

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2022/0063/O Recommendation: Refuse	Target Date: 15 March 2022
Proposal: Proposed replacement dwelling and domestic garage	Location: Adjacent To 16 Roshure Road Desertmartin Magherafelt
Applicant Name and Address: Mr Rodney MC Knight 16 Roshure Road Desertmartin Magherafelt	Agent Name and Address: Cmi Planners 38B Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues:	
Summary of Consultee Responses:	
<p>Characteristics of the Site and Area</p> <p>The site is located off the Roshure Road between Desertmartin and Magherafelt and is in the rural area. The red line of the site covers the existing curtilage of No 16 Roshure Road and the building the applicant is seeking to replace. The site is accessed via an existing laneway to No 16. The character of the area is predominantly agricultural fields interspersed with dwellings and farm buildings.</p>	
<p>Description of Proposal</p> <p>This is an outline application for a proposed replacement dwelling and domestic garage adjacent to 16 Roshure Road, Desertmartin.</p>	

Deferred Consideration:

This application was presented before the Members with a recommendation to refuse in June 2022 where it was deferred for an office meeting with the Service Director. At the office meeting the agent presented a case for the building being a former dwelling and it was agreed I would carry out a site inspection and re-consider the application.

Having carried out my site inspection I am not persuaded this building was ever used as a dwelling house. Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all the external walls are substantially intact. Buildings designed and used for agricultural purposes will not be eligible for replacement under this policy.

Apart from the current domestic storage use that I observed, evidence regarding the building's original purpose and use history is not only inconclusive, but given its design, somewhat questionable. The restricted dimensions and single room use is not indicative of residential use. It is clear from my site inspection that more modern, though the dates are unknown, works have taken place to the building. This is particularly evident at the gable end to the north east of the building which has been secured by modern block work. The inside of the building has been modernised with the rendered walls evident from my site inspection. What I consider to be currently the front of the building, that is the south eastern elevation, has also been somewhat modernised with significant brickwork around the openings of both the door and the window. I am not persuaded that the window opening is an original opening given the extent of more modern brick and plaster work. The same can be said for the window opening to the rear of the building along the north western elevation which is finished in the same way.

The agent has submitted a Griffiths Valuation map from 1859. The agent has also pointed to different buildings to be replaced from that 1859 map. The 1859 list includes details for Samuel Fleming for a house, offices and land. The 1859 map shows several buildings and I am not persuaded, based on the detailing of the building that the dwelling at that time was the building as it currently stands.

I am not persuaded that the building was designed as a dwelling house. This is a single room building which does not have any of the essential characteristics of a dwelling house and is of such restricted floorspace does not present as ever being used as a dwelling. The building is therefore not eligible for replacement under Policy CTY 3. I further conclude that the proposal is not acceptable in principle in the countryside as set out in Policy CTY 1.

I recommend a refusal of this application based solely on CTY 3 as the building is not a building that exhibits the essential characteristics of a dwelling house and is not eligible for replacement under this policy.

Conditions/Reasons for Refusal:**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 Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling.

Signature(s):Karen Doyle

Date: 21 June 2023

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0063/O	Target Date:
Proposal: Proposed replacement dwelling and domestic garage	Location: Adjacent to 16 Roshure Road Desertmartin Magherafelt
Referral Route: To Committee - Refusal - Contrary to CTY 1 and 3 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Rodney Mc Knight 16 Roshure Road Desertmartin Magherafelt	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

To Committee - Refusal - Contrary to CTY 1 and 3 of PPS 21.

Characteristics of the Site and Area

The site is located 1.59km south east of the development limits of Desertmartin, as such the site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. The red line covers the existing curtilage of No.16 Roshure Road inclusive of the building identified to be replaced. I note that the site is accessed via the existing access that serves No.16. The surrounding area is mainly agricultural in nature with single dwellings located sporadically throughout the area.

Representations

Two neighbour notifications were sent out however no third party representations have been received.

Description of Proposal

This is an outline application for a proposed replacement dwelling and domestic garage located at Approx. Adjacent to 16 Roshure Road, Desertmartin, Magherafelt.

Planning Assessment of Policy and Other Material Considerations

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
 Strategic Planning Policy Statement (SPPS)
 Magherafelt Area Plan 2015
 PPS 1 - General Principles
 PPS 3 - Access, Movement and Parking
 PPS 21 - Sustainable Development in the Countryside
 Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside
 CTY 1 - Development in the Countryside
 CTY 3 - Replacement Dwellings

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a replacement dwelling and as a result it must be considered under CTY 3 of PPS 21. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Upon the site visit I note that there is an existing building on the site, however it did not appear to have the main characteristics of a dwelling. I note it did have a door way and windows, however there was no chimney nor fireplace upon internal inspection. In essence it appears to be an old byre or outbuilding wherein I am not content that a valid replacement opportunity exists. I note the agent has provided additional information to try and demonstrate that this was a house, however upon review of this I am still not content that this is sufficient to change my view.

In addition, the policy goes on to state that the proposed replacement should be sited within the established curtilage of the existing, unless either a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. I note that this is only an outline and only an indicative position has been provided where I note the building is located within the curtilage and yard of no. 14. As such I am content that the building should be replaced as close to the existing position as possible. But given the application has failed to demonstrate a valid replacement opportunity I hold the view it fails under CTY 3.

After further discussions he confirmed that this was the only case that was applicable, after a quick review of CTY 1, I hold that a dwelling would not be acceptable under the remaining policies.

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 and would be able to successfully integrate into the landscape. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not appear prominent in the landscape wherein it would not cause detrimental harm to the rural character of the area. On a whole I am content that the proposed development complies with CTY 14.

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, in their response confirmed that they had no objections subject to conditions and informatives. I am content that the access is acceptable under PPS 3.

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.

I have no flooding, ecological or residential amenity concerns.

The proposal fails under CTY 1 and 3 of PPS 21, as such I recommend refusal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

2. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling.

Signature(s)



Date: 16/5/22.

ANNEX	
Date Valid	18th January 2022
Date First Advertised	1st February 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 14c Roshure Road, Desertmartin, Londonderry, BT45 5PB The Owner/Occupier, 16 Roshure Road, Desertmartin, Londonderry, BT45 5PB	
Date of Last Neighbour Notification	17th February 2022
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2022/0063/O Proposal: Proposed replacement dwelling and domestic garage Address: Adjacent to 16 Roshure Road, Desertmartin, Magherafelt, Decision: Decision Date: Ref ID: H/2002/0825/O Proposal: Site of Dwelling and Garage Address: Adjacent to 16 Roshure Road, Desertmartin Decision: Decision Date: 16.07.2003 Ref ID: H/1994/4030 Proposal: RENOVATIONS TO DWELLING Address: 16 ROSHURE ROAD MAGHERAFELT Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

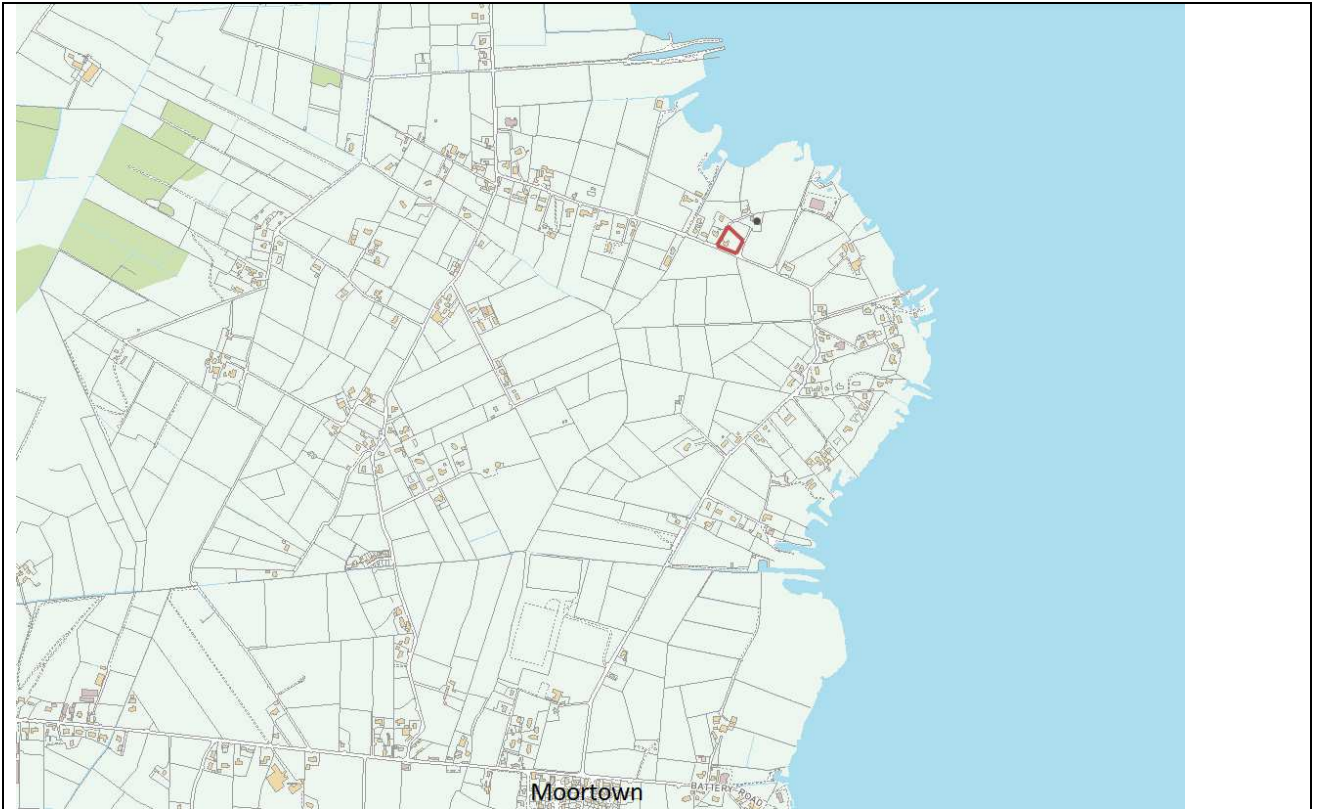


Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0283/F	Target Date: 28 April 2022
Proposal: Proposed Dwelling	Location: 71 Anneeter Road Coagh Cookstown
Applicant Name and Address: Mr Charles Mallon 71 Anneeter Road Coagh Cookstown BT80 0HZ	Agent Name and Address: Kee Architecture Ltd 9A Clare Lane Cookstown BT80 8RJ
Summary of Issues: This application is for a dwelling at the edge of a well defined group in the countryside. Previously outline permission was granted for a site at the rear of the existing dwelling as an exception to the clustering policy. This proposal has been amended from replacement dwelling and new dwelling to one dwelling. The proposal does not fit neatly into a policy however it does group and is not extending the footprint of the development here.	
Summary of Consultee Responses: DFI Roads - no objections, suggest conditions for safe access	
Characteristics of the Site and Area: The site lies in the open countryside on the edge of Lough Neagh, just a short distance to the North of the settlement limits of Moortown and outside all other areas of constraint as depicted by the DSTAP 2010.	



The site is located on the Anneeter Road, and whilst it is designated as open countryside this particular area has come under significant development pressure. There is a high level of development all along this Anneeter Road and a small grouping at this particular location. The red line of the site includes an existing bungalow including a side extension and a garage and further shed to the rear. There is a low cropped hedgerow along the front roadside elevation, mature trees to the north and east boundaries and a low cropped hedge and laneway along the west side.



The dwelling on the site is finished in white dash with white upvc window and doors, a dark tiled roof and a large garden area to the rear and east.



Description of Proposal

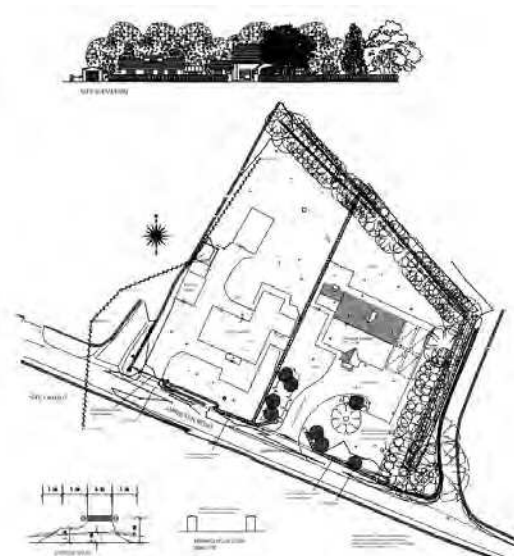
The proposal is for a dwelling. The proposed dwelling is a bungalow with a roofspace conversion, gable windows and dormer windows to the rear. It will be finished with grey/white render and dark grey stone walls and a slate roof.



Deferred Consideration:

This application was originally for the replacement of a dwelling and the erection of an additional dwelling, it was before the Planning Committee in September 2022. At that meeting it was deferred for a meeting with the Service Director for Planning, which took place on 16 September 2022. At the meeting it was discussed that the existing house is very well maintained and 'to good to replace'. Following the meeting a revised scheme was submitted for a new dwelling in the side garden of the existing house.

Members are reminded that a previous application was approved in the rear garden of the house as it clustered with the other development and met all but one of the criteria for a cluster - it did not have a focal point. The applicant now wishes to essentially substitute the original approval which was to the rear for this one in the side garden. It is important to note the a dwelling in the side garden, as proposed, will not have development on 2 sides, as required by the policy CTY2a.



As can be seen above, the side garden of this dwelling is very generous in comparison to the other dwellings nearby. There are 2 large trees in the garden which would have to be removed to facilitate the proposed development. The boundaries to the east and north of the site are mature trees and give a very definite sense of enclosure and containment to the proposed site. On approach to the site from the east, a dwelling here will not be visible until past the end of the laneway immediately adjacent to it. From here the dwelling will be visually linked with 6 of the 9 dwellings that form the cluster here, though it will not have development on 2 sides. Members are advised that arguments before about whether or not a laneway can be classed as 'development' have been clear that the reasonable consideration for development is a building as this can form a visual entity. The laneway cannot be classed as development in this case. While the lane cannot be classed as development, it is important to recognise the other site specific issues here

- the laneway to the side is flanked on both sides by mature vegetation which provides a visual stop to the cluster of development here. The laneway visually contains the development here;
- the site is a side garden for a dwelling where other policies for extensions and domestic buildings, as well as permitted development rights would allow a new building to be erected. In principle another building can be erected in this garden;
- the proposed dwelling is in keeping with others in the group and respects the plot sizes, scale and design already in the vicinity;
- the proposed dwelling has a sufficient separation from the adjacent property so as not to cause unacceptable impacts on the residential amenity from overlooking from upstairs bedroom windows and it is already overshadowed by the existing mature trees;
- the overall cluster is visually well defined, as can be seen in the aerial above and this proposal would not result in an excessive spread outside the established group

For the reasons set out above, I consider that an exception to CTY2a could be made here and that permission can be substituted for the original permission on the site. Approval is recommended.

Conditions/Reasons for Refusal:

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

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

2. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45.0m in both directions, shall be provided in accordance with the details on drawing No 02 Rev 1 received 14 MAR 2023. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All hard and soft landscape works as detailed on drawing no 02 Rev 1 received 14 MAR 2023 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following 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: In the interests of visual amenity

4. One additional dwelling only shall be constructed within the area of the site outlined in red on the approved drawing no 01 Rev 1 received 14 MAR 2023.

Reason: To control the number of dwelling on the site as this permission is in substitution for planning approval LA09/2020/0899/O and is not for 2 additional dwellings on this site.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 September 2022	Item Number: 5.26
Application ID: LA09/2022/0283/F	Target Date: 28 April 2022
Proposal: Replacement dwelling & new dwelling (approved under LA09/2020/0899/O)	Location: 71 Anneeter Road Coagh Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Charles Mallon 71 Anneeter Road Coagh Cookstown BT80 0HZ	Agent Name and Address: Kee Architecture Ltd 9A Clare Lane Cookstown BT80 8RJ
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR

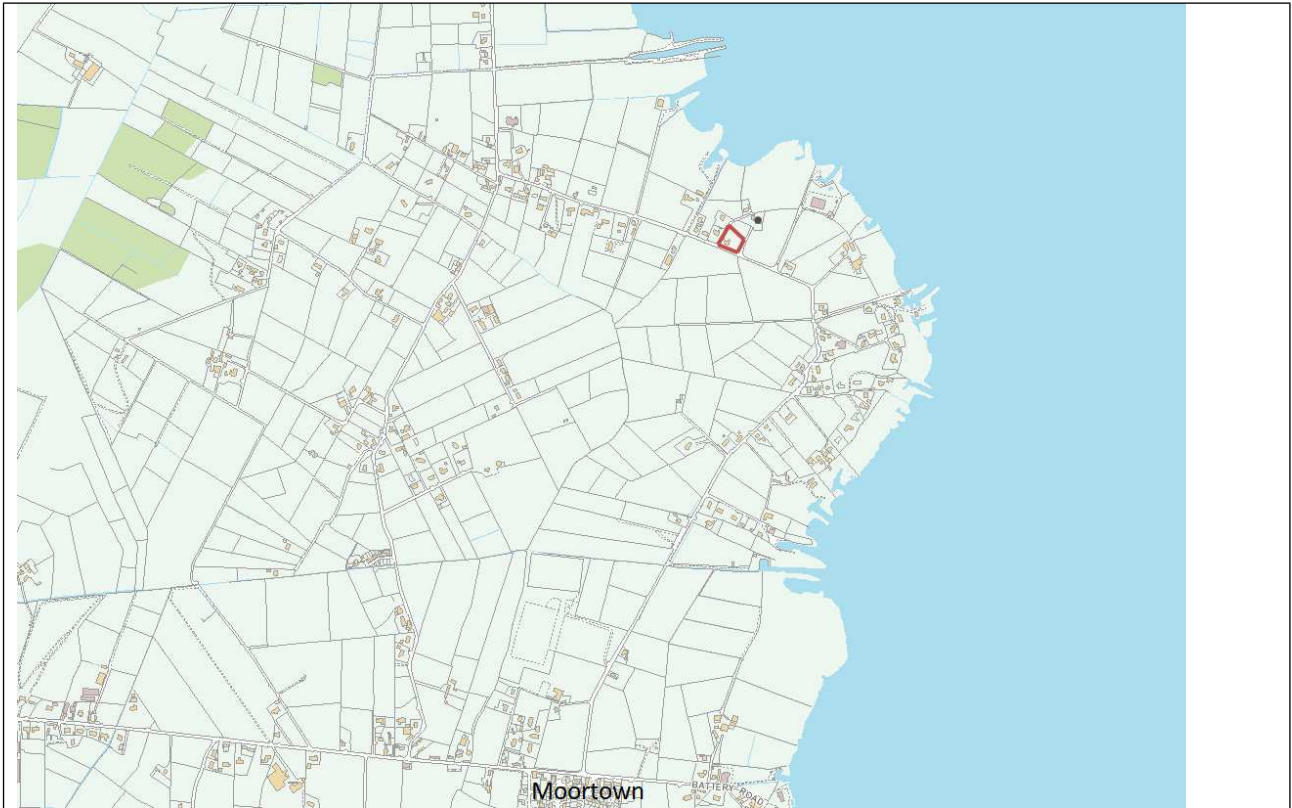
Representations:

Letters of Support	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 lies in the open countryside on the edge of Lough Neagh, just a short distance to the North of the settlement limits of Moortown and outside all other areas of constraint as depicted by the DSTAP 2010.



The site is located on the Anneeter Road, and whilst it is designated as open countryside this particular area has come under significant development pressure. There is a high level of development all along this Anneeter Road and a small grouping at this particular location. The red line of the site includes an existing bungalow including a side extension and a garage and further shed to the rear. There is a low cropped hedgerow along the front roadside elevation, mature trees to the north and east boundaries and a low cropped hedge and laneway along the west side.



The dwelling on the site is finished in white dash with white upvc window and doors, a dark tiled roof and a large garden area to the rear and east.



Description of Proposal

The proposal seeks full planning permission for a replacement dwelling & new dwelling (approved under LA09/2020/0899/O)

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

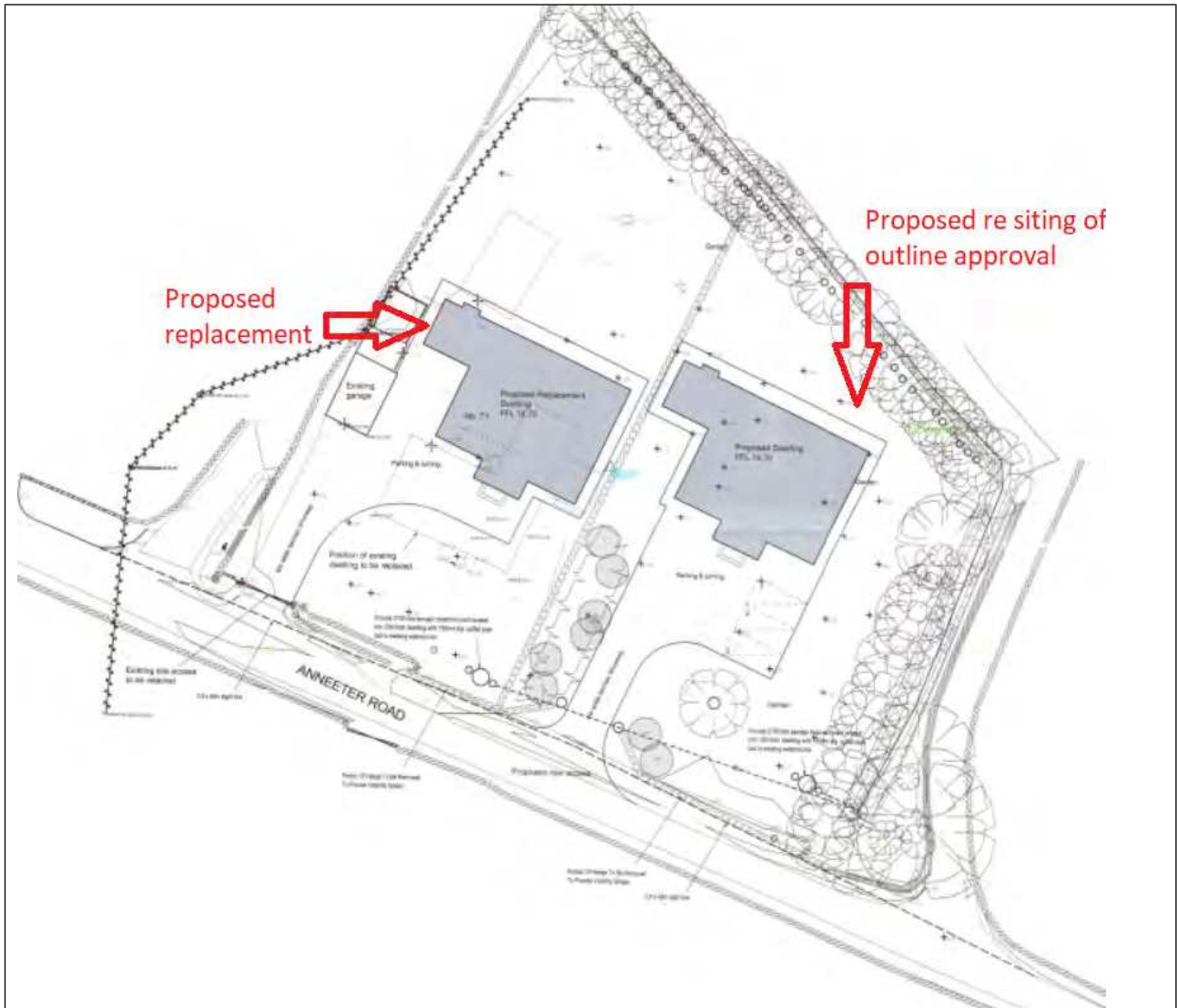
Background

Planning permission was sought for a dwelling on a gap site under planning reference LA09/2020/0899/O. This resulted in the application being recommended for refusal, as it would add to a ribbon of development, further erode the rural character and there were no overriding reasons for this location.

Subsequently, this application was deferred and after further consideration it was approved as a dwelling in a cluster, however, with the premise that the siting was to the rear, as shown on the approved plan below. This siting would satisfy the clustering angle and avoid the issue of adding to a ribbon of development.



This proposal is twofold and involves a replacement of the existing dwelling (blue above) and a re-positioning of the approved siting (orange above) to along the road frontage. See below image.



Assessment

This is a two part assessment. - Part one for the replacement dwelling.

- Regional Development Strategy
- Dungannon South Tyrone Area Plan (DSTAP) 2010
- SPPS
- PPS3
- PPS21

The Strategic Planning Policy Statement for Northern Ireland `Planning for Sustainable Development (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

The Dungannon and South Tyrone Area Plan 2010 (DSTAP) operates as the local development plan of the area the application site lies within. The site sits in a rural location outside any defined settlement limits. The DSTAP offers no specific policy or guidance in respect of this application. There is no conflict or

change in policy direction between the provisions of the Strategic Planning Policy Statement for N Ireland (SPPS) and those of Planning Policy Statement 21 (PPS21) in respect of this application thereby the policy provisions of PPS 21 remain applicable.

Key Planning issues;

Planning Policy Statement 21

Policy CTY 1 - Development in the Countryside

Policy CTY 3 - Replacement Dwellings

Policy CTY 13 - Integration and Design

Policy CTY 14 - Rural character

Objections / comment received from 3rd Parties;

There have been no objections / comments received in relation to this proposal.

Assessment of CTY3;

The dwelling to be replaced exhibits the essential characteristics of a dwelling, in that a chimney, a fireplace, windows and door openings are all visible and all the walls are fully intact, in fact the dwelling is currently inhabited.

In this case the applicant has proposed a scheme which involves replacement with a dwelling with a similar size footprint, however, the single storey with dormer windows design has been retained. The dwelling sited slightly off the existing footprint moving the dwelling slightly further back, away from the road edge. From site inspection it is my opinion that the dwelling has no defined curtilage and therefore this small movement in the positioning of the dwelling will not have a significant impact.

In addition the existing access will be used therefore there will be minimal intrusion.



The existing dwelling above exhibits a bungalow with a dormer window. The overall length of the proposed dwelling is broadly the same as the proposed, however, the existing ridge height of 5.6 metres will slightly increase, it would represent a minimal increase in overall size, however, nothing unacceptable for this location.



Given the local context of the area, as well as considering the extent of a back drop, I do not feel that there would be a significant impact.

In this case the permissions for a replacement dwelling under this policy will be subject to a condition requiring the demolition of the existing dwelling.

PPS 3 - Access, Movement and Parking

The existing site access is via the existing laneway off the Anneeter Road and remains unaltered. It must be noted that as this application is for a replacement dwelling and in principle does not involve intensification of the access to the public road. Demolishing the existing dwelling will ensure this does not result in intensification of the use of the access and should be conditioned. As it does not result in intensification AMP2 is not, in my view, be engaged to seek amendments or improvement to the access. I consider it appropriate to attach an informative to any permission highlighting this is a substandard access and encouraging it is improved.

Having considered all of the above it is considered that the replacement part of the proposal would be acceptable.

Part 2 – new dwelling (previously approved under ref LA09/2020/0889/O)

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

LA09/2020/0889/O – Dwelling in a cluster – GRANTED

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 commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at 5pm on 24th September 2020.

In light of this the draft plan cannot currently be given any determining weight.

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. The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Dungannon and South Tyrone Area Plan 2010

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010.

Planning Policy Statement 21 & Sustainable Development

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. It is clear this application does not meet any of the examples set out in CTY1 for a dwelling in the countryside, however, outline planning permission was granted 05.10.2021 for a dwelling in a cluster.

I am being asked to consider if it is acceptable to substitute the approved outline permission which is still live, with a full application for a dwelling on a re-sited position.

CTY 8 – Ribbon development

Planning permission will be refused for a building which creates or adds to a ribbon of development. In this case the new proposed position alongside the existing dwelling will add to a ribbon of development. This was deemed the case in the previous application, which was only approved on the basis of an amended scheme with a proposed dwelling clustered to the rear.

CTY 13 - Integration and Design

The application site is set along the existing roadside. The re-location of the dwelling will entail moving from a well screened siting to the rear of the existing dwelling to a position alongside and in my opinion will be in a much more prominent position in the landscape.

There is a mature only a low cropped hedgerow along the front roadside elevation therefore the proposal will rely on new planting for integration.

The proposal will also require a new access onto the Anneeter road.

Therefore, due to the above I consider this proposal will have a greater impact than previously improved.

CTY 14 Rural Character

As stated earlier in the assessment I consider the proposal will be a more prominent feature in the landscape.

In addition it will result in a suburban style build-up of development when viewed with existing due to its position alongside, as opposed to the rear of the existing dwelling.

I consider the design of the proposed dwelling is a simple rural form and respects the pattern of settlement.

It will add ribbon development and therefore will have a damage the rural character.

Recommendation refusal

CTY 8

CTY 13

CTY 14

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks the natural boundaries to provide a suitable degree of enclosure for the building to integrate into the landscape

and would rely primarily on the use of new landscaping for integration, therefore would not visually integrate into the surrounding landscape.

Reason 3

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings adding to a ribbon of development and would therefore further erode the rural character of the countryside.

Signature(s): Peter Hughes

Date: 22 August 2022

ANNEX	
Date Valid	3 March 2022
Date First Advertised	15 March 2022
Date Last Advertised	15 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 71B , Anneeter Road, Cookstown, Tyrone, BT80 0HZ The Owner / Occupier Anneeter Road, Cookstown, Tyrone, BT80 0HZ The Owner / Occupier 69 Anneeter Road, Cookstown, Tyrone, BT80 0HZ The Owner / Occupier 71C , Anneeter Road, Cookstown, Tyrone, BT80 0HZ The Owner / Occupier 71E , Anneeter Road, Cookstown, Tyrone, BT80 0HZ The Owner / Occupier 71A , Anneeter Road, Cookstown, Tyrone, BT80 0HZ	
Date of Last Neighbour Notification	28 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR	

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0380/F	Target Date: 17 May 2022
Proposal: Proposed dwelling and garage	Location: Between 70B And 72 Gortlenaghan Road Dungannon
Applicant Name and Address: Joe Doherty And Dervla MC Gonnell- Doherty 252 Ballygawley Road Killeeshil Dungannon	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Summary of Issues: This application is for a dwelling in a gap site, the design resulted in a prominent form of development and has been amended to be in keeping with the other development in the ribbon..	
Summary of Consultee Responses: DFI Roads - recommend conditions on any approval	
Characteristics of the Site and Area: The site is located at lands between 70b and 72 Gortlenaghan Road, Dungannon. The red line of the site includes a roadside agricultural field and the two fields at either side are outlined in blue, indicating ownership. The site benefits from existing hedging along its boundaries and the field is generally quite flat throughout, with a gentle slope from east to west. The surrounding area is largely rural, made up with agricultural fields and scattered with single dwellings and associated outbuildings however this section of Gortlenaghan Road in particular seems to have quite a few roadside dwellings along it.	

Description of Proposal

Full planning permission is sought for proposed dwelling and garage.

Deferred Consideration:

This application was before the Planning Committee in December 2022 where it was deferred for a meeting with the Service Director of Planning. At the meeting on 15 December the issues with the design were discussed and the agent agreed to discuss the proposal further with the clients and submit a revised scheme.

Amended plans were received on 17 April 2023 showing the house amended to give the appearance of a rural cluster of buildings by dropping the ridge height in the middle and having different heights and orientations. (Fig 1)



Fig 1 – amended design

The gable front projection is a design feature in the locality and is reflective of the barn located at the east of the ribbon here. (Fig 2).

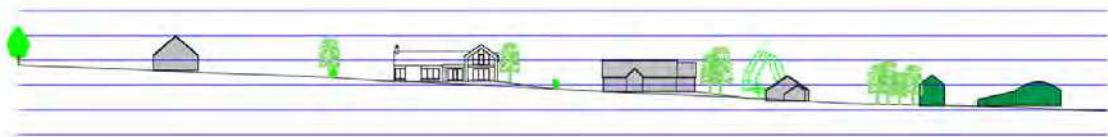


Fig 2 – streetscene

Concerns about the glazed opening are somewhat alleviated by the sunroom that is located at the front of the dormer bungalow that is located immediately the west of the site (Photo 1)



Photo 1 – dormer bungalow next door

I consider the design has incorporated some of the features from other buildings in the ribbon and is reflective of the character and scale of these. I consider the proposal is in keeping with the surrounding development and meets with exception in CTY8 and is respective of the guidance in Building on Tradition – The Rural Design Guide.

I recommend approval.

Conditions/Reasons for Refusal:

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

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

2. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 60.0m in both directions, shall be provided in accordance with the details on drawing No 01 bearing the stamp dated 22 MAR 2022. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All hard and soft landscape works as detailed on drawing no 01 bearing the stamp dated 22 MAR 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. 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: In the interests of visual amenity

Signature(s)

Date:

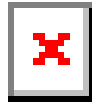


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.17
Application ID: LA09/2022/0380/F	Target Date: 17 May 2022
Proposal: Proposed dwelling and garage	Location: Between 70B And 72 Gortlenaghan Road Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Joe Doherty And Dervla MC Gonnell- Doherty 252 Ballygawley Road Killeeshil Dungannon	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR

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

Lack of information to determine application.No representations have been received.

Characteristics of the Site and Area

The site is located at lands between 70b and 72 Gortlenaghan Road, Dungannon. The red line of the site includes a roadside agricultural field and the two fields at either side are outlined in blue, indicating ownership. The site benefits from existing hedging along its boundaries and the field is generally quite flat throughout, with a gentle slope from east to west. The surrounding area is largely rural, made up with agricultural fields and scattered with single dwellings and associated outbuildings however this section of Gortlenaghan Road in particular seems to have quite a few roadside dwellings along it.

Description of Proposal

Full planning permission is sought for proposed dwelling and garage.

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. There were a number of neighbours notified under this application including: 72, 72a and 70B Gortlenaghan Road. At the time of writing, no third party representations have been received.

Planning History

LA09/2020/1659/O – Proposed Dwelling (Policy CTY8) - Between 70B and 72 Gortlenaghan Road Dungannon – PERMISSION GRANTED

This full application has been submitted as the conditions of the above outline permission have not been complied with.

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
- The Local Development Plan 2030 – Draft Plan Strategy

The Dungannon and South Tyrone Area plan 2010 identifies the site as being in the rural countryside and has 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 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 in the countryside which promotes high standards in the design, siting and landscaping.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8. I am content that the proposed site meets the policy tests of CTY 8 and that the principle of development at this site has already been agreed under LA09/2020/1659/O, however this application does not meet with all the conditions attached previously, hence the submission of this full application.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed design of the dwelling is shown below in Figure 1. There is some concern that the design of the building may be inappropriate for the site and its locality, however it may be deemed acceptable if a streetscape of the site and neighbouring properties is provided. As noted later within this report, we feel there is not enough information to fully determine the application.



Figure 1 – Dwelling Proposed

Following the first group meeting and discussion about the application, an email was sent to the agent requesting an amended design as we didn't feel it exhibits simple rural form, particularly the two storey glazing element and thus we asked that they amend the design to be more suitable for the rural setting. This original email was sent 26/05/2022. The agent responded noting an application which had a similar design. I had went back to the agent noting that the application was in a different council area and each application was assessed on its own merits, depending on views of the site and surrounding properties etc. Following this we discussed the application again at group where I asked the agent via email on 31/08/2022 to provide a streetscape, showing how the proposal would be viewed with the dwellings it is proposing to infill. The agent responded noting that he would get this prepared on same date, 31/08/2022. This information was chased again on 26/09/2022 and again on 10/10/2022. The latest response from the agent was on 11/10/2022 where he stated that they would prepare this information.

At the time of writing, I have had no further correspondence from the agent regarding the application and therefore, this application is being presented to committee on the basis there is a lack of information submitted which would allow the application to be progressed any further. We feel that the information that has been requested is central to determining whether the proposal is acceptable at this site and we feel that sufficient time has been afforded to the agent to allow them to submit this information.

The proposal intends to utilise the existing access onto Gortlenaghan Road. Dfl Roads

were consulted and raised no objections subject to condition. They have shown the splays requested at outline stage.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policies CTY 1, 8, 13 and 14 of PPS 21 as there is no supporting evidence to demonstrate that the proposal respects the existing development pattern along Gortlenaghen Road or that the design of the proposal is appropriate for this rural location.

Signature(s): Sarah Duggan

Date: 21 November 2022

ANNEX	
Date Valid	22 March 2022
Date First Advertised	7 April 2022
Date Last Advertised	5 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 72A Gortlenaghan Road Dungannon Tyrone BT70 3AS The Owner / Occupier 72 Gortlenaghan Road Dungannon Tyrone BT70 3AS The Owner / Occupier 70B Gortlenaghan Road Dungannon Tyrone BT70 3AS	
Date of Last Neighbour Notification	22 April 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR	
Drawing Numbers and Title Proposed Plans Plan Ref: 02 Site Location Plan Plan Ref: 01	
Notification to Department (if relevant) Not Applicable	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0381/F	Target Date: <add date>
Proposal: Proposed double infill for dwellings and garages	Location: 170m South West of 219 Dungannon Road Cabragh
Applicant Name and Address: Brendan Goan 27 Ackinduff Road Cabragh Dungannon	Agent name and Address: 2020 Architects 37 Main Street Ballymoney BT53 6AN
Summary of Issues: The proposal is for 2 dwellings and garages in a gap site and the issue relates to whether or not this meets the definition of a gap site.	
Summary of Consultee Responses: DFI Roads – a safe access will require sight lines of 2.4m x 150.0m and thee are achievable DFI Rivers - some surface water flooding within the site that developer should be aware of	
Characteristics of the Site and Area: The site is located approx. 170m South West of 219 Dungannon Road, Cabragh and is located within the open countryside as identified within the Dungannon and South Tyrone Area Plan 2010. The site sits adjacent to the south of the A4 Dungannon – Ballygawley Road, a former protected route. The site is generally quite flat throughout and the boundaries appear mostly undefined at present. The surrounding area is largely made up of agricultural fields, with a number of existing dwellings within close proximity and Sandvik is located just NW of the site.	

Description of Proposal

Full planning permission is sought for proposed double infill for dwellings and garages.

Deferred Consideration:

This application was before the committee members in September 2022 and was deferred for a meeting with the Service Director for Planning Manager to discuss the merits of the infill policy.

At the office meeting on 16 September 2022 the policy requirements of CTY8 were discussed and the need to respect the character of the surrounding development in terms of size, scale, siting and plot size. The agent highlighted the old part of the Dungannon Road that is between the site and the current road line is still in situ.

Members will be aware CTY8 allows for up to a maximum of 2 dwellings in a substantially built up frontage and the definition of a built up frontage is where there are 3 or more buildings along a road frontage without accompanying development to the rear.

West of the site is a bungalow with a large garden area which has a frontage of approx. 65 metres and a fairly substantial lean to garage at the rear. Further west is a hipped roof bungalow set back from the road on an elevated site with garden to the roadside and approx. 29metre frontage. East of the site, the new 2 storey dwelling under construction is now roofed and sits beside a large agricultural building which has a site width of 67 metres. Planning permission for the house does not extend to the roadside and the area to the front is to remain as agricultural use. Further east is an overgrown site that was granted permission for a replacement dwelling, its site frontage extends to approx. 142 metres. (Fig 1)



Fig 1 – frontages in the vicinity

It is clear there are more than the 3 buildings that are required either side off the application site to warrant consideration of a substantial and built up frontage. The issue here is the new dwelling to the east, does it have a frontage to the road or does it need to have a frontage to the road? The policy amplification states 'A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage *or they are visually linked.*' In this case, anyone standing on the Dungannon Road in front to the sites can clearly see the visual linkage between the agricultural shed, the newly constructed 2

storey dwelling, the proposed dwellings and garages and the bungalows. Whilst the dwelling to the east may not have a defined frontage to the road I consider, in visual terms, the proposed 2 dwellings will sit neatly into the gap here and respect the existing settlement pattern. When the overall grain of the adjacent development is considered, the plot sizes immediately adjacent may be larger than the proposed sites, however the overall built development, especially to the west, tends to be similar to the proposed development. Taking account of the amount of development around the site and the plot sizes, I do not consider this is a defensible gap site and the proposal, in my view meets the spirit of the in-fill exception in Policy CTY8. (Fig 2, Fig 3 and Fig 4)



Fig 2 – 2016 orthophotography



Fig 3 – 2022 orthophotography

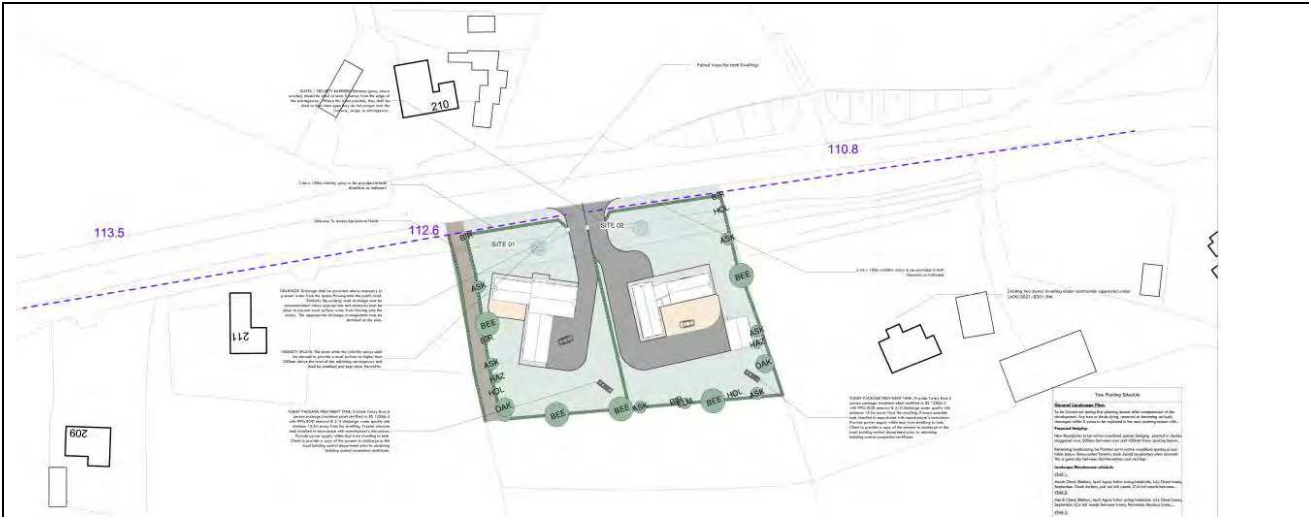


Fig 4 – proposed site plan

In light of the above, though the adjacent dwelling does not have an approved frontage to the road, I consider the proposal meets the spirit of the exception in CTY8 for a maximum of 2 dwellings in a substantial and built up frontage and recommend 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. Prior to the commencement of any works or other development hereby permitted, the vehicular accesses, including visibility splays of 2.4m x 1500m in both directions, shall be provided in accordance with the details on drawing No 02/1 received 09 MAY 2023. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All hard and soft landscape works as detailed on drawing no 02/1 received 09 May 2023 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. 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: In the interests of visual amenity

Signature(s):

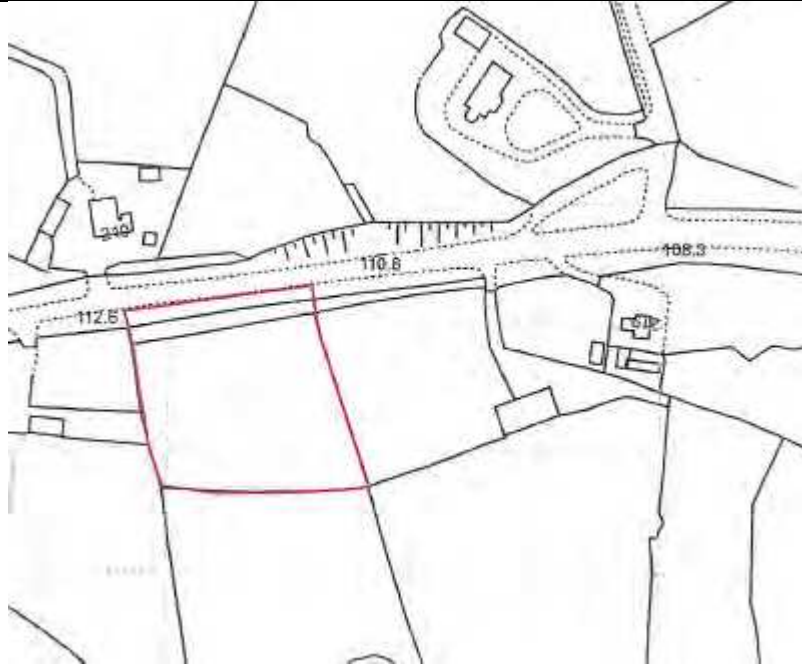
Date

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0381/F	Target Date:
Proposal: Proposed double infill for dwellings and garages	Location: 170m South West of 219 Dungannon Road Cabragh
Referral Route: Refusal – contrary to CTY 8 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Brendan Goan 27 Ackinduff Road Cabragh Dungannon	Agent Name and Address: Sam Smyth Architecture Unit 45D Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	Substantive Response Received

Representations:

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

Summary of Issues

No representations received. Considered to be contrary to CTY 8 of PPS 21.

Characteristics of the Site and Area

The site is located approx. 170m South West of 219 Dungannon Road, Cabragh and is located within the open countryside as identified within the Dungannon and South Tyrone Area Plan 2010. The site sits adjacent to the south of the A4 Dungannon – Ballygawley Road, a former protected route. The site is generally quite flat throughout and the boundaries appear mostly undefined at present. The surrounding area is largely made up of agricultural fields, with a number of existing dwellings within close proximity and Sandvik is located just NW of the site.

Description of Proposal

Full planning permission is sought for proposed double infill for dwellings and garages.

Planning Assessment of Policy and Other Material ConsiderationsRepresentations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 210 and 211 Dungannon Road. At the time of writing, no representations were received.

Planning History

LA09/2020/0718/O - 80m West of 219 Dungannon Road, Cabragh - Proposed dwelling and garage on a farm - PERMISSION GRANTED

LA09/2021/0301/RM - 80m West of 219 Dungannon Road, Cabragh - Dwelling & garage on a farm – PERMISSION GRANTED

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
- PPS 15: Planning and Flood Risk
- 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.

The Dungannon and South Tyrone Area Plan identifies the site as being outside any defined settlement limits. The site has no other zonings or designations within the plan.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of the policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

It is considered that the proposed site does not meet the policy test in that there is a continuous built up frontage along this road. At present, there is a dwelling which was under construction during the site visit and had been built up to the first floor level and is located to the east of the site. The site plan which was approved for this application is shown below (figure 1). In figure 1, it is evident that the frontage this dwelling will have to the road when complete is at the access point only. The remainder of the lands which sites to the front of the dwelling will be agricultural use and cannot be considered as part of the frontage of the dwelling. Therefore, taking into consideration what is on the ground at present, I am not satisfied that there is a line of three or more buildings along this road frontage and therefore the proposal does not meet this policy requirement. I am content that the gap would be sufficient to accommodate no more than two dwellings; however this does not negate the issue of the lack of road frontage of the dwelling under construction. To the west of the site there is a further two dwellings which each share a frontage to the road.

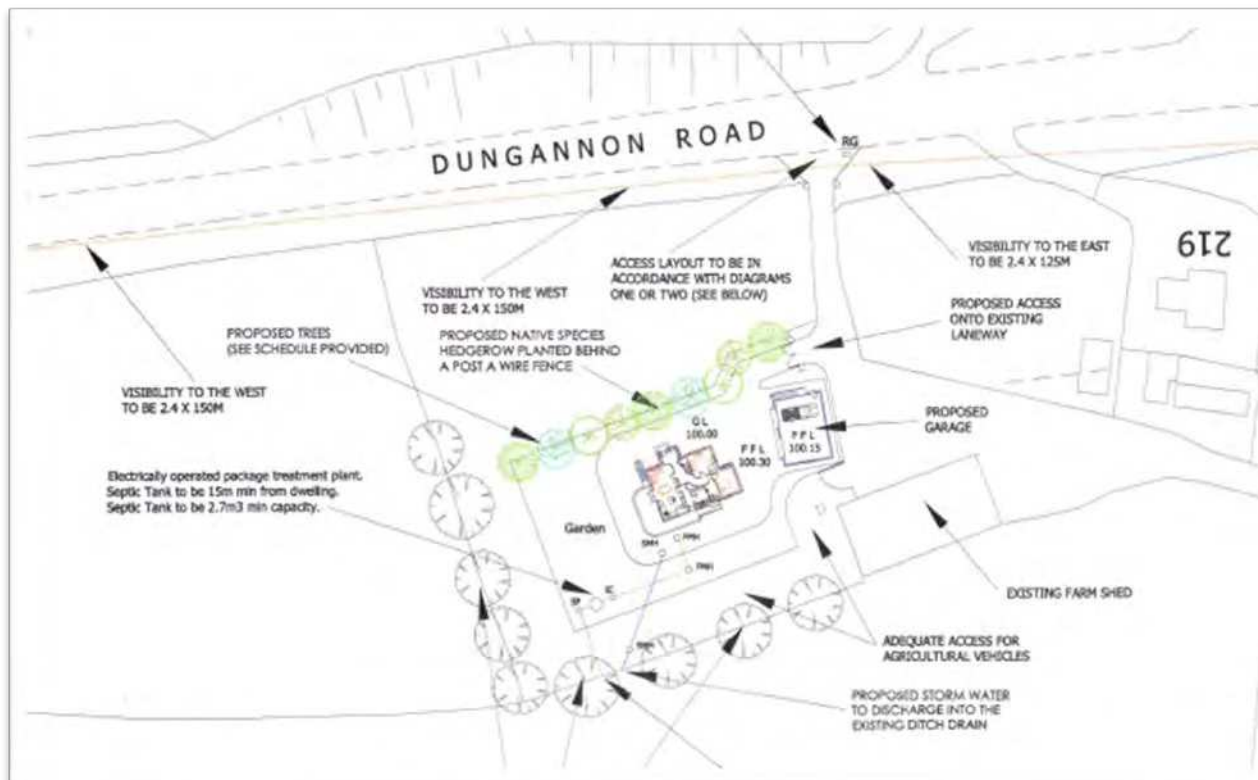


Figure 1 – Approval for dwelling east of site under LA09/2021/0301/RM (it is considered this dwelling will not have frontage to road when works are completed).

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The design of two dwellings are identical and this would not normally be acceptable in the countryside, as noted in email to the agent, we would not be requesting any change in design at this stage given we don't feel the proposal is acceptable in principle as set out beforehand.

The proposal intends to create a paired access onto Dungannon Road. DfI Roads were consulted and noted no concerns subject to conditions and informatives.

Rivers Agency were consulted on the proposal and have also responded with no concerns in relation to the proposal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not located within a small gap site within an otherwise substantial and continuously built up frontage.

Signature(s)

Date:

ANNEX	
Date Valid	23rd March 2022
Date First Advertised	5th April 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 210 Dungannon Road,Dungannon,Tyrone,BT70 1TH The Owner/Occupier, 211 Dungannon Road,Dungannon,Tyrone,BT70 1TH	
Date of Last Neighbour Notification	22nd April 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0301/RM Proposal: Dwelling & garage on a farm Address: 80m West of 219 Dungannon Road, Cabragh, Decision: PG Decision Date: 15.06.2021 Ref ID: LA09/2020/0718/O Proposal: Proposed dwelling and garage on a farm Address: 80m West of 219 Dungannon Road, Cabragh, Decision: PG Decision Date: 08.01.2021 Ref ID: LA09/2022/0381/F Proposal: Proposed double infill for dwellings and garages Address: 170m South West of 219 Dungannon Road, Cabragh, Decision: Decision Date:	
Summary of Consultee Responses DfI Roads: content Rivers Agency: content	

Drawing Numbers and Title

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

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

Drawing No. 04
Type: Garage Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0739/F	Target Date: 22 September 2022
Proposal: Buildings to house proposed wood and coco fibre plant, storage bay, chip feed bin, access (insitu) and ancillary site works.	Location: Lands Approx. 7 Metres North of 16 New Ferry Road Bellaghy
Applicant Name and Address: Bulrush Horticultural Ltd 16 New Ferry Road Bellaghy BT45 8ND	Agent Name and Address: Clyde Shanks Ltd 7 Exchange Place Belfast BT1 2NA
Summary of Issues: This application is for expansion of an existing industrial development in the countryside. The proposal involved building over an existing watercourse, which is partially culverted, within the site. Due to concerns about maintenance of the flows in the culvert, this has now been amended to close up the existing watercourse and divert it to a new culvert. DFI Rivers do not object to the culverting and the new culvert is available for inspection and will not be built over.	
Summary of Consultee Responses: DFI Rivers - no reason to disagree with the report proposing a new culvert, Council to decide if engineering operation for FLD4 DFI Roads – no objections EHO – proposed conditions to control noise	
Characteristics of the Site and Area: This site is located on Lands Approx. 7 Metres North Of 16 New Ferry Road, Bellaghy and is located outside of any designated settlement limits as defined in the Magherafelt Area	

Plan, 2015. The proposed site is 0.683ha in size, is located within the existing Bulrush Horticulture facility at Newferry, approximately 2.8km north east of the village of Bellaghy.

The site, which is relatively flat throughout, comprises an area of hardstanding currently used to for the storage of peat based substrates. The site is bound on all sides by extant Bulrush operations which comprise storage areas for peat and horticultural products and materials. The site is well set back from the road, to the rear of the existing buildings. The site is well screened with existing mature vegetation along the north, east and western boundaries The site is accessed via an internal access road which connects to an existing entrance to the Bulrush facility off Newferry Road.

The surrounding area is predominantly rural in character with scattered dwellings and dispersed farm holdings . An area of peatland is located immediately north of the site which is currently subject to varying degrees of extraction.

Description of Proposal

This is a full application for buildings to house proposed wood and coco fibre plant, storage bay, chip feed bin, access (insitu) and ancillary site works, at Bulrush Horticultural Ltd. The proposal also includes culverting and widening an existing watercourse and closing up another watercourse.

Deferred Consideration:

This application was before the Planning Committee in February 2023 with a recommendation to refuse, the Committee agreed to defer the application to facilitate a meeting with the Service Director of Planning. A meeting was held on 16 February 2023 where the applicants and there representatives, having been able to see the issues of contention provided additional information in relation to the culverts in and around the site. At the meeting EHO comments were also raised as the plant operates on a round the clock basis and an additional noise assessment was provided.

Members will be aware the issues here relate to the culverting or a section of watercourse and building over a culverted watercourse. DFI Rivers had raised concerns about maintenance of culverts should they become blocked and the impacts any blockages may have on the surrounding area which they advise is contrary to Policy FLD2 of PPS15. DFI Rivers deferred to the Council to consider if the culverting of the watercourse was an exception within Policy FLD4 in PPS15.

At the meeting and subsequent to it the applicants' representatives acknowledged there is a presumption against building over culverts. They recognise it is necessary to ensure these are kept clear to allow for freeflow of water. Should these become blocked this may result in flooding occurring elsewhere. Since then the applicants have revised the Drainage Assessment and now are proposing to block up the existing channel that runs through the site and divert into a new culvert to the north of the site, away from the buildings and yard. The Addendum to the Drainage Assessment has assessed the area that will be drained by this network and has sized the new pipework accordingly. DFI Rivers have been consulted with the revised proposal and have not raised any objections to this, they have indicated there is a requirement for the developer to obtain a Schedule 6

Consent from them for the works. I consider this can be dealt with by a condition on any approval.

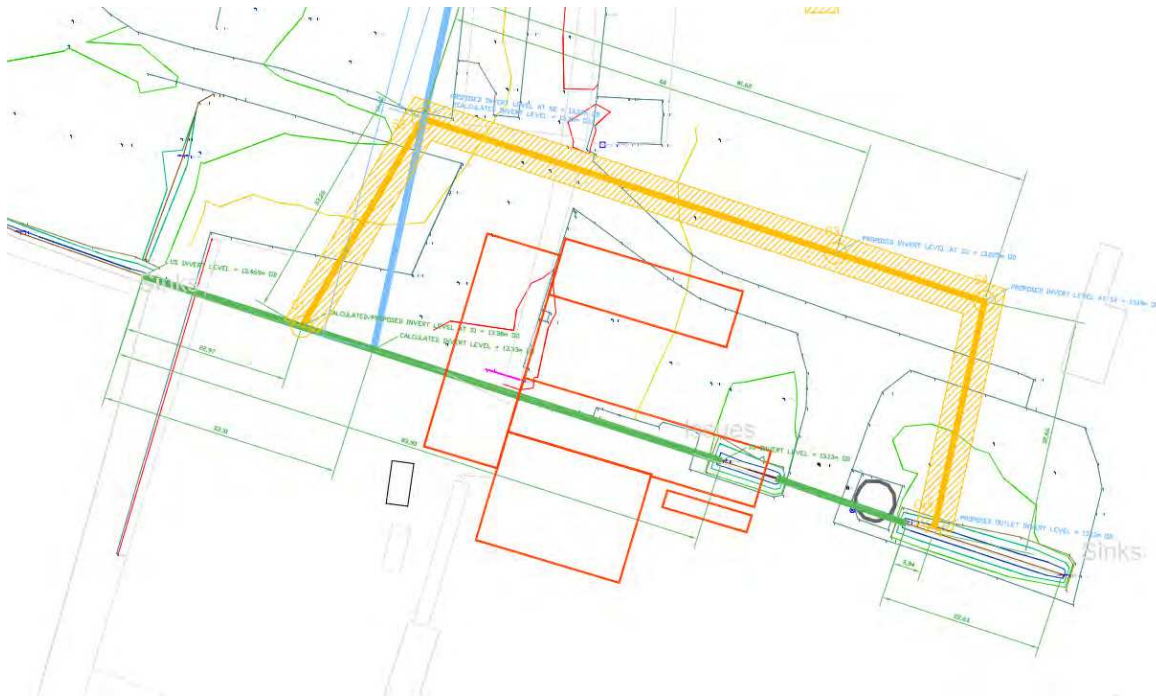


Fig 1 yellow line shows the line of the new culvert (extract from Drawing C301 in Addendum A to Flood Risk Assessment)

DFI Rivers have not made any indication on the need for the culverting and have left that for the Council to decide. Members are advised Policy FLD4 of PPS15 has 2 stated exceptions for allowing a culvert, one is for access purposes and the other is for engineering reasons. There are health and safety concerns in relation to traffic movements and potential interactions with pedestrian traffic within the site. An incident at another establishment resulted in the applicants, in consultation with HSENI, completely segregating machinery movement areas and pedestrian activity within the site. Due to these Health and Safety measures it makes sense for the proposed development to be located within the area where heavy machinery will be operating and servicing the new plant. The new development is being constructed over the course of the existing culvert and watercourse through the site and the existing watercourse will be stopped up. The new culvert, to the north, will ensure there is sufficient capacity to deal with the flow of water that is currently being drained by the watercourse that will be stopped up. In light of this, I consider it is entirely reasonable to consider there are engineering reasons for the proposed culverting.

Mid Ulster Council Environmental Health Department have assessed the additional noise information in respect of the nighttime activities at the proposed plant and have not raised any concerns provided suitable conditions in relation to noise at certain times are adhered to, as recommended in the report. I consider it is entirely reasonable to attach these conditions in the interest of protecting the amenity of nearby residential properties.

In light of the above and the considerations set out in the previous case officers report, I recommend this application is approved.

Conditions/Reasons for Refusal:

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

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

2. Prior to the commencement of any development hereby approved the developer shall obtain consent under Schedule 6 of the Drainage (NI) Order 1973 from DFI Rivers for the culverting works hereby granted planning permission, provide a copy of the consent to the Council and receive written assurances this condition has been discharged.

Reason: To ensure the proposal adequately deals with upstream drainage of water through the site.

3. Prior to the commencement of any other development hereby approved, the existing drain through the site shall be diverted in accordance with the details as generally set out in drawing No C301 contained within Addendum A to Flood Risk Assessment dated April 2023

Reason: To ensure the proposal adequately deals with upstream drainage of water through the site.

4. The rating level of noise emitted from the site shall not exceed 32.5dB(A) between 23:00hrs and 07:00hrs, inclusive. Noise levels shall be determined at least 3.5m from the nearest residential dwelling facade. The measurements and assessment shall be made in accordance with BS4142.

Reason: To protect the amenity of nearby residential properties.

5. Within 4 weeks of a written request by the Planning Department, following receipt of a reasonable noise complaint the site operator shall, at his/her expense, employ a suitably qualified person to assess the level of noise emissions from the site at the complainants property following the procedures described in BS4142:2914 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 and the results of the survey shall be submitted to the Planning Department within 4 weeks of the survey taking place.

Reason: To protect the amenity of nearby residential properties.

6. In the event of the noise levels in any subsequent noise monitoring survey exceed the levels set out in condition 4, operations shall cease until the operator puts in place mitigation measure to ensure the levels are not exceeded.

Reason: To protect the amenity of nearby residential properties.

Signature(s)

Date:



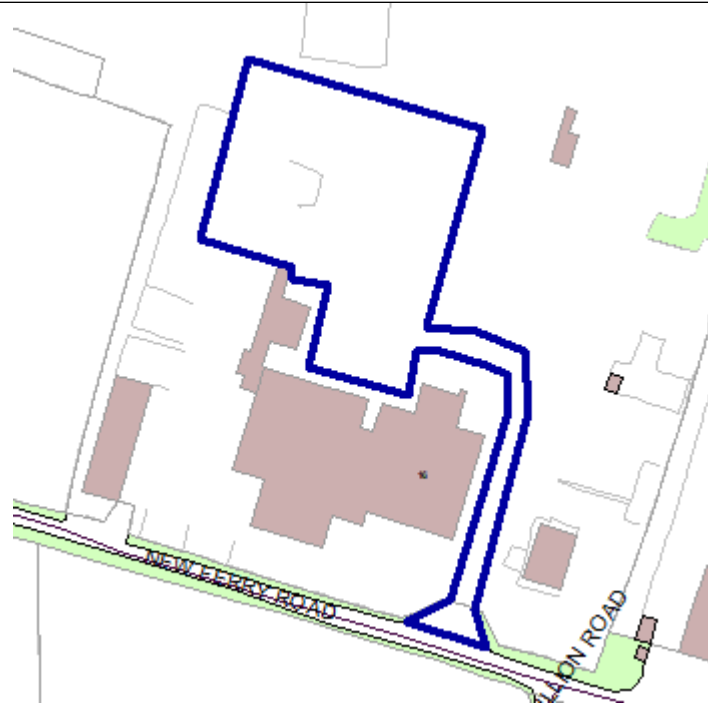


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 February 2023	Item Number: 5.19
Application ID: LA09/2022/0739/F	Target Date: 22 September 2022
Proposal: Buildings to house proposed wood and coco fibre plant, storage bay, chip feed bin, access (insitu) and ancillary site works.	Location: Lands Approx. 7 Metres North Of 16 New Ferry Road Bellaghy Co Derry BT45 8ND
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Bulrush Horticultural Ltd 16 New Ferry Road Bellaghy BT45 8ND	Agent Name and Address: Clyde Shanks Ltd 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	Rivers Agency	489888 - Final Response.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0739 F.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation blank.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

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

Characteristics of the Site and Area

This site is located on Lands Approx. 7 Metres North Of 16 New Ferry Road, Bellaghy and is located outside of any designated settlement limits as defined in the Magherafelt Area Plan, 2015. The proposed site is 0.683ha in size, is located within the existing Bulrush Horticulture facility at Newferry, approximately 2.8km north east of the village of Bellaghy.

The site, which is relatively flat throughout, comprises an area of hardstanding currently used to for the storage of peat based substrates. The site is bound on all sides by extant Bulrush operations which comprise storage areas for peat and horticultural products and materials. The site is well set back from the road, to the rear of the existing buildings. The site is well screened with existing mature vegetation along the north, east and western boundaries The site is accessed via an internal access road which connects to an existing entrance to the Bulrush facility off Newferry Road.

The surrounding area is predominantly rural in character with scattered dwellings and dispersed farm holdings . An area of peatland is located immediately north of the site which is currently subject to varying degrees of extraction.

Description of Proposal

This is a full application for buildings to house proposed wood and coco fibre plant, storage bay, chip feed bin, access (insitu) and ancillary site works, at Bulrush Horticultural Ltd

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

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

Planning History

H/2013/0309/F- Proposed In-vessel Composting Facility, (IVCF) for (non-hazardous)

green and organic waste, storage, access and ancillary site works, for Bulrush Horticulture Ltd. Permission granted, 20 June 2014

H/2012/0280/F- Proposed alterations to development, previously approved under planning application H/2010/0593/F (Provision of new 2 storey office premises to replace current office building), For Bulrush Horticulture Ltd. Permission granted 14 November 2012 .

H/2012/0140/F- Proposed 1MW biomass plant to replace oil fired boiler for heat production to power extant manufacturing process, for Bulrush Horticulture Ltd. Permission granted 31 August .

H/2010/0593/F – Provision of new 2 storey office premises to replace current office building for Bulrush Horticulture Ltd. Permission Granted 14th April 2011 .

H/2005/0631/F- Proposed shed cover for peat storage yard and extension to existing factory, for Bulrush Horticulture Ltd, Permission Granted 07 February 2006.

H/2001/0057/O- Proposed a lean-to storage shed for Peat, for Bulrush Peat Co Ltd, Permission Granted 20th September 2001.

Assessment

Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any 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. 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 Magherafelt Area Plan 2015 (MAP) identifies the site as being located in the countryside within the West Lough Neagh Shores Area of High Scenic Value (AoHSV) – designation COU 1.

The policy for the control of development in Areas of High Scenic Value is contained in Policy CON 1 in Part 2 of the Plan. Policy CON 1 states:

‘Within designated Areas of High Scenic Value planning permission will not be granted to development proposals that would adversely affect the quality and character of the landscape. A Landscape Analysis must accompany development proposals in these areas to indicate the likely effects of the proposal on the landscape. Planting and retention of indigenous tree species must be an integral part of these proposals and the site must be large enough to accommodate any mitigation measures identified. Where

feasible the reuse of traditional buildings will be required.’

The proposal is for a buildings located within the Bulrush Horticulture site which is located to visually link and cluster with the existing buildings on the site. The site is set back approx. 100m from the public road and is considerably well screened by mature hedgerows, the existing Bulrush buildings and concrete material storage clamps. The agent confirmed that there are no traditional buildings available for reuse within the site. I believe that the proposal will not therefore have an adverse impact on the quality and character of the local landscape and therefore complies with Policy CON 1.

PPS4 – Planning and Economic Development

Policy PED 3 ‘Expansion of an Established Economic Development Use in the Countryside, policy PED 3 is a material consideration. PPS4 PED 3 states:

‘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 that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) 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(s) on the site and any historic or architectural interest the original property may have.

A proposal for the major expansion of an existing industrial enterprise that would not meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that:

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site.’

The scale of the buildings proposed is no greater than buildings currently on site. The proposal is to facilitate the production of an alternative horticultural substrate to peat (produced on the wider site) and is in keeping with the established economic activities of the site. The site is located within the existing Bulrush Horticulture compound and there is no increase in the site area of the organisation. I believe that the proposal will not harm or have an adverse impact on the rural character of the area and will integrate into the overall site.

The agent has confirmed that are no existing buildings on site capable of housing the

wood and coco fibre plant .will integrate as part of the overall development.

The proposed buildings have been designed using materials similar to the existing buildings on the site.

There are no buildings in the area that have any historic or architectural interest.

The proposal is not considered to be a major expansion as it is located within the curtilage of the existing enterprise. Therefore, I believe that the proposal is in compliance with the criteria set out in Ped 3 of PPS 4.

PPS 4 Planning and Economic Development Policy PED 9 -General Criteria for Economic Development

A proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet all the criteria of Policy Ped 9:

The proposed buildings are considered to be compatible with surrounding land use, as they are to be used to house plant which is designed to produce a horticultural substrate (wood and coco fibre) on a site which currently produces horticultural substrates from peat. I do not any reason to believe that the proposal will have an adverse effect on surrounding properties. A Noise Impact Assessment (NIA) was submitted and Environmental Health were consulted on the application and responded to say that ;

An Acoustic report entitled “*Noise Impact Assessment Bulrush Horticulture Ltd., Bellaghy Report No. RP001N 2022093*” dated 25th May 2022 has been submitted in support of this application.

The report concludes in Section 7.0

“The predicted noise levels at each of the nearest sensitive receptors were assessed against BS4142:2014 limits and WHO recommended noise levels. It was found that operational noise from the proposed development is likely to have a low impact during the daytime period. For the reasons outlined within this report, Irwin Carr Consulting is of the opinion that noise generated by the proposed development should not adversely impact neighbouring third-party properties (provided the recommended mitigation proposal is adhered to)”

This conclusion is based on a number of assumptions

- The noise generated internally within the workshops not exceeding 85dB(A) (façade level)
- work during daytime hours only
- Roller shutter doors providing a sound reduction index of 22dB(A)
- The building fabric providing at least a sound reduction index of 22dB(A)

Hours of operation

Section 2 of the noise report states,

“The proposed development will operate in line with the current sites working hours daytime hours only”.

Unfortunately, specific hours of operation were not specified within the noise report.

In view of this and the fact that the background noise levels normally decline at night as a consequence of reduced traffic levels and industry, there is a likelihood of night-time noise disturbance if the applicant were permitted to operate at night. MUDCEHD therefore recommend that the following condition restricting the hours of operation be attached to any planning permission granted:

“The development site shall not remain open and, plant and equipment shall not be operated. Deliveries by commercial vehicles shall not be made to and from the site:

- ***At any time on Sunday***
- ***Prior to 07.00 hours and after 19.00 hours Monday to Friday***
- ***Prior to 08.00 hours and after 13.00 hours on Saturday”***

Sound Insulation to fabric of building

The acoustic report indicates that walls are to be constructed *“with a single skin steel cladding envelope from ground to ridge height.”* It is stated on Page 11 that the structure will provide a weighted sound reduction index of 22 dB(A) including roller shutter doors when in the closed position.

In order to reduce the likelihood of loss to residential amenity as a result of noise, it is recommended that the following conditions be attached to any planning permission granted

“The walls, roof and roller door structures of the building permitted by this permission shall be installed and maintained in such a condition that ensures they are capable of achieving a weighted sound reduction index of at least 22dB”

“Roller shutter doors as depicted in Appendix B Noise Impact Assessment Bulrush Horticulture Ltd., Bellaghy Report No. RP001N 2022093” dated 25th May 2022 shall remain in the closed position except for access and egress”

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

The proposed buildings and plant will be sited on existing concrete hardstanding within an area which is currently used to for the storage of peat based substrates and it is not expected to have any adverse effect on features of natural or built heritage. The nearest

designated site, Ballymacombs More Area of Special Scientific Interest (ASSI) is located approx. 240 metres north east of the site. The proposal is not considered to create any emissions that could be potentially harmful to the Holocene peat and related stratigraphy for which the ASSI is designated. There are no built heritage features within the site or the immediate surroundings.

The site is identified by the DfI Rivers Flood Map as being located in an area at risk of fluvial flooding. A Flood Risk Assessment was submitted with the application and DfI Rivers were consulted and responded to say that 'DfI Rivers has reviewed the Flood Risk Assessment (FRA) by Flood Risk Consulting and comments as follows;

'The FRA has provided a detailed river model of the Ballyscullion West Watercourse which demonstrates that the proposed site is not located within the 1% AEP fluvial floodplain for this watercourse. The 1% AEP fluvial flood level provided for this watercourse is 14.41mOD.

The FRA has also provided information on the highest recorded level for the Lower Bann watercourse at the nearby Newferry Road gauging station which is 13.255mOD. The proposed site is located at an appropriate freeboard above this level.

Due to the near location to the flood plain the developer should be advised that for design purposes all finished floor levels should be placed at a minimum of 600mm above the 1% AEP

fluvial flood level of 14.41mOD. Therefore, DfI Rivers, while not being responsible for the preparation of the Assessment, accepts its logic and has no reason to disagree with its conclusions.' However, further issues were raised regarding a culverted water course which will be dealt with later in this report.

The proposal is not anticipated to produce any effluent. Any water used in the process to dampen the material is to be recycled within the process. According to the agent, NIEA currently sample the watercourses in and around the wider site and to date no impurities have been recorded.

DFI Roads were consulted on the application and responded to say that they did not offer any objection. The site is accessed via an established entrance from Newferry Road and adequate access arrangements, parking and manoeuvring areas are provided within the site. Given the location of the site and the nature of the activities a movement pattern is not considered to be necessary.

The site layout has been designed with a good quality and standard of finish for buildings of an industrial nature. No landscaping has been submitted but the proposal is well screened from public view points by the existing buildings and infrastructure and integrates within the site compound.

The Bulrush site is securely locked outside of operating hours and the buildings are alarmed.

In consideration of the above, above policy consideration, the proposal is considered to

be compliant with Policy PED 9 of PPS 4.

PPS15 Planning and Flood Risk

PPS15 Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains

The site is identified by the Dfl Flood Map as being located in an area at risk of fluvial flooding. A Flood Risk Assessment was submitted with the application and DFI Rivers were consulted and responded to say that

‘Dfl Rivers, while not being responsible for the preparation of the Assessment accepts its logic and has no reason to disagree with its conclusions.’

PPS15 Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure

An undesignated watercourse traverses the site. Under 6.32 of the policy a 5m maintenance

strip is required. Drawing ‘SITE_LAYOUT_PLAN_A1’ indicates that the proposals may be located on the line of a culverted watercourse. Under 6.33 of the policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. The agent confirmed that this was the case and a drawing was requested to show the extent of the culverted watercourse (drawing No 06, date stamped 14th December 2022). From this we can see that the proposed building will be constructed over a significant line of the culverted watercourse. Therefore the proposal is contrary to Policy FLS 2 of PPS 15.

PPS15 Policy FLD 4 Artificial Modification of Watercourses

Under FLD 4 of Planning Policy Statement 15, artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. This is a matter for the planning authority. The culverting of the watercourse on this application site has been done prior to this application being submitted.

Conclusion

Refusal is therefore recommended as the proposal is contrary to Policy FLD 2 of PPS 15.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to the criteria set out in Policy FLD 2 of PPS 15, in that the proposed building would be constructed over line of the culverted watercourse.

Reason 2

The proposal is contrary to FLD 4 of PPS 15, in that the watercourse has been artificially modified prior to the submission of this application.

Signature(s): Siobhan Farrell

Date: 23 January 2023

ANNEX	
Date Valid	9 June 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 16 New Ferry Road Bellaghy Co Derry BT45 8ND	
Date of Last Neighbour Notification	5 July 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2018/0365/DC Proposals: Discharge of condition No.4 of planning permission H/2013/0309/F Decision: AL Decision Date: 07-JUN-18</p> <p>Ref: H/1992/0228 Proposals: PEAT EXTRACTION(MILLED METHOD) Decision: PG Decision Date:</p> <p>Ref: H/1973/0136 Proposals: CHALET BUNGALOW Decision: PG Decision Date:</p> <p>Ref: H/1985/0299 Proposals: COFFEE BAR EXTENSION TO SHOP AND STORE Decision: PG Decision Date:</p> <p>Ref: H/2003/0252/O Proposals: Site of dwelling and garage.</p>	

Decision: PR
Decision Date: 29-OCT-05

Ref: H/1979/0252
Proposals: EXTRACTION AND PROCESSING OF PEAT AND ASSOCIATED BUILDINGS

Decision: PG
Decision Date:

Ref: H/2010/0593/F
Proposals: Provision of new 2 storey office premises to replace current office building
Decision: PG
Decision Date: 18-APR-11

Ref: H/2005/0631/F
Proposals: Shed Cover For Peat Storage Yard and Extension to Existing Factory.
Decision: PG
Decision Date: 13-FEB-06

Ref: H/2012/0280/F
Proposals: Alterations to development previously approved under planning application H/2010/0593/F. Provision of new 2 storey office premises to replace current office building
Decision: PG
Decision Date: 19-NOV-12

Ref: H/1993/0252
Proposals: EXT TO PEAT PROCESSING PLANT & PROVISION OF OFFICE ACCOMMODATION WITHIN EXISTING PLANT
Decision: PG
Decision Date:

Ref: H/2001/0057/O
Proposals: Site Of Lean-To Storage Shed For Peat.
Decision: PG
Decision Date: 26-SEP-01

Ref: H/2012/0140/F
Proposals: Proposed 1MW Biomass plant to replace oil fired boiler for heat production to power extant manufacturing process.
Decision: PG
Decision Date: 03-SEP-12

Ref: H/2013/0309/F
Proposals: Proposed In-vessel Composting Facility (IVCF) for (non-hazardous) green and organic waste, storage, access and ancillary site works.

Decision: PG

Decision Date: 23-JUN-14

Ref: H/2011/0405/DETEIA

Proposals: EIA screening and scoping request for in-vessel composting facility (IVCF) at lands east of Bulrush Horticulture Ltd, Newferry Road, Bellaghy under the Planning (EIA) Regulations (NI) 1999 - Regulation 6 (1) (a) and (b) request.

Decision:

Decision Date:

Ref: LA09/2022/0739/F

Proposals: Buildings to house proposed wood and coco fibre plant, storage bay, chip feed bin, access (insitu) and ancillary site works.

Decision:

Decision Date:

Ref: H/1991/0500

Proposals: 2 NO UNITS FOR TOURIST ACCOMMODATION

Decision: WITHDR

Decision Date:

Ref: H/2007/0482/F

Proposals: Erection of 33 Kv electricity substation enclosed by a 2.5m high galvanised steel Lochrin fence. Inside the area will be poles and electrical switchgear. A control room will be built for metering.

Decision: PG

Decision Date: 19-OCT-07

Ref: H/1981/0357

Proposals: PETROL FILLING STATION

Decision: PG

Decision Date:

Ref: H/2004/0870/O

Proposals: Site of Dwelling and Garage.

Decision:

Decision Date:

Summary of Consultee Responses

Rivers Agency-489888 - Final Response.pdf

Environmental Health Mid Ulster Council-LA09 2022 0739 F.doc

DFI Roads - Enniskillen Office-Roads Consultation blank.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Existing Site Survey Plan Ref: 03
Elevations and Floor Plans Plan Ref: 04
Proposed Elevations Plan Ref: 05
Miscellaneous Plan Ref: Flood Risk Assessment
Miscellaneous Plan Ref: Noise Impact Assessment

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/1288/O	Target Date: 2 December 2022
Proposal: Proposed replacement dwelling as a result of a fire damaged house	Location: 15 Finulagh Road Castlecaulfield
Applicant Name and Address: Ryan McGurk 25 Finulagh Road Castlecaulfield Dungannon	Agent Name and Address: McKeown And Shields Ltd 1 Annagher Road Coalisland Dungannon BT71 4NE
Summary of Issues: This application was submitted as an infill dwelling and recommended as refusal, following an office meeting the application was amended to reflect the previous history in the site for a replacement dwelling that was destroyed by a fire. The proposal does not meet all the requirements of CTY3 for a replacement fire damaged dwelling and no additional information has been provided to justify setting aside the policy.	
Summary of Consultee Responses: DFI Rivers - ½ site lies within 1 in 100 year flood area, only exceptions allowed to be developed in flood plain DFI Roads - 2.4m x 80.0m sight lines and 80.0m forward sight line	
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 site is 0.67km northwest of the settlement of Castlecaulfield. The surrounding area is rural in character and the predominant land uses are agricultural fields, rural dwellings on single plots and groups of farm buildings. There is minimal development pressure in the immediate area along Finulagh Road from the construction of single dwellings. 82m west of the site are two poultry sheds. The application site are the lower portions of two agricultural fields and	

the topography rises up by a couple of metres from the road to the back of the site. At the site are two small sheds and a concrete yard and there is established hedging along the roadside boundary.

Description of Proposal

Proposed replacement dwelling as a result of a fire damaged house

Deferred Consideration:

This application was before the Planning Committee in March 2023 for a dwelling I a gap site, it was deferred for a meeting with he Service Director for Planning. At the meeting he agent outlined the history of the site and advised:

- planning permission was granted for a replacement dwelling in 1995 and it was the applicants intention to enact this permission
- a fire damaged the house in 1997 and the owners, who were elderly moved away and did not rebuild, have been unable to obtain any report from the fire service to support this but M Nugent grew up not far away from here and remembers being in the house many times before it was destroyed
- the site has remained as it was when the house was demolished and it is clear to see the original footprint of the dwelling, its curtilage and the access lane to it

The site has a history of applications:

M/1992/0652 - Outline Planning Permission for a replacement dwelling was approved on 5 February 1993 (as stated on the application form for M/1995/0450)

M/1992/0652B - Reserved Matters were applied for on 21 April 1993 and subsequently withdrawn

M/1995/0450 was submitted on 18 July 1995 (within the 3 years for submission of the Reserved Matters for M/1992/0652) for renewal of the OPP for the replacement dwelling and was granted on 2 November 1995.

I am unable to find any further applications for this development, an RM application, or renewal of the OPP would have had to be submitted by 2 November 1998. It is worth noting the site is relatively unchanged from the original permission, as can be seen in the approved map for M/1995/0450 (Fig 1).

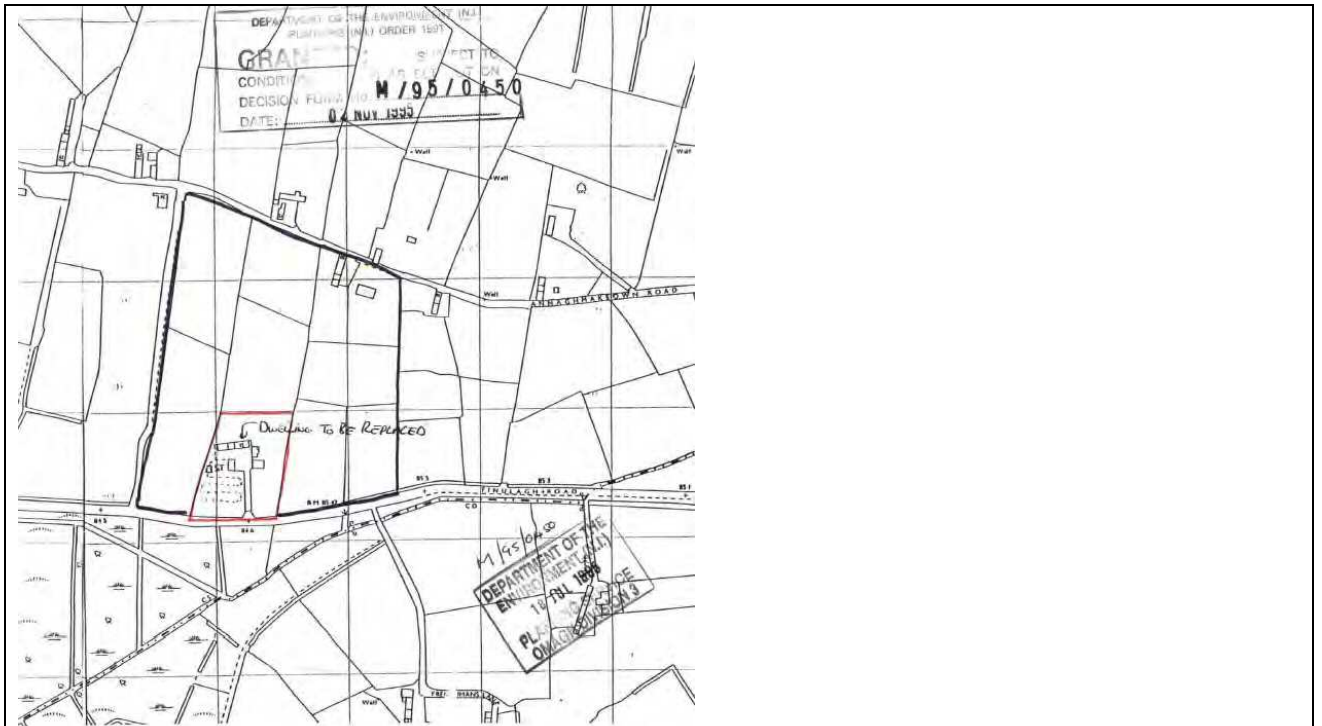


Fig 1 – stamped approved drawing for M/1995/0450

The case officer in the first report is correct that CTY3 allows for the replacement of a dwelling that has recently been destroyed and it gives the examples of an accident or a fire. This is subject to evidence about the status and previous condition of the building and the cause and extent of damage must be provided. There is nothing to indicate what is meant by 'recently', though it is commonly understood to be not long ago. This is also consistent with the policy that was in place in 1997, HOU13 Replacement Dwellings in A Planning Strategy for Rural Northern Ireland. That policy also referred to recently inhabited or habitable dwellings that had been destroyed by an accident, presumably instead of just deteriorating through neglect. Members could therefore justify refusing planning permission here as the proposal does not meet the stated policy for a replacement dwelling.

That said it is noted that OPP for the replacement of a dwelling on this site was applied for and a renewal of that original permission for a replacement dwelling was also applied for. I would consider this showed the applicants intent at that time was to replace the house. In the interim period the agent states the house was destroyed in a fire and the occupants, who were elderly, had to move out. It is entirely reasonable to conclude that had the house not been destroyed in a fire, it would still be standing (the original outbuilding is still there) or would have been the subject of another application to renew the permission/submit full detailed plans and a new house constructed. Members may wish to take account of the intent when making a decision on this application, though it is recognised there is no fallback position as full details were never actually passed.

In light of the above, I am of the opinion that planning permission should be refused for the development as it does not meet the policy for a replacement dwelling and there is no fallback position that would allow a replacement dwelling to be constructed.

Conditions/Reasons for Refusal:

1. Contrary to CTY 1 - Development in the Countryside in PPS 21 Sustainable Development in the Countryside in that there is no overriding reason why the development cannot be located within a settlement. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.
2. Contrary to CTY 3 - Replacement Dwellings in PPS 21 Sustainable Development in the Countryside in that there is no dwelling to be replaced and the dwelling that was previously on site was not recently destroyed and no evidence about the extent of the fire damage has been provided.

Signature(s)

Date:

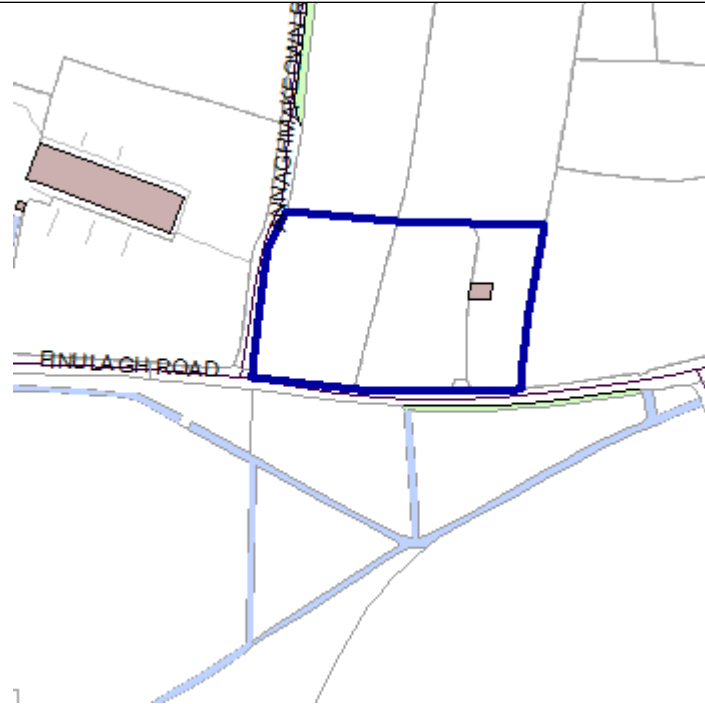


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 March 2023	Item Number: 5.20
Application ID: LA09/2022/1288/O	Target Date: 2 December 2022
Proposal: Dwelling in Compliance with policy (CTY 8) ie, (Infil Gap Site)	Location: 15 Finulagh Road Castlecaulfield
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Ryan McGurk 25 Finulagh Road Castlecaulfield Dungannon	Agent Name and Address: McKeown And Shields Ltd 1 Annagher Road Coalisland Dungannon BT71 4NE
Executive Summary: There is no dwelling on the site to be replaced and the dwelling was fire damaged over 20 years ago so does not meet CTY 3. There are not three or more buildings along the road with a frontage to be considered an exception in CTY 8.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	FORM RS1 STANDARD.doc Roads outline.docx Roads outline.docx FORM RS1 STANDARD.doc
Statutory Consultee	Rivers Agency	745051-06 Final Planning Authority reply.pdf
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 site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site is 0.67km northwest of the settlement of Castlecaulfield. The surrounding area is rural in character and the predominant land uses are agricultural fields, rural dwellings on single plots and groups of farm buildings. There is minimal development pressure in the immediate area along Finulagh Road from the construction of single dwellings. 82m west of the site are two poultry sheds. The application site are the lower portions of two agricultural fields and the topography rises up by a couple of metres from the road to the back of the site. At the site are two small sheds and a concrete yard and there is established hedging along the roadside boundary.

Description of Proposal

This is an outline application for Dwelling in Compliance with policy (CTY 8) ie, (Infill Gap Site) at 15 Finulagh Road, Castlecaulfield.

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 has been carried out in line with the Council's statutory duty and there are no notifiable neighbours abutting the site. At the time of writing, no third-party objections have been received.

Planning History

M/1992/0652 - Replacement Dwelling – 15 Finulagh Road Castlecaulfield Dungannon – permission granted

M/1995/0450 - Replacement Dwelling – 15 Finulagh Road Castlecaulfield Dungannon – permission granted

LA09/2021/0160/O - Proposed farm dwelling - 15 Finulagh Road Castlecaulfield

Dungannon – application withdrawn

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 in the countryside and 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.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. As this proposal is for an infill dwelling CTY 8 is the relevant policy in the assessment.

CTY 8 – Infill Dwellings

The application site is the lower portion of two agricultural fields. At the time of my site visit there were three sheds and a concrete yard with access fronting to the road. On the concrete yard were silage round bales as shown in figure 2. As shown below on the google maps from April 2021 two of the sheds to the west were not in place. Also, the shed furthest west does not have a frontage to the road in the form of a concrete yard and I consider this as an agricultural field.



Figure 1 – Image from April 2021

I do not consider there is a substantial and built-up frontage with a line of three or more buildings. There are no buildings with a frontage to the road on either side of the sheds and concrete yard. Figure 3 shows that has been submitted in this application.



Figure 2 – Image from the site visit

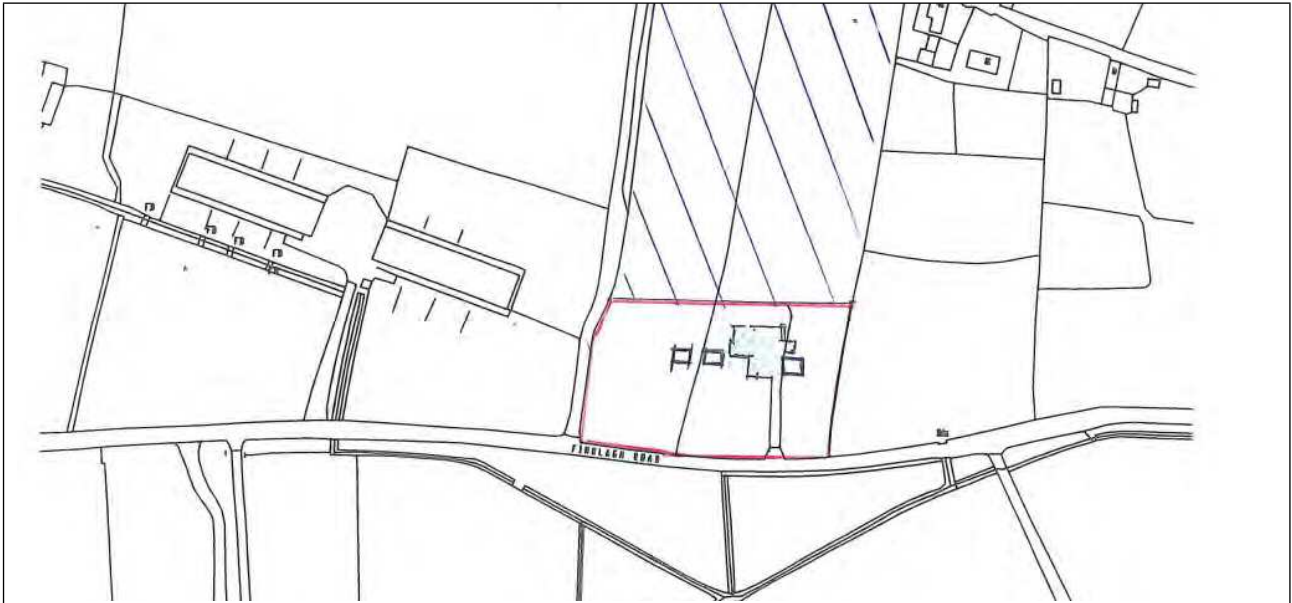


Figure 3 – snapshot from submitted plan

There are no other dwellings along this side of Finulagh Road but across the road from the poultry houses there are two dwellings at 16 and 18 Finulagh Road. The frontages of these dwellings are 58m at No.18 and 48m at No. 16. The total frontage of the application site is 106m so I am content the site will only accommodate two dwellings with the same frontages and plot sizes as across the road.

Overall, I consider the proposal does not meet CTY 8 as it is not an exception for a small gap site.

CTY 10 – Dwelling on a farm

The agent was asked to consider was there a case for a dwelling on a farm as there were building and silage bales at the site. The agent stated that the applicant had already used their farm dwelling in the past 10 years. LA09/2018/0233/O granted approval for a dwelling on a farm on the 14th January 2019 and the applicant was Connor McGurk who had the same address as the applicant in this case. This application site is also shown on the farm boundary maps for the 2019 approval. A subsequent approval LA09/2021/1056/F in substitution of the 2019 permission was granted on the 21st October 2021. I consider a CTY 10 approval has already been granted on this farm holding within the past 10 years so the proposal does not meet this criteria.

CTY 3 – Replacement Dwelling

In an email dated 8th Feb 2023 the agent asked that the proposal be considered under a fire damaged replacement dwelling as the dwelling on a farm and infill dwelling cases had previously been considered.

Currently on site there is no dwelling to be replaced in terms of CTY3.

M/1992/0652 previously granted permission for a replacement dwelling at this site on the 5th Feb 1993 but these approvals were never enacted and they have not lapsed. The agent confirmed through photographs that there was once a two-storey dwelling at this site, and it had burnt down. The policy in CTY 3 does state dwellings are eligible for replacement if they have recently been destroyed by fire. Policy states that evidence must be provided about the status and previous condition of the building and the extent of the damage must be provided. The agent was unable to provide a fire report and in a supporting email dated 8th Dec 2022 the agent states the dwelling was destroyed in the late 1990s and fire records only go back to the year 2000. I consider as the dwelling was not recently fire damaged and was destroyed over 20 years ago it does not meet this criterion in CTY 3.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is the lower portion of two agricultural fields and the topography rises up to the back of the site. The site itself has a roadside frontage onto Finulagh Road which is a long straight road. There are buildings at the site, but these may have to be demolished to locate the dwelling in the upper portion of the site due to the flood plain. There is a limited sense of enclosure at the site but further west of the site opposite the poultry houses are 2no. large two storey dwellings but these are set back from the road further. I am content a dwelling on this site would not be prominent.

CTY 14 – Rural Character

As stated, earlier in the assessment I am content the proposal will not be a prominent feature in the landscape.

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.

DFI roads were consulted as the statutory authority as the applicant had proposed a new access. Roads responded with no concerns subject to visibility splays of 2.4m x 80m in both directions.

PPS 15 – Planning and Flood Risk

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

As shown in figure 4 below the lower portion of the site is within a rivers flood plain. I consulted Rivers Agency who confirmed that half the site was within a 1 in 100 year flood plain and the applicant would need to demonstrate how the proposal was an exception to policy. I am content a flood risk assessment is not required as the proposed dwelling could be sited outside the flood plain.

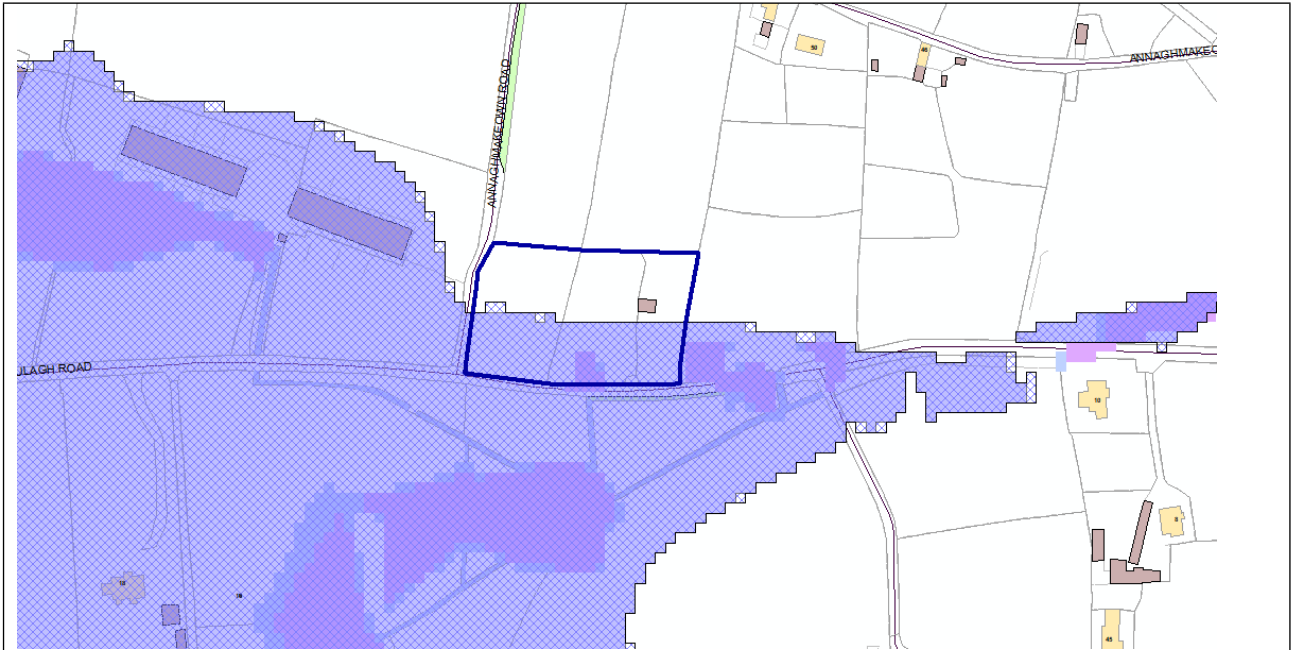


Figure 4 – Image showing the extent of the flood plain

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.

I consulted Environmental health due to the close proximity to poultry houses but at the time of writing no response has been received yet. But the principle of development cannot be established at the site as currently the proposal does not meet any of the policies in PPS 21.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet the policies in CTY1, CTY3, and CTY8 in PPS 21 – Sustainable Development in the Countryside.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 Sustainable Development in the Countryside in that there is no overriding reason why the

development cannot be located within a settlement.

Reason 2

Contrary to CTY 3 - Replacement Dwellings in PPS 21 Sustainable Development in the Countryside in that there is no dwelling to be replaced and the dwelling that was previously on site was not recently destroyed and no evidence about the extent of the fire damage has been provided.

Reason 3

Contrary to CTY 8 - Ribbon Development in PPS 21 Sustainable Development in the Countryside in that the development is not an exception within policy as there are not three or more buildings along a road frontage.

Signature(s): Gillian Beattie

Date: 9 February 2023

ANNEX	
Date Valid	19 August 2022
Date First Advertised	1 September 2022
Date Last Advertised	1 September 2022
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: M/1992/0652B Proposals: Replacement Dwelling Decision: WITHDR Decision Date:</p> <p>Ref: M/1992/0652 Proposals: Replacement Dwelling Decision: PG Decision Date:</p> <p>Ref: M/1995/0450 Proposals: Replacement Dwelling Decision: PG Decision Date:</p> <p>Ref: LA09/2022/1288/O Proposals: Dwelling in Compliance with policy (CTY 8) ie, (Infil Gap Site) Decision: Decision Date:</p> <p>Ref: LA09/2021/0160/O Proposals: Proposed farm dwelling</p>	

Decision: WDN
Decision Date: 19-NOV-21

Ref: M/2004/1298/F
Proposals: Two free range poultry houses each with a capacity of 9,600 birds.
Decision: PG
Decision Date: 22-NOV-04

Summary of Consultee Responses

DFI Roads - Enniskillen Office-FORM RS1 STANDARD.doc
Roads outline.docx
Roads outline.docx
FORM RS1 STANDARD.doc
Rivers Agency-745051-06 Final Planning Authority reply.pdf
Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/1426/O	Target Date: 6 January 2023
Proposal: Proposed site for dwelling and garage within a cluster (Visual linkage with adjacent community hub building)	Location: 40M North East Of No 178 Battery Road Moortown
Applicant Name and Address: Peter Devlin 120 Ardboe Road Moortown	Agent Name and Address: APS Architects 4 Mid Ulster Business Park Sandholes Road Cookstown BT80 9LU
Summary of Issues: <p>This application is for a development just outside the settlement limits for Moortown. It cannot be considered as a cluster as the development it uses to cluster is within the settlement limits though the focal point lies outside the limits. An exception to policy could be considered on visual grounds as rounding off. The site is located close to an active farm and due to its proximity could affect the operations on the farm due to noise, odours and loss of residential amenity from the operations on the farm.</p>	
Summary of Consultee Responses: DFI Roads - access requires sight lines of 2.4m by 60.0m and 60.0m forward sight line where the lane meets the public road.	
Characteristics of the Site and Area: <p>The site is located in the rural countryside, just outside and at the edge of Moortown Settlement Limits, as defined by the Cookstown Area Plan (see Figs: 1, 2 & 3 below).</p>	

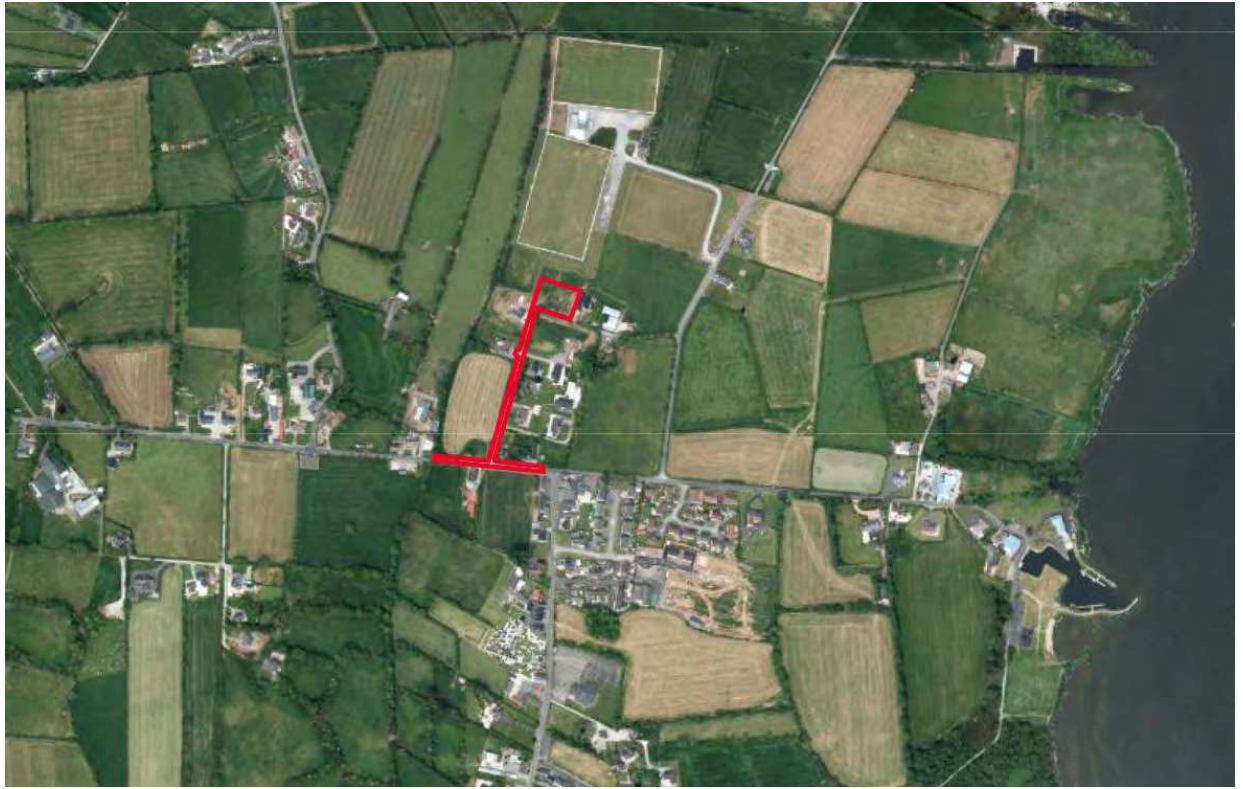


Fig 1: Site outlined red

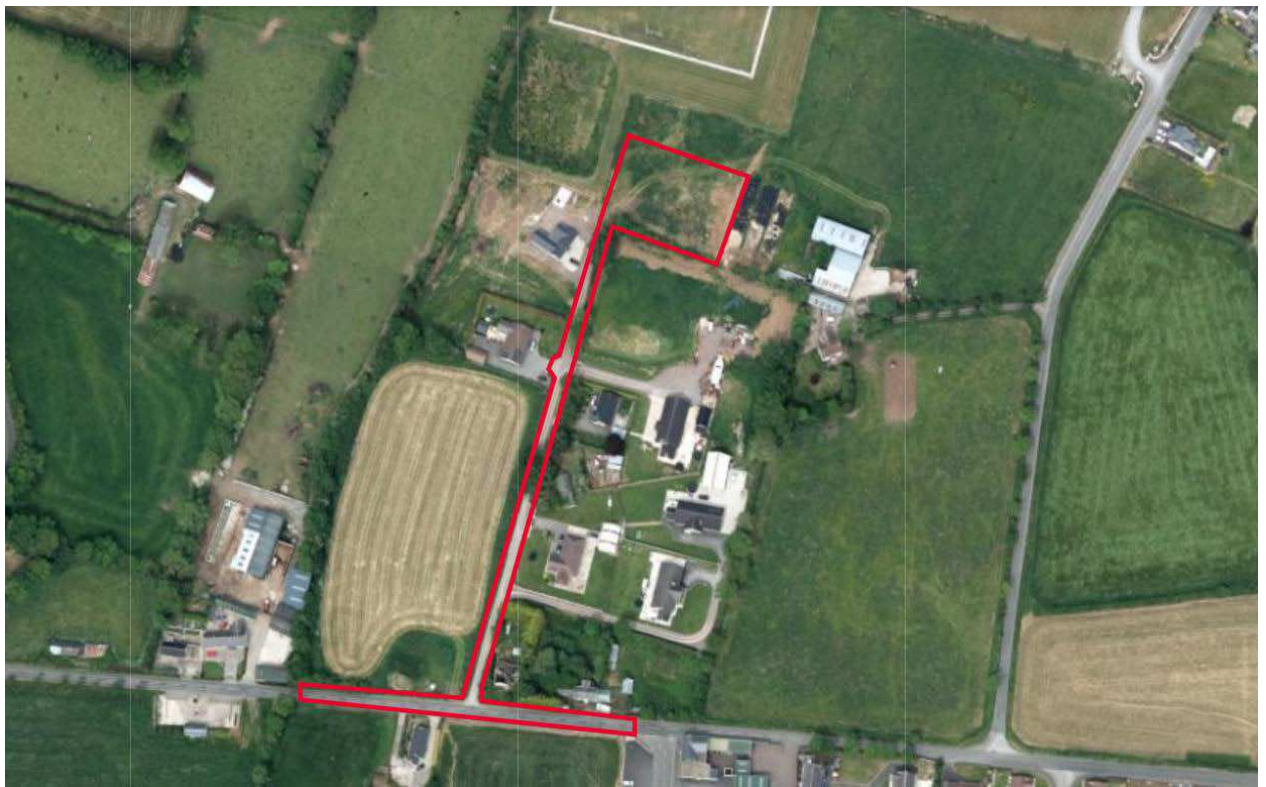


Fig 2: Site outlined red

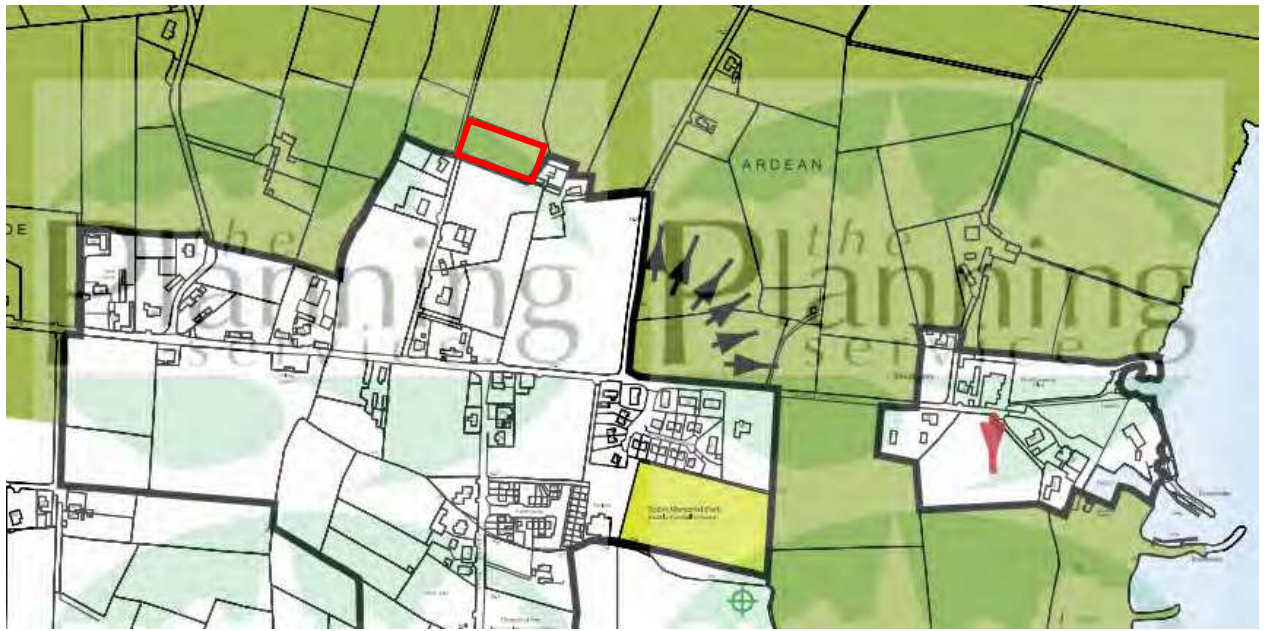


Fig 3: Moortown Settlement Limits outlined by bold black line and site outlined red

As seen in Fig 3 above Moortown is defined in two separate nodes. The site, a relatively flat rectangular shaped plot set back from accessed off the Battery Road via an existing lane serving approx. 8 detached dwellings, is located to the very north of Moortown's western node. Post and wire fencing bounds the site to the west and mature hedging and trees bounds the site to the south. The north boundary and the east boundary are open onto lands in association with Moortown GAC and a farm holding comprising a dwelling and number of shed located at 6 Anneeter Road, respectively.

Views of the site are largely screened from the lane it is accessed off due to the vegetation bounding it to the south. There will be views of the site from the northeast from Anneeter Road and from within the GAC grounds.

The area surrounding the site is generally characterised by detached housing within Moortown to its south and Moortown GAC grounds with agricultural lands beyond to its north.

Description of Proposal

This is an outline application for a proposed dwelling and garage to be located on lands 40m NE of no. 178 Battery Road Moortown.

The proposal is being applied for under policy CTY2A of Planning Policy Statement 21 'New Dwellings in Existing Clusters'.

Deferred Consideration:

This application was before the Planning Committee in February 2023 where it was deferred for a members site visit. A site visit took place on 24 February 2023 where the members were able to view the site, the new football complex, playing fields, carparking

and associated buildings to the north, existing development off the lane and existing development between the site and Anneeter Road.

Members will be aware the proposed site sits outside the settlement limits for Moortown as defined in the Cookstown Area Plan 2010. The south boundary of the site is the settlement limit as currently designated, there is a field inside the limits that has not been developed and there have not been any plans passed for development on it. To the east side are silage bales stored beside a group of agricultural buildings, these are not the applicants buildings. To the north and west is the boundary with the new football grounds, though it is notable that no buildings are located at this part of the football grounds. Settlement limits are defined to partly promote and partly contain development. At the end of this lane members are advised a housing development for 26 units was discussed as an approval last month. That development will also utilise this laneway and will improve the entrance onto Battery Road.

This is an unusual case, the site does not benefit from having built development on at least 2 sides to provide a sense of clustering or grouping and so it is difficult to consider it as rounding off for the settlement limit at this location. That said, the large football complex that has been granted permission, and is now fully developed, is just outside the settlement limits. These grounds bound the north and east boundary of the application site and I would consider it difficult, taking account of these site specific characteristics, to advise that one dwelling here would result in urban sprawl that would be so detrimental to the setting of the village. Indeed the site can really only be critically viewed from Anneeter Road to the NE, in and around the entrance to the football club. From that location, the dwelling and garage on the opposite side of the lane and the group of agriculture buildings do tend to have the appearance of clustering and rounding off. This site is located at the very end of this lane which serves a number of dwellings and lands. It is unlikely that any further development would be achievable beyond this site. For these reasons I consider an exception could be considered here as, visually, it would have a limited impact on the surrounding area or setting of Moortown given the football club next door.

The access to this site will require improvement, as it is intensifying the use of the lane DFI Roads have provided visibility standards for improvements to the access and this is achievable. Members should note that a scheme at the other end of the lane for 26 dwellings has recently been approved and will require a major upgrade to the access to service them.

Members are advised there is a letter from the owner of the agricultural buildings to the east who indicate they have a piggery and a right of way established to 178 Battery Road. Usually, to ensure the occupants of any dwelling are less affected by odours or nuisance from agricultural buildings, they are sited over 100 metres from such buildings. It is also notable that Permitted Development Regulations for farm buildings require the new buildings to be at least 75 metres from houses not associated with the farm. In this case the entire site only extends to approx 80m metres from these buildings. The closest dwelling not associated with the farm building is 175C Battery Road to the south west of the buildings, it is approx. 68 metres from the group.(Fig 4)



Fig 4 site and distances from agricultural buildings

At the site visit, I did not observe any animals in the buildings and there was no answer at the door of the farm house to allow me to discuss it further. The buildings appear to be agricultural in nature and could be used for any agricultural activity without an change of use occurring. There is nothing to prevent the owners of these buildings from keeping animals in them. Due to the close proximity of the site to these buildings, any new dwelling on any part of this site could be adversely impacted from the farming activities and a dwelling here could impact on the operations of the farm. In view o0f the above I do not consider it appropriate to exercise an exception here and recommend this application is refused.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposed dwelling is located close to an active farm, a dwelling on this site has the potential to be adversely impacted by noise, odours and loss of residential amenity from the operations on the farm and the granting of planning permission could adversely impact on the farming operations.

Signature(s)

Date:

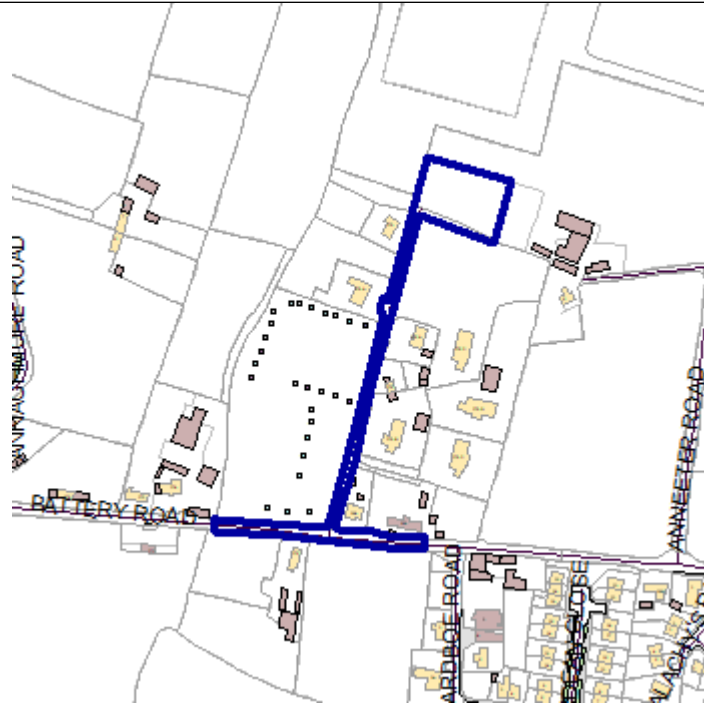


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 February 2023	Item Number: 5.25
Application ID: LA09/2022/1426/O	Target Date: 6 January 2023
Proposal: Proposed site for dwelling and garage within a cluster (Visual linkage with adjacent community hub building)	Location: 40M North East Of No 178 Battery Road Moortown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Peter Devlin 120 Ardboe Road Moortown	Agent Name and Address: APS Architects 4 Mid Ulster Business Park Sandholes Road Cookstown BT80 9LU
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.docRoads outline.docx

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

Description of Proposal

This is an outline application for a proposed dwelling and garage to be located on lands 40m NE of no. 178 Battery Road Moortown.

The proposal is being applied for under policy CTY2A of Planning Policy Statement 21 'New Dwellings in Existing Clusters'.

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 (PPS) 3: Access, Movement and Parking

Development Control Advice Note (DCAN) 15: Vehicular Standards

Planning Policy Statement (PPS) 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.

Relevant Planning History

None applicable

Consultees

1. DfI (Roads) – were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal would comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

Cookstown Area Plan - The site is located in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement (SPPS) for Northern Ireland - advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside which deals with development such as proposed, are retained.

Planning Policy Statement (PPS) 21: Sustainable Development in the Countryside

- is the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 of PPS21. One instance, which the applicant has applied under, is a new dwelling in an existing cluster in accordance with Policy CTY2a.

Policy CTY 2a New Dwellings in Existing Clusters states planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

1. 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.
2. The cluster appears as a visual entity in the local landscape.
3. The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.
4. The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.
5. 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.
6. Development would not adversely impact on residential amenity.

This proposal does not meet the criteria of Policy CTY 2a, as the site is not located within a cluster of development in the countryside. With the exception of the GAC buildings and grounds located to the north of the site all other development bounding it, namely the farm holding to the east is located within Moortown Settlement Limits.

Additionally, the proposed development by reason of its location immediately adjacent Moortown Settlement Limits would be contrary to Policy CTY 15 – The Setting of Settlements in that it would result in urban sprawl.

I have considered other instances listed under Policy CTY1 of PPS21 whereby the development of a dwelling in the countryside is considered acceptable however this proposal fails to meet with these instances.

Other Policy and Material Considerations

Checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online identified no built heritage assets of interest or natural heritage features of significance on the site.

Flood Maps NI indicate no flooding on site.

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 non-committal had been received on the 25th November 2022 from Ms Sara Isaly the owner / occupier of no. 6 Anneeter Road, a farm holding comprising a dwelling and farm sheds located to the east of the site received. Ms Isaly wished to list the following datum to be preserved.

1. I do not object to the proposed site for dwelling and garage.
2. I would wish to make clear that I have permission since 2019 to own and keep pigs at the existing Piggery which is located close to the site at the farm at 6 Anneeter Road. I would like the persons applying to build on the site to be aware of this.
3. Also the right of way established By Peter Devlin (sr) by law in the 1910-1920 is maintained and continues in to the farm at 6 Anneeter Road from 178 battery road. The right of way was last used in June of this year 2022.

This application is recommend for refusal as such no further information to address the comments above have been sought at this time.

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 CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted result in urban sprawl.

Signature(s): Emma Richardson

Date: 26 January 2023

ANNEX	
Date Valid	23 September 2022
Date First Advertised	4 October 2022
Date Last Advertised	4 October 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 182 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 178C Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 174 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 178D Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 176A Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 178B Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 180 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 6 Anneeter Road Cookstown BT80 0HZ The Owner / Occupier 178A Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 176C Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 176 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 175 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 178 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 178E Battery Road Cookstown Tyrone BT80 0HS</p>	
Date of Last Neighbour Notification	29 November 2022
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: I/1992/0267

Proposals: Dwelling

Decision: WITHDR

Decision Date:

Ref: I/2009/0288/F

Proposals: Relocation of St Malachys Moortown GAC including 3 no playing fields with floodlighting (on 2 pitches) community building with changing facility, children outdoor playing area and associated parking

Decision: PG

Decision Date: 18-MAR-10

Ref: I/1974/0266

Proposals: RESIDENTIAL DEVELOPMENT

Decision: PG

Decision Date:

Ref: LA09/2022/1426/O

Proposals: Proposed site for dwelling and garage within a cluster (Visual linkage with adjacent community hub building)

Decision:

Decision Date:

Ref: LA09/2017/0831/F

Proposals: Proposed Amendment to Condition No.1 of Planning Permission LA09/2015/0881/F to extend the time limit for the completion of the approved works to 24 months from the date of any new approval now granted

Decision: PG

Decision Date: 24-AUG-17

Ref: LA09/2015/0881/F

Proposals: Improvement Works for both Vehicular and Pedestrian Usage, superceeding that initially approved under application no I/2009/0288/F

Decision: PG

Decision Date: 01-NOV-16

Ref: I/2007/0410/F

Proposals: Proposed development of two private dwellings and garages

Decision: PG

Decision Date: 04-JUL-08

Ref: I/2004/1389/F

Proposals: 26 No dwellings

Decision: PG

Decision Date: 27-MAY-08

Ref: LA09/2020/0966/F

Proposals: Housing development of 28 semi detached dwellings and 1 detached dwelling, site road and associated site works

Decision:

Decision Date:

Ref: I/1991/0328B

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: I/2008/0413/LDP

Proposals: New pitched roof to replace existing flat roof

Decision: PG

Decision Date: 08-JUL-08

Ref: I/1991/0328

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: LA09/2019/0055/F

Proposals: Single storey extension to the rear of 178 Battery Road

Decision: PG

Decision Date: 22-FEB-19

Ref: I/2008/0621/F

Proposals: Proposed new dwelling and garage

Decision: PG

Decision Date: 12-MAR-09

Ref: I/1990/0271

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: I/1990/0173

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: LA09/2015/0353/F

Proposals: Care/Residential Home for the elderly consisting of 45 bedrooms over 2 levels, with associated gardens and parking space. (Renewal of previous planning

permission I/2009/0134/F)

Decision: PG

Decision Date: 07-SEP-17

Ref: I/2007/0885/F

Proposals: Relocation of St Malachy Moortown GAC including 3 no. playing field with floodlighting (on 2 pitches), community building with changing facility, children outdoor playing area and associated parking

Decision:

Decision Date:

Ref: LA09/2020/1193/F

Proposals: Supermarket, self serve fuel station and associated site works (revised plans

Decision:

Decision Date:

Ref: I/2009/0134/F

Proposals: Care/residential home for the elderly consisting of 45 bedrooms over two levels, with associated gardens and parking space

Decision: PG

Decision Date: 21-JUN-10

Ref: LA09/2020/0808/F

Proposals: Proposed Dwelling

Decision: PG

Decision Date: 02-OCT-20

Ref: I/1994/0294

Proposals: Extension and alterations to Dwelling

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docRoads outline.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: P.01

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/1571/F Recommendation: Approve	Target Date: 17 February 2023
Proposal: Dwelling on farm with detached domestic garage	Location: Site 150M NW Of 10 Fallylea Lane Maghera
Applicant Name and Address: S Kelly 141 Fivemilestraight Maghera BT46 5JP	Agent Name and Address: No Agent
Summary of Issues: <p>This application was presented to Members as a refusal at March 2023 Planning Committee as it was considered that the proposal failed to comply with policies CTY 1 and CTY 10 of PPS 21. This was due to the fact that the applicant did not have any farm buildings on his holding at which to site a dwelling beside. The application was deferred for an office meeting with Dr Boomer and myself, which took place on the 16th March 2023. The proposal is now being recommended for Approval and the justification for this is detailed further in this report.</p>	
Summary of Consultee Responses: <p>No additional consultations were issued to inform this deferred consideration</p>	
Description of Proposal <p>The proposed is a full application for a dwelling on farm with detached domestic garage.</p>	
Deferred Consideration: <p>This is an application for a dwelling on a farm to be assessed primarily under policy CTY 10 of PPS 21. It was initially considered that the proposed new dwelling would not visually link or site to cluster with an established group of farm buildings. Exceptional consideration is given in the</p>	

policy to an alternative siting elsewhere on the farm, provided there are no other sites available at another group of buildings, but in this case, the farm is without such agricultural buildings - hence why refusal was recommended.

At the deferred office meeting on the 16th March 2023, the applicant advised that his father farmed the family farmland for 20 years plus and his mother still lives in the original farm dwelling at number 20 Fallylea Road. Number 20 is not the registered address of applicants farm business. It is Fivemilestraight. The father is now deceased and the applicant obtained his own farm business number, as is normal practice. The applicant advised that he keeps sheep and has a flock number. He currently has no farm buildings, this is his only land and he requires a building for his sheep and to store machinery which he has applied for planning. He explained that having his own farm building to store machinery will also prevent him having to pay agricultural contractors to carry out farming activities. There is an application for 2 farm buildings being presented as an approval to Members at July Planning Committee (LA09/2023/0247/F).

As referred to previously, the reason this application for a farm dwelling was refused was due to the fact the dwelling would not visually link or site to cluster with an established group of buildings on the farm. If members are minded to approve the farm buildings application (LA09/2023/0247/F) before them at this Committee then the dwelling applied for would visually link with those farm buildings, once constructed. It would be necessary to attach a condition to any decision which would ensure the construction of the dwelling is not commenced until the construction of the farm buildings were complete.

CTY 10 requires the applicant to be an active an established farmer. This is normally demonstrated by provision of business number and confirmation from DAERA as to when it was allocated and if any claims are made of the land. DAERA have confirmed that the applicant is an active and established farmer for the required period so this policy criteria has also been complied with. No development opportunities have been sold or transferred off the holding in the last 10 years. The site does not present any concerns in respect of integration or rural character and the proposed dwelling in acceptable in terms of design.

On the basis of this deferred consideration and dependent on the outcome of LA09/2023/0247/F, it is recommended that Members consider this proposal as an exception to policy CTY 10 and approve this application.

Conditions/Reasons for Refusal:

Approval Condtions

Condition 1

The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission but shall not be commenced until the construction of the 2 no. farm buildings approved under LA09/2023/0247/F has been substantially completed

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011 and to ensure the proposed dwelling is visually linked to a group of buildings on the farm, in line with Policy CTY 10 of PPS 21.

Condition 2

The vehicular access including visibility splays 2.0 x 45 metres North / 2.0 x 33 metres South and any forward sight distance, shall be provided in accordance with Drawing No. 04 bearing the date stamp 04 Nov 2022 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

All hard and soft landscape works shall be carried out in accordance with drawing no. 02 bearing, date stamp 04 Nov 2022 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of the dwelling hereby approved.

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

Condition 4

The existing natural screenings along all the site boundaries, as indicated on drawing 02, bearing date stamp 04 Nov 2022, shall be retained unless necessary to prevent danger to the public in which case a full expansion along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

Signature(s):Karla McKinless

Date: 16 June 2023

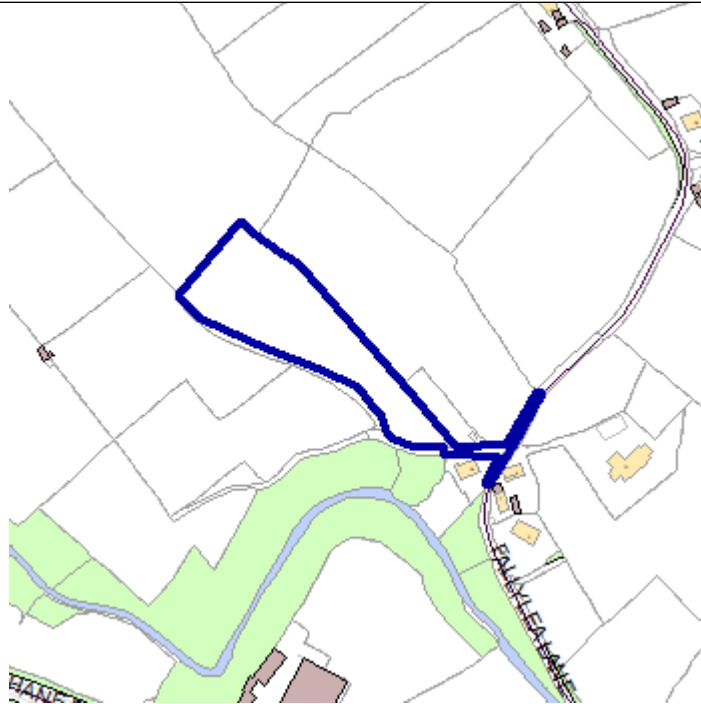


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 March 2023	Item Number: 5.24
Application ID: LA09/2022/1571/F	Target Date: 17 February 2023
Proposal: Dwelling on farm with detached domestic garage	Location: Site 150M NW Of 10 Fallylea Lane Maghera
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: S Kelly 141 Fivemilestraight Maghera BT46 5JP	Agent Name and Address: No Agent
Executive Summary: <p>This application is brought to the planning committee with a recommendation for refusal. The proposal does not comply with CTY 10 of PPS 21 in that the farm dwelling does not visually link or cluster with an established group of farm buildings. Consideration cannot be given to alternative siting at another group of buildings because in this case there are no farm buildings located on the farm.</p> <p>The application meets the requirements of policies CTY 13, CTY 14 and CTY 16 of PPS 21. Though the application does not meet the requirements of policy CTY 10, I am content that the proposed amounts to what is an excellent site for a dwelling, with no amenity concerns, strong natural boundaries and good screening from the public road.</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	NI Water - Single Units West	LA09-2022-1571-F.pdf
Non Statutory Consultee	DAERA - Coleraine	Consultee Response - LA09-2022-1571-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

This application is brought to the planning committee with a recommendation for refusal. The proposal does not comply with CTY 10 of PPS 21 in that the farm dwelling does not visually link or cluster with an established group of farm buildings. Consideration cannot be given to alternative siting at another group of buildings because in this case there are no farm buildings located on the farm. The application meets the requirements of policies

CTY 13, CTY 14 and CTY 16 of PPS 21. Though the application does not meet the requirements of policy CTY 10, I am content that the proposed amounts to what is an excellent site for a dwelling, with no amenity concerns, strong natural boundaries and good screening from the public road.

Characteristics of the Site and Area

The site of the proposed development is located in the rural countryside approximately 1.7 miles west and outside of the Maghera settlement limit, as defined in the Magherafelt Area Plan 2015. The site is a 0.9 hectare area rectangular agricultural field with access via an existing laneway which adjoins the Fallylea Lane. The field slopes upwards from the road and is almost completely out of sight from both approaches along the Fallylea Lane due to its strong natural boundaries marked by mature trees and hedgerow. Neighbouring buildings consist of three dwellings (nos. 9, 10 and 11 Fallylea Lane) which are all located adjacent to the road, south and south west of the application area. The site is surrounded by agricultural fields along the western, northern and eastern boundaries. The wider surrounding environment consists mostly of agricultural fields with spread out scatterings of dwellings. The application site sits just 250m north east of the A6 Glenshane Rd.

Description of Proposal

The proposed is a full application for a dwelling on farm with detached domestic 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 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 1.7 miles west and outside of the Maghera settlement limit, as defined in the Magherafelt Area Plan 2015.

Relevant Histories

None

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.

Representations

No third party representation 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 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: Sustainable Development in the Countryside

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 this instance the application is for a dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

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

- (a) The farm business is currently active and has been established for at least 6 years;
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane.

Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing building group.

A consultation was issued to DAERA who confirmed the farm business ID has been active and established for more than 6 years and single farm payment has been claimed in each of the last 6 years.

Following a search on the planning portal it does not appear that any development opportunities have been gotten or sold off from the farm holding within 10 years of the date of the application.

The access of the proposed is taken from an existing lane. The proposed new dwelling is not visually linked or sited to cluster with an established group of farm buildings. Exceptional consideration is given to alternative siting elsewhere on the farm, provided there are no other sites available at another group of buildings, but in this case, the farm is without such agricultural buildings. The proposal fails to meet 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. The proposed dwelling is a single storey dwelling with a ridge height of 6.5m from finished floor levels. Finished materials include weber monochouche render with Donegal slate natural stonework to parts of the front and side elevations. Both the proposed ridge height and external materials are deemed to be acceptable within the locality. The fact that the dwelling is proposed to be 130 metres back from the edge of the road and with the benefit of existing mature tree and hedge coverage to all of the site boundaries ensures the dwelling will integrate unobtrusively. I am satisfied that the proposal satisfies CTY 13.

Policy CTY 14 states 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 do not believe the dwelling would be a prominent feature in the landscape and I am satisfied that the site and its environs are capable of encompassing the proposed dwelling. I am satisfied that the application is able to comply with CTY 14.

There is ample space within this site to provide package treatment plant provision. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view, the proposal does not offend policy CTY16 of PPS21.

Planning Policy Statement 3 – Access, Movement and Parking

The proposed access uses an existing laneway onto Fallylea Lane with the existing visibility splays improved. DfI Roads have provided no objections to the proposed, subject to a condition.

Having considered all of the above, it is recommended that this application be refused on the basis that it does not meet the criteria for CTY 10 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 the farm dwelling does not visually link or cluster with an established group of farm buildings. Consideration cannot be given to alternative siting at another group of buildings because in this case there are no farm buildings located on the farm.

Signature(s): Benjamin Porter

Date: 17 February 2023

ANNEX	
Date Valid	4 November 2022
Date First Advertised	15 November 2022
Date Last Advertised	15 November 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 10 Fallylea Lane Maghera Londonderry BT46 5JU The Owner / Occupier 9 Fallylea Lane Maghera Londonderry BT46 5JU The Owner / Occupier 11 Fallylea Lane Maghera Londonderry BT46 5JU	
Date of Last Neighbour Notification	9 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Ref: H/1989/0260 Proposals: REPLACEMENT BUNGALOW Decision: PG Decision Date:	
Ref: H/2007/0534/F Proposals: Garage. Decision: PG Decision Date: 15-FEB-08	
Ref: H/1977/0127 Proposals: EXTENSION TO DWELLING Decision: PG Decision Date:	
Ref: H/2005/0971/F Proposals: Bungalow & Garage Decision: PG Decision Date: 10-MAY-06	

Ref: H/2002/0884/O

Proposals: Site of bungalow and garage.

Decision: PG

Decision Date: 19-DEC-02

Ref: H/1988/0369

Proposals: SITE OF REPLACEMENT BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2022/1571/F

Proposals: Dwelling on farm with detached domestic garage

Decision:

Decision Date:

Ref: H/2004/0671/O

Proposals: Site of Dwelling.

Decision: PR

Decision Date: 03-JUL-06

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Full Resp.docx

NI Water - Single Units West-LA09-2022-1571-F.pdf

DAERA - Coleraine-Consultee Response - LA09-2022-1571-F.DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Cross Sections Plan Ref: 05

Site Layout or Block Plan Plan Ref: 02

Proposed Elevations Plan Ref: 03

Roads Details Plan Ref: 04

Notification to Department (if relevant)

Not Applicable

Deferred Consideration Report

Summary	
Case Officer: Benjamin Porter	
Application ID: LA09/2023/0317/F Recommendation: Approve	Target Date: 6 July 2023
Proposal: New infill dwelling and garage	Location: 15M North West of 259 Hillhead Road Knockcloghrim
Applicant Name and Address: Albert Speer 15 Drumlamph Road Catledawson BT45 8EJ	Agent Name and Address: Bannvale Architectural Services 104A Ballynease Road Portglenone BT44 8NX
Summary of Issues:	
<p>This full application was presented to members as a refusal at June 2023 Planning Committee as it was considered that the proposed failed to comply with 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 a ribbon of development. On the week before the Planning Committee, it became known that the proposed had a live outline permission for an infill dwelling on the same site under planning reference LA09/2019/0727/O, which was not picked up on in the original report. The agent submitted a deferral request on this basis so that the application could be re-considered.</p>	
Summary of Consultee Responses:	
<p>A consultation was made to DfI Roads who provided no objection to the proposed subject to a condition.</p>	
Characteristics of the Site and Area	
<p>The site of the proposed is located in the rural countryside approximately 1.5 miles south east and outside of the Knockcloghrim settlement limit as defined in the Magherafelt Area Plan 2015. The site is for an infill dwelling located 15m north west of 259 Hillhead Road, Knockcloghrim. Access to the site is via an existing private laneway adjoining the Hillhead Rd and approved</p>	

under LA09/2016/0561/F, which also serves new build no. 261 Hillhead Rd. The site is 0.1 hectares in area and has a flat topography. The site is defined by a backdrop of mature trees behind the eastern boundary and picket fencing providing the western boundary. No. 261 sits adjacent to and north of the site, no. 259 adjacent and south of the site, and no. 251 to the south of this, occupying a roadside position. The site is separated from the main road by an agricultural field with a width of approximately 45 metres. The surrounding environment consists mostly of agricultural fields with scatterings and clusters of development located all along the Hillhead Rd.

Description of Proposal

The proposed is a full application for a new infill dwelling and garage.

Deferred Consideration:

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. The principle of development for the infill dwelling has been established under live planning approval LA09/2019/0727/O.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposed is a square, modest-sized two storey dwelling which is of a traditional rural design and would not be an unduly prominent feature in the environment. Finished materials include smooth render finish to the walls and natural blue / black slate to the roof. I consider the design of the proposed to be acceptable and in keeping with the surrounding context. The site is complete with a strong backdrop of mature trees behind the eastern boundary which when viewed from the road will provide a good degree of backdrop and enclosure. The dwelling therefore does not rely primarily on the proposed landscaping for its integration and it is deemed that the mix of existing and proposed landscaping would compliment the dwelling. It is deemed that the proposed complies under Policy CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As provided above, the proposed dwelling at this site would not appear prominent in the landscape. It is considered that the site and its environs are capable of absorbing the proposed dwelling. The proposed complies with Policy CTY 14.

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 use of an existing unaltered access to a public road. The use of this access marks a change to the access previously proposed under LA09/2019/0727/O. A consultation was made to DfI Roads who provided no objection to the proposed subject to a condition. In light of this, I am content that the proposed complies with PPS 3.

Having re-assessed the application against planning policy and other material considerations pertaining to this proposal, I recommend that this application be approved.

Conditions/Reasons for Refusal:

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 vehicular access including visibility splays 2.4 x 120 metres and a 120 metre forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the date 22 Mar 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

All landscaping comprised in the approved details of landscaping on Drawing No. 02 bearing the date 22 March 2023, shall be carried out in the first planting season following the occupation of the dwelling hereby approved.

Reason: To ensure the development integrates into the countryside.

Condition 4

The existing natural trees 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 5

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.

Signature(s): Benjamin Porter

Date: 20 June 2023

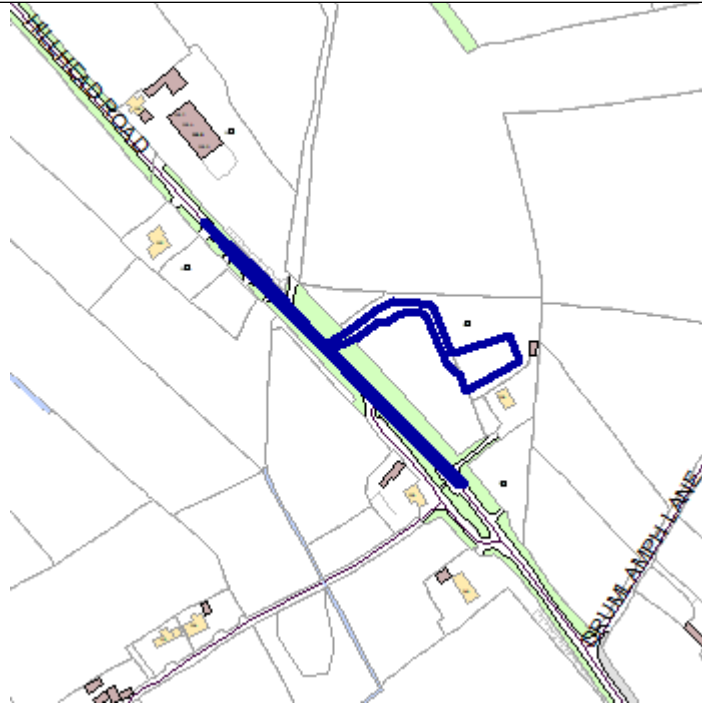


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 June 2023	Item Number: 5.54
Application ID: LA09/2023/0317/F	Target Date: 6 July 2023
Proposal: New infill dwelling and garage	Location: 15M North West of 259 Hillhead Road Knockcloghrim
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Albert Speer 15 Drumlamph Road Catledawson BT45 8EJ	Agent Name and Address: Bannvale Architectural Services 104A Ballynease Road Portglenone BT44 8NX
Executive Summary: This application is brought to the planning committee with a recommendation for refusal. The proposal is contrary to Policies CTY 8 and CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up road frontage and if approved would create a ribbon of development.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
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 is located in the rural countryside approximately 1.5 miles south east and outside of the Knockcloghrim settlement limit as defined in the Magherafelt Area Plan 2015. The site is for an infill dwelling located 15m north west of 259 Hillhead Road, Knockcloghrim. Access to the site is via an existing private laneway adjoining the Hillhead Rd and approved under LA09/2016/0561/F, which also serves new build no.

261 Hillhead Rd. The site is 0.1 hectares in area and has a flat topography. The site is defined by a backdrop of mature trees behind the eastern boundary and picket fencing providing the western boundary. No. 261 sits adjacent to and north of the site, no. 259 adjacent and south of the site, and no. 251 to the south of this, occupying a roadside position. The site is separated from the main road by an agricultural field with a width of approximately 45 metres. The surrounding environment consists mostly of agricultural fields with scatterings and clusters of development located all along the Hillhead Rd.

Description of Proposal

The proposed is a full application for a new infill 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 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

LA09/2016/0561/F – Dwelling (change of house type and access from previous approval H/2014/0370/F) – Adjacent and north of 259 Hillhead Road Knockloughrim – Permission Granted 24/10/2016.

Representations

To date no third party representations have been received.

Magherafelt Area Plan 2015

The site of the proposed is located in the rural countryside approximately 1.5 miles south east and outside of the Knockcloghrim 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.

The site is not located within or adjacent to any listed building / structures.

The site is subject to a small degree of surface water flooding, though this is evident only along the existing access at the part which adjoins the road, and along the edge of the site for the dwelling. I am content on this basis that DfI Rivers do not need to be

consulted.

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'.

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 use of an existing unaltered access to a public road. A consultation was made to DfI Roads who provided no objection to the proposed subject to a condition. In light of this, I am content that the proposed complies with PPS 3.

PPS 21 – Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. This application is therefore considered under CTY 8 – Ribbon Development.

In terms of the plot size, I am content that the site is sufficient only to accommodate up to a maximum of two dwellings. The site is therefore able to accommodate the proposed dwelling. For the purposes of this policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. I am content that there are 3 substantial buildings; These are no. 261 Hillhead Rd (adjacent and north of the site), no. 259

(adjacent and south of the site), and no. 251 (furthest south of the site). While it is considered that these dwellings are substantially sized buildings, it is considered that nos. 261 and 259 Hillhead Rd do not occupy a road frontage position. The curtilage of these dwellings do not front onto the public road and therefore the application is without a substantial and built up frontage that includes a line of 3 or more buildings along a road frontage. The lack of a substantial and built up road frontage is backed up by the approved defined curtilage of the planning approval for no. 261 Hillhead Rd (ref LA09/2016/0561/F). The proposed fails to comply with 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. The proposed is a square, modest-sized two storey dwelling which is of a traditional rural design and would not be an unduly prominent feature in the environment. Finished materials include smooth render finish to the walls and natural blue / black slate to the roof. I consider the design of the proposed to be acceptable and in keeping with the surrounding context. The site is complete with a strong backdrop of mature trees behind the eastern boundary which when viewed from the road will provide a good degree of backdrop and enclosure. The dwelling therefore does not rely primarily on the proposed landscaping for its integration and it is deemed that the mix of existing and proposed landscaping would compliment the dwelling. It is deemed that the proposed complies under Policy CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As provided above, the proposed dwelling at this site would not appear prominent in the landscape. However, given the proposal creates a ribbon of development, the proposal does not comply with 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 is refused on the grounds that it does not meet Policies CTY 8 and CTY 14 of PPS 21 in that it would create a ribbon of development if approved.

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 a ribbon of development.

Signature(s): Benjamin Porter

Date: 17 May 2023

ANNEX	
Date Valid	23 March 2023
Date First Advertised	4 April 203
Date Last Advertised	4 April 203
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 266A Hillhead Road Castledawson Londonderry BT45 8EF</p> <p>The Owner / Occupier 266 Hillhead Road Knockcloghrim Londonderry BT45 8EF</p> <p>The Owner / Occupier 261 Hillhead Road Knockcloghrim Londonderry BT45 8EF</p> <p>The Owner / Occupier 251 Hillhead Road Knockcloghrim Londonderry BT45 8QT</p> <p>The Owner / Occupier 260 Hillhead Road Castledawson Londonderry BT45 8EF</p> <p>The Owner / Occupier 259 Hillhead Road Knockcloghrim Londonderry BT45 8EF</p>	
Date of Last Neighbour Notification	4 April 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2002/0312/RM Proposals: Dwelling & garage</p> <p>Decision: PG Decision Date: 20-MAY-02</p> <p>Ref: H/2005/0920/F Proposals: Dwelling and garage. Decision: PG Decision Date: 09-JAN-06</p> <p>Ref: LA09/2023/0317/F Proposals: New infill dwelling and garage Decision:</p>	

Decision Date:

Ref: H/1993/6054

Proposals: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR
BELLAGHY MAGHERAFELT

Decision: QL

Decision Date:

Ref: H/2000/0768/F

Proposals: Alterations and Additions to Dwelling

Decision: PG

Decision Date: 18-DEC-00

Ref: H/2005/0398/O

Proposals: Site of Infill Dwelling & Garage

Decision: PR

Decision Date: 22-AUG-06

Ref: LA09/2016/0561/F

Proposals: Dwelling (change of house type and access from previous approval
H/2014/0370/F)

Decision: PG

Decision Date: 24-OCT-16

Ref: H/2014/0370/F

Proposals: Proposed Dwelling and Garage.

Decision: PG

Decision Date: 12-FEB-15

Ref: LA09/2019/0727/O

Proposals: New infill dwelling and garage

Decision: PG

Decision Date: 05-SEP-19

Ref: H/2000/0828/O

Proposals: Site of dwelling and garage

Decision:

Decision Date:

Summary of Consultee Responses

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