PRT LA09-2023-0899-F.PDF Environmental Health Mid Ulster Council-LA09 2023 0899 F V0 WT 320m S of 6 Brackaghlistlea Rd.doc ESB Telecoms Ltd- National Air Traffic Services-Land approx 320M SE of No 6 Brackaghlistlea Road - no impact.pdf Joint Radio Company- P.S.N.I Information And Communications Services-MUCLA0920230899F.pdf</p> | |

Belfast City Airport-NSO Letter.rtf
Belfast International Airport-BIA No Objections.pdf
UK Crown Bodies - Safeguarding (DIO)-
Arqiva Services Limited-LA09_2023_0899_F_- Arqiva response.docx
The wind turbine co-ordinates in the application form do not match with the Location - Lands Approx 320M South East of No 6
Brackaghislea Road,
Draperstown

The turbine co-ordinates in the application form are 282022 (E) 403838 (N), which place the turbine close to a separate application (LA09/2023/0904/F).

Can the correct turbine co-ordinates be provided, as an Arqiva RBL link is close to the vicinity of 6 Brackaghislea Road, Draperstown.
Environmental Health Mid Ulster Council-LA09.2023.0899.F .pdf

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable

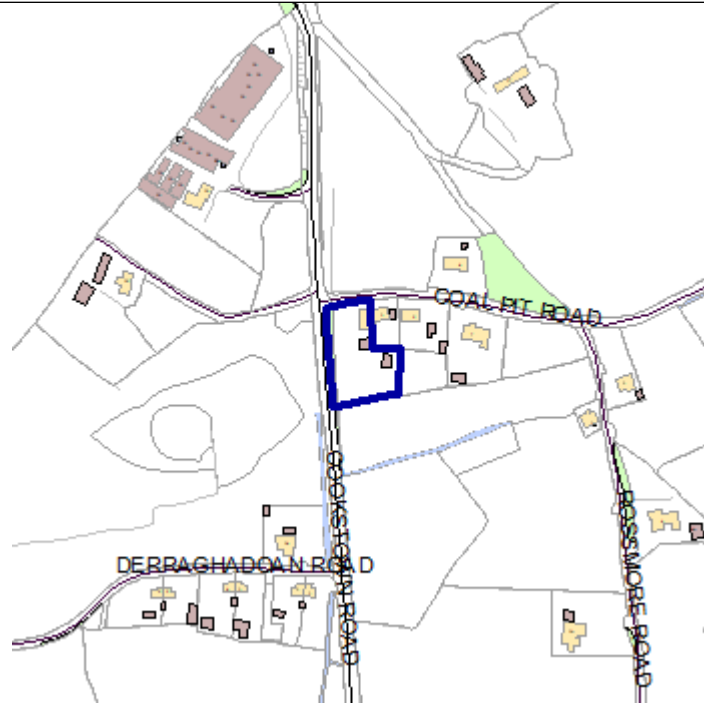


Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.25 |
| Application ID: LA09/2023/0906/O | Target Date: 13 December 2023 |
| Proposal: Dwelling and domestic garage based on policy CTY 10 (Dwelling on a Farm) | Location: 20M South of 3 Coal Pit Road Dungannon |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr Shaun Kelly 31 Thornhill Road Dungannon BT70 3LW | Agent Name and Address: CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SG |
| Executive Summary: | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|--------------------------------|--|
| Statutory Consultee | DFI Roads - Enniskillen Office | Outline resp.docx |
| Non Statutory Consultee | Geological Survey NI (DfE) | 3565 MUDC Planning. 20M South of 3 Coal Pit Road Dungannon.pdf |
| Non Statutory Consultee | DAERA - Omagh | LA09-2023-0906-O.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | Outline resp.docx |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement defined under the Dungannon and South Tyrone Area Plan 2010. It sits immediately east of the Cookstown Road / A29, a heavily trafficked protected route between Cookstown and Dungannon. It also sits immediately south of the Coal Pit Road, a minor rural road, at its junction with the Cookstown Road.



Fig 1: Site outlined red with circle.



Fig 2: Site outlined red.

The site, which is proposed to be accessed off the A29, is a relatively L-shaped plot. It comprises a small rectangular shaped gravelled yard located immediately to the west side of no. 3 / 3a Coal Pit Road, an existing single storey dwelling with granny flat extension; and a larger relatively flat square shaped field (main body of the site) located to the rear / south of no. 3 / 3a. This field, which contains what appears to be a domestic shed and some building vehicles such as a digger, has been largely gravelled in the middle.

The site is well enclosed to the north, west and south by post and wire fencing and a mix of mature vegetation, particularly along the southern boundary which is defined by a thick line of high trees. The most eastern boundary of the site, along the main body of the site, is defined by mesh security fencing. The north boundary of the main body of the site is bound in part by the garage to the rear of no. 3 / 3a and by a low wall with close boarded fencing above. The eastern boundary of the smaller part of the site, the rectangular yard is undefined.



Fig 3: Main body of site identified to the rear / south of no. 3 / 3a Coal Pit Road.

Views into this site are limited on both the north and south approach along the A29 Cookstown Road and from the Coal Pit Road on the west approach until passing along its roadside frontages due to the existing development and vegetation bounding the site.

The area surrounding the site is semi-rural, characterised largely by the heavily trafficked A29 to the immediate west of the site and agricultural lands interspersed with detached dwellings, farm complexes and agricultural fields in the wider vicinity. There is moderate development pressure in the immediate area with a line of 3 / 4, mainly one and one and half storey dwellings, running along the roadside frontage of the Coal Pit Road immediately to the east of the site.

Description of Proposal

This is an outline application for a dwelling and domestic garage based on Policy CTY 10 of Planning Policy Statement 21 (Dwelling on a farm) on lands 20m South of 3 Coal Pit Road Dungannon.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

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

Representations

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

Relevant Planning History

- M/2006/2030/F - Extension (Granny Flat) to dwelling - 3 Coalpit Road Rossbeg Dungannon - Granted May 2007
- M/2008/1093/F - Domestic Garage - Rear Of 3 Coalpit Road Rossbeg Dungannon - Granted Nov 2008

Consultees

1. DFI Roads were consulted in relation to the access, movement and parking arrangements. DFI Roads advised that the proposed access for this dwelling is onto the A29 Cookstown Road Dungannon which is a Protected Route, as such the proposal is contrary PPS 3, Access, Movement and Parking:

- Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety; and
- Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is near a road junction where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction.

In light of the above, DFI Roads were reconsulted to assess this proposal if access was to be taken off the Coal Pit Road to the north of the site. This was to establish if an alternative access position could be provided to satisfy the requirements of PPS 3. DFI Roads responded to advise third party land in an eastern direction along the frontages of houses 3/3a and 5 Coal Pit Road would be required to achieve the required 2.4m x 45m visibility splays and that it is not possible within the Coal Pit Road site frontage to provide an access with adequate spacing to the Protected Route (A29 Cookstown Road) to the west. That any access would be in close proximity to the Main Road junction / Protected Route (A29 Cookstown Road) and would also run parallel to the it. Accordingly, DFI Roads recommended refusal of this alternative proposal as it would be contrary PPS 3, Access, Movement and Parking:

- Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays of 2.4 metres x 45 metres, in accordance with the standards contained in the Department's Development Control Advice Note 15;
 - Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is in close proximity to a junction where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted to provide comment on the applicant's farm business, identified on the application form submitted. DAERA advised the farm business was established on the 30th March 2023 and that it is a category 3 business not entitled to claim land payments through the Basic Payment Scheme or Agri Environment Scheme.
 3. DETI Geological Survey of Northern Ireland (GSNI) were consulted in relation to this proposal as the site is located within an area of constraint on abandoned mines. GSNI reviewed the planning proposal in view of stability issues relating to abandoned mine workings and advised that a search of the GSNI "Shafts and Adits Database" indicates that the proposed site contains a recorded abandoned mine working and is located in close proximity to recorded mine shaft and underground workings. To assess any potential risk to the proposed development, further information should be supplied in the form of a Mine Risk Assessment.

Dungannon and South Tyrone Area Plan 2010 - The site lies in the rural countryside

outside any designated settlement with the Plan.

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

Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside - PPS 21 is the overarching policy for development in the countryside. Policy CTY1 of PPS 21 outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aim of sustainable development. These include dwellings on farms in accordance with Policy CTY 10 of PPS 21.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where the following criteria have been met:

1. the farm business is currently active and has been established for at least 6 years,

DAERA advised the applicant's farm business was only established in March 2023. That it is a category 3 business not entitled to claim land payments through the Basic Payment Scheme or Agri Environment Scheme.

Whilst a substantial number of receipts from 2016 through each year until 2021 have been submitted by the applicant for various works, it is not considered they demonstrate what his farm business is; where all his farmlands / buildings are; or that the business has established for at least 6 years, as they do not demonstrate profit as they are all for works he has paid to have done to maintain lands at his home address 31 Thornhill Road (not at the site) including: sowing fertiliser; topping grass; power washing paths around outhouses and outbuildings; maintenance and repairs to outhouses; maintenance, repairs and or replacement to gates and fences.

The only map submitted with this application was that of the site location plan with only the site identified in the ownership of the applicant. No other farm maps and / or details of any other farmlands / buildings in the ownership or control of the applicant have been submitted. As such, whilst DAERA has advised the applicant's farm business was established in March 2023, I consider insufficient information has been submitted to demonstrate what his farm business is; where all his farmlands / buildings are; or that the business is currently active and has been established for at least 6 years. Criterion (1) of CTY 10 cannot be considered to have been met.

2. no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application or since PPS 21 was introduced on 25th November 2008,

As detailed above under criterion 1, the only map submitted with this application was that of the site location plan with only the site identified in the ownership of the applicant. No other farm maps and / or details of any other farmlands / buildings in the ownership or control of the applicant have been submitted. As such I consider insufficient information

has been submitted to check there have been no dwellings or development opportunities out-with settlement limits sold off from the applicant's farm holding within 10 years of the date of the application. Criterion (2) of CTY 10 cannot be considered to have been met.

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



Fig 4 & 5: Applicant's address no. 31 shown circled blue in relation to site circle red in fig 4; and ortho showing applicants dwelling with two sheds to the rear in fig 5.

In addition to insufficient information to demonstrate what the applicants farm business is; where all his farmlands / buildings are; or that the business is currently active and has been established for at least 6 years is that there is only one building, that appears to be a domestic shed, on the current site for a dwelling to visually link or cluster with. One building is not a group. Whilst exceptionally consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s), this has not been demonstrated. As detailed above in relation to criteria 1 & 2 of CTY 10, the only map submitted with this application was that of the site location plan with only the site identified in the ownership of the applicant. No other farm maps and / or details of any other farmlands / buildings in the ownership or control of the applicant have been submitted to confirm he has no other lands / buildings to site beside. It is also noted that at the applicants address, no. 31 Thornhill Road, there appears to be three buildings including a dwelling and two sheds (See figs 4 & 5, further above). Whether the applicant owns or controls any farmlands at or bounding these buildings that could accommodate a dwelling, should it be established he has an active and established farm business, is unclear. Accordingly, Criterion (2) of CTY 10 cannot

be considered to have been met.

Taking account of the above, the applicant / agent would usually be given the opportunity to submit further information to demonstrate how this proposal complies with Policy CTY 10 of PPS 21 or to establish if there were any other opportunities for a dwelling on site under PP3 21. Additionally, as per DETI GSNI's response further above (see Consultees, further above) the applicant / agent would be asked to submit a Mine Risk Assessment to demonstrate there was no risk to the proposed development. However, in this instance no further information is being sought given DFI Roads advice (see Consultees, further above) that the dwelling's proposed access onto the A29, a protected route, is contrary to Policy AMP 3 and Policy AMP 2 of PPS 3; and an alternative access off the Coal Pit Road can not be achieved.

Additional considerations

Had this proposal met policy criteria to warrant a dwelling I consider a suitably designed dwelling including garage could have been accommodated on this site without impacting the amenity of neighbouring properties (namely no. 3/ 3a and 5 Coal Pit Road bounding the site) to any unreasonable degree in terms of overlooking or overshadowing given the location and dimensions of the site, separation distances that could be retained, existing walls, fencing and vegetation bounding the site.

In addition to checks on the planning portal Natural Environment Map Viewer (NED) and Historic Environment Map (NED) map viewers available online have been checked. NED Map Viewer identified no natural heritage features of significance on or bounding the site and whilst HED Map Viewer identified an industrial heritage point in close proximity, I am content that it is outside the site on already developed lands occupied by no. 3/ 3a Coal Pit Road, an existing single storey dwelling with granny flat extension.

Whilst Flood Maps NI indicate a watercourse runs along the outside of the southern boundary of the site in line with Policy FLD 3 off PPS 15, I consider had this proposal met policy criteria to warrant a dwelling, that a maintenance strip could have been provided to this watercourse from the lands to south of the site. Additional, whilst fluvial flooding was indicated along this watercourse it was outside of the site.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable

Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Reason 2

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

Reason 3

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is near a road junction where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction.

Reason 4

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Reason 5

A search of the GSNI "Shafts and Adits Database" indicates that the proposed site contains a recorded abandoned mine working and is located in close proximity to a recorded mine shaft and underground workings. A Mine Risk Assessment is required to assess any potential risk to the proposed development from the abandoned mine workings.

Signature(s): Emma Richardson

Date: 24 January 2024

| ANNEX | |
|---|-------------------|
| Date Valid | 30 August 2023 |
| Date First Advertised | 11 September 2023 |
| Date Last Advertised | 11 September 2023 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier Unit 18-19 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 5 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 16 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 17 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 15 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 4 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 3 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Units 17-19 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 11 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 2 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 12 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 14 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 8 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Units 1 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 9 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 7 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier Unit 13 18 Cookstown Road Dungannon Tyrone BT71 4BG The Owner / Occupier</p> | |

Unit 10 18 Cookstown Road Dungannon Tyrone BT71 4BG
 The Owner / Occupier
 14 Cookstown Road Dungannon Tyrone BT71 4BE
 The Owner / Occupier
 Unit 6 18 Cookstown Road Dungannon Tyrone BT71 4BG
 The Owner / Occupier
 5 Coal Pit Road Dungannon Tyrone BT71 4BH
 The Owner / Occupier
 3 Coal Pit Road Dungannon Tyrone BT71 4BH
 The Owner / Occupier
 3A Coal Pit Road Dungannon Tyrone BT71 4BH

| | |
|--|----------------|
| Date of Last Neighbour Notification | 31 August 2023 |
|--|----------------|

| | |
|----------------------------------|--|
| Date of EIA Determination | |
|----------------------------------|--|

| | |
|---------------------|-----------------|
| ES Requested | <events screen> |
|---------------------|-----------------|

Planning History

Ref: M/2006/2030/F

Proposals: Extension (Granny Flat) to dwelling

Decision: PG

Decision Date: 24-MAY-07

Ref: M/2008/1093/F

Proposals: Domestic Garage

Decision: PG

Decision Date: 18-NOV-08

Ref: LA09/2023/0906/O

Proposals: Dwelling and domestic garage based on policy CTY 10 (Dwelling on a Farm)

Decision:

Decision Date:

Ref: M/1979/0738

Proposals: RETIREMENT DWELLING

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

Geological Survey NI (DfE)-3565 MUDC Planning. 20M South of 3 Coal Pit Road
 Dungannon.pdf

DAERA - Omagh-LA09-2023-0906-O.docx

DFI Roads - Enniskillen Office-Outline resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

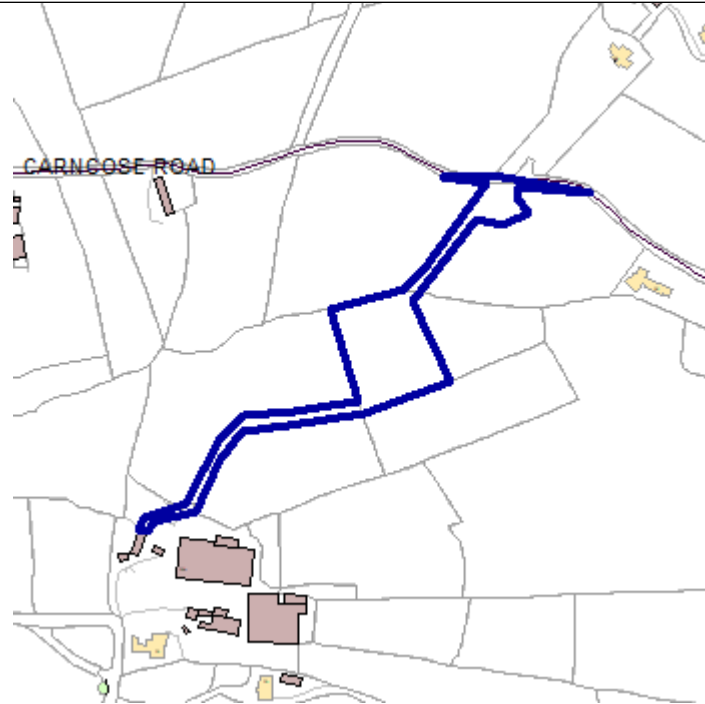


Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.26 |
| Application ID: LA09/2023/0916/F | Target Date: 15 December 2023 |
| Proposal: Proposed off site replacement dwelling and garage 180m West of No. 16 Carncose Road, Cranny, Moneymore, BT45 7RY | Location: 180M West of No 16 Carncose Road Cranny Moneymore |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr Gregory McGovern 31 Tirgan Road Moneymore BT45 7RZ | Agent Name and Address: CMI Planners 38B Airfield Road Toomebridge BT41 3SG |
| Executive Summary: <p>This proposed full application for an off-site replacement dwelling is brought to the planning committee with a recommendation for refusal. The proposed fails to meet the criteria in Policy CTY 3 of PPS 21 in that it would, if permitted, have a significantly greater visual impact than the existing dwelling.</p> <p>I am however content that the proposed complies with Policy CTY 13 and CTY 14 of PPS 21.</p> | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|--------------------------------|----------------|
| Statutory Consultee | DFI Roads - Enniskillen Office | Full Resp.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | Full Resp.docx |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site of the proposed development is in the rural countryside outside any designated settlement limit as defined in the Magherafelt Area Plan 2015. The site for the proposed dwelling is 180m west of no. 16 Carncoise Road Moneymore and comprises a hilltop portion of a larger agricultural field. The site is set back approximately 90 metres from

the Carnose Rd. Boundaries include field hedgerow along the northern and southern edges of the site and post and wire fencing along the western boundary. The site for the dwelling is 170 metres north west of Tir-con Engineering which is comprised of a large built up yard area with a series of large sheds. The existing dwelling to be replaced lies along the western edge of this yarded area and is marked in green within the red-lined area of the site location map.

Description of Proposal

This is a full application for the proposed off site replacement dwelling and garage 180m west of no. 16 Carnose Road, Cranny, Moneymore, BT45 7RY.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Planning History

LA09/2023/0357/F – Proposed off-site replacement dwelling and detached garage – Lands approx. 1110m NE of 37 Tirgan Road Moneymore – Permission Granted 13/11/2023

Representations

To date no third party representations have been received.

Magherafelt Area Plan 2015

The site of the proposed development is in the rural countryside outside any designated settlement limit as defined in the Magherafelt Area Plan 2015.

Other Constraints

The site is located in the Sperrins AONB. The proposal is considered against Policy NH 6 of PPS 2 in the main body of the report.

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

There are no issues pertaining to flooding at the site.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 3 – Access, Movement and Parking

The proposed involves the creation of a new access to a public road. Given this is a replacement dwelling, there will be no intensification of the use of this access and thus the proposed will not prejudice road safety. DfI Roads were consulted in this application and provided no objection to the proposal, subject to condition. I am content that the proposed satisfies policy AMP 2 of PPS 3.

PPS 21 – Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 of PPS 21 lists development proposals that are considered to be acceptable forms of development in the countryside, including replacement dwellings, subject to policy criteria within CTY 3 - Replacement Dwellings being met.

The existing building on site exhibits the essential characteristics of a dwellinghouse, including what appears to be the remnants of a fireplace / chimney and domestic-scale door and window gaps. All four walls are substantially intact. Thus I am content that the existing dwelling qualifies for replacement. It is not a listed building and nor is it considered to make an important contribution to the heritage, appearance or character of the locality.

Policy CTY 3 provides that the proposed replacement dwelling should be sited within the established curtilage of the existing building. I acknowledge that the existing building is located along the western edge of a heavily built up and busy yard area with limited existing domestic curtilage and therefore it is accepted that the proposed replacement dwelling cannot be sited at this location.

The design of the replacement dwelling is considered to be appropriate for its rural setting, with rendered walls and flat dark concrete tiles. All necessary services can be provided without significant adverse impact on the environment and the access to the public road is considered to be in compliance with PPS 3, as established above.

Finally, the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building. While the proposed dwelling is single storey and modest in size, it is considered that the siting for the dwelling on what is a significantly more prominent position atop a hill, will result in the dwelling having a significantly greater visual impact than the existing dwelling. The agent was asked to consider with the applicant an alternative siting location for the replacement dwelling, including the agricultural field just north of the existing dwelling, though this has not been forthcoming. Because of this I have to advise that the proposal fails on this aspect of the policy and therefore fails to meet Policy CTY 3.

Consideration is given to a similar application which was recently granted planning permission. Planning approval was granted to the off-site replacement dwelling under LA09/2023/0357/F, the existing dwelling of which was the adjoining dwelling to the south of the existing dwelling in this current case under consideration. There were initial concerns raised pertaining to the height of the dwelling in that case, and as a result the proposed dwelling was reduced to single storey. While this current application also proposes a single storey dwelling, the siting by comparison to the siting of that approved, results in a significantly greater visual impact than that of the existing dwelling.

Policy CTY 13 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As above, the design of the dwelling is considered to be acceptable. The proposed site is complete with a degree of long established natural boundaries which include field hedgerow to the north western and south eastern boundaries. There is a degree of proposed landscaping at the site consisting of natural species feature trees dotted around the proposed dwelling. It is considered that the proposed dwelling would not be a prominent feature in the environment, though it is important to note that this does not mean that the proposed dwelling does not have a significantly greater visual impact than that of the existing dwelling as has been established for the purposes of Policy CTY 3 above. I am content that the proposal meets the criteria under Policy CTY 13.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its environs are suitable for absorbing a dwelling of this size and scale. I am content that the proposal meets the criteria under Policy CTY 14.

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application for planning

permission be refused.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal fails to comply with Policy CTY 3 of PPS 21 in that it would, if permitted, have a significantly greater visual impact than the existing dwelling.

Signature(s): Benjamin Porter

Date: 18 January 2024

| ANNEX | |
|--|-------------------|
| Date Valid | 1 September 2023 |
| Date First Advertised | 12 September 2023 |
| Date Last Advertised | 12 September 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 31 Tirgan Road Moneymore Londonderry BT45 7RZ The Owner / Occupier 19 Carncoose Road Moneymore Londonderry BT45 7RY | |
| Date of Last Neighbour Notification | 12 September 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: LA09/2023/0624/F Proposals: Proposed single storey rear extension and alterations to dwelling Decision: PG Decision Date:</p> <p>Ref: H/2006/0145/O Proposals: Site of proposed Community Hall (Removal of Existing) for Social Community Events & Provision of Car Parking Facilities Decision: PG Decision Date: 06-SEP-07</p> <p>Ref: H/2003/1362/O Proposals: Site of dwelling and garage. Decision: Decision Date:</p> <p>Ref: H/1994/0553 Proposals: SITE OF RETIREMENT DWELLING Decision: WITHDR Decision Date:</p> <p>Ref: H/2008/0293/F</p> | |

Proposals: Proposed new access laneway into house No. 31a Tirgan Road, Moneymore

Decision: PG

Decision Date: 15-APR-09

Ref: H/1988/0118

Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/1980/0051

Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/2006/0355/F

Proposals: Proposed new access laneway into house No. 31a Tirgan Road, Moneymore

Decision:

Decision Date:

Ref: LA09/2023/0928/LDE

Proposals: Existing Manufacture, Storage & Office Buildings for Tircon Engineering specialising in the Manufacture & Erection of steel agricultural sheds

Decision:

Decision Date:

Ref: H/2000/0836/PA

Proposals: Telecommunications Apparatus

Decision: 53

Decision Date: 03-JAN-01

Ref: H/1989/0368

Proposals: RETIREMENT BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2023/0357/F

Proposals: Proposed off-site replacement dwelling and detached garage

Decision:

Decision Date:

Ref: H/1975/0200

Proposals: 11KV AND M/V O/H LINES (C.7060)

Decision: PG

Decision Date:

Ref: H/2000/0771/F

Proposals: 11kv Overhead Line

Decision: PG

Decision Date: 18-DEC-00

Ref: LA09/2023/0916/F

Proposals: Proposed off site replacement dwelling and garage 180m West of No. 16 Carnose Road, Cranny, Moneymore, BT45 7RY

Decision:

Decision Date:

Ref: LA09/2020/0500/F

Proposals: Proposed off Site Replacement Dwelling

Decision: WDN

Decision Date: 16-JUN-21

Ref: LA09/2021/0934/O

Proposals: Dwelling & Garage

Decision: WDN

Decision Date: 06-SEP-23

Ref: H/2008/0628/F

Proposals: Extension and refurbishment to existing dwelling and erection of new garage for domestic use.

Decision: PG

Decision Date: 18-FEB-09

Ref: H/2007/0861/F

Proposals: Replacement Dwelling

Decision:

Decision Date:

Ref: H/2015/0084/LDP

Proposals: Improvement works are proposed within the existing NI water service reservoir site to facilitate deployment of emergency tankering operations if required during extreme weather conditions. The works include creation of a parking bay, new posts to abut existing fence proposed concrete post and strained wire fence

Decision: PG

Decision Date: 06-AUG-15

Ref: H/1996/0448

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: H/1995/0441

Proposals: SITE OF DWELLING

Decision: WITHDR

Decision Date:

Ref: H/1996/0028

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/1983/0136

Proposals: REINFORCED CONCRETE RESERVOIR AND OUTSTATION

Decision: CROWN

Decision Date:

Ref: LA09/2016/0019/RM

Proposals: Proposed dwelling and garage for residential purposes

Decision: PG

Decision Date: 25-FEB-16

Ref: LA09/2015/0642/O

Proposals: One dwelling house and garage

Decision: PG

Decision Date: 09-NOV-15

Ref: H/2003/1280/O

Proposals: Site of single dwelling.

Decision: PG

Decision Date: 01-MAR-05

Ref: H/1986/0123

Proposals: BUNGALOW AND GARAGE

Decision: PG

Decision Date:

Ref: H/1977/0430

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE

Decision: PG

Decision Date:

Ref: H/1975/0244

Proposals: 11KV AND MV O/H LINES C7240

Decision: PG

Decision Date:

Ref: H/1974/0053

Proposals: SITE OF CONVERSION OF RECREATION BUILDING TO OFFICES AND STORES

Decision: PG
Decision Date:

Ref: H/1994/0053
Proposals: REPLACEMENT DWELLING
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Full Resp.docx
DFI Roads - Enniskillen Office-Full Resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Proposed Floor Plans Plan Ref: 04
Proposed Elevations Plan Ref: 05
Road Access Plan Plan Ref: 06

Notification to Department (if relevant)

Not Applicable

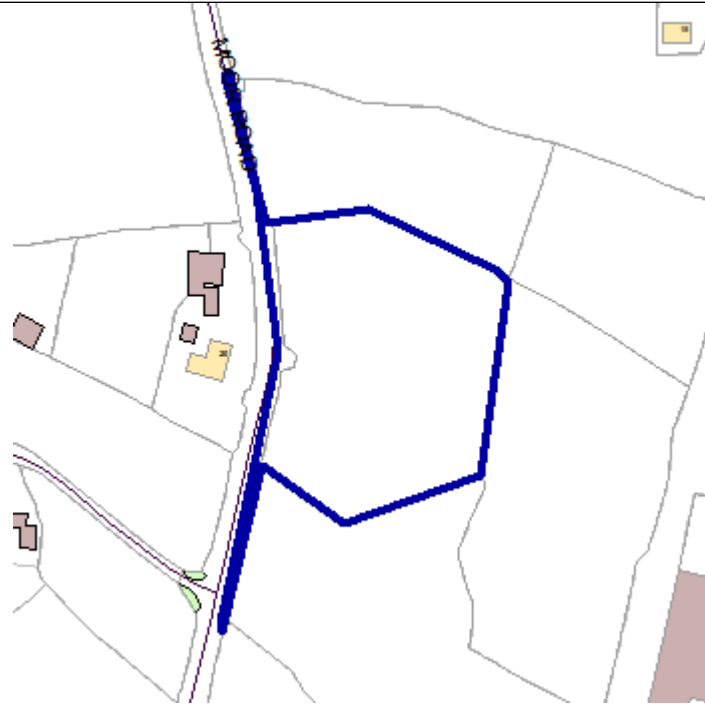


Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.27 |
| Application ID: LA09/2023/1064/O | Target Date: 22 January 2024 |
| Proposal: Proposed dwelling and garage | Location: Lands opposite 20 Moor Road Corr Dungannon |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr Sean O' Brien 20 Moor Road Corr Dungannon BT71 6HF | Agent Name and Address: Mr Seamus Donnelly 80A Mountjoy Road, Aughrimderg Coalisland BT71 5EF |
| Executive Summary: No third party representations have been received. I have requested further information to demonstrate if there is an active and established farm and to date this has not been received. The application site does not cluster or visually link with the established group of buildings on the farm at No.20 Moor Road. No supporting evidence has been provided as to why the proposed dwelling needs to be sited elsewhere on the farm such as health and safety reasons or verifiable plans to expand at the site. | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|---|--|
| Statutory Consultee | DFI Roads - Enniskillen Office | DC Checklist 1.doc |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | |
| Statutory Consultee | DFI Roads - Enniskillen Office | FORM RS1 STANDARD.doc Roads outline.docx |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, detached dwellings on single plots and groups of farm buildings. There is minimal development pressure from the construction of single dwellings in the immediate area and there are no other dwellings on either side of the site itself. Across the road from the site is the associated farm group at 20 Moor Road which comprises of a single storey dwelling, a garage, and a group of sheds.

The application site is one half of a larger agricultural field with a flat topography and has a direct roadside frontage to the Moor Road, which is a highly trafficked road between Ballynakilly Road and the village of Clonoe. Along the roadside, east and west boundaries is a low hedge, and the remaining boundary is undefined.

Description of Proposal

This is an outline application for proposed dwelling and garage at lands opposite 20 Moor Road, Corr, Dungannon.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

No planning history at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010 and is not within any other designations or zonings in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement.

When the application was received by the case officer no information was submitted or it was not stated which policy the applicant wanted the application to be considered under. Following discussions with the agent it was stated the proposal is to be considered under CTY 10 – dwelling on a farm.

As this proposal is for one farm dwelling CTY 10 is the relevant policy in the assessment.

CTY 10 – Dwelling on a Farm

At the time of writing no DAERA business number has been provided so I am unable to consult DAERA. Initially I telephoned the agent on the 20th October 2023 to request farming information to be submitted to allow an assessment against CTY 10.

On the 24th November 2023 the following farming information was received.

It is stated that the land, dwelling and outbuildings have been in the O’Brien family for over 60 years and at times the land has been rented out to various other farmers. Also, Mr O’Brien maintains the land by cutting hedges, grass topping and rolling and fencing.

The following evidence has been provided to substantiate these claims.

1. Receipts from Martin McCaffrey & Sons Plant Hire for grass topping of land. This invoice is for the hire of a tractor and topper and hedgecutter on the 20th February 2019, 27th October 2018, 10th October 2017.
2. Receipt for McVeigh's Garden sheds for a field gate on the 4th October 2019 and fence posts on the 4th May 2017.

The following receipts demonstrate what works Mr O'Brien, the applicant, has done to maintain the land on the farm holding. However, these receipts are in the years 2017-2019 and no evidence has been submitted to show how the applicant has maintained or gaining an income from the land in the past 6 years.

Receipts have been submitted which demonstrate that the applicant is selling bales from his farm holding.

1. M Taggart has paid Sean O'Brien has paid money for small bales on the 21st September 2021, 14th November 2019, 9th September 2016, 18th October 2018.

I cannot verify the validity of the invoices and receipts provided.

I sent a further email to the agent on the 24th November 2023 requesting does the applicant has a DAERA number, farm boundary maps, and evidence of any con-acre agreement. At the time of writing this information was not submitted.

I consider the information provided does not demonstrate there has been an established farm for the past 6 years and that the farm business is currently active.

No farm maps have been provided with the application, so I am unable to determine if any sites have been sold off from the farm holding.

The applicant, Mr Sean O'Brien, has stated he lives at No.20 Moor Road which is a dwelling and two outbuildings. I am content there is an established group of buildings on the farm holding. The site itself is an agricultural field across the road from the group of farm buildings and I consider does not cluster with the farm buildings. I am of the opinion if the proposed dwelling was sited to the front of the site there would be limited visual linkage as shown in figure 1 below.



Figure 1 – Image showing the site in relation to the farm buildings.

No supporting documentation has been provided to demonstrate why the proposed dwelling should be sited on an alternative site away from the farm buildings. No health and safety reasons or verifiable plans to expand the farm holding at the site have been provided.

Having assessed all the evidence, I consider the proposal does not meet all the criteria in CTY 10 for a dwelling on a farm.

CTY 13 – Integration and Design of Buildings in The Countryside

The application site is an agricultural field with a roadside frontage to the Moor Road which is a highly trafficked public road. There is a low wooden fence along the roadside boundary and the remaining boundaries are low hedging. I consider there is limited enclosure at the site due to the lack of natural boundaries. As this is an outline application no details have been provided about the design of the dwelling or the access and these will be considered at the reserved matters stage.

CTY 14 – Rural Character

As stated earlier I am content the proposal will not be a prominent feature in the landscape. A single storey dwelling on this site would respect the traditional pattern of settlement in the area and not have a negative impact on rural character.

PPS 3 Access, Movement and Parking

AMP 2 – Access to Public Roads

The site does not access onto a protected route, so I have no concerns in this regard.

The proposal includes a new access to Moor Road so DFI Roads were consulted. Roads were content with access subject to the access being from the existing field gate which is in the middle of the site with visibility splays of 120m in both directions.

Other Considerations

I checked the statutory map viewers and there is no NED, HED and flooding issues at the site.

To the rear of the application site there is a wind turbine and engineering works at General Cabins and Engineering. I consulted Environmental Health for their opinion on the impact on the occupants of the proposed dwelling. However, as the application does not meet the case for a dwelling on a farm there is no principle of development at the site.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet all the criteria in CTY 10 - Dwellings on Farms in PPS 21.

Refusal Reasons

Signature(s): Gillian Beattie

Date: 17 January 2024

| ANNEX | |
|---|-----------------|
| Date Valid | 9 October 2023 |
| Date First Advertised | 23 October 2023 |
| Date Last Advertised | 23 October 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 20 Moor Road Corr Dungannon BT71 6HF | |
| Date of Last Neighbour Notification | 10 October 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: LA09/2023/1064/O Proposals: Proposed dwelling and garage Decision: Decision Date:</p> <p>Ref: M/1979/0431 Proposals: EXTENSION AND REPAIR TO DWELLING Decision: PG Decision Date:</p> <p>Ref: M/2002/0121/F Proposals: Extension to Kitchen Decision: PG Decision Date: 13-MAR-02</p> <p>Ref: M/2011/0198/F Proposals: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1. Decision: PG Decision Date: 08-DEC-11</p> | |

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist 1.doc
Environmental Health Mid Ulster Council-
Environmental Health Mid Ulster Council-
DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docRoads outline.docx
Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.28 |
| Application ID: LA09/2023/1070/O | Target Date: 24 January 2024 |
| Proposal: Proposed dwelling and garage | Location: Adjacent to 59 and 24M SE of 55 Killary Lane Killary Stewartstown Dungannon |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr Brian Corr 55 Killary Lane Stewartstown Dungannon BT71 5QE | Agent Name and Address: Mr Seamus Donnelly 80A Mountjoy Road, Aughrimderg Coalisland BT71 5EF |
| Executive Summary: The proposal is presented to Committee as it fails to meet all the policy criteria of Policy CTY 2a of PPS 21, New Dwellings in Existing Clusters, in that the application site is not associated with a focal point, nor is it located at a crossroads. | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|--------------------------------|--|
| Statutory Consultee | DFI Roads - Enniskillen Office | DC Checklist 1.doc FORM RS1 STANDARD.doc Roads outline.docx |

Representations:

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

Summary of Issues

Characteristics of the Site and Area



The site is a 0.14ha parcel of ground located on Killary Lane off the Mountjoy Road and lies approximately 440m north-east of Clonoe. The site is located within the rural countryside, outside any defined settlement limit as identified in the Dungannon and South Tyrone Area Plan 2010. The site outlined in red is a square parcel of land comprising an agricultural shed and part of a yard, as well as an existing access laneway which serves No. 55 Killary Lane. The southern boundary of the site is defined by hawthorn hedging, with a post and wire fence along the northern boundary. The eastern boundary is undefined as it is cut out of a larger agricultural field. The western boundary is defined by shrubbery to the northern portion and the wall of the shed on site defining the southern portion.

There is significant development pressure in the area, with 12 dwellings and associated outhouses within 200m of the site. The Western Building Systems factory complex lies approximately 200m to the south-east of the site, across the public road. The settlement limits of Dernagh/Clonoe lies approximately 450m to the south-west of the site.

Description of Proposal

Proposed dwelling and garage

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Histories

There are no recent relevant histories associated with this site.

Representations

Five (5) neighbouring properties were identified to be notified and press advertisement has been carried out in line with the Council's statutory duty. To date no letters of representation have been received.

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing planning policies should be applied in this assessment.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction from PPS 21, therefore existing policy applies.

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 a new access onto the Killary Lane, as indicated on the submitted plan. DFI Roads have no objection subject to sightlines of 2.4m x 45m being provided.

CTY1 of PPS 21 - Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS21 allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. Planning permission will be granted for an individual dwelling house in the countryside in the case of a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

CTY 2a – New Dwellings in Existing Clusters

CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

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

The existing development in the area lies outside of a farm. To the immediate north of the site lies No. 59 - a single storey dwelling and garage and to the north-east is No. 63, a single storey dwelling. Immediately adjacent to and north-west of the site is a greenhouse and garden area. To the immediate west are a number of outbuildings which are associated with No's 57 and 55 Killary Lane, two single storey dwellings accessed via the same laneway as the application site. A further 4 dwellings lie to the north-west of these two dwellings, extending along Killary Lane in a linear fashion. From this I consider the first criterion for CTY 2a has been met.

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

When travelling west along the Mountjoy Road the existing buildings all read as a cluster and I believe the cluster appears as a visual entity in the landscape. The second criterion has been met.

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

There is no focal point in the immediate area such as a community building or social facility and the site is not located at a crossroads. In a supporting statement submitted by the agent it is argued that the focal point includes a company office, factories (7) and store as well as a hall and St Michael's Church and graveyard. There are also 13 houses in close proximity with the nearest being within 8m from the boundary. The agent argues that the site does not move outside the confines of the existing cluster and does not add to or create a ribbon of development in this area and this application meets all the requirements of a cluster. I do not consider St. Michaels Church and Hall can be considered a focal point here given the 300m distance from the site. It does not read with the existing development of Killary Lane when travelling along the public road, and therefore cannot be considered a focal point associated with the site. I am not satisfied that the proposal meets this criterion of the policy.

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

I am content there is a suitable degree of enclosure and there is development on two sides as there are two dwellings to the north/north-east and a number of dwellings to the west and north-west. There will be critical views of the site however it reads fully with the 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;

I am of the opinion that a new dwelling here can be absorbed into the existing cluster and will not significantly alter the existing character here. A dwelling on this site will

consolidate the existing development and will not visually intrude into the open countryside. Accordingly, the fifth criterion can be met.

development would not adversely impact on residential amenity.

A new dwelling on this site would not adversely impact on residential amenity should an approval be considered acceptable, particularly if it is sited to the southern portion of the site, ensuring the maximum possible separation distance from No. 59 which is the dwelling closest to the site.

Policy CTY 13 – Design and Integration and Policy CTY 14 – Rural Character

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application the design elements of CTY 13 cannot be dealt with under this application but will be considered under any RM or Full application. The proposal meets the requirements of CTY 13.

CTY 14 of PPS21 Rural Character states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed dwelling will not be unduly prominent in the landscape nor does it result in build up. It respects the settlement pattern of the area and it does not create or add to a ribbon of development. The ancillary works will not damage rural character. A dwelling on this site is in accordance with this policy and the proposal therefore complies with CTY 14.

There is no evidence to suggest that the proposal falls into any other types of development that are listed as acceptable in principle in the countryside under Policy CTY 1 or that there are overriding reasons why the development is essential and could not be located in a settlement.

Other Material Considerations

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

From a check of the Rivers Agency Strategic Flood Map I have no flooding concerns. Although the proposal meets most of the criteria set down in CTY2a it fails to meet all of them. As the application site is not associated with a focal point, nor located at a crossroads I recommend the application is refused as it is contrary to CTY 1 & CTY 2a of PPS 21.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 2a of Planning Policy Statement 21, New Dwellings in Existing Clusters, in that the application site is not associated with a focal point, nor is it located at a crossroads.

Signature(s): Deirdre Laverty

Date: 23 January 2024

| ANNEX | |
|--|-----------------|
| Date Valid | 11 October 2023 |
| Date First Advertised | 31 October 2023 |
| Date Last Advertised | 24 October 2023 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 57 Killary Lane Stewartstown Dungannon Tyrone BT71 5QE</p> <p>The Owner / Occupier 55 Killary Lane Stewartstown Dungannon Tyrone BT71 5QE</p> <p>The Owner / Occupier 63 Killary Lane Stewartstown Dungannon Tyrone BT71 5QE</p> <p>The Owner / Occupier 53 Killary Lane Stewartstown Tyrone BT71 5QE</p> <p>The Owner / Occupier 59 Killary Lane Stewartstown Tyrone BT71 5QE</p> | |
| Date of Last Neighbour Notification | 18 October 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: LA09/2019/1054/O Proposals: Proposed dwelling and domestic garage on an infill site Decision: PG Decision Date: 17-OCT-19</p> <p>Ref: M/1980/0548 Proposals: EXTENSION AND RENOVATIONS TO DWELLING Decision: PG Decision Date:</p> <p>Ref: M/2002/0846/O Proposals: Proposed Retirement Dwelling Decision: Decision Date:</p> <p>Ref: M/1994/0497</p> | |

Proposals: Erection of replacement dwelling

Decision: PG

Decision Date:

Ref: LA09/2023/1070/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: M/1996/0577B

Proposals: Retirement Dwelling & garage

Decision: PG

Decision Date:

Ref: M/1988/0280

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2019/1681/RM

Proposals: Proposed Dwelling & Domestic Garage on an Infill Site

Decision: PG

Decision Date: 22-APR-20

Ref: M/2001/1189/O

Proposals: Retirement Dwelling

Decision: PG

Decision Date: 13-MAR-02

Ref: M/2005/0623/O

Proposals: Proposed retirement dwelling

Decision: PG

Decision Date: 15-JUN-05

Ref: M/1998/0497

Proposals: Site for Dwelling

Decision: PG

Decision Date:

Ref: M/2006/0266/RM

Proposals: Proposed Retirement Dwelling

Decision: PG

Decision Date: 28-JUN-06

Ref: M/1992/0444

Proposals: New Vehicular Access to existing dwelling

Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist 1.docFORM RS1 STANDARD.docRoads outline.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

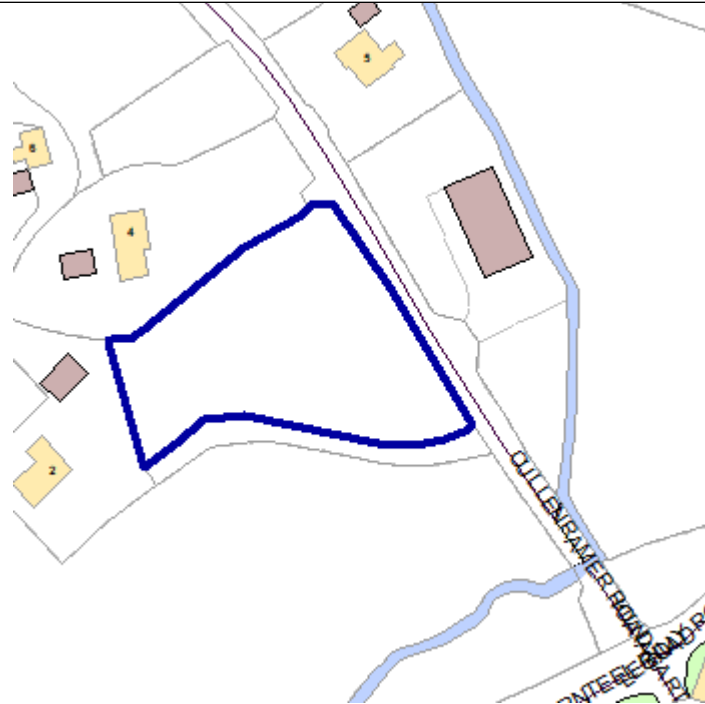


Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.29 |
| Application ID: LA09/2023/1071/O | Target Date: 24 January 2024 |
| Proposal: Dwelling and garage | Location: Approx 50M NE of No 2 Cullenrammer Road Dungannon |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr Michael Walls 2 Cullenrammer Road Greystone Dungannon BT70 1SS | Agent Name and Address: C. McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road COOKSTOWN BT80 9LU |
| Executive Summary: No third party representations have been received. | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|--------------------------------|--|
| Statutory Consultee | DFI Roads - Enniskillen Office | FORM RS1 STANDARD.docDC Checklist 1.docRoads outline.docx |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in

character with agricultural fields, interspersed with groups of farm buildings and single dwellings.

The application site is an agricultural field where the land rises from the roadside to the rear boundary. There is a single storey dwelling and garage to the rear of the site at No.2. There is another dwelling to the north at No.4 and across the road is a dwelling and shed. There is a row of established trees along the rear boundary. Fencing is the boundary treatment along the remaining boundaries.

Description of Proposal

This is an outline application for a proposed dwelling and garage at lands approx. 50m NE of No 2 Cullenramer Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

No recent planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Dungannon and South Tyrone

Area Plan 2010 and is not within any other designations or zonings in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for a new dwelling in an existing cluster CTY 2a is the relevant policy in the assessment.

Policy CTY 2a – New Dwellings in Existing Clusters

I am content there is a cluster of development outside of a farm and there are four or more buildings with at least three are dwellings as shown in figure 1 below.



Figure 1 – Image of the site in the context of the surrounding area.

There is No.2 to the west, No.4 and No.6 to the north are dwellings and No.5 across the road is a dwelling. In addition, there is a shed directly across the road.

I am content the cluster appears as a visual entity in the landscape as shown in figure 1 above.

There is no focal point in the immediate area such as a community building or social facility. I consider the site is not located at a crossroads. There is a crossroads nearby, but the policy states the cluster should be located at a crossroads. In a supporting statement submitted by the agent it is argued the site is located at a crossroads as the crossroads is easily identifiable when travelling along the roads which lead into it. It is stated that roadside development is found along all four roads which meet at the junction.

I am content there is a suitable degree of enclosure and there is development on two sides as there is a dwelling to the west and north of the site.

I consider a single storey dwelling on the western portion of the site adjacent to No.2 and No.4 would round off the existing cluster. I am content a dwelling in this siting would not have a detrimental effect on rural character.

There is a row of established trees along the western boundary which will assist in

protecting neighbour amenity at No.2 to the north. The proposed dwelling would be adjacent to No.4 to the north, but I consider additional planting would assist in the integration of the dwelling and reduce any overlooking or loss of privacy.

Having assessed all the evidence, the proposal does not meet all the criteria in CTY 2a as the site is not at a crossroads or has a focal point. However, the proposal if sited in the western half of the site would rounding off a cluster of buildings and would not have a detrimental impact on rural character as shown on the concept plan submitted. It is stated in the supporting statement that the proposed dwelling would read with the existing cluster of development.

CTY 13 – Integration and Design of Buildings in the Countryside

The land rises steeply from the roadside to the rear boundary of the site adjacent with No.2 Cullenrammer Road. The predominant house type in the area is single storey and due to the rising topography, I consider a single storey dwelling would be the most acceptable house type in this location. I am of the opinion a modest dwelling to the rear of the site would round off the cluster and not be a prominent feature in the landscape. There are established trees along the rear boundary but additional hedging around the remaining boundaries would assist in the integration into the landscape. I am content a dwelling would integrate at the site subject to a siting condition.

CTY 14 – Rural Character

As stated earlier in the assessment I am content a dwelling in this location would not be a prominent feature in the landscape. There are already several other dwellings in the immediate area so I am of the opinion another dwelling would not exacerbate a suburban style build-up of development. I consider a dwelling in this location would not have an unacceptable impact on rural character.

PPS 3 – Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

The site does not access onto a protected route, so I have no concerns in this regard. Roads were content a new safe access could be created to the site subject to the positioning of a dual access with the existing laneway.

Other Considerations

I completed checks on the statutory map viewers and I am satisfied there are no other ecological, historical or flooding issues at the site.

Summary of Recommendation:

Refuse is recommended

The application site does not meet any policies in PPS 21 for a dwelling in the countryside.

| |
|--------------------------------------|
| |
| Refusal Reasons |
| Signature(s): Gillian Beattie |
| Date: 22 January 2024 |

| ANNEX | |
|--|-----------------|
| Date Valid | 11 October 2023 |
| Date First Advertised | 23 October 2023 |
| Date Last Advertised | 23 October 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 4 Cullenramer Road Dungannon Tyrone BT70 1SS The Owner / Occupier 2 Cullenramer Road Dungannon Tyrone BT70 1SS | |
| Date of Last Neighbour Notification | 12 October 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: M/2004/1595/F Proposals: Proposed dog kennels for commercial use Decision: Decision Date:</p> <p>Ref: M/1979/0822 Proposals: PROPOSED DWELLING Decision: PG Decision Date:</p> <p>Ref: M/1979/0821 Proposals: TWO DWELLINGS (BUNGALOWS) Decision: PG Decision Date:</p> <p>Ref: M/1984/0214 Proposals: DWELLING Decision: PG Decision Date:</p> <p>Ref: LA09/2023/1071/O Proposals: Dwelling and garage</p> | |

Decision:
Decision Date:

Ref: M/1987/0379
Proposals: DWELLING
Decision: PG
Decision Date:

Ref: M/1981/046901
Proposals: ERECTION OF DWELLING AND GARAGE
Decision: PG
Decision Date:

Ref: M/1981/0469
Proposals: DWELLING AND GARAGE
Decision: PG
Decision Date:

Ref: LA09/2016/0262/F
Proposals: Removal / variation of condition 8 of M/2011/0500/F
Decision: PG
Decision Date: 09-MAY-16

Ref: LA09/2015/0447/PAD
Proposals: Proposed pet crematorium
Decision: PAD
Decision Date: 30-NOV-15

Ref: M/2006/2096/F
Proposals: Proposed change of use from domestic garage to provide office
Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docDC Checklist 1.docRoads outline.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.30 |
| Application ID: LA09/2023/1114/F | Target Date: 6 February 2024 |
| Proposal: Proposed office extension and alterations to existing offices. | Location: 30 Farlough Road Dungannon BT71 4DT |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Mr Darragh Cullen 30 Farlough Road Newmills Dungannon BT71 4DT. | Agent Name and Address: Mr Seamus Donnelly 80A Mountjoy Road, Aughrimderg Coalisland BT71 5EF |
| Executive Summary: One third party representation has been received and I am content the proposal complies with all the criteria in SETT 1 in the Dungannon and South Tyrone Area Plan and PED 1 and PED 9 in PPS 4. | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------|-----------|----------|
| | | |

Representations:

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

Summary of Issues

One third party representation has been received and I am content the proposal complies with all the criteria in SETT 1 in the Dungannon and South Tyrone Area Plan and PED 1 and PED 9 in PPS 4.

Characteristics of the Site and Area

The site is within the development limit of Coalisland as defined in the Dungannon and

South Tyrone Area Plan 2010. The surrounding area is semi-urban in character and there is a mix of land uses. To the south of the site are agricultural fields and dwellings on single plots. Across the road from the site are industrial business and single dwellings. The site comprises of three large sheds for manufacturing and in front of these is an existing two Storey office building. The site is accessed off the Farlough Road on the outskirts of the settlement of Newmills. In front of the sheds is a concrete yard area for storage and a small car parking area. To the rear of the sheds is a large staff car parking area.

Description of Proposal

This is a full application for proposed office extension and alterations to existing offices at 30 Farlough Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party public comment has been received.

The owner/occupier is Mrs Campbell who lives at 35 Farlough Road which is a dwelling across the road from the main access to Edge Innovate. The following issues have been raised in the public comment.

1. Mid Ulster Council has essentially created a linear industrial estate along Farlough Road comprising of heavy engineering plants. Mrs Campbell's home is surrounded on three sides by engineering plants and within ¼ mile of her home there are no less than 14 heavy engineering plants. In rebuttal the proposal is within an existing industrial business which is within an area which has already been designated for industrial use within the Dungannon and South Tyrone Area Plan 2010.
2. It is stated they have no objection to the planning application and the new frontage may improve the aesthetic outlook of the engineering plant.

3. The owner/occupiers do object to the additional noise that building work will produce and will create unacceptable levels of dust, fumes, and additional traffic.
4. It is stated there is a continual drone of engineering noise from 7am till after 6pm each day and some of the plants operate Saturday and Sunday. This is impacting on the owner/occupiers relaxing in their garden area. In rebuttal, this proposal is for an office building so there will be no engineering or manufacturing within the building itself when constructed.
5. They object to the additional noise created by the building work as it will include the demolition of the existing office building, excavation of new foundations, lorries coming and going. The objector would like assurances that building noise will be kept to a minimum and within reasonable hours such as only taking place at weekends or public holidays. In rebuttal, any conditions that are attached to a planning approval must meet six tests as stated below:

Necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. I completed a check of planning histories of nearby industrial developments and in no other approvals has there been a condition limiting building work to weekends/public holidays. I consider this condition would not meet the test for reasonable or necessary.

6. The objector also states that an alternative site should be found for testing machinery so that building work and testing work does not happen simultaneously at the front area of the site.

Planning History

LA09/2017/1313/F - New roof between existing factories (covering existing lean-to side of existing factory) - 30 Farlough Road, Newmills, Dungannon – permission granted 13th March 2018.

LA09/2016/1523/LDP - Installation of a 180kw Solar PV Installation using a non-penetrative mounting system. All works will take place on the roof and inside the building, this includes the installation of the mounting system and array and internal and external wiring - 30 Farlough Road, Newmills, Dungannon – permission granted 17th January 2017.

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.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

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

Dungannon and South Tyrone Area Plan 2010

The site is within the settlement of Coalisland as defined in the Dungannon and South Tyrone Area Plan 2010, so SETT 1 is the relevant policy which applies. I consider as the proposal complies with all the criteria in PED 1 and PED 9 in PPS 4 it also complies with SETT 1 in the Plan.

The site is within CI 01 industrial and business zoning for land at Farlough Road and any proposal must meet the following key site requirements. I am content there are no changes to the access, and it is still from Farlough Road. It is stated a detailed survey of existing vegetation and extensive landscaping of trees should be provided to the public road frontages and site boundaries. The proposal is for an extension to an existing office on an area of existing hardstanding and the trees are already in place along the boundaries, so I have no concerns.

Plan Policy IND 1 – Industry and Business is relevant in this application as the site is within an area of existing industry and business use at Farlough Road. As the proposal is for an office within an existing industrial site, I have no concerns about the use, and I am content it will not have an unacceptable impact on the character of the area.

PPS 4 – Planning and Economic Development

Policy PED 1 – Economic Development in Settlements

Villages and Smaller Settlements

Class B3 – General Industrial Use

As shown in figure 1 the proposal is for the extension to an existing office to the front of the factory buildings at Edge manufacturing business. The building will be used as offices for the associated business. The building has a square form with a height of 12m. I have no concerns about the scale and massing of the building as it will sit beside the factory buildings which are a greater height. In critical views the new office building will cluster with the associated factory buildings. The proposed external materials are parapet wall cladding on the external walls, stone cladding and blue glazed panelling. I am content the materials will not detract from the character of the surrounding area.

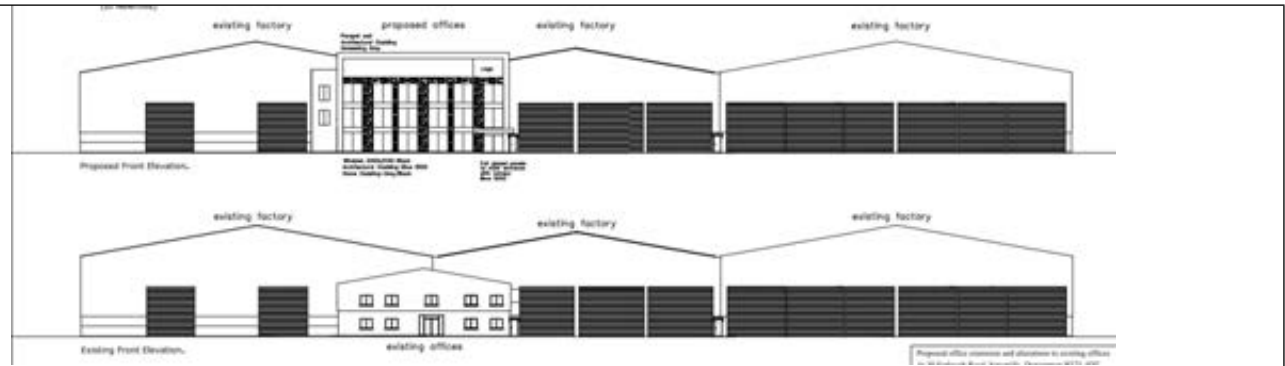


Figure 1 – Image of the Proposed Elevations of the Office.

The site itself is within an area zoned for industrial business use and there are other industrial businesses in the immediate area, so I have no concerns about the office use. In terms of neighbouring amenity there are dwellings across the road from the site but as this proposal is for office use, I am content there will be no further manufacturing in this building. The office building is set back from the road frontage so I consider the proposed building will not create unacceptable overshadowing or loss of light to neighbouring dwellings.

Policy PED 9 – General Criteria for Economic Development

As the proposal is for an extension to an existing office within the curtilage of an industrial site, I am content the use is compatible with the surrounding area. I am content the use as an office will not harm the amenity of occupants of nearby dwellings as there is no increase in manufacturing at the site. The site is not within any natural or built heritage designations. The site is not located within an area of flooding. I consider the office use will not create an unacceptable noise nuisance or there are no emissions or effluent from the building. It is stated on the P1 form there are 50 existing employees attending the site daily and there will be an expected increase of 5 employees at the site. There are no changes to the existing access at the site, so I do not consider it is necessary to consult DFI Roads. In terms of car parking the applicant has shown existing car parking to the front of the site. There is a large car parking area to the rear of the site, so I am content there is sufficient space within the curtilage to accommodate extra car parking. The site is within the settlement limits of Coalisland, so I am content there is provision for cycling and walking to and from the site. There are no changes to the landscaping arrangements at the site. Overall, I consider the proposal meets all the criteria in PED 9.

PPS 3 – Access, Movement and Parking

The applicant has stated on the P1 form there will be five extra employees at the site so there may be an intensification of the existing access. However, there is an access already in place along Farlough Road and another access to a staff car park further south along Farlough Road, so I have no concerns about the access.

Other Considerations

I completed checks on the statutory map viewers and I am content there are no other ecological or built heritage issues at the site.

Summary of Recommendation:

Approve is recommended

The proposal is recommended for approval as it complies with all the criteria in SETT 1 in the Dungannon and South Tyrone Area Plan 2010 and PED 1 and PED 9 in PPS 4 Planning and Economic Development.

Approval Conditions**Condition 1**

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

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

Signature(s): Gillian Beattie

Date: 6 December 2023

| ANNEX | |
|---|-----------------|
| Date Valid | 24 October 2023 |
| Date First Advertised | 7 November 2023 |
| Date Last Advertised | 7 November 2023 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 35 Farlough Road Dungannon Tyrone BT71 4DU The Owner / Occupier 32 Farlough Road Dungannon Tyrone BT71 4DU The Owner / Occupier 28 Farlough Road Dungannon Tyrone BT71 4DU The Owner / Occupier 24 Farlough Road Dungannon Tyrone BT71 4DU The Owner / Occupier Unit 1 Derryvale Industrial Estate Dungannon Tyrone BT71 4DT The Owner / Occupier 30 Farlough Road Dungannon Tyrone BT71 4DU The Owner / Occupier 29 Farlough Road Dungannon Tyrone BT71 4DU The Owner / Occupier 33 Farlough Road Dungannon Tyrone BT71 4DU</p> | |
| Date of Last Neighbour Notification | 25 October 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: M/1996/0563 Proposals: Workshop and Offices Decision: PG Decision Date:</p> <p>Ref: LA09/2019/1039/O Proposals: Proposed Dwelling (access off Derryvale Road) Decision: PG Decision Date: 28-APR-20</p> <p>Ref: LA09/2019/0643/F</p> | |

Proposals: Proposed erection of new assembly building

Decision: PG

Decision Date: 09-JAN-23

Ref: M/1990/0283

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: M/1989/0551

Proposals: Change of use from Private Dwelling to Nursing Home

Decision: PR

Decision Date:

Ref: M/1991/0165

Proposals: Erection of dwelling - Site 3

Decision: PR

Decision Date:

Ref: LA09/2023/1114/F

Proposals: Proposed office extension and alterations to existing offices.

Decision:

Decision Date:

Ref: LA09/2018/1586/PAN

Proposals: Erection of new assembly building and staff welfare facilities

Decision: PANACC

Decision Date: 20-DEC-18

Ref: M/1994/0282

Proposals: Erection of workshop and offices

Decision: PG

Decision Date:

Ref: M/1997/0086

Proposals: Extension to Existing Workshop

Decision: PG

Decision Date:

Ref: M/2007/1280/F

Proposals: 1. Erection of temporary spare parts warehouse (25m x 50m)

2. Erection of small spraybooth workshop (7m x 15m)

Decision: PG

Decision Date: 14-MAR-08

Ref: M/2013/0529/F

Proposals: Proposed extension to existing production warehouse and proposed extension to existing offices.

Decision: PG

Decision Date: 22-DEC-14

Ref: M/1974/0068

Proposals: CONSTRUCTION OF A BRICK FACTORY

Decision: PG

Decision Date:

Ref: M/1981/0037

Proposals: PRIVATE HOUSING DEVELOPMENT

Decision: WITHDR

Decision Date:

Ref: M/1991/0164

Proposals: Erection of dwelling - Site 2

Decision: PR

Decision Date:

Ref: M/2003/0411/F

Proposals: Proposed New Workshop and Offices

Decision: PG

Decision Date: 14-OCT-03

Ref: M/2003/0779/F

Proposals: Proposed new workshop and offices

Decision: PG

Decision Date: 25-MAR-04

Ref: M/2005/2354/F

Proposals: Proposed Workshop inc 2 storey ancillary office space, associated siteworks and new access to Farlough Road

Decision: PG

Decision Date: 20-OCT-06

Ref: LA09/2016/1523/LDP

Proposals: Installation of a 180kw Solar PV Installation using a non-penetrative mounting system. All works will take place on the roof and inside the building, this includes the installation of the mounting system and array and internal and external wiring

Decision: PG

Decision Date: 17-JAN-17

Ref: M/2007/0168/F

Proposals: Additional workshop to provide completed machinery including assembly line and finishing off complete machinery

Decision: PG
Decision Date: 03-JUL-07

Ref: LA09/2017/1313/F
Proposals: New roof between existing factories (covering existing lean-to side of existing factory)
Decision: PG
Decision Date: 13-MAR-18

Ref: M/1990/0062
Proposals: 11 KV. system improvement (part 4)
Decision: PG
Decision Date:

Ref: LA09/2019/0626/TPO
Proposals: Proposal for consent to carry out work(s) to Protected Trees
Decision: WTPOG
Decision Date: 16-MAY-19

Ref: LA09/2015/0131/F
Proposals: Proposed new dwelling and garage
Decision: PG
Decision Date: 01-DEC-15

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Existing Floor Plans Plan Ref: 04
Existing and Proposed Elevations Plan Ref: 05

Notification to Department (if relevant)

Not ApplicableNot ApplicableNot Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.31 |
| Application ID: LA09/2023/1159/F | Target Date: 15 February 2024 |
| Proposal: Proposed 2no. Infill dwellings and domestic garages as Policy CTY8 | Location: 50M West of 56 Tobermore Road Draperstown |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr Adrian McIvor 1 Gortnaskey Road Draperstown BT45 7JX | Agent Name and Address: CMI Planners 38A Airfield Road Antrim BT41 3SQ |
| Executive Summary: <p>This full application proposal for 2 no. infill dwellings is brought to the planning committee with a recommendation for refusal. The proposal is contrary to Policy CTY 8 and Policy CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create or add to a ribbon of development. The proposal is contrary to Policy CTY 13 and Policy CTY 14 of PPS 21 in that it would be unduly prominent in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.</p> | |

Case Officer Report

Site Location Plan

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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|--------------------------------|----------------|
| Statutory Consultee | DFI Roads - Enniskillen Office | Full Resp.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | Full Resp.docx |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located in the rural countryside approximately 0.5 miles north east and outside of the Draperstown settlement limit as defined in the Magherafelt Area Plan 2015. The site is a rectangular-shaped, 0.36 hectare area, flat agricultural field which occupies a roadside position along the Tobermore Road. The field is sited between no. 52 Tobermore Rd to the south west and no. 56 Tobermore Rd to the north east. The site is level with the road and fairly open. Boundaries include a mature line of trees along the south western and north eastern boundaries. The rear north western boundary is undefined and the roadside boundary is marked by low-cut hedgerow. The site is currently accessed via a field gate at the south western corner of the site. The wider surrounding environment consists mostly of agricultural fields with a number of roadside dwellings and farm buildings dotted along the road and increasing in frequency towards Draperstown.

Description of Proposal

This is a full application for the proposed 2no. infill dwellings and domestic garages as Policy CTY 8.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Histories

None

Representations

To date no third party representations have been received.

Magherafelt Area Plan 2015

The site is located in the rural countryside approximately 0.5 miles north east and outside of the Draperstown settlement limit as defined in the Magherafelt Area Plan 2015.

Other Constraints

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

This site is not located within or adjacent to any listed buildings / structures.

There are no issues pertaining to flooding.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes 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'.

PPS 21 – Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. This application is to be considered under CTY 8 – Ribbon Development.

In terms of the gap, I hold the view that the application site gap between no. 52 Tobermore Rd to the south west and no. 56 Tobermore Rd to the north east of the site is sufficient only to accommodate up to a maximum of two houses. The proposal therefore meets this aspect of the policy.

With regard to the built up frontage; I am content that dwelling no. 52 and the shed within its curtilage can be considered buildings that share a common frontage to the south west of the site. However, to the north east of the site, it is not considered that the curtilage of no. 56 Tobermore Rd fronts the main road in the same way. The dwelling (and its curtilage) at this position is sited back 40 metres from the main road. The driveway cannot be considered as a frontage and this is a precedent set by the Planning Appeals Commission. Furthermore the road-fronting field to the immediate south east of this property cannot be considered as the curtilage of the property. This is quite clearly an agricultural field. Site photos taken on 08/12/23, when compared to google street view imagery taken on Oct 2022, show the fairly recent erection of post and wire fencing as well as the removal of a field gate and hedging which have opened up the field with the dwelling. These landscaping works, while likely not carried out for the purposes of meeting the policy, do not provide evidence that this road-fronting field is part of the curtilage of the dwelling. There is no historic CLUD / planning permission that would establish this as the curtilage of said property. Therefore I have to advise that the proposal fails to meet this part of the policy, in that the proposal would create or add to a ribbon of development. The proposal therefore fails to meet Policy CTY 8 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. Two no. mirrored single-storey dwellings and garages are proposed at the site with principle ridge heights of 6 metres from finished floor levels. Finished materials include white smooth render finish to the walls with front and rear return locally sourced stone elements and black flat tiles or slates to the roofs. I consider the design of the buildings to be appropriate for the site and its locality. It is my opinion that the dwellings at this site would be overly prominent even though they are single-storey. This is a very open site with clear views of the Sperrins in the background to the rear of the site. It is my opinion that the proposed fails to blend with the landform and the site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. I therefore hold the view that the proposed dwellings fails to meet Policy CTY 13 of PPS 21.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As discussed, it is considered that the proposal will be unduly

prominent in the landscape and would create or add to a ribbon of development.

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. The proposed access arrangements involve the construction of a new access to a public road. In the initial consultation response from Dfl Roads, it was requested that an amended block plan be provided showing 2.4 x 120m visibility splays in both directions, the access location moved further east to prevent the need for third party land for the required splays for this paired access, and the red site outline amended to encompass the land required for the visibility splays. The required amendments have been provided and Dfl Roads have been reconsulted and their follow up response is pending at the time of writing. Given the proposal fails to meet Policies CTY 8, CTY 13 and CTY 14 of PPS 21, it has been agreed that this application be brought to the planning committee while awaiting the follow up response from Dfl Roads.

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application for planning permission be refused.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 8 and Policy CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create or add to a ribbon of development.

Reason 2

The proposal is contrary to Policy CTY 13 and Policy CTY 14 of PPS 21 in that it would be unduly prominent in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

Signature(s): Benjamin Porter

Date: 18 January 2024

| ANNEX | |
|---|------------------|
| Date Valid | 2 November 2023 |
| Date First Advertised | 14 November 2023 |
| Date Last Advertised | 14 November 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 52 Tobermore Road Draperstown Londonderry BT45 7HJ The Owner / Occupier 56 Tobermore Road Draperstown Londonderry BT45 7HJ | |
| Date of Last Neighbour Notification | 23 November 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> Ref: LA09/2020/0769/PAD Proposals: Re-locate Cattle Mart Decision: PAD Decision Date: 01-JAN-21 Ref: LA09/2023/1159/F Proposals: Proposed 2no. Infill dwellings and domestic garages as Policy CTY8 Decision: Decision Date: | |
| Summary of Consultee Responses DFI Roads - Enniskillen Office-Full Resp.docx DFI Roads - Enniskillen Office-Full Resp.docx | |

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04
Garage Plans Plan Ref: 05

Notification to Department (if relevant)

Not Applicable

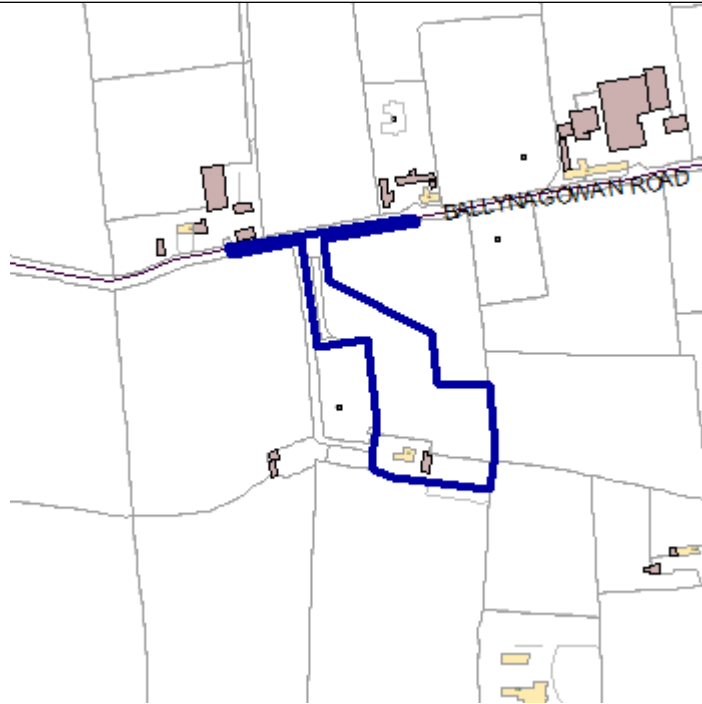


Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.33 |
| Application ID: LA09/2023/1286/F | Target Date: 12 March 2024 |
| Proposal: Proposed extension and alterations to dwelling | Location: 22 Ballynagowan Road Stewartstown BT71 5ET |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Mr and Mrs Enda and Nuala Devlin 22 Ballynagowan Road Stewartstown Dungannon BT71 5ET | Agent Name and Address: Mr Seamus Donnelly 80A Mountjoy Road, Aughrimderg Coalisland BT71 5EF |
| Executive Summary: | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------|-----------|----------|
| | | |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located in the rural countryside, as defined by the Cookstown Area Plan 2010, approx. 4.5km east and 2.7km west of Stewartstown and Lough Neagh, respectively.

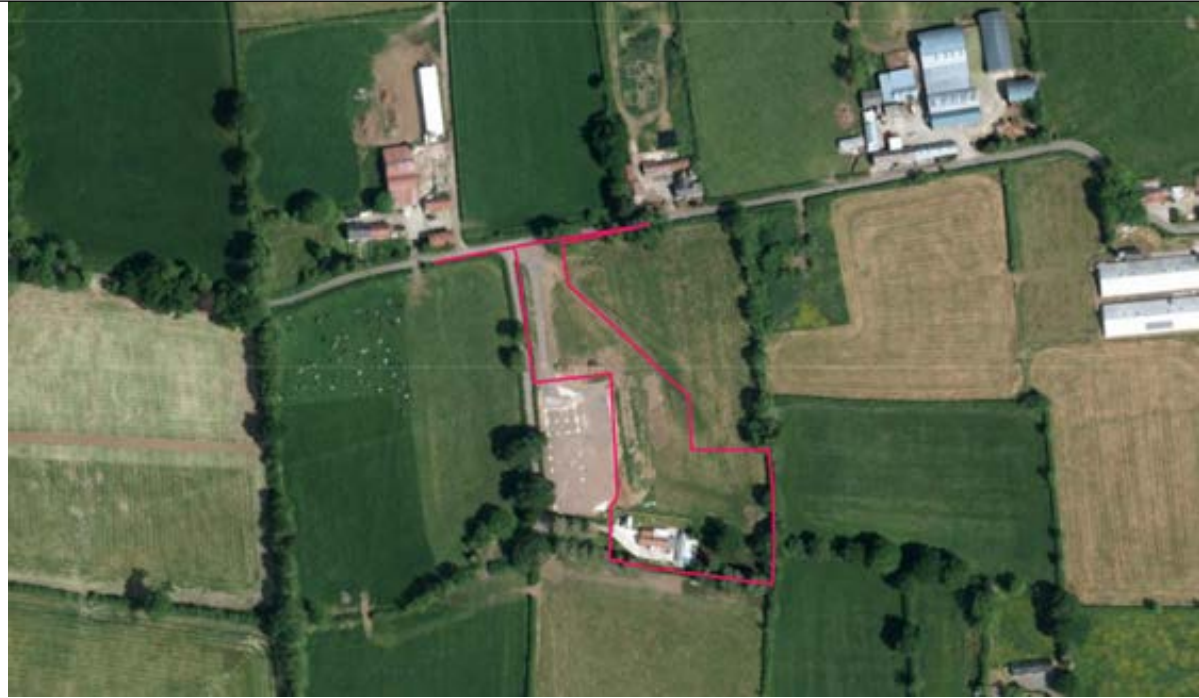


Fig 1: Site outlined red



Fig 2: Site outlined red



Fig 3: Dwelling to be extended and altered.

The site is an irregular shaped plot located adjacent the Ballynagowan Road. It comprises a modest single storey dwelling and its curtilage including a small no. of ancillary outbuildings, and part of an adjoining roadside field to its north.

The dwelling and its curtilage, no 22 Ballynagowan Road, is well set back from and accessed off the Ballynagowan Road via an existing lane that runs to the west side of a large building of agricultural appearance approved under planning application LA09/2019/0037/F as a domestic garage and private art studio in association with and just to the northwest of no. 22 Ballynagowan Road.

As seen above in Fig 3 the dwelling on site has a rectangular shaped floor plan and a pitched roof construction with 3 stacked chimneys expressed along its ridgeline and a small flat roofed front porch. Finishes to the dwelling include a mix of render, stone and brick to its walls and red tiles / slates to its roof. An outbuilding of similar size, scale and finish exists to the east side of, and runs perpendicular, to the dwelling. The dwelling has a hard cored driveway /amenity area to its west side and rear with a substantial garden running right round the property to the outside of this area. The curtilage of the dwelling is enclosed to the rear and sides by a mix of post and wire fencing, hedging and mature trees; and to the front by wooden d-rail fencing as in Fig 3, further above.

The portion of field located immediately to the north of the dwelling that has been included within this application to accommodate the extension and a new access lane to serve the resultant dwelling is defined to its most outer sides by a mix of well-established trees and hedging and to its inner sides by post wire fencing enclosing the curtilage of the aforementioned domestic garage and private art studio and newly planted trees.



Figs 4 & 5: View of dwelling from the Ballynagowan Road on the west approach and same view zoomed in, respectively. Dwelling sits to rear of the large domestic garage and private art studio.

Views of the dwelling on site are largely screened on the east approach along the Ballynagowan Road and passing along its roadside frontage by vegetation along the roadside and the within the wider vicinity. A view of the dwelling, sitting to the rear of the large domestic garage and private art studio exists, over a short distance on the west approach to the site along the Ballynagowan Road as seen in Figs 4 & 5, above.

The area surrounding the site is predominantly rural in nature with a scattering of single dwellings and farm holdings located along the roadside.

Description of Proposal

This is a full planning application for the proposed extension and alteration of an existing single storey dwelling located at 22 Ballynagowan Road Stewartstown.

As seen below in Figs 6 & 7 a substantial unit of accommodation comprising a mix of ridge heights and styles up to three storeys, which for all intents and purposes could function as a standalone dwelling, is proposed to be attached to the front of the existing property via a single storey flat roofed orangery. The orangery will in effect act as a link corridor between the old and new part of the resultant dwelling.

The existing dwelling has a ridge height approx. 5m above FFL. The highest ridge height of the proposed extension will be approx. 15.5m above the FFL of existing dwelling.

Finishes to the proposal which includes two hipped roofs incorporating roof dormers, will have finishes in keeping with the existing property.

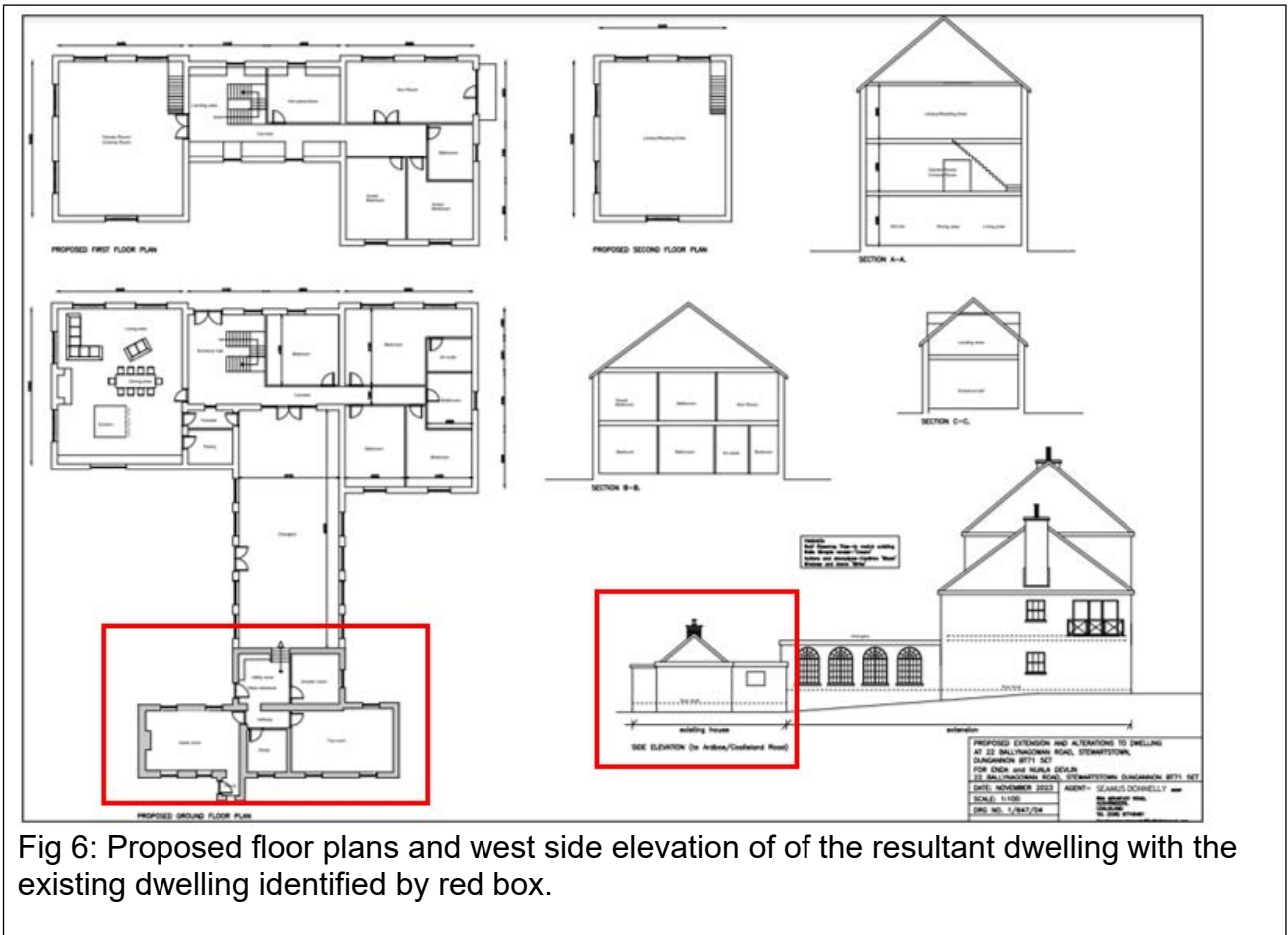
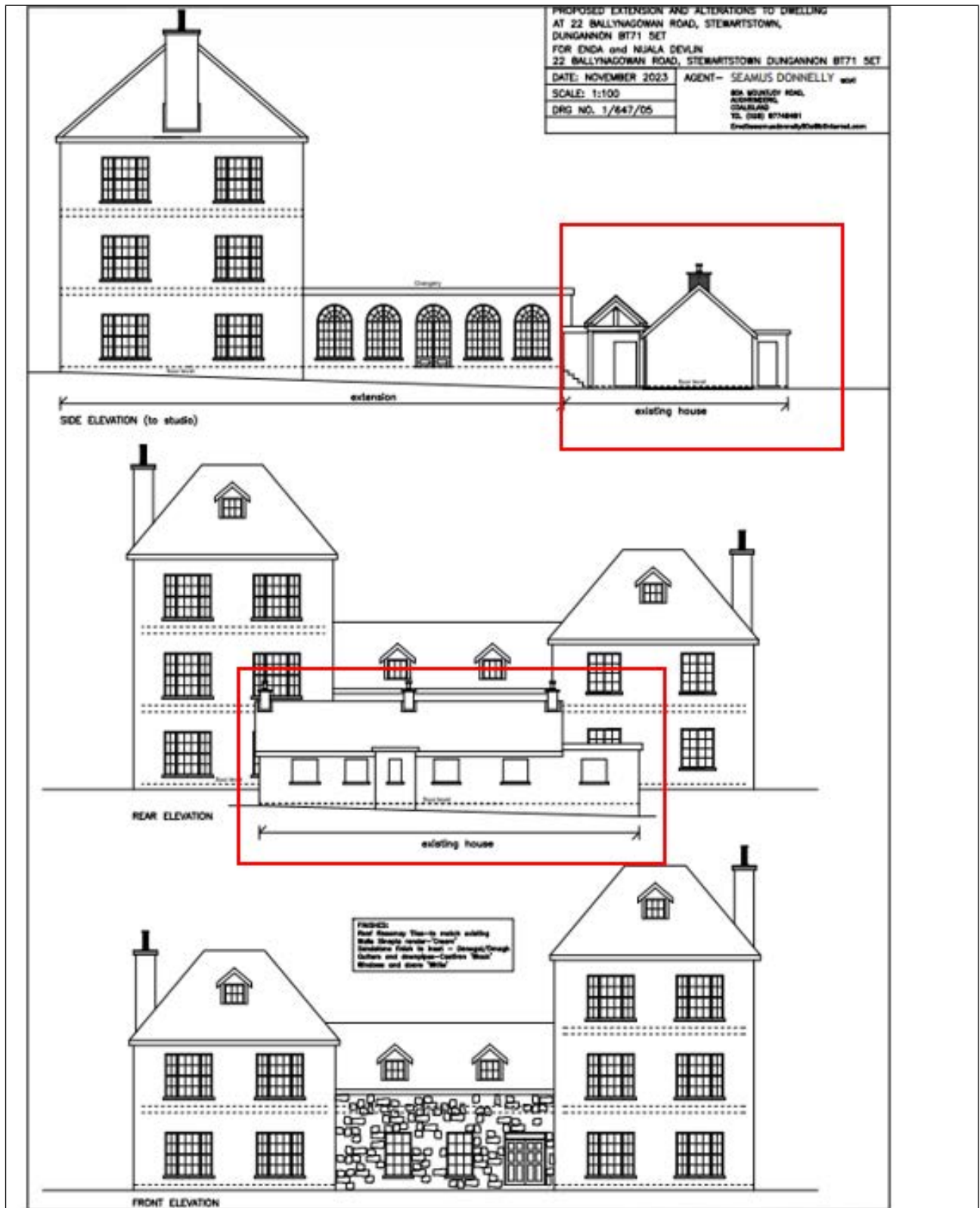


Fig 6: Proposed floor plans and west side elevation of of the resultant dwelling with the existing dwelling identified by red box.



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Key Policy Context

Regional Development Strategy

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21: Sustainable Development in the Countryside

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

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

Relevant Planning History on Site

- I/1978/0150 - Improvements to dwelling - Granted (Historical Decision)
- LA09/2019/0037/F - Proposed domestic garage and private art studio - Granted 7th May 2019
- LA09/2021/1497/F - Retention of existing access, walls and pillars - Granted 11th October 2022

Consultees

N/A

Cookstown Area Plan 2010 – The site is located in the rural countryside outside any settlement limit identified within the Plan.

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.

Planning Policy Statement 21 Sustainable Development in the Countryside - Policy CTY1 of Planning Policy Statement 21 allows for extensions in the countryside where they meet with Policy EXT1 of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations.

Addendum to Planning Policy Statement 7 Residential Extensions and Alterations

- Policy EXT 1 of this policy outlines planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

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

With regards to the above, I am content that this proposal meets criteria b), c) and d) in that: it should not unduly affect the privacy or amenity of neighbouring residents in terms of overlooking or overshadowing given there are no properties in close proximity; DAERA's Natural Environment Map Viewer available online was checked and identified no natural heritage features of significance on site and the extension is to be located on improved grasslands as such will not cause any loss of, or damage to, trees or other landscape features contributing significantly to local environmental quality; and sufficient space will be retained within the curtilage of the existing dwelling for recreational and domestic purposes including the parking and manoeuvring of vehicles and additional space is to be provided through the extension of the properties curtilage.

The above said, it is not considered that the proposal meets criteria a) in that the scale, massing, design and external materials of the proposal are not considered sympathetic with the built form and appearance of the existing modest property and will detract from the appearance and character of the surrounding area.

The addendum to PPS 7 seeks to ensure a proposal to extend or alter a dwelling in the countryside is sensitive to its setting within the rural landscape. It encourages high quality design solutions irrespective of whether the approach followed seeks to mirror the style of the existing property or adopts a contemporary modern design approach. It outlines that to ensure good design any extension or alteration will need to complement the host building and respect its location and wider setting.

This 3 - storey extension with a hipped roof construction incorporating roof dormers is not of a scale, massing and design in keeping with the existing modest single storey pitched roof dwelling on site, which it is to be located to the front of. The extension, which will project significantly above the ridge line of the existing dwelling not usually considered acceptable, is considered so large and prominent that it will dominate the host property and its wider surroundings when viewed from the Ballynagowan Road. This is despite the site benefitting from a good sense of enclosure provided by vegetation in the wider vicinity, on and along the boundaries of the site and a large domestic garage and private art studio. A critical view of this proposal will be over a short distance on the west approach to the site along the Ballynagowan Road as seen in Figs 4 & 5, further above. On this approach, whilst the large domestic garage and private art studio provide some screening to the proposed extension, at approx. 15.5m above the

FFL of existing dwelling it is considered it will tower above the shed and be prominent in skyline.

In relation to the access arrangements, I am content there is no intensification here and that the proposal will utilise an existing unaltered access onto the public road. Whilst I acknowledge that the curtilage extension to accommodate the proposed extension and new access lane as part of this proposal was not detailed in the description of proposal used for neighbour notifying / advertising I have considered this ancillary development. In my opinion had the dwelling on site only sought this curtilage extension and new access lane, given the low-lying level of such development and enclosed nature of the site, it would not be visually apparent in the landscape when viewed from the public road.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party objections had been received on the 7th December 2023. Whilst the letter was signed, the objector's name could not be made out, and no address was provided to acknowledge receipt. A summary of the issues raised is provided below:

- The design of proposal including its 3 storey's, hipped roof construction and style of windows is contrary to MUDC Draft Plan and plan policy, is not in keeping with the character of existing property or the local area and if granted would be a prominent focal point in the sky and set a precedent for similar proposals contrary to policy within the district. No evidence submitted to explain how design is appropriate to dwelling and area. Design should be rethought to be sympathetic to the existing house and surrounding context. There is no need for curtilage extension to property, as there is scope within it, consideration should be given to keeping the extension within.
- The new lane proposed to serve the dwelling, off the existing lane; and the increase to the dwelling's curtilage, requiring planning permission, has not been mentioned.
- The new lane and curtilage extension proposed will create an infill opportunity under Policy CTY 8 of PPS 21 for a minimum of 3 future sites as seen below:



- The proposal will lead to the loss of agricultural land in an area dependent on land for farming.
- No need for this development as there is scope to meet local housing need as 3 sites in close proximity with foundations poured but not yet developed.

I have considered the objection above and would agree that the design of the proposed extension is contrary to policy in its current form in that it is not in keeping with the character of existing property or the local area as detailed further above in my assessment of the proposal. That said in my opinion had the dwelling on site only sought the curtilage extension and new access lane, given the low-lying level of such development and enclosed nature of the site, it would not be visually apparent in the landscape when viewed from the public road and thus acceptable. Albeit I acknowledge that the curtilage extension to accommodate the proposed extension and new access lane as part of this proposal was not detailed in the description of proposal used for neighbour notifying / advertising. In relation to bullet point 3 the new lane and curtilage extension proposed would not in my opinion create an infill opportunity. Policy CTY 8 – Ribbon Development Planning only permits the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The location of the 3 sites identified are not located within a gap as defined. In relation to the last two bullet points above, the applicant's have detailed they own these lands and have the right to apply for planning permission.

Additional Considerations

In addition to checks on the planning portal Historic Environment Division (HED) map viewer available online has been checked and no built heritage assets of interest were identified on or near the site.

Flood maps indicate no flooding on site.

Case Officer recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary Policy EXT1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

Signature(s): Emma Richardson

Date: 25 January 2024

| ANNEX | |
|--|------------------|
| Date Valid | 28 November 2023 |
| Date First Advertised | 12 December 2023 |
| Date Last Advertised | 12 December 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 22A Ballynagowan Road Stewartstown Tyrone BT71 5ET The Owner / Occupier 19 Ballynagowan Road Stewartstown Tyrone BT71 5AF The Owner / Occupier 25 Ballynagowan Road Stewartstown Tyrone BT71 5ET The Owner / Occupier 21 Ballynagowan Road Stewartstown Tyrone BT71 5ET | |
| Date of Last Neighbour Notification | 21 December 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: I/2007/0769/RM Proposals: Proposed single storey dwelling and domestic double garage Decision: PG Decision Date: 19-MAY-08</p> <p>Ref: LA09/2023/1286/F Proposals: Proposed extension and alterations to dwelling Decision: Decision Date:</p> <p>Ref: LA09/2021/1497/F Proposals: Retention of existing access, walls and pillars (amended plans) Decision: PG Decision Date: 18-OCT-22</p> <p>Ref: LA09/2019/0036/F Proposals: Proposed domestic garage and private art studio</p> | |

Decision:
Decision Date:

Ref: LA09/2019/0037/F
Proposals: Proposed domestic garage and private art studio
Decision: PG
Decision Date: 07-MAY-19

Ref: I/1978/0150
Proposals: IMPROVEMENTS TO DWELLING
Decision: PG
Decision Date:

Ref: I/2005/0675/O
Proposals: 1 No dwelling house
Decision: PG
Decision Date: 14-JUL-05

Ref: I/2006/0370/O
Proposals: Site for dwelling & detached garage
Decision: PG
Decision Date: 16-OCT-06

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04
Existing Plans Plan Ref: 05

Notification to Department (if relevant)

Not Applicable

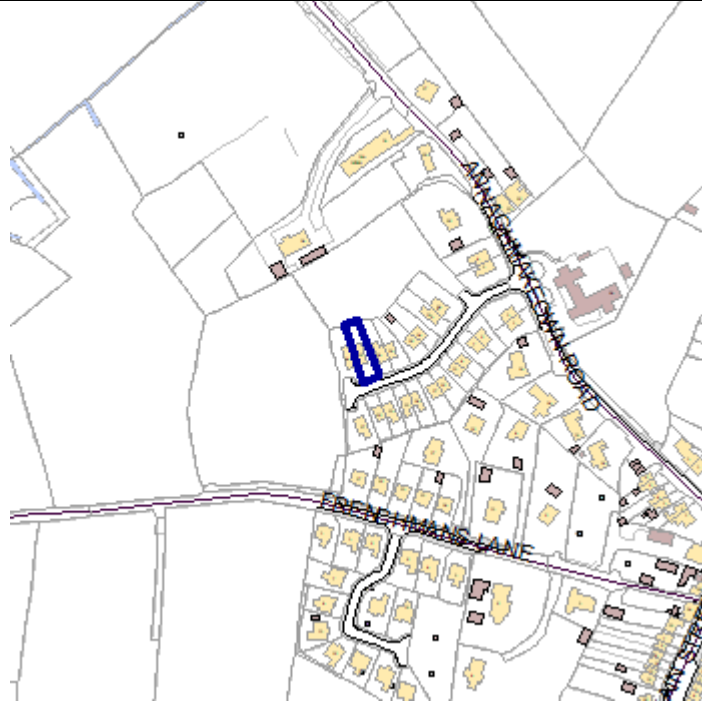


Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.34 |
| Application ID: LA09/2023/1296/F | Target Date: 13 March 2024 |
| Proposal: Proposed car port and first floor extension to side of dwelling | Location: 22 Ferny Ridge Castlecaulfield BT70 3FE |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Gareth Hetherington 22 Ferny Ridge Castlecaulfield Dungannon | Agent Name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE |
| Executive Summary: | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------|-----------|----------|
| | | |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located inside the development limits of Castlecaulfeild, within 'Ferry Ridge' an established housing development comprising semi detached properties of similar design and finishes.



Fig 1: Site outlined red.



Fig 2: Photos showing dwelling on site, no. 22 Ferny Ridge; and neighbouring properties nos. 20 and 24 Ferny Ridge.

The site is a flat rectangular shaped plot containing a 2-storey semi-detached dwelling, no. 22 Ferny Ridge, and it curtilage bound to the sides and rear by close boarded fencing. The dwelling has a single storey front projection incorporating a bay window and porch with hipped roof over; and a single storey rear return offset to its open gable incorporation a sunroom. It has a light grey dash finish with some stone detailing, dark roof tiles and white upvc window frames and doors. The dwelling has a small garden to the front and a larger garden / amenity area to the rear containing a single storey detached garage. In-curtilage parking is provided on a tarmac driveway running to the front and open gable of the property.

The landform in the immediate area rises generally from east to west, from the Annaghmakeown Road up through Ferny Ridge including the site and just beyond. As such no. 22 Ferny Ridge sits just above the level of no. 20 Ferny Ridge located to its

east and just below the level of no. 24 Ferny Ridge located to its west (see Fig 2, further above).

Description of Proposal

This is a full planning application for a two-storey gable extension to an existing 2 storey, semi-detached property, located at no. 22 Ferny Ridge Castlecaulfield.

The extension, which is to accommodate a ground floor car port with first floor bedroom over, measures approx. 3.7m in frontage length x 4.9m in gable depth x 6.8m in height above EGL (main roof of the dwelling approx. 8.4m above EGL).

Material finishes are to match the existing property.



Fig 3: Proposed front, side and rear elevation of proposed extension, respectively.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement (SPPS) for Northern Ireland

Addendum to Planning Policy Statement (PPS7) Residential Extensions and Alterations

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination,

In light of this, the draft Plan Strategy does not yet carry determining weight.

Representations

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

Consultations

N/A

Planning History

- M/2004/0874/O - proposed housing development - Granted
- M/2005/2067/O - Proposed amendment to previously approved outline planning for a housing site 1 detached dwelling and 12 pairs of semi-detached dwellings (M/2004/0874/O) - Granted
- M/2009/0387/RM - Proposed housing development to include 24 no 4 bedroom semi-detached dwellings with detached garage and 1 no 4 bedroom detached dwelling also service road & associated turning head –
- M/2010/0334/F - Proposed amended house designs from that previously approved under M/2009/0387/RM for sites 1&2 and 24-25 to incorporate 2 no detached 2 storey dwellings in lieu of 4 No semi-detached dwellings -
- M/2011/0054/F - Proposed amended house designs from that previously approved under M/2009/0387/RM for sites 1-12 and 14-25 to change 4 bedroom semi-detached to 3 bedroom semi-detached 2 storey dwellings and detached domestic garages - Granted

Assessment

Dungannon and South Tyrone Area Plan 2010 – The site is located within a housing development that straddles the settlement limits of Castlecaulfeild and the rural countryside with the site sitting in the rural countryside. Policy CTY1 of Planning Policy Statement 21 allows for extensions in the countryside where they meet with Policy EXT1 of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations.

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. I am not content the proposed development will not cause demonstrable harm to interests of acknowledged importance as detailed further below under the addendum to Planning Policy Statement 7 Residential Extensions and Alterations.

The addendum to Planning Policy Statement 7 Residential Extensions and Alterations - Policy EXT 1 of this policy outlines planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;

- b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

With regards to the above, this proposal meets criteria c) and d) in that the extension is to be located on an existing tarmac driveway as such will not cause any loss of, or damage to, trees or other landscape features; and given the location and (existing tarmac driveway) and nature of the extension (incorporating carport), space within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles should not be impacted.

The above said, it is not considered, this proposal meets criteria a) or b), above.

In relation to criteria a) I consider the extension overdevelopment of the site in terms of massing, plot size and proximity to the neighbouring boundary with no 20 Ferny Ridge creating a visual 'terrace' effect. That this side extension would not be sympathetic with the built form and appearance of the existing property and would alter the character of the property and area by filling the visual gap between the host and neighbouring property. Furthermore, adequate space alongside boundaries is promoted within the addendum to PPS 7 to allow for maintenance and eliminate the possibility of any part of the extension, including rainwater goods, overhanging neighbouring property.

In relation to b) it is considered the proposal will unduly affect the amenity of the neighbouring resident no. 20 Ferny Ridge that by reason of its location, scale, massing and design it will cause overshadowing/loss of light and dominance. Due to the extension being two storey and located right up against the neighbouring boundary it is considered it will adversely impinge on the immediate aspect or outlook from no. 20 creating a sense of being 'hemmed in'. This dominance could be increased as no. 20 sits at a lower ground level to the development site. This two-storey extension will appear very prominent when viewed from no. 20 and dominate outward views from its main serving ground floor windows particularly its rear sunroom (see Fig 4, further below), appearing excessively large and overbearing. Loss of light to no. 20's will be a consequence of the dominance. The proposed extension would significantly exacerbate to an unacceptable level the existing shadowing (see Fig 5, further below) / loss of daylight to no. 20 in particular its main serving ground floor windows including to its sunroom by no. 22 Ferny Ridge and the party boundary between the two properties.



Fig 4: Photo showing the neighbouring property, no. 20 Ferny Ridge's sunroom.



Fig 5: Showing existing overshadow from no. 22 to no. 20 Ferny Ridge on 9th August 2022.

Additional Considerations

In addition to checks on the planning portal Historic Environment Division (HED) map viewer available online has been checked and identified the site is located within the buffer of an C17th Church & Graveyard however consultation with HED was not considered necessary as the site has already been developed as part of the wider housing development and the extension is to be located on a tarmac driveway.

Flood maps indicate no flooding on site.

Recommendation - Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, Policy EXT 1, in that the location, scale, massing and design of the proposal are not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area; and that it would unduly affect the amenity of the neighbouring resident no. 20 Ferny Ridge by reason of overshadowing/loss of light and dominance.

Signature(s): Emma Richardson

Date: 25 January 2024

| ANNEX | |
|---|------------------|
| Date Valid | 29 November 2023 |
| Date First Advertised | 11 December 2023 |
| Date Last Advertised | 11 December 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 24 Ferny Ridge Castlecaulfield Tyrone BT70 3FE The Owner / Occupier 20 Ferny Ridge Castlecaulfield Tyrone BT70 3FE The Owner / Occupier 25 Ferny Ridge Castlecaulfield Tyrone BT70 3FE The Owner / Occupier 23 Ferny Ridge Castlecaulfield Tyrone BT70 3FE | |
| Date of Last Neighbour Notification | 30 November 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: M/2009/0387/RM Proposals: Proposed housing development to include 24 no 4 bedroom semi-detached dwellings with detached garage and 1 no 4 bedroom detached dwelling also service road & associated turning head. Decision: PG Decision Date: 12-FEB-10</p> <p>Ref: LA09/2023/1296/F Proposals: Proposed car port and first floor extension to side of dwelling Decision: Decision Date:</p> <p>Ref: M/2013/0595/F Proposals: Proposed housing developments phase 2: - 9 no.3 and 4 bedroom dwellings (1no. detached and 8 no. semi detached) Decision: PR Decision Date: 22-SEP-14</p> | |

Ref: M/2010/0334/F

Proposals: Proposed amended house designs from that previously approved under M/2009/0387/RM for sites 1&2 and 24-25 to incorporate 2 no detached 2 storey dwelling in lieu of 4 No semi detached dwellings.

Decision: PG

Decision Date: 02-JUN-10

Ref: M/2004/0874/O

Proposals: proposed housing development

Decision: PG

Decision Date: 15-OCT-04

Ref: M/2005/2067/O

Proposals: Proposed amendment to previously approved outline planning for a housing site 1 detached dwelling and 12 pairs of semi detached dwellings.(M/2004/0874/O)

Decision: PG

Decision Date: 03-MAY-06

Ref: M/2011/0054/F

Proposals: Proposed amended house designs from that previously approved under M/2009/0387/RM for sites 1-12 and 14-25 to change 4 bedroom semi-detached to 3 bedroom semi-detached 2 storey dwellings and detached domestic garages.

Decision: PG

Decision Date: 01-MAR-11

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Proposed Plans Plan Ref: 02

Existing Plans Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

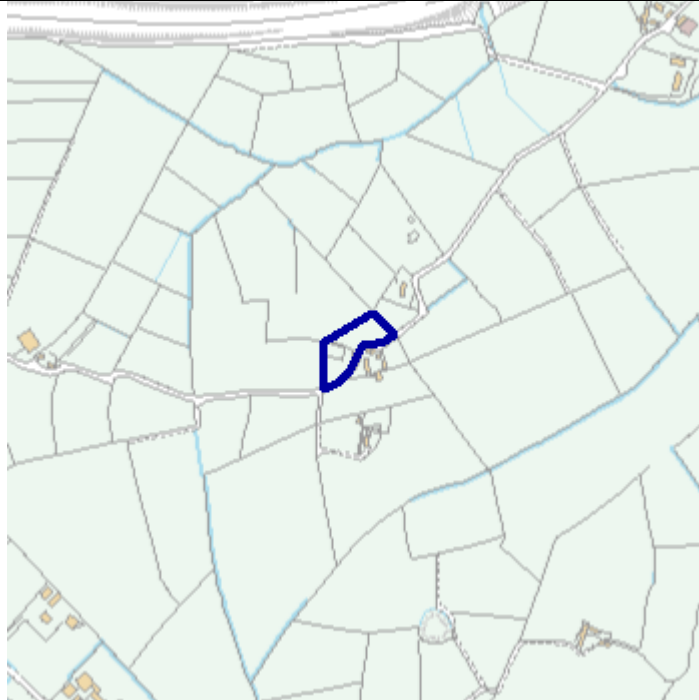


Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 6 February 2024 | Item Number: 5.32 |
| Application ID: LA09/2023/1297/F | Target Date: 13 March 2024 |
| Proposal: Temporary planning permission for the retention of a mobile caravan unit for living accommodation | Location: Site 50M West of 10 Aghnahoe Road Killeeshill Dungannon |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Trevor Hurst 10A Aghnahoe Road Killeeshill Dungannon | Agent Name and Address: McKeown and Shields Ltd 1 Annagher Road Coalisland Dungannon BT71 4NE |
| Executive Summary: | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|--------------------------------|----------------|
| Non Statutory Consultee | DFI Roads - Enniskillen Office | Full Resp.docx |
| | DAERA - Omagh | |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located adjacent the Aghnahoe Road in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan, approximately 5.2km northeast and 0.4km south of Ballygawley and the A29, respectively.



Fig 1: Site outlined red



Fig 2: Site outlined red.

The site is an irregular shaped roadside plot comprising in effect two parcels of adjoining land, a triangular shaped plot with a relatively rectangular shaped plot to the northeast.

The triangular plot (see Figs 3 & 4, below) comprises a yard, largely undefined to the front on to the adjacent public road; and bound to both sides by a mix of mature hedgerow and tree vegetation. It contains a large agricultural style building, numerous vehicles in various states of repair and a mobile caravan. The mobile caravan, which appears occupied by the applicant, is the subject of this application. The rectangular plot comprises the roadside frontage of a larger agricultural field. It is bound to the front onto

the public road and both sides by a mix of mature hedgerow and tree vegetation and undefined to the rear onto the host field.



Figs 3 & 4: Photos showing portion of yard containing the mobile caravan, the subject of this application, set back of site to the south side of a large agricultural style building also on site.

Views into the triangular site and of the mobile caravan on it are limited from the Annaghnaoie Rd on the southwest and northeast approach along the Aghnaoie Road until passing along its roadside frontage due to its location at a slight bend in the road, the topography of the area, the mature vegetation bounding the site and in the wider vicinity, and the existing large agricultural style building helping to enclose, screen and provide it with a backdrop.



Figs 5 & 6: Photos of triangular plot containing the mobile caravan, the subject of this application, screened on the southwest and northeast approach along the Aghnaoie Road, respectively.

The area surrounding the site is rural in character comprising agricultural landscape interspersed with single dwellings, ancillary buildings, and farm groups. The landform in the immediate area, along this stretch of the Aghnaoie Road, generally falls moderately steeply from southwest to northeast through the site and lands immediately to its east containing a two-storey dwelling (no. 10 Aghnaoie Road) with ancillary attached and detached outbuildings / sheds.

Description of Proposal

This is a full planning application seeking temporary planning permission for a period of 3 years for the retention of a mobile caravan for living accommodation on lands 50m west of 10 Aghnahoe Road Killeeshill Dungannon.

The mobile caravan, which measures approx. 19m (length) x 3.2m (width) x 2.95 (height above EGL), has coloured panelling to its walls and roof and white window frames and doors.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

The following 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

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

Representations

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

Relevant Planning History on Site

LA09/2022/0048/CA - Unauthorised use of a mobile caravan as a self-contained unit of permanent accommodation - Pending outcome of this application.

Consultees

1. DFI Roads were consulted in relation to the proposals access, movement and parking arrangements to ensure compliance with Planning Policy Statement 3:

Access, Movement and Parking requirements.

DFI Roads advised that to create a safe access onto Aghnahoe Road to meet DCAN 15 standards an amended block plan detailing the proposed access for this full allocation is required. Details should include: 2.4m x 33m visibility splays in both directions onto the public road and a 33m FSD; any fence line / hedge; any pillars or gates a minimum of 5m back from the public road; the method of dealing with surface water to prevent water flowing from site to road; parking and turning from the existing business yard / shed to be detailed; and parking and turning in curtilage from the mobile caravan demonstrated.

The amended block plan required above has not been sought at this time as the principle of this proposal has not been established (see 'Key Policy Considerations / Assessment' below).

Key Policy Considerations / Assessment

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21 and include residential caravans and mobile homes in accordance with policy CTY9.

Policy CTY9 'Residential Caravans and Mobile Homes' states that permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances including;

- pending the development of a permanent dwelling; or
- where there are compelling and site-specific reasons related to personal or domestic circumstances (see Policy CTY 6 'Personal and Domestic Circumstances' of PPS 21)

All permissions will normally be subject to a three-year time limit. However, this may be extended having regard to the particular circumstances of the case. The siting of a residential caravan or mobile home will be subject to the same planning and

environmental considerations as a permanent dwelling. Permission will depend on the ability to integrate the unit within an existing building group and screen the unit from public view. Residential caravans or mobile homes on farms will be required to be visually linked or sited to cluster with an established group of buildings on the farm.

This proposal does not meet exception one of Policy CTY 9, as the mobile caravan sought to be temporary retained as residential accommodation is not pending the development of a permanent dwelling.

The applicant has advised that he has inherited his mother's 38-acre farm which he intends seeking planning permission to erect a dwelling on when the legal probate process in his mother's name is complete. In the meantime, as an active farmer, he seeks the mobile caravan on the farmlands for living accommodation. As he does not have a farm business ID, normally used by Planning in order to carry out consultation with DAERA to establish an active and established farmer under Policy CTY 10 of PPS 21 which makes provision for dwellings on a farm, to support that he has been an active and established farmer for at 6 years he submitted: a RICS Con Acre Agreement with a neighbouring farmer, whom he has let out the lands to, from 2017 – 2024; and a selection of dockets, invoices and receipts for labour and materials purchased in the past 6 years in connection with the upkeep of the farmlands to keep them in good shape for letting out.

Taking account of the above, it is not considered that the applicant has provided an adequate compelling and site-specific reason that the residential mobile caravan is a necessary response to the particular circumstances of the case and that, as detailed in Policy CTY 6 of PPS 21, that genuine hardship would be caused if planning permission were refused. As such this proposal does meet exception two of Policy CTY 9.

It is advised that as this proposal does meet exception two of Policy CTY 9 and that the proposal is not for a 'dwelling' on a farm under Policy CTY 10 of PPS 21 the evidence in to establish the applicant is an active and established farmer has not been fully investigated.

Had this proposal met policy to warrant the temporary retention of the mobile caravan, which would be subject to the same planning and environmental considerations as that of a permanent dwelling. I consider it does integrate onto site and into the landscape, with minimal disruption to the character of the area in accordance with Policy CTY 13 and 14 of PPS 21. The site, and thus mobile caravan to the back of the site, benefits from location at a slight bend in the road; the topography of the area; the mature vegetation bounding the site and in the wider vicinity; and the existing large agricultural style building helping to enclose, screen and provide it with a backdrop from the limited views as detailed further above in 'Characteristics of the Site and Area'.

Additional Considerations

Had this proposal met policy to warrant the temporary retention of the mobile caravan I consider it would not have impacted the amenity of neighbouring property, no. 10 Aghnahoe Road, to any unreasonable degree in terms of overlooking or overshadowing given the location of the mobile to the opposite side of the road and the separation

distance retained.

In addition to checks on the planning portal Natural Environment Map Viewer (NED) and Historic Environment Map (NED) map viewers available online have been checked and identified no natural heritage features of significance or built heritage assets of interest on or bounding the site.

Flood Maps NI indicate no flooding on site.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to SPPS, Policies CTY1, CTY 6 and CTY9 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not for the provision of temporary residential accommodation pending the development of a permanent dwelling; nor has the applicant provided compelling and site specific evidence that a residential mobile caravan is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.

Signature(s): Emma Richardson

Date: 24 January 2024

| ANNEX | |
|--|------------------|
| Date Valid | 29 November 2023 |
| Date First Advertised | 11 December 2023 |
| Date Last Advertised | 11 December 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 10 Aghnahoe Road Killeeshill Dungannon BT70 1TN | |
| Date of Last Neighbour Notification | 1 December 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> Ref: LA09/2023/1297/F Proposals: Temporary planning permission for the retention of a mobile caravan unit for living accommodation Decision: Decision Date: | |
| Summary of Consultee Responses DFI Roads - Enniskillen Office-Full Resp.docx DAERA - Omagh- | |
| Drawing Numbers and Title Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02 | |

Notification to Department (if relevant)

Not Applicable