



09 January 2024

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Dungannon and by virtual means at Council Offices, Circular Road, Dungannon, BT71 6DT on Tuesday, 09 January 2024 at 17:00 to transact the business noted below.

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

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. Notice of Recording
This meeting will be webcast for live and subsequent broadcast on the Council's You Tube site [Live Broadcast Link](#)
2. Apologies
3. Declarations of Interest
Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.
4. Chair's Business

Matters for Decision

Development Management Decisions

5. Receive Planning Applications 7 - 208

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2021/1435/F	Housing development of 37 dwellings (7 detached & 30 semi-	APPROVE

		detached) using existing access to main road with associated landscaping at lands to the SE of Cove Close & Ashleigh Park, Ballyronan, Magherafelt for Canavan Construction Ltd	
5.2.	LA09/2021/1475/F	Free range poultry shed with 2 feed bins, a storage shed and associated site works (Poultry shed to contain 8000 free range egg laying hens) at Land Approx. 100m NW of 9 Soarn Road, Stewartstown for Mr Jeremy Baird	APPROVE
5.3.	LA09/2022/1202/F	Detached dwelling at 20m E of 8 Park Avenue, Cookstown, for Mr Kieran Leadon	APPROVE
5.4.	LA09/2022/1489/O	Residential development - maximum 210 units at 15m NE of 67a Donaghmore Road, Dungannon access onto Greers Road, Donaghmore Road and Quarry Lane (approved under M/2014/0572/O) at 15m NE of 67A Donaghmore Road, Dungannon for D Mallon, E Herron and R Donnelly	APPROVE
5.5.	LA09/2023/0005/F	Dwelling and detached domestic garage at approx 55m NE of 72 Finulagh Road, Dungannon, for Michael Doran	REFUSE
5.6.	LA09/2023/0012/O	Dwelling and garage on a farm at approx 120m W of 27 Tycanny Road, Garvaghy, Dungannon, for Mr Neville Robinson	REFUSE
5.7.	LA09/2023/0208/F	Function room building in substitution of previously approved marquee function room under planning reference LA09/2018/0526/F at 38 Trewmount Road, Laghey Corner, Killyman for Mr Paul & Emma Quinn	APPROVE
5.8.	LA09/2023/0586/F	Car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited. at approx 100m NE of 2 Lisnamuck Road, Tobermore for Tobermore Concrete Products Limited	APPROVE

5.9.	LA09/2023/0590/F	Extension of the Tobermore offices to accommodate the growing numbers of staff for the following years. at 2 Lisnamuck Road , Tobermore for Tobermore Concrete Products Ltd.	APPROVE
5.10.	LA09/2023/0640/F	Farm dwelling and garage approx 140m S of 130 Coolreaghs Road, Cookstown for K Black	APPROVE
5.11.	LA09/2023/0772/F	Change of House Type from previously approved LA09/2021/1098/F and garage at approx 180m SE of 28 Broagh Road, Knockloughrim for Mr Aidan O'Mahony and Clodagh McPeake	APPROVE
5.12.	LA09/2023/0786/F	Demolition of 1-3 William Street, the erection of 14 no residential units, including 8no. two storey townhouses and 6 no. bungalow dwellings, car parking, alterations to an existing access, the creation of a community riverside biodiversity greenway, community open space area and all associated site works (amended description) at lands at and to the SE of 1-7 William Street, Bellaghy for Ballyscullion Property Investments Ltd	REFUSE
5.13.	LA09/2023/0930/F	Application under Section 54 of the Planning Act (Northern Ireland) 2011 to vary condition 17 of planning permission ref: LA09/2022/0600/F - erection of a battery energy storage system facility 100MW (BESS) and associated 33KV transformers, including 2 switch houses with control rooms lighting and closed-circuit television (CCTV) columns, new site boundary fencing and landscaping proposals, use of existing access and ancillary development works, including underground cabling route linking the site to Tamnamore main substation to the W at lands immediately East of Tamnamore Substation and Circa 260m SW	APPROVE

		of 167 Ballynakilly Road, Coalisland, for Heron Storage Ltd.	
5.14.	LA09/2023/0943/O	Site for dwelling and garage at 90m NE of 6 Anneeter Road, Moortown for Christine Toner	REFUSE
5.15.	LA09/2023/0981/O	2no. semi detached dwellings with car parking and rear amenity space to be booked ended by the main A505 road way within an existing cluster of development at lands directly adjacent and S of 1 Oakland Villas, Drum Road, Cookstown for Mr Ryan Glasgow	APPROVE

6. Receive Deferred Applications

209 - 386

	Planning Reference	Proposal	Recommendation
6.1.	LA09/2020/0896/O	Infill dwelling and garage at 20m W of 6 Five Mile Straight, Draperstown for Joe McWilliams	APPROVE
6.2.	LA09/2020/1380/F	Retention of dwelling adjacent & 100m E of 18 Shantavny Road, Garvaghy. for Ciaran Owens	REFUSE
6.3.	LA09/2020/1423/F	1no. two bedroom apartment and 2no. one bedroom apartments at 28m NE of 30 Augher Road, Clogher, for RMS Civils	REFUSE
6.4.	LA09/2021/0719/F	Farm dwelling and garage at approx 25m E of 25 Creagh Hill Road, Toomebridge for Mr Brendan Mulholland	REFUSE
6.5.	LA09/2021/1106/O	Single storey dwelling & garage (sight lines added) at approx 60m NW of 45 Lisnastrane Road, Coalisland for Niall O'Neill	APPROVE
6.6.	LA09/2022/0112/O	Dwelling & garage at 60m S of 29 Lisnagowan Road, Feroy, Dungannon for Mr Derek Montgomery	APPROVE
6.7.	LA09/2022/0201/O	Single storey dwelling adjacent to 64 Reaskmore Road, Reaskmore, Dungannon for Kieran MC Gartland	APPROVE
6.8.	LA09/2022/0670/F	Dwelling and garage on a farm at 151m N of 36 Keady Road, Swatragh, for Declan McNicholl	APPROVE
6.9.	LA09/2022/1413/O	Site for a dwelling and garage on a farm at 90m N of 2A	APPROVE

		Brackaghreilly Road, Maghera for Mr Tomas Convery	
6.10.	LA09/2022/1743/O	Dwelling and garage at approx 30m W of 5 Carrydarragh Road, Moneymore for Mr Randall Crooks	APPROVE
6.11.	LA09/2022/1777/O	2 storey dwelling with detached garage on a farm adjacent to and S of 14 Tullylinton Road, Dungannon, for Mr R Hopper	APPROVE
6.12.	LA09/2023/0405/O	Farm dwelling & domestic garage at Lands 170m S of 82 Bancran Road, Drapersown for Aidan Coyle	REFUSE
6.13.	LA09/2023/0592/F	Off-site replacement dwelling and garage adjacent and S of 5 Legane Road , Aughnacloy for Mr & Mrs Chris Potter	REFUSE

Matters for Information

7. Minutes of Planning Committee held on 5 December 2023 387 - 402
8. Receive Appeal Decision 403 - 414

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

Matters for Decision

9. Receive Report on Modification of a Planning Approval

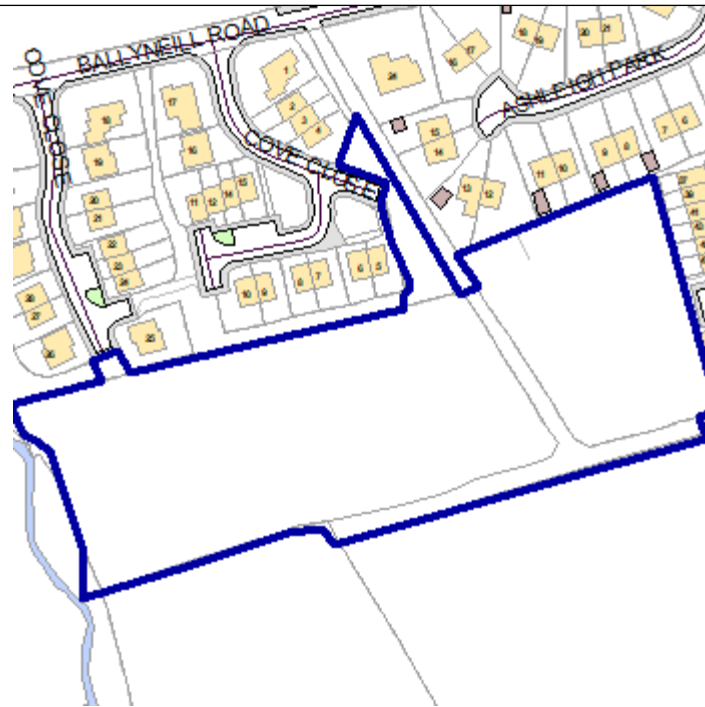
Matters for Information

10. Confidential Minutes of Planning Committee held on 5 December 2023
11. Enforcement Cases Opened
12. Enforcement Cases Closed



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.1
Application ID: LA09/2021/1435/F	Target Date: 25 November 2021
Proposal: Proposed housing development to include 37 dwellings (7 detached & 30 semi-detached) using existing access to main road and with associated landscaping.	Location: Lands To The Se Of Cove Close & Ashleigh Park Ballyronan Magherafelt BT45 6QS.
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Canavan Construction Ltd 133A Shore Road Ballyronan Magherafelt BT45 6JA	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary: Application for housing development consisting of 37 dwellings (7 detached and 30 semi detached). Site is within Ballyronan Settlement Limit as defined in the Cookstown Area Plan. Layout is acceptable in terms of PPS 7. Consultations carried out with NI Water, Environmental Health, DFI Roads, DFI Rivers, NIEA, SES, and HED. No consultees are in opposition to the proposal. Significant level of objection from existing houses in Cove Close and Ronan Manor. 20 objections recieved and these have all been considered and issues raised addressed in the DC officers report. Recommendation is to approve.	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	Shared Environmental Services	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NI Water - Multiple Units West	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: PR
Statutory Consultee	NIEA	PRT LA09-2021-1435-F ADV.PDF
Non Statutory Consultee	Shared Environmental Services	LA09_2021_1435_F - Further Info #2.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	Rivers Agency	700001 - Final reply.pdf
Non Statutory Consultee	Shared Environmental Services	LA09_2021_1435_F - HRA AA 07-12-2023.pdf
Statutory Consultee	NIEA	PRT LA09-2021-1435- F.PDF

	NI Water - Multiple Units West	LA09-2021-1435-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template.docx
Statutory Consultee	DFI Roads - Enniskillen Office	response uploaded 9/10/23
Statutory Consultee	NIEA	PRT LA09-2021-1435-F.PDF
Representations:		
Letters of Support		0
Letters of Objection		19
Letters Non Committal		0
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
Characteristics of the Site and Area		
<p>The site consists of two separate agricultural fields located within the settlement limit of Ballyronan - at the southern edge of the settlement. The site is located immediately to the rear (south) of existing housing developments Cove Close and Ashleigh Park and immediately east of existing housing development Ronan Manor.</p> <p>The western boundary of the site consists of tall, mature deciduous trees. The eastern and northern boundaries of the site which form the boundaries between the existing housing developments are a mixture of post and wire fencing and close board fencing. A low native species hedge defines the southern boundary. An agricultural access runs north to south across the site serving the fields to the south and this access along with associated hedging separates the site into the two separate parcels of land.</p> <p>Surrounding land use is exclusively residential to the north and east and agricultural to the south and west.</p>		
Description of Proposal		
<p>Housing development consisting of 37 units - 7 detached and 30 semi detached and associated landscaping. Access taken of existing estate road.</p>		
Planning Assessment of Policy and Other Material Considerations		
<u>Policy Consideration</u>		
<p>The following policies are relevant;</p> <ul style="list-style-type: none"> o Regional Development Strategy o Strategic Planning Policy Statement - SPPS o Cookstown Area Plan 2010 (CAP) o PPS 7 - Quality Residential Environments 		

- o Creating Places
- o PPS 15 - Planning and Flood Risk
- o PPS 3- Access Movement and Parking
- o PPS 2 - Natural Heritage

REGIONAL DEVELOPMENT STRATEGY

Policy RG 7 of the RDS states that small villages (such as Ballyronan) have unique identities and that the provision of services and facilities in these villages should be grown, in order to build upon and enhance small villages and to create more vibrant places for local shopping, social activity and recreation. This is certainly the case in Ballyronan which has recently experienced a significant increase in in house building and which has had significant improvements made to the local marina which has boosted its tourist appeal to all residents of Mid Ulster and indeed further afield.

SPPS

The SPPS refers mostly to the role of LDPs in allocating land for housing growth in settlements and focuses to a lesser extent on the operational considerations when assessing applications for housing developments. It does however, clearly state that role of the planning system is promote more sustainable housing development within existing urban areas. It also states that planning system should promote sustainable patterns of housing development that lead to more compact village forms. There is therefore a very general presumption in favour of the notion of small housing developments with villages such as Coagh providing they are sustainable and help to promote quality residential environments.

COOKSTOWN AREA PLAN (CAP)

The site is located within the settlement limit of Ballyronan on "white land". There is therefore a presumption in favour of development on such sites as opposed to sites located outside of settlement limits.

The CAP however states that within Ballyronan "residential development in excess of 20 units will not be permitted." This was in recognition the existing scale of the settlement and an effort to resist what was anticipated as likely high demand for housing within the village.

However, there are two factors which need considered in relation to this. Firstly, since the publication of the CAP in June 2004, there has been a permission granted for a larger development (in terms of volume of units) on a site nearby (I/2006/1241/F) and secondly, there have since been other developments granted planning permission in Ballyronan which are in excess of 20 units - most notably Lough Drive at the junction of the Magherafelt Road and the Shore Road.

I am therefore of the view that given the two considerations above, this direction contained within the CAP can be set aside as previous decisions have deviated from it in the past.

PPS 7 - QUALITY RESIDENTIAL ENVIRONMENTS

QD 1 of PPS 7 states that all proposals for residential housing development will be expected to conform to all the following criteria which have been assessed in turn as laid out below;

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

The application is for a substantial residential development located within an area where the only other land use, apart from farming / agriculture, is residential. There is a mix of house types and tenures in the immediate vicinity ranging from terraced housing executive housing, to detached properties to newer developments comprising of semi detached and detached dwellings.

In terms of density, the site is 1.7 hectares in area and the proposal involves 37 dwellings resulting in a density of approximately 22 dwellings per hectare. This is a density which is in keeping with the immediate vicinity. For instance, I have estimated the density of nearby residential developments as follows;

- o Cove Close - 22 units per hectare
- o Ashleigh Park - 24 units per hectare
- o Lindseyville - 28 units per hectare

The design of the properties is in keeping with the typical design of properties in housing developments of this scale. There are 5 different house types with the most common being standard pairs of semi detached with a shared frontage as well as a smaller amount of dual frontage semi detached dwellings. There are 7 detached houses. All houses will be of a typical design and will have standard finishes such as a mix of red brick / render finishes, PVC windows, grey/black roof tiles.

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

There are no features of the built heritage which will be impacted upon by this development. There is listed building approximately 150m away from the nearest part of the site but given the fact that the existing development Ashleigh Close is located between this asset and the site, I am of the view that there will be no visual impact on the historic asset from this site.

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

Creating places states that where the development for residential purposes on new greenfield sites takes place, then the level of public open space in that development should be provided at around 10% of the total site area. That would mean, that with a site area of just over 1.7 hectares, the development should include an area of public open space consisting of around 1,700 sq. metres in total.

I have measured the open space shown on drawing 02 rev 2 and find that the main portion of open space immediately south of 12 and 13 Asheleigh Close accounts for 1,737 sq. metres which includes a pedestrian path to nearby housing developments. This is an acceptable level of open space and is sufficient for a development of this size in my opinion, taking the guidance in Creating Places into account.

In addition, the main portion of public open space is not in a typically central position in relation to the rest of the development. However given the size of the development, it is accessible to all properties, represent a safe and visible environment and is therefore a functional and meaningful area of open space.

In relation to private amenity space, there is an acceptable level of private amenity space as per the guidance contained in Creating Places. The houses with smallest areas to the rear such as nos. 33-32 and no. 19-26 all have rear private amenity space in excess of 70. sq. metres.

The vast majority of houses have a distance of 10m from the rear elevation to the boundary fence to the rear and where, in some instances there are properties backing onto other existing properties, there is a separation distance of 20m. The only instance where the rear elevation of properties come within 20m of existing properties, it is in relation to the side elevation of the existing property in question such as no. 25&26 Cove Close or no. 44 Ronan Manor and the distances here are circa. 15m.

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

This criterion is not relevant to a development of this size and is more fitting for a large scale development whereby facilities can be incorporated to benefit the wider community as well as the inhabitants of any such development

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

The proposed development will have pedestrian access to Cove Close. Cove Close is served by a footpath which leads to Ballyronan and is within walking distance to all shops in Ballyronan as well as public facilities such as the marina.

(f) adequate and appropriate provision is made for parking;

DFI roads have been consulted and after some changes, have no objections to this proposal.

The layout drawing shows all dwellings as having at least 2 parking spaces available to each dwelling which is in accordance with notional parking standards for this type of development.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

The design, scale and form of the dwellings is in keeping with the typical house design in the immediate vicinity. Typical finishes are black roof tiles with PVC windows. Properties will be finished in a mix of red brick and render and all rainwood goods will be PVE.

The appearance of the new dwellings will not be out of context in the locality and similar in terms of design and scale to other houses already erected in the village.

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

The existing land use in the immediate vicinity is residential and agricultural with the latter being practically unavoidable given the location of the site on the edge of the settlement limit. There are no industrial land uses, active farmyards, intensive agriculture, intensive sports uses for example, in the immediate locality. It would therefore be very difficult to say that there is a land use close to the site that is incompatible with the proposed land use. Env. Health within the Council have also been consulted and have stated that they have no objection to the proposal. They have considered objections from existing properties in Cove Close and Asheligh Park in relation to noise from additional traffic but do not think that the traffic generated from these houses will be enough to give rise to excessive noise in this environment.

The proposals will not overshadow or impact negatively upon any of the existing properties nearby. As mentioned above, where the proposed dwellings are located "back to back" with existing properties, there is adequate separation distance. The only instance where properties are within 20m of existing properties, in terms of separation distance is when they are adjacent to the gable of the existing property as opposed to the rear elevation of the existing property.,

Given all of the above considerations in paragraphs (a) - (h) I am of the opinion therefore, that the proposal satisfies Policy QD1 of PPS 7.

PPS 15 - PLANNING AND FLOOD RISK

The site is not located within the Q100 flood plain. The proposal however, does exceed the threshold for requiring a drainage assessment as included in FLD 3 of PPS 15. A drainage assessment has been submitted by the agent and DFI Rivers have agreed to the contents of this assessment and consequently, have no objections to this proposal, subject to condition requiring the submission of a Drainage Assessment which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network. This condition will therefore need to be discharged by the Council.

The proposal is therefore in compliance with policy FDL 3 of PPS 15, which is the relevant policy from the is PPS.

PPS 3- ACCESS, MOVEMENT AND PARKING.

It has been explained in relation to my assessment of how this proposal meets PPS 7 that an accessible movement pattern has been created that supports pedestrians and cyclists as well as enabling safe movement for all.

The site layout also shows at least two car parking spaces per dwelling which is an adequate level of parking provision. DFI roads have reviewed that entire development including access arrangements to and from the new estate road as well as from private dwellings and have no objections to the proposal subject to the development being completed as per the signed PSD drawing.

PPS 2 - NATURAL HERITAGE

The site is located within 0.5km of Lough Neagh which is a European site (SPA, ASSI) and a Ramsar site. Policy NH 1 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to have a significant effect on a European Site or a Ramsar Site.

Due to the proximity of this site to Lough Neagh, a consultation has been carried out with Shared Environment Service. They have responded to state that the proposal will not have any conceivable impact on a European Site because there are "no viable pathways to a European site."

Consultation was also carried out with NIEA who after consideration of the submitted CEMP and the PEA, are content that the proposal will not have any impact on any designated sites or natural environment interests. The reasoning for this conclusion as arrived at by NIEA, are laid out in their consultation response which is uploaded on the planning portal and dated 2nd August 2023.

Given the response from NIEA and SES, I am therefore content that the proposal complies with the relevant policies including NH 1 and NH 2 of PPS 2, Natural Heritage.

OTHER MATERIAL CONSIDERATIONS

There has been a significant number of objections received in relation to this proposal. In total, 41 neighbours were notified and a total of 20 representations were received with 19 objectors and 1 non-committal. All representations came from existing surrounding housing developments such as Cove Close, Ronan Manor.

The issues raised by the objectors are laid out below;

- 1) Loss of Parking in existing development Cove Close
- 2) Impact on Road Safety from additional traffic and construction traffic
- 3) Noise levels from development - construction phase and permanently from development being lived in.
- 4) Overlooking from new houses onto existing houses, loss of privacy, oppressive impact on existing houses.
- 5) Reduction in value of existing houses
- 6) Sewerage network. Question is asked can infrastructure cope
- 7) Visibility splays at junction with Ballyneill Road not acceptable
- 8) Impact on natural environment
- 9) Loss of green fields and impact on existing views of the countryside

- 10) Change the character of a small cul de sac
- 11) Area to be used for access between 25-26 is not in the control of the developer and is in the control of the residents.
- 12) Density is too high - development is contrary to QD1.
- 13) Negative impact on internet and phone signal
- 14) Incompatible with Cookstown Area Plan

These issues are considered below in the order they are listed above.

1) The objectors cite the loss of parking in relation to parking of cars in areas which are not designated for car parking such as footpaths and the turning head. One objection has included photographs of cars parking in the turning head. These are not designated car parking spaces and therefore I cannot give any weight to them being lost for this use as a result of this development. The houses in this part of Cove Close all contain adequate parking provision and cars should not be parked in these areas.

DFI Roads have been consulted on the application and have not expressed any concerns in this regard.

2) Objectors cite the fact that children living in Cove Close will be put in danger by construction traffic and additional residential traffic because at present they play on the roads and footpaths of the existing development.

The construction traffic and the new additional residential traffic will use the existing estate road to access this development. Children playing on an estate road will currently be at danger and it would seem that any potential problem with safety here would arise from the practice of children playing on the road as opposed to the additional traffic generated by this development using the road. I therefore cannot give weight to this particular argument that additional traffic will prejudice road safety because estate roads are not intended as locations for childrens to play.

DFI Roads have been consulted and have not expressed any concerns in this regard.

3) Env Health have been consulted and have clearly stated that the level of noise generated from the additional traffic associated with this development will not be sufficient to cause excessive noise and would be in keeping with that associated with a residential area. In relation to construction noise, environmental health have considered this and have not raised any concerns. They have included an informative about noise levels during the construction phase although it is my view that this should be included as a condition instead of an informative. I have spoken to Environmental Health about this and they agree that it should be included as a condition. This will limit the noise levels generated from construction phase to acceptable levels.

4) This has been considered above as part of the assessment of the proposal in relation QD1 of PPS 7.

5) This is not a planning concern

6) NI Water have been consulted and have no objections to this proposal. They have stated that there is adequate WWTW capacity and network capacity. NI Water

response of 18/1/23 refers. DFI Rivers have also agreed the proposal subject to a condition which must be discharged in order to ensure adequate provision has been made for stormwater runoff being dealt with via an offline sewer.

A new WWTW has recently been constructed to serve the village of Ballyronan.

7) This development will not involve the creation of a new access and therefore, no new visibility splays are being created. DFI Roads have signed off on the development so no objections in terms of road safety can be sustained.

8) This has been addressed in the main part of the report above report under consideration of PPS 2

9) The fields in question are within the settlement limit of Ballyronan. There is therefore a presumption in favour of developing them as they do not fall under the remit of PPS 21 which is a more restrictive policy. The right to a view is not something which is considered as a planning consideration.

10) The development in my opinion is in keeping with the character of the area which is characterised by a considerable amount of housing at present. This has been addressed in the main part of the report under the assessment of QD1.

11) This has been addressed in the course of the application. The piece of land in question is owned by John Higgins Construction. The developer has amended the land ownership certificate by filling in certificate C and serving notice on the land owner of this piece of land on 18/2/2022. The issue of land ownership therefore has been dealt with satisfactorily.

12) Density of this development is in keeping with existing development in the immediate area - this has been argued in the main body of the report.

13) There is no evidence to back up this assertion. There is no link to the construction of new homes and a reduction in the quality of mobile phone signal and internet coverage.

14) This issue has been addressed above in the main body of the report.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

Condition 2

Prior to the occupation of 50% of the dwellings hereby approved, the developer shall construct, layout and plant all landscaped and open space areas as indicated on the approved plan, drawing No.03 REV 2 which was uploaded to the planning portal on 26th June 2023. Once completed, these open space areas must be retained as public open space in perpetuity thereafter and shall never be sold to a private resident for their own enjoyment.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape to aid the integration of the development into the local landscape in a timely manner and to assist in the provision of a quality residential environment.

Condition 3

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

Reason: To ensure the maintenance of screening to the site

Condition 4

Throughout the construction phase, a clearly defined buffer of at least 10 metres, as shown in Site Layout Drawing 03 Rev 02, uploaded to the planning portal on 26th June 2023, must be maintained between the Ballyronan River and the location of machinery refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil, etc.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site

Condition 5

Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event with an additional allowance for climate change (10%) and urban creep (10%).

Reason: In order to safeguard against surface water flood risk.

Condition 6

All proposed planting as indicated on the stamped approved drawing no. 03 REV 2, uploaded to the planning portal on 26th June 2023, shall be undertaken during the first available planting season following occupation of the dwelling hereby approved.

Reason: To ensure the proposal is in keeping with the character of the rural area and in

the interests of visual amenity.

Condition 7

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 11 Rev 1 which was uploaded to the planning portal on 10th October 2023.

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

Condition 8

Within four weeks of a written request from the Environmental Health Department following receipt of a reasonable complaint the applicant shall provide evidence to demonstrate compliance with construction noise limits presented in the table below;

Day of week	Time	LAeq,1hour	LAmix
Monday to Friday	07.00 - 18.00	65 dB Curtilage	-
	18.00 - 23.00	55 dB Curtilage	-
	23.00 - 07.00	45 dB Façade	60 dB
Saturday	07.00 - 13.00	65 dB Curtilage	-
	13.00 - 23.00	55 dB Curtilage	-
	23.00 - 07.00	45 dB Façade	60 dB
Sunday	07.00 - 23.00	45 dB Curtilage	-
	23.00 - 07.00	45 dB Façade	60 dB

Condition 9

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 11 Rev 1 which was uploaded to the planning portal on 10th October 2023. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreements under Article 3 (4C) and Article 32.

REASON: To ensure that the road works considered necessary to provide a proper,

safe and convenient means of access to the development are carried out.

Condition10

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

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

Condition11

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

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

Case Officer: Colin McKeown

Date: 18 December 2023

ANNEX	
Date Valid	30 September 2021
Date First Advertised	12 October 2021
Date Last Advertised	12 October 2021
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 47 Ronan Manor Magherafelt Londonderry BT45 6GB The Owner / Occupier 7 Cove Close Magherafelt Londonderry BT45 6QS The Owner / Occupier 9 Ashleigh Park Ballyronan Magherafelt Londonderry BT45 6PS The Owner / Occupier 5 Cove Close Magherafelt Londonderry BT45 6QS The Owner / Occupier 6 Cove Close Magherafelt Londonderry BT45 6QS The Owner / Occupier 8 Cove Close Magherafelt Londonderry BT45 6QS</p> <p>The Owner / Occupier 8 Ashleigh Park Ballyronan Magherafelt Londonderry BT45 6PS The Owner / Occupier 45 Ronan Manor Magherafelt Londonderry BT45 6GB The Owner / Occupier 10 Ashleigh Park Ballyronan Magherafelt Londonderry BT45 6PS The Owner / Occupier 11 Ashleigh Park Ballyronan Magherafelt Londonderry BT45 6PS The Owner / Occupier 12 Ashleigh Park Ballyronan Magherafelt Londonderry BT45 6PS The Owner / Occupier 13 Ashleigh Park Ballyronan Magherafelt Londonderry BT45 6PS</p> <p>The Owner / Occupier 39 Ronan Manor Magherafelt Londonderry BT45 6GB The Owner / Occupier 41 Ronan Manor Magherafelt Londonderry BT45 6GB The Owner / Occupier 43 Ronan Manor Magherafelt Londonderry BT45 6GB The Owner / Occupier 44 Ronan Manor Magherafelt Londonderry BT45 6GB</p>	

The Owner / Occupier
 4 Cove Close, Magherafelt, Londonderry, BT45 6QS
 The Owner / Occupier
 30 Ballyneill Road, Ballyronan, BT45 6JE
 The Owner / Occupier
 24 Ashleigh Park, Ballyronan, Magherafelt, Londonderry, BT45 6PS
 The Owner / Occupier
 14 Ashleigh Park, Ballyronan, Magherafelt, Londonderry, BT45 6PS
 The Owner / Occupier
 16 Ashleigh Park, Ballyronan, Magherafelt, Londonderry, BT45 6PS

The Owner / Occupier
 30 Ballyneill Road Ballyronan Moneymore Londonderry BT45 6JL

Date of Last Neighbour Notification	18 December 2023
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Summary of Consultee Responses

Shared Environmental Services-Substantive: TBCResponseType: FR
 DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR
 Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
 NI Water - Multiple Units West-Substantive: TBCResponseType: FR
 Rivers Agency-Substantive: TBCResponseType: PR
 NIEA-PRT LA09-2021-1435-F ADV.PDF
 Shared Environmental Services-LA09_2021_1435_F - Further Info #2.pdf
 DFI Roads - Enniskillen Office-

Rivers Agency-700001 - Final reply.pdf
Shared Environmental Services-LA09_2021_1435_F - HRA AA 07-12-2023.pdf
NIEA-PRT LA09-2021-1435-F.PDF
NI Water - Multiple Units West-LA09-2021-1435-F.pdf
DFI Roads - Enniskillen Office-Response Template.docx
DFI Roads - Enniskillen Office-response uploaded 9/10/23
NIEA-PRT LA09-2021-1435-F.PDF

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 03 Rev 2
Site Layout or Block Plan Plan Ref: 04 Rev 2
Proposed Plans Plan Ref: 06
Proposed Plans Plan Ref: 09
Proposed Plans Plan Ref: 08
Proposed Plans Plan Ref: 07
Site Location Plan Plan Ref: 01
Proposed Plans Plan Ref: 05
Site Layout or Block Plan Plan Ref: 04
Site Layout or Block Plan Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02
Site Layout or Block Plan Plan Ref: 11 Rev 1

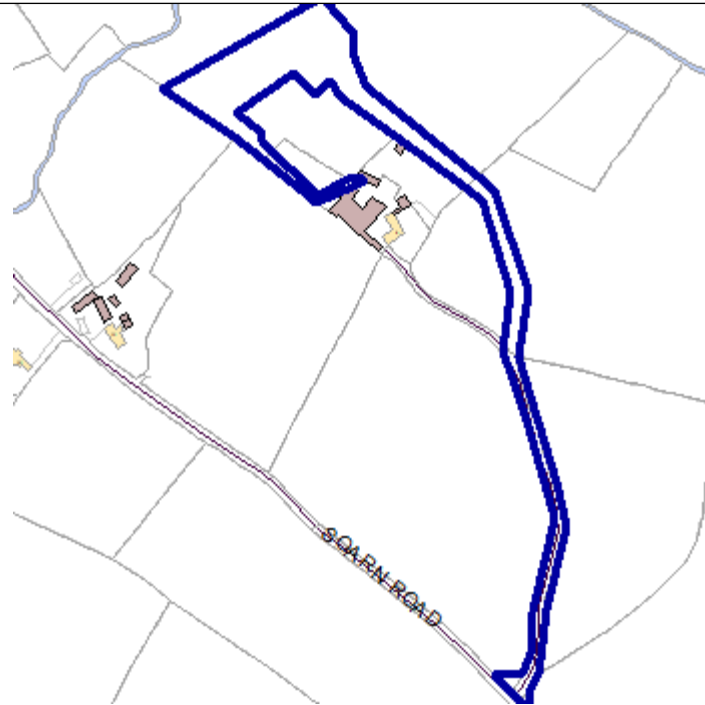
Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.2
Application ID: LA09/2021/1475/F	Target Date: 2 December 2021
Proposal: Proposed free range poultry shed with 2no. feed bins, a storage shed and associated site works (Poultry shed to contain 8000 free range egg laying hens)	Location: Land Approx. 100M North West Of 9 Soarn Road Stewartstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Jeremy Baird 95 Coolreaghs Road Cookstown BT80 8ER	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: <p>The Development Management Officer's Report for this application was initially presented to Planning Committee on 5th December 2023 to consider this proposal as an exception to Policy CTY 10 as the applicant don't have a farm business established for 6 years. This was with the Case Officer's recommendation to approve, which the Committee agreed on. The Service Director later said it was unclear the comments made in the report were the opinion of the Case Officer which concluded in their recommendation to approve. Therefore, following a request from the Service Director this application is being sent back to Planning Committee and the Development Management Report which is the opinion of the Case Officer has been amended accordingly.</p>	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DETI - Geological Survey (NI)	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: YResponseType: FR
	DAERA - Omagh	Substantive: YResponseType: FR
	NI Water - Strategic Applications	Substantive: YResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	NIEA	Substantive: TBCResponseType: PR
Statutory Consultee	NIEA	PRT LA09-2021-1475-F.PDF

Statutory Consultee	NIEA	
Statutory Consultee	NIEA	
Statutory Consultee	NIEA	PRT LA09-2021-1475-F.PDF
Non Statutory Consultee	Shared Environmental Services	LA09_2021_1475_F - AA complete 07-11-23.pdf
Representations:		
Letters of Support	0	
Letters of Objection	0	
Letters Non Committal	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
Characteristics of the Site and Area		
<p>This application site occupies an irregular shaped plot of land approximately 100 metres North West of No 9 Soarn Road, Stewartstown. It is located in the rural countryside as defined in the Dungannon and South Tyrone Area Plan and is 3 kilometres to the north of Stewartstown. The surrounding area is predominantly flat agricultural land with some farm holdings and single dwellings scattered throughout the landscape. The application site is accessed off an existing concrete laneway for the first 150 metres off the Soarn Road. This is lined each side with hedgerow and continues on to No 9 which is a 2 storey farmhouse with associated outbuildings to the rear of the property.</p> <p>This application is located in a flat agricultural field and is to the rear and north west of the farm buildings mentioned above. Because of this most boundaries of the proposed site are undefined on the ground, with the exception of the south western boundary which is a low hedgerow interspersed with some trees. A new access which would solely serve this proposed development will also traverse the field for some 130 metres to where it then joins the existing laneway.</p> <p>Planning History</p> <p>LA09/2022/1304/F - Replacement dwelling including extension of existing curtilage to create functional use of existing farm courtyard and farm buildings - 9 Soarn Road, Stewartstown - Approve - 12.12.2022</p>		
Description of Proposal		
<p>Proposed free range poultry shed with 2no. feed bins, a storage shed and associated site works (Poultry shed to contain 8000 free range egg laying hens) on land approximately 100M North West of 9 Soarn Road, Stewartstown.</p>		

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The proposal exceeds the 500 sq. metres floorspace threshold, whereby EIA screening is required under Schedule 2 (Column 1 (c) - Intensive Livestock Installations) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012. The total floor area created will be 1440 metres squared. The Council determined on that the environmental effects of the proposal were not likely to be 'significant' and an environmental statement was not required. The environmental effects will be assessed under the policies below.

Mid Ulster District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, (SES) received on 7th November 2023. Having conducted an Appropriate Assessment they found that the project would not have an adverse effect on the integrity of any European site.

There were no neighbouring properties to notify of this proposal in line with the Council's statutory obligation. It was advertised in the local press and no objections were received.

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

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

The Strategic Planning Policy Statement (SPPS) published in September 2015 has retained a number of Policy Statements, of which PPS 21 Sustainable Development in the Countryside is one which provides the main policy considerations for this proposal.

PPS 21 Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 determines out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these policies is CTY 12 Agricultural and Forestry Development which sets out criteria that allows planning permission to be granted for agricultural development on active and established farm holdings subject to certain policy criteria being met. This policy gives favourable consideration to necessary agricultural development which is appropriate in scale and nature. There are important

issues to be considered regarding the siting, design and materials of modern agricultural buildings and their impact on amenity and on the rural landscape.

CTY 12 Agricultural and Forestry Development

Where new buildings are proposed, CTY 12 requires them to be sited beside existing farm buildings. Cross-contamination is a huge concern with respect to poultry farming and it is established practice that due to the site-specific needs of this industry it would not be appropriate for the applicant to use any existing agricultural buildings or site the poultry shed directly beside existing farm buildings.

All proposals for agricultural buildings in the countryside are expected to conform to 5 criteria which are set out in CTY 12 unless it constitutes Permitted Development by virtue of the Schedule, Part 7, Class A of the Planning (General Permitted Development) Order (Northern Ireland) 2015.

a) Necessary for the efficient use of the holding

This proposal is for a poultry shed which will house up to 8,000 free range laying birds. The Ministerial Review into the Operation of Planning Policy Statement 21 recognised there would be a significant number of planning applications for poultry houses to supply the Agri-Food sector. The review does not provide any policy guidance but it does clearly recognise that this industry is a key economic driver for the rural economy. DAERA have stated the farm Business ID was only allocated to the applicant in May 2021. The applicant therefore was not able to claim payments through the Basic Payments or Agri Environment Scheme in each of the last 6 years, but are currently claiming on this land.

The applicant purchased the farm in April 2021. The original farm on which this site is located was divided up into 3 lots and sold following the owner's death. This parcel of land in the applicant's ownership is the only plot which includes farm buildings and a dwelling. As the original farm was not purchased in its entirety by the applicant, that farm as a business with its associated Farm Business ID No ceased to exist in 2014. Although there is not much demand for people entering the farming business without being reared on a farm, this applicant is such an example. They are not from a farming background but his wife is and they wish to establish and develop their own farm, eventually transitioning into agriculture on a full-term basis. They acknowledge that in order to have a financially viable farm that intensive farming is the best option but if they cannot enter the poultry farming community due to the current legislation, he would have to sell the farm. The applicant's interest in farming led to the completion of a Level 2 Agricultural Management Course and he was also accepted on in the Young Farmer's Scheme. A Loan has been obtained for this development proposed and Ballygarvey Eggs have agreed to take the resulting eggs. The applicant has both a herd and stock number from the purchasing and sale of a small herd of cattle and they are aiming to apply for a Capital Improvement Scheme which cannot be submitted until they have planning permission for the development.

b) Character and Scale Appropriateness

The proposed poultry shed will be sited parallel to the north western boundary of the

site, measuring 77 metres in length and 12.5 metres wide, with a ridge height of 5 metres FGL. The rear western gable of the shed will have 2 double doors with a single pedestrian door on the front north eastern gable and 4 ventilation fans on proposed the ridge of the roof.

The litter storage store is sited along the south western boundary of the site. This measures 18.1 metres by 9.2 metres with a ridge height of 5.4 and a roller shutter door on the western gable facing the access.

Adjacent to the north eastern elevation of the poultry house is where 2 feed bins are located, close to the access laneway and turning area. Each measures 2.7 metres in diameter and are 8 metres FGL. These bins are on concrete base and are composed of galvanised steel outer sheeting.

I, the Case Officer am content these proposed buildings and structures are typical of those found on poultry farms throughout Mid Ulster District and I have no concerns about this proposal in terms of character and scale and feel it is appropriate in this location.

c) Visual Integration

This proposal is a new addition to an agricultural field which is free from any built structures. The building is set back some 300 metres where its access joins the Soarn Road. The location of this site in a small hollow in an otherwise flat agricultural landscape combined with established roadside vegetation in the vicinity, views of this proposed development on this site will be long distance and limited. It will read with the existing farm buildings in this typical rural landscape and will not appear obtrusive in the landscape thus integrating successfully into the local landscape.

d) Natural and Built Heritage

Shared Environmental Services (SES) were consulted due to the possibility of an indirect hydrological link to Lough Neagh SPA and RAMSAR sites. They initially requested further information following on the comments submitted by NIEA regarding the litter agreement and some missing information belonging to the Air Quality Impact Assessment. Following the applicant's decision to change the method of disposing of the poultry waste, this information was then not required and SES were consulted regarding the amended method of litter disposal.

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation and have recommended conditions be attached to any permission granted concerning the maximum number of birds and the litter disposal.

Natural Environment Division (NED) of NIEA confirmed the site is within 7.5 km of Lough Neagh and Lough Beag SPA/RAMSAR, Upper Ballinderry River SAC, Ballysudden ASSI, Brookend ASSI, Lough Neagh ASSI and Upper Ballinderry River ASSI. All these designated sites are protected by The Environment (NI) Order 2002.

NED are content the proposed development is unlikely to significantly impact badgers, otters, bats or smooth newts and would not be likely to have a significant effect on the

features, conservation objectives or status of any European site. Therefore, I have no concerns regarding the heritage interests of this area, both from a natural and built assessment.

The Water Management Unit (WMU) of NIEA assessed this proposed development in association with the Nutrient Action Programme (NAP) Regulations 2019. The applicant initially stated the poultry litter would be transferred to Par Renewables who WMU confirmed do not have a Waste Management License and nor is there planning permission for an AD Plant at No 42 Gortnaskea Road, Stewartstown. Therefore an amended Litter Contract must be submitted in order for WMU to provide a final comment. The applicant changed their waste management plan for this proposal and have now stated that 120 tonnes of poultry litter will be transferred to Green Generation Ltd in Co Kildare for use in their AD facility. Based on this revised information submitted, WMU recommended Mid Ulster District Council consult with the relevant authorities in the Republic of Ireland.

Having considered the Waste Management Plan and how the applicant is proposing to dispose of the litter, the case officer in consultation with the statutory consultees is of the opinion this is acceptable. The regulation of the actual disposal of this waste rests with NIEA and DAERA through the existing licensing systems which regulate the storage and transportation of ammonia nitrate while also controlling the spreading of nitrates on agricultural land.

SES in their consultation response did recommend a condition be attached stating the poultry litter generated by this proposal must only be utilised at the Anaerobic Digester operated by Green Generation Ireland in Co Kildare. In discussion with Senior Planners, it is my opinion given that NIEA and DAERA are the governing bodies in this subject - the storage and transportation of ammonia nitrate requires a licence from NIEA and the regulation of an existing anaerobic digester in the Republic of Ireland is a matter for the appropriate authorities there, therefore I do not feel a condition is necessary.

e) Residential Amenity

The nearest occupied property to this proposal outside of the applicant's ownership is approximately 110 metres to the south of this proposal. The Environmental Health section of Mid Ulster Council looked at the Air Quality Impact Assessment and have no objections to this proposal subject to standard poultry conditions attached to any permission.

The Industrial Pollution and Radiochemical Inspectorate (IPRI) stated that as the number of poultry 8,000 falls below the threshold for licensing (40,000 bird places), they have no objection and state this application would not require an IPRI certificate.

I do not feel this proposal would result in a detrimental impact on the amenity of any residential dwellings attributable to problems regarding noise, smell and pollution.

CTY 13 - Integration and Design of Buildings in the Countryside

This policy allows for a building in the countryside where it can be visually integrated into the surrounding area and is of an appropriate design. This proposal is typical of the type

of poultry houses which are located throughout the Mid Ulster area. As detailed in my assessment above as Case Officer making a recommendation to the Members of the Planning Committee, I am satisfied this building is suitable in this location and will integrate into the landscape.

CTY 14 - Rural Design

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 the area. The agricultural nature of this proposal results in it only being suitable development in the rural countryside. The location of this proposal although in relatively flat topography, existing intervening vegetation means, as the Case Officer it is my opinion that I have no concerns about it being a prominent feature nor eroding the rural character of this area, thereby complying with the requirements of this policy.

PPS 2 - Natural Heritage

SES were consulted and assessed the potential impact of this proposal in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

As is discussed above, after conducting an Appropriate Assessment, SES have concluded this proposal would not have any conceivable effect on any European site. In my opinion as the Case Officer, I am satisfied this proposal complies with the policy requirements of PPS 2, specifically NH1, NH 3 and NH 4 as is demonstrated by the consultation responses of NIEA and SES above.

PPS 3 - Access, Movement and Parking

DfI Roads have no objection to this proposal subject to the standard conditions regarding the provision of visibility splays and therefore I the Case Officer am satisfied this proposal complies with the policy requirements of PPS 3.

PPS 15 - Planning and Flood Risk

DfI Rivers have stated this site does not lie within the 1% AEP fluvial floodplain and is unaffected by any designated watercourse. They reviewed the Drainage Assessment undertaken by Flood Risk Consulting and noted the proposed SUDS system has no outlet and drainage is via percolation through the soil strata. DfI Rivers advise a Final Drainage Assessment is submitted to the Council and agreed in writing, prior to any development occurring on the site.

Summary of Recommendation:

Approve is recommended

Although there have been no objections to this proposal, it fails to meet the policy. I the Case Officer acknowledge the current demographic of the farming population is characteristically ageing and would ask the Members to consider this proposal as an exception to policy in order to allow new entrants into the farming industry. As all other

planning issues have been overcome through the assessing of this application, in my opinion as Case Officer I recommend this proposal is granted approval.

Approval Conditions

Condition 1

As required by Section 61 of the Planning Act (NI) 2011, the development hereby approved shall be begun within 5 years of the date of this decision.

Reason: Time Limit

Condition 2

The vehicular access, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No 02 date stamped received on 7th October 2021, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 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

Within 2 weeks of a written request by Mid Ulster District Council following a justified complaint from the occupant of a residential dwelling which lawfully exists, the operator of the approved shall, investigate and undertake remedial action immediately to adjust the process or activity to minimise those emissions.

Reason: To protect neighbouring property from excessive odour

Condition 4

Within 4 weeks of the written request outlined in Condition 3, Mid Ulster District Council shall be provided with a suitable report detailing actions taken/to be taken and any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 8 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect neighbouring property from excessive odour

Condition 5

The maximum number of chickens within the proposed facility shall not exceed 8,000 free range egg laying hens as is stated in the Air Quality Impact Assessment received on

14th February 2022, unless otherwise agreed in writing by Council.

Reason: The Odour Impact Assessment was concerning only this specific type of poultry farming and to safeguard nearby residential amenity.

Condition 6

Prior to stocking the facility, the mitigation measures (mechanical ventilation and manure belts) detailed within the Air Quality Impact Assessment received on 14th February 2022 must be installed. The mitigation measures must be fully operational whilst livestock are housed within the poultry shed.

Reason: To safeguard nearby residential amenity.

Condition 7

Prior to any development commencing on this site, the applicant must submit a Final Drainage Assessment to be agreed by Mid Ulster District Council, in consultation with DfI Rivers.

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

Case Officer: Cathy Hughes

Date: 21 December 2023

ANNEX	
Date Valid	7 October 2021
Date First Advertised	19 October 2021
Date Last Advertised	19 October 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2022/1304/F Proposals: Replacement dwelling including extension of existing curtilage to create functional use of existing farm courtyard and farm buildings Decision: PG Decision Date: 21-DEC-22</p> <p>Ref: LA09/2021/1475/F Proposals: Proposed free range poultry shed with 2no. feed bins, a storage shed and associated site works (Poultry shed to contain 8000 free range egg laying hens) Decision: Decision Date:</p> <p>Ref: I/1974/0099 Proposals: 11KV O/H LINE Decision: PG Decision Date:</p>	
Summary of Consultee Responses	
DETI - Geological Survey (NI)-Substantive: TBCResponseType: FR Rivers Agency-Substantive: YResponseType: FR DAERA - Omagh-Substantive: YResponseType: FR NI Water - Strategic Applications-Substantive: YResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR	

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
NIEA-Substantive: YResponseType: FR
NIEA-Substantive: TBCResponseType: PR
NIEA-PRT LA09-2021-1475-F.PDF
NIEA-
NIEA-
NIEA-PRT LA09-2021-1475-F.PDF
Shared Environmental Services-LA09_2021_1475_F - AA complete 07-11-23.pdf

Drawing Numbers and Title

Site Layout or Block Plan

Technical Specification Plan Ref: 04
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 ApplicableNot Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.3
Application ID: LA09/2022/1202/F	Target Date: 11 November 2022
Proposal: Proposed detached dwelling	Location: 20M East Of 8 Park Avenue Cookstown BT80 8AH
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Kieran Leadon 79 Dunamore Road Cookstown BT80 9NX	Agent Name and Address: Mr Christopher Quinn 23 Dunamore Road Cookstown BT80 9NR
Executive Summary: <p>The current application is presented as an approval, however it is being presented at Committee following receipt of 8no. objections.</p> <p>Initially this application was for 2no. dwellings, however due to a number of concerns the scheme was amended and is now for 1no. proposed detached dwelling.</p> <p>Please note, there is a live previous planning approval on this site LA09/2018/1449/F for Proposed Dwelling, which expires 11/02/2024.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2022-1202-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Full response.docxDC Checklist 1.doc
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1202-F.pdf

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	6
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

The objector's concerns are addressed below:

- Affect local ecology – Given this site was part of a residential garden, and surrounded by conifer hedges, I have no ecological concerns.
- Close to adjoining properties – I am content there is sufficient separation distance between the proposed dwelling and adjoining properties.
- General dislike of proposal – This is not a material planning consideration.
- Inadequate access and parking provision - DfI Roads were consulted, and their response confirmed that they had no objection. They had no concerns regarding access and parking.
- Increase in traffic - DfI Roads were consulted, and their response confirmed that they had no objection. They had no concerns regarding an increase in traffic.
- Out of keeping with character of area – I considered the original proposal for 2no. dwellings was out of keeping with the character of the area with surrounding properties consisting of single dwelling plots. However, this amended scheme of 1no. dwelling addresses these concerns and respects the surrounding context.
- Development too high – Following my site visit, and taking into account the height of the adjacent properties to the side, I am content that the development proposed is not too high.
- Increase danger of flooding – Given the town centre location, and reviewing the Flood Maps NI, I have no flooding concerns.
- Over development - I considered the original proposal for 2no. dwellings as over development of the site. However, this amended scheme of 1no. dwelling addresses these concerns and respects the surrounding context.
- More open space needed on development – This proposal is only for one single dwelling therefore the provision of public amenity is not required, and I am of the opinion that the proposed dwelling has provided sufficient private space.
- Noise nuisance – This is a single dwelling within an existing residential area therefore I have no concerns.
- Overlooking – I am content there is adequate separation distance between the proposed dwelling and the properties to the side and the rear. I have no concerns regarding overlooking.

- Strain on existing community facilities – I have no concerns.
- Potential danger as deep bank of earth is removed which could do damage to existing house foundations – Any development on this site will require building control approval, and this will be within their remit to ensure land stability is not affected.

Characteristics of the Site and Area

The site is located within the development limits of Cookstown, just outside the town centre limits as per the Cookstown Area Plan 2010. The site is identified as 20m East of No. 8 Park Avenue. The site encompasses part of what is the rear garden to No. 8. The southern and eastern boundaries are defined by a mix of mature trees and hedging, northern boundary is defined by a stone wall that runs along Central Avenue, and the western boundary remains undefined. This application intends to create a new access directly off Central Avenue. The immediate area is predominantly residential with the wider area being dominated by a mix of development, with predominate use still being residential, with playing fields, commercial, schools and library.

Description of Proposal

This is a full planning application for proposed detached dwelling. The site is identified as 20m East of No. 8 Park Avenue, Cookstown, BT80 8AH.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Twelve neighbour notifications were issued, and eight objections were received.

Relevant Planning History

LA09/2018/1449/F – Proposed Dwelling, 20M East Of 8 Park Avenue, Cookstown, BT80 8AH. Permission granted – 12.02.2019.

Planning Assessment of Policy and Other Material Considerations

Decisions must be taken in accordance with the provisions of the Local Development

Plan unless material considerations indicate otherwise.

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 1: General Principles

PPS 3: Access, Movement and Parking

PPS 7: Quality Residential Environments

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas

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

Cookstown Area Plan 2010 is the statutory local development plan for the application site. I am content this application is not in conflict with the Area Plan. The extant Area Plan states that if the proposal meets all relevant, prevailing planning policy; it will meet the policy tests of Cookstown Area Plan Policy SETT 1 - Settlement Limits.

Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed.

Please note, during the previous full planning application (LA09/2018/1449/F) on this site which was approved, the proposal had been considered against all criteria outlined under Policy QD1, and it was considered that all these criteria had been met. This approval will hold material weight.

- a) The original proposal for 2no. dwellings raised a number of concerns specifically regarding overdevelopment of the site, and that it was out of keeping with the

character of the area with surrounding properties consisting of single dwelling plots. However, the scheme was amended to 1no. dwelling to address these concerns. I am content this amended scheme respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance with relation to the surrounding context.

- b) The site is located within undesignated land and there are no archaeological nor built heritage or landscape features in the near vicinity.
- c) The development is only for one dwelling therefore the provision of public amenity is not required. I am of the opinion that the proposed dwelling has provided sufficient private space, and the existing boundaries help to soften visual impact.
- d) The size and scale of this development does not require it to make provision for local neighbourhood facilities. There are existing transport links in the area.
- e) The site is located just outside the town centre and I am content the site will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system.
- f) DfI Roads were consulted during the initial stage of this application when the scheme was for 2no. dwellings, and their response confirmed that they had no objection, subject to conditions. Therefore, when the scheme was amended and reduced to 1no. dwelling I did not feel the need to reconsult for this reduced scheme, and I am of the opinion that there is adequate and appropriate provision made for parking.
- g) As previously stated, the proposed design is acceptable with the surrounding development.
- h) I am content the proposed dwelling does not conflict with adjacent land uses, mainly as the immediate is dominated by residential development. Due to the design, layout with existing and proposed landscaping, I am content it will not on balance create overlooking, loss of light, noise, overshadowing or other disturbance.
- i) It is my opinion that the proposed development will not increase the potential for crime.

As the application has complied under Policy QD1 of PPS 7, I must recommend approval for this application.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 REV 2 (bearing the dated July 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

The existing mature trees and vegetation along the eastern and southern boundaries shall be permanently retained at a minimum height of 2m unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

REASON: In the interests of visual amenity.

Condition 4

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

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

Signature(s): Seáinín Mhic Íomhair

Date: 5 December 2023

ANNEX	
Date Valid	29 July 2022
Date First Advertised	8 August 2023
Date Last Advertised	9 August 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 8 Central Avenue Cookstown Tyrone BT80 8AJ The Owner / Occupier 1 Central Avenue Cookstown Tyrone BT80 8AJ The Owner / Occupier 10 Park Avenue Cookstown Tyrone BT80 8AH The Owner / Occupier 6 Central Avenue Cookstown Tyrone BT80 8AJ The Owner / Occupier 4 Park Avenue Cookstown Tyrone BT80 8AH The Owner / Occupier 2 Central Avenue Cookstown Tyrone BT80 8AJ The Owner / Occupier 4 Central Avenue Cookstown Tyrone BT80 8AJ The Owner / Occupier 1A Central Avenue Cookstown Tyrone BT80 8AJ The Owner / Occupier 8 Park Avenue, Cookstown BT80 8AH</p>	
Date of Last Neighbour Notification	21 November 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	

Summary of Consultee Responses

NI Water - Multiple Units West-LA09-2022-1202-F.pdf
DFI Roads - Enniskillen Office-Roads Consultation full approval.docx
DFI Roads - Enniskillen Office-Roads Consultation - Full response.docxDC Checklist
1.doc
NI Water - Single Units West-LA09-2022-1202-F.pdf

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 02 REV 1
Proposed Floor Plans Plan Ref: 03 REV 1
Proposed Floor Plans Plan Ref: 04 REV 1
Proposed Elevations Plan Ref: 05 REV 1
Proposed Elevations Plan Ref: 06 REV 1
Site Layout or Block Plan Plan Ref: 02 REV 2
Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: S/S 02
Elevations and Floor Plans Plan Ref: S/S 03
Elevations and Floor Plans Plan Ref: S/S 04
Elevations and Floor Plans Plan Ref: S/S 05
Elevations and Floor Plans Plan Ref: S/S 06
Elevations and Floor Plans Plan Ref: S/S 07

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.4
Application ID: LA09/2022/1489/O	Target Date: 10 May 2023
Proposal: Residential development - maximum 210 units at 15m NE of 67a Donaghmore Road, Dungannon access onto Greers Road, Donaghmore Road and Quarry Lane (previously approved under M/2014/0572/O)	Location: 15M NE Of 67A Donaghmore Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: D Mallon, E Herron And R Donnelly C/O Assisi, Assumpta Manor Ann Street Dungannon BT70 1ET	Agent Name and Address: Michael Herron Architects 64-66A Main Street Coalisland Co. Tyrone BT71 4NB
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	NI Water - Strategic Applications	Consulted in error. Please resend to Multi Units West.
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation blank.docx
Statutory Consultee	NI Water - Multiple Units West	Consulted in error. Please resend to NI Water - Strategic Applications
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-2022-1489-O EH Response.pdf
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Rivers Agency	745048 FINAL.pdf
Statutory Consultee	NIEA	PRT LA09-2022-1489-O.PDF
Statutory Consultee	Shared Environmental Services	
Non Statutory Consultee	NI Water - Strategic Applications	Consulted in error. Please resend to Multi Units West.
Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	Shared Environmental Services	LA09-2022-1489-O HRA -

		AA 22-11-2023.pdf
Statutory Consultee	NI Water - Strategic Applications	Consulted in error. Please resend to Multi Units West.
Statutory Consultee	NIEA	PRT LA09-2022-1489-O.PDF
Statutory Consultee	NI Water - Multiple Units West	LA09-2022-1489-O.pdf
Statutory Consultee	NIEA	PRT LA09-2022-1489-O.pdf
Statutory Consultee	Shared Environmental Services	
Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	NIEA	PRT LA09-2022-1489-O.PDF
Statutory Consultee	Shared Environmental Services	Holding Letter .pdf
Representations:		
Letters of Support		0
Letters Non Committal		0
Letters of Objection		0
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
Characteristics of the Site and Area		
<p>The site remains undeveloped and in use as a car park off Greers Road. The vast body of the site remains as grass land to the north as before, extending as far as Quarry Lane. The land mass falls from the south and west downwards towards the centre of the site . Towards the south of the site is the car park and the site is largely bounded on its eastern and western sides by residential development. At the northern extremity of the site is Gaelic football pitches.</p>		
<p>The area is adjacent to Dungannon town centre. The area is as one would expect full of different land uses around the site. To the north, north east and west of the applicaiton site there are large areas of established residential areas of the town, such as Woodlawn, Ardannon and the Donaghmore Road. There are also mixed retail uses at the bottom of Irish Street at the south east of the application site and the Haven nursing home is adjacent to the northern boundary of site.</p>		
<p>History: M/2007/0787/O - Residential development - maximum 210 units at 15m N.E. of 67a Donaghmore Road, Dungannon with access roads onto Greers Road, Donaghmore Road and Quarry Lane approved 20.12.2011 under same policy context as currently</p>		

exists.

M/2014/0572/O - Renewal of residential development (M/2007/0787/O), maximum of 210 units, with access onto Greers Road, Donaghmore Road and Quarry Lane, Dungannon

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

PPS 3 - Access, Movement and Parking

PPS 6 - Planning, Archaeology and the Built Environment

PPS 7 - Quality Residential Environments

PPS 8 -Open space, sport and outdoor recreation.

PPS 12 - Housing in settlements.

The Strategic Planning Policy Statement for NI.

The site lies within the settlement limit of Dungannon town as defined in the Dungannon & South Tyrone Area Plan 2010.

The site has been zoned Phase 1 housing land in the plan, there are 6no key site requirements relating to access, pedestrian access, foul sewer pumping, survey and planting scheme, design considerations and child play provision. These considerations can be resolved and agreed at RM stage.

The proposal has been previously approved under M/2014/0572/O in and M/2007/0787/O.

The approval expired on 25/10/21 so the application will be assessed under current policy.

PPS 7 - Quality residential Environments

QD1 - Quality in new residential development

PPS7 - Quality Residential Environments

Proposals need to conform to all 9 identified criteria laid out in QD1 of PPS7.

- The development shall respect the surrounding context and will be appropriate to the character and topography of the site at RM stage in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas; a mix of house types should be included in the proposal and densities can be examined at RM stage. A landscaping scheme should be provided and examined in detail to soften the impact of the new build in the urban setting.
- In terms of the archaeological and built heritage, HED were consulted and advise no site work should take place until a programme of works has been prepared and this must be in accordance with the conditions provided. This application site is located within the historic town of Dungannon (TYR 054:046) on the edge of the Area of Archaeological Potential defined for Dungannon within the Dungannon South Tyrone Area Plan 2010. This indicates where in the town there is an increased potential for uncovering buried archaeological remains. Conditions have been provided as detailed in the report.
- There is ample space within the application site for open space provision and once again this can be verified and approved at RM stage. The shape of the site also lends itself to flexibility in terms of design solutions.
- There are adequate neighbourhood facilities nearby and access to these will be detailed at RM stage e.g. connection of footpaths to those surrounding the site, easing access to the town centre. The ongoing developments in Ann Street will also facilitate the residents of this development and will help contribute to a quality residential environment.
- QD1 also requires a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures which will be full assessed.
- Adequate Parking provision should be fully considered. DfI Roads have no objection to this proposal subject to conditions provided and refer to previous approval.

- There are a mix of house types on each side of the application site, the final scheme shall undoubtedly draw influence from each of these for its design, material and detailing.
- The proposal shall also be assessed to ensure it is appropriate to the character and topography of the site in term of layout, scale, proportions and the massing and appearance of the buildings. Consideration shall be given to the surrounding properties to ensure separation distance are within guidelines and no loss of amenity would result.
- Other design considerations such as deterring crime and promoting personal safety shall considered as part of design scheme and incorporated accordingly at RM stage.

The criteria laid out within QD1 have been met and will be assessed in further detail when the final details of the application are submitted.

PPS 3- Access, Movement and Parking.

Policy AMP 1 - Creating and Accessible Environment.

AMP 1 is about creating an accessible environment for all. The detailed design considerations should be incorporated into any final scheme at RM stage and assessed at that time.

AMP 2- Access to public roads.

AMP2 serves to promote road safety and only allow the intensification of an access where it will not prejudice road safety or significantly inconvenience the flow of traffic. DFI Roads have been consulted for opinion and returned comment of no objection with conditions. The applicant has proposed the same access points in this application. DFI Roads will be consulted at RM stage for full consideration of the detailed drawings.

AMP 7 - Car parking and Servicing Arrangements

The car parking and servicing arrangements can be fully considered at RM stage. There is ample space within the red outline to provide car parking and servicing arrangements.

NI Water were consulted and indicated that sufficient waste water treatment is not available at present for the proposed development and that the applicant should consult direct with them, which the applicant has done and applied for a foul sewer wastewater impact assessment.

A pre commencement condition can be applied to any approval.

Env Health were consulted and have no objection in principle to the development on the

site. They have asked for an Air Quality Management Plan and Construction Method Management Plan, which can be conditioned pre-commencement. Conditions will also be added should any unforeseen ground contamination be encountered as the site is located in close proximity to a site that was previously used as a quarry.

No objections have been received. I recommend the application should be approved with conditions.

Summary of Recommendation:

Approval is recommended

Approval Conditions

Condition 1

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

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

Reason: Time Limit

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

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

A detailed landscaping scheme, including delineated areas of public and private open space and boundary details for all plots, shall be submitted with any application for approval of reserved matters and no development shall commence on site before it is agreed in writing with the Council. The landscaping scheme shall include a specification for ground preparation and planting and a schedule setting out details of species, size at time of planting, siting of plants and the total number of plants. Adequate open space

provision should be shown in accordance with PPS7 and permanently retained.

Reason: To ensure that areas of public open space, landscaping and boundary details are incorporated into the design in accordance with Policy QD 1 of PPS 7 and Policy OS 2 of PPS 8.

Simultaneously with any application for approval of reserved matters, a landscape management plan setting out the period of the plan, long term objectives management responsibilities performance measures and maintenance schedules for all public open space and landscaped areas shall be submitted for the Council's written approval. No development shall commence before the written agreement of the Council has been obtained and the landscape management plan shall be carried out as approved.

Reason: To secure the long-term maintenance of public areas of open space and landscaping.

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

Reason: In the interest of the visual amenity of the wider area and to ensure that the design contributes towards a quality residential environment.

Not more than 210 dwelling units shall be constructed on the site unless otherwise agreed in writing with the Council.

Reason: To ensure that the flow of traffic on the local road network is maintained at an acceptable level.

Using PICADEY or other methodology agreed by the Council, detailed re-modelling of the traffic lights at the Anne Street/William Street junction, and the double roundabout junction at Donaghmore Road/Quarry Lane shall be submitted simultaneously with any application for approval of reserved matters that individually or cumulatively seeks approval for more than 100 residential units on the site. Working drawings and a specification of traffic infrastructure improvements to be implemented at those junctions, designed in accordance with the detail of the re-modelling exercise, shall be submitted simultaneously with any application for approval of reserved matters that individually or cumulatively seeks approval for more than 210 residential units on the site. Development to implement any such application shall not commence before the written agreement of the Council has been obtained by the developer in respect of the detail of the traffic infrastructure improvements.

Reason: To ensure that consideration can be given to the detail of traffic infrastructure improvements to be provided in accordance with policy AMP 6 of PPS 3 and General Principle 5 of PPS 13.

Not more than 100 residential units shall be occupied on the site before the traffic infrastructure improvements required by the condition above have been fully implemented.

Reason: To facilitate vehicular traffic movements at the Thomas Street roundabout.

Prior to the commencement of any other development on site a 6.0 metre wide road and combined cycle path and footway to link Quarry Lane and the Thomas Street link road shall be constructed in accordance with the Design Manual for Roads and Bridges.

Reason: To facilitate the free flow of traffic in the wider area.

Prior to development commencing on site the Council's written approval shall be sought and obtained for a car-parking scheme to compensate for the loss of existing car-park spaces at the southern end of the site and the scheme shall be carried out before any development takes place on the existing car-park at the southern end of the site.

Reason: To ensure that existing car-parking provision in the area is maintained.

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

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

Condition 2

At Reserved Matters a Landscaping and Planting Plan shall be submitted to the Planning

Authority. No development activity, including ground preparation or vegetation clearance, shall

take place until the Plan has been approved in writing by the Planning Authority. The Plan shall

be implemented in accordance with the approved details, unless otherwise agreed in writing by

the Planning Authority. The Plan shall include:

a) The retention of the mature trees, assessed by the ecologist within the Bat Use Potential and Bat

Roost Potential Report to have moderate BRP.

b) The retention of the hedgerows denoted within the PEA as compartments 18, 25a and 25b

c) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance

with British Standard 5837:2012 Trees in relation to design, demolition and construction

-

Recommendations;

- d) Details of the additional planting to compensate for the removal of priority habitat hedgerows at compartments 22 and 25g
- e) Planting Schedule to include details of new planting with appropriate numbers of native species of trees/shrub;
- f) Details of the aftercare of all planting on the site.

Reason: To protect existing trees and minimise the impact of the proposal on the biodiversity of the site, including protected/priority species.

Condition 3

At the reserved matters stage, an updated site layout drawing shall be submitted clearly showing the stone wall, denoted as compartment 7 within the PEA (dated 02/08/23, completed by WM associates) and assessed by the ecologist to have moderate BRP, clearly labelled as retained.

Reason: To protect bats and their refuges

Condition 4

No construction works, including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil, shall take place within 5m of the field ditch along the northern boundary.

Reason: To protect the aquatic environment

Condition 5

The demolition of the existing building on site located at 24 Woodlawn Drive shall not take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

Condition 6

The visibility splays of 2.4 by 70 metres at the junction of the proposed access road with Quarry Lane shall be provided prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 7

No other development hereby permitted shall be commenced until the road works comprising of a right turn lane on Quarry Lane at the development access is designed in accordance with the Design Manual for Road and Bridges and has been fully completed in accordance with details to be submitted to and approved by the Council at Reserved Matters stage.

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

Condition 8

None of the residential units hereby approved shall be occupied until a satisfactory method for sewage disposal has been submitted to and agreed with Mid Ulster District Council in consultation with NI Water.

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

Condition 9

Prior to the commencement of any development hereby permitted, a Construction Environmental Management Plan should be submitted for agreement with Mid Ulster Env Health Dept.

Reason: To protect the amenity of nearby residential properties.

Condition 10

Prior to the commencement of any development hereby permitted, an Air Quality Management Plan should be submitted for agreement with Mid Ulster Env Health Dept.

Reason: To protect the health of occupants of nearby residential properties.

Condition 11

Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on the site should immediately cease. The Planning and Environmental Health Department of Mid Ulster District Council shall be informed and a full written risk assessment in line with current government guidance (Land Contamination Risk Management - LCRM) that details the nature of the risks and any necessary mitigation measures shall be prepared and submitted for appraisal and agreed with the Planning and the Environmental Health Department of Mid Ulster District Council.

Reason: To Protect Human Health

Condition 12

If measures are required as per Condition 1 it shall be necessary for the applicant to demonstrate through a verification report that the site is now fit for end use. It

must demonstrate that the identified pollutant linkages are effectively broken. The Verification Report methodology shall be in accordance with current best practice as outlined by the Environment Agency. The Verification Report methodology shall be agreed in advance with the Planning Department, in consultation with the Environmental Health Department and all works carried out to the satisfaction of the Council.

Reason: To Protect Human Health

Condition 13

No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Mid Ulster District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- o The identification and evaluation of archaeological remains within the site;
- o Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- o Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- o Preparation of the digital, documentary and material archive for deposition.

Historic Environment Division

Ground Floor

NINE Lanyon Place

Town Parks

BELFAST

BT1 3LP

Email: HEDPlanning.Consultation@communities-ni.gov.uk

Planning ref: LA09/2022/1489/O

Date of response: 22/11/2022

Page 2 of 3

- o Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

o

Condition 14

No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under previous condition 13.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

Condition 15

A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken

in accordance with the programme of archaeological work approved under condition 13. These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

Signature(s): Emma McCullagh

Date: 19 December 2023

ANNEX	
Date Valid	12 October 2022
Date First Advertised	27 October 2022
Date Last Advertised	27 October 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 67 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 65 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 63 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 61 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 59 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 57 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 55 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 53 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 51 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 49 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 47 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 45 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 43 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 41 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 39 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 37 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 35 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier 16 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier</p>	

18 Donaghmore Road, Dungannon, BT70 1HB
The Owner / Occupier

22 Charlemont Street, Dungannon, BT70 1HE
The Owner / Occupier

24 Charlemont Street, Dungannon, BT70 1HE
The Owner / Occupier

26 Charlemont Street, Dungannon, BT70 1HE
The Owner / Occupier

Hall, Charlemont Street, Dungannon, BT70 1HE
The Owner / Occupier

38A Charlemont Street, Dungannon, BT70 1HE
The Owner / Occupier

63 Union Place, Dungannon, BT70 1DL
The Owner / Occupier

61 Union Place, Dungannon, BT70 1DL
The Owner / Occupier

46 Union Place, Dungannon, BT70 1DL
The Owner / Occupier

30 Union Place, Dungannon, BT70 1DL
The Owner / Occupier

57 Union Place, Dungannon, BT70 1DL
The Owner / Occupier

14 Woodlawn Park, Dungannon, BT70 1AH
The Owner / Occupier

12A Woodlawn Park, Dungannon, BT70 1AH
The Owner / Occupier

12 Woodlawn Park, Dungannon, BT70 1AH
The Owner / Occupier

11 Woodlawn Park, Dungannon, BT70 1AH
The Owner / Occupier

9A Woodlawn Park, Dungannon, BT70 1AH
The Owner / Occupier

9B Woodlawn Park, Dungannon, BT70 1AH
The Owner / Occupier

9 Woodlawn Park, Dungannon, BT70 1AH
The Owner / Occupier

8 Woodlawn Drive, Dungannon, BT70 1AJ
The Owner / Occupier

10 Woodlawn Drive, Dungannon, BT70 1AJ
The Owner / Occupier

12 Woodlawn Drive, Dungannon, BT70 1AJ
The Owner / Occupier

14 Woodlawn Drive, Dungannon, BT70 1AJ
The Owner / Occupier

18 Woodlawn Drive, Dungannon, BT70 1AJ
The Owner / Occupier

16 Woodlawn Drive, Dungannon, BT70 1AJ
The Owner / Occupier

20 Woodlawn Drive, Dungannon, BT70 1AJ
 The Owner / Occupier
 22 Woodlawn Drive, Dungannon, BT70 1AJ
 The Owner / Occupier
 24 Woodlawn Drive, Dungannon, BT70 1AJ
 The Owner / Occupier
 35 Quarry Lane, Dungannon, BT70 1HX
 The Owner / Occupier
 2 Ard Gannon, Dungannon, BT70 1QW
 The Owner / Occupier
 42 Meadowvale, Dungannon, BT70 1QT
 The Owner / Occupier
 38 Meadowvale, Dungannon, BT70 1QT
 The Owner / Occupier
 39 Meadowvale, Dungannon, BT70 1QT
 The Owner / Occupier
 40 Meadowvale, Dungannon, BT70 1QT
 The Owner / Occupier
 41 Meadowvale, Dungannon, BT70 1QT
 The Owner / Occupier
 The Haven, 19 Quarry Lane, Dungannon, BT70 1HX
 The Owner / Occupier
 97C Donaghmore Road, Dungannon, BT70 1HD

Date of Last Neighbour Notification	13 October 2022
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Date of EIA Determination	
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ES Requested	<events screen>
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Planning History

Ref: M/1979/0206
 Proposals: ONE NO HOUSE (TWO STOREY)
 Decision: PG
 Decision Date:

Ref: M/1992/0294
 Proposals: Site for Private Nursing Home
 Decision: PG
 Decision Date:

Ref: M/2013/0279/F
 Proposals: The relocation of the existing double mobile as approved in application M/2011/0373/F and the addition of a double mobile including ancillary spaces and associative site works
 Decision: PG

Decision Date: 21-AUG-13

Ref: M/2013/0083/F

Proposals: Proposed new changing rooms with associated sanitary works and committee room and site perimeter running track to premises

Decision: PG

Decision Date: 11-JUN-13

Ref: M/1977/0180

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2019/0296/F

Proposals: Single storey side extension to dwelling to provide utility rooms & study on ground floor with bedroom in roof space, to replace existing garages and utility room.

Decision: PG

Decision Date: 30-APR-19

Ref: M/2007/0659/LDP

Proposals: Conversion of existing attic void to bedroom, ensuite and stores including provision of internal stair case and erection of 2 dormer windows to rear of dwelling

Decision: PG

Decision Date: 31-AUG-07

Ref: LA09/2018/1277/PAN

Proposals: Redevelopment of existing brownfield site and car park to provide a mixed-use development including hotel, retail units, car parking, public realm and all associated site and access works

Decision: PANACC

Decision Date: 19-DEC-18

Ref: LA09/2018/1274/PAD

Proposals: Redevelopment of existing brownfield site and car park to provide a mixed-use development including hotel, retail units, car parking, public realm and all associated site and access works

Decision: PAD

Decision Date: 01-JAN-19

Ref: M/1976/0110

Proposals: PLANNING APPLICATION FOR CAR PARK

Decision: CROWN

Decision Date:

Ref: LA09/2017/0390/PAD

Proposals: Redevelopment Of Site

Decision: PAD

Decision Date: 08-JUN-17

Ref: LA09/2017/1225/F

Proposals: Demolition of existing Scout Hall and Storage Units. Construction of new build Scout Hall including Sports Hall, Social Space, Meeting Rooms, Kitchen, Ancillary Accommodation and lower floor external storage. Side access for deliveries pending wa leave agreement

Decision: PG

Decision Date: 11-DEC-17

Ref: M/2001/0085/A41

Proposals: Re-roofing of single storey section of Hall

Decision: 380

Decision Date: 16-FEB-01

Ref: M/2007/1443/F

Proposals: Proposed alterations & extension to hall to provide committee room, disabled WC & storage also to provide new ramped access for disabled users

Decision: PG

Decision Date: 18-MAR-08

Ref: M/2007/0958/Q

Proposals: Proposed Level Access approach at Dungannon Scout Hall

Decision: ELA

Decision Date: 25-JUL-07

Ref: M/2013/0559/F

Proposals: Proposed alterations and extensions inc. new ramp access to provide committee rooms, disabled w.c and storage

Decision:

Decision Date:

Ref: M/2013/0592/F

Proposals: Proposed alterations and extension inc. new ramp access to provide committee rooms, disabled w.c and storage

Decision: PG

Decision Date: 04-FEB-14

Ref: M/1976/0427

Proposals: ERECTION OF HOTEL

Decision: PG

Decision Date:

Ref: LA09/2019/0854/F

Proposals: Proposed new spur road from Greens Road to lands approved

(M/2014/0572/O) for outline residential development for maximum of 210 units with access onto Greers Road, Donaghmore Road and Quarry Lane. The right of way road will also provide access to a service yard for commercial retail units. (TAF, Tracking and clarification)

Decision:

Decision Date:

Ref: M/1979/0113

Proposals: RENOVATIONS TO DWELLING HOUSE

Decision: PR

Decision Date:

Ref: M/1999/0106

Proposals: Proposed demolition of existing building and proposed erection of 6 no. apartments

Decision: WITHDR

Decision Date:

Ref: M/1993/6118

Proposals: Housing Development Union Place Dungannon

Decision: 211

Decision Date:

Ref: M/1991/4065

Proposals: Alterations to dwelling

Decision: PDNOAP

Decision Date:

Ref: M/1979/0070

Proposals: 11 KV O/H LINE, 33 KV O/H LINE

Decision: PG

Decision Date:

Ref: M/1986/0245

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: M/1977/0659

Proposals: ERECTION OF DWELLING

Decision: PG

Decision Date:

Ref: M/2003/0328/F

Proposals: Extension to dwelling

Decision: PG

Decision Date: 06-MAY-03

Ref: M/2007/0550/F

Proposals: Proposed pair of semi-detached dwellings

Decision: PG

Decision Date: 27-NOV-07

Ref: M/2006/1181/O

Proposals: Dwelling house + garage

Decision: PR

Decision Date: 06-SEP-06

Ref: M/2008/0955/F

Proposals: Proposed change of semi-detached house types from previously approved application reference no. M/2007/0550/F

(Amended Plans)

Decision: PG

Decision Date: 11-MAR-09

Ref: LA09/2017/1007/F

Proposals: Proposed 5 Townhouses

Decision: PG

Decision Date: 11-JAN-19

Ref: M/1995/0700

Proposals: Conversion of school to flats

Decision: PG

Decision Date:

Ref: M/1999/0616/O

Proposals: Demolition of existing building and erection of 6 no. apartments in a two storey block, with provision of parking and alterations to existing access.

Decision: PG

Decision Date: 15-FEB-01

Ref: M/2001/0981/F

Proposals: Proposed demolition of existing building & proposed erection of 6 No apartments.

Decision: PG

Decision Date: 12-APR-02

Ref: M/1978/0521

Proposals: ONE BLOCK OF 4 HOUSES, ONE BLOCK OF 6 FLATS FOR HUMAN HABITATION

Decision: PR

Decision Date:

Ref: M/1984/0343
Proposals: TV REPAIR WORKSHOP AND STORE
Decision: PG
Decision Date:

Ref: M/1980/0365
Proposals: SANITARY ACCOMMODATION
Decision: PG
Decision Date:

Ref: M/1989/0146
Proposals: Change of use from dwelling to retail outlet with offices at 1st and 2nd floors.
Decision: PG
Decision Date:

Ref: M/1997/6004
Proposals: Certificate of Alternative Development Lands at Anne Street Dungannon
Decision: QL
Decision Date:

Ref: M/1986/0040
Proposals: CONVERSION FROM DWELLING HOUSE TO FIRST FLOOR FLAT, GROUND AND BASEMENT
Decision: PG
Decision Date:

Ref: M/2015/0043/F
Proposals: Public realm scheme to include provision of new footway and parking bay surfaces, new stone kerbing, new street furniture, tree planting and improved lighting
Decision: PG
Decision Date: 31-MAR-15

Ref: M/2007/0613/Q
Proposals: Dungannon Town Centre Health Check Planning Search
Decision: 300
Decision Date: 05-JUN-07

Ref: M/1975/0344
Proposals: PRIVATE STREETS LAYOUT
Decision: PG
Decision Date:

Ref: M/2008/0726/F
Proposals: 3 No chalets for residential nursing care (single storey & 1 chalet with roof

space)

Decision: PR

Decision Date: 18-JUN-09

Ref: M/1992/0646

Proposals: Private Nursing Home

Decision: PG

Decision Date:

Ref: M/2008/1163/F

Proposals: Extension to office accommodation with staff toilet & store

Decision: PG

Decision Date: 17-DEC-08

Ref: M/2015/0028/O

Proposals: Housing development

Decision: PG

Decision Date: 01-JUN-15

Ref: M/1994/0687

Proposals: Extension to Dwelling

Decision: PG

Decision Date:

Ref: M/2013/0135/F

Proposals: Extension to dwelling

Decision: PG

Decision Date: 01-MAY-13

Ref: M/1978/0516

Proposals: NON-SUBSIDY BUNGALOW

Decision: PG

Decision Date:

Ref: M/1989/0134

Proposals: Extension to dwelling

Decision: PG

Decision Date:

Ref: LA09/2020/0360/F

Proposals: Proposed new utility shed/storage shed for the storage of sports equipment, field and grounds maintenance equipment.

Decision: PG

Decision Date: 29-MAY-20

Ref: LA09/2016/0724/F

Proposals: Proposed replacing 2 flat roofs to rear returns with pitched roofs and internal repairs and improvements to dwelling

Decision: PG

Decision Date: 02-AUG-16

Ref: M/1981/0049

Proposals: 1 NO DWELLING

Decision: PG

Decision Date:

Ref: M/1976/0344

Proposals: ERECTION OF 5 SUBSIDY BUNGALOWS

Decision: PR

Decision Date:

Ref: LA09/2017/1132/F

Proposals: Use of lower ground floor of house as child minding / daycare facility for 8 children

Decision: PG

Decision Date: 09-JAN-18

Ref: M/2008/0412/F

Proposals: 4 No apartments, 2 No 2 bed and 2 No 1 bed with associated parking (Amended land ownership certificate and map)

Decision: PG

Decision Date: 18-AUG-09

Ref: LA09/2018/1564/F

Proposals: Proposed 4 No apartments, 2 No 2 bedroom and 2No 1 bedroom with associated parking with access onto Woodlawn Park and on site waste water treatment plant. (Noise and Odour Assessment Provided)

Decision: PG

Decision Date: 11-MAY-22

Ref: M/2006/1360/F

Proposals: To demolish the derelict dwelling, to build new accommodation containing 8 apartments and car park and remodel 12a Thomas Street to provide 1 apartment on first and 1 on second floor and to reinstate the ground floor retail upholstery shop. (10no. in total).

Decision: PG

Decision Date: 20-JUN-07

Ref: M/1985/0393

Proposals: INTERIOR ALTERATION OF PREMISES FOR OFFICES.

Decision: PG

Decision Date:

Ref: M/1988/0220
Proposals: IMPROVEMENTS TO OFFICES
Decision: PG
Decision Date:

Ref: M/1997/0034
Proposals: Change of use from Dwelling to Office
Decision: PG
Decision Date:

Ref: M/2004/1510/F
Proposals: Change to approved plans M/2003/0909/F to provide two glass enclosed access stairs to the rear of the building
Decision: PG
Decision Date: 07-JAN-05

Ref: M/2003/0909/F
Proposals: Change of use from Existing residential Accommodation to Residential accommodation and offices
Decision: PG
Decision Date: 17-OCT-03

Ref: M/1996/6058
Proposals: Catholic Church Donaghmore Road/Quarry Lane Dungannon
Decision: 211
Decision Date:

Ref: M/2010/0342/F
Proposals: Proposed Full Size GAA Playing Pitch, Pitch Surround Fencing, Ball Catcher & Floodlighting. (amended plans)
Decision: PG
Decision Date: 05-JUL-12

Ref: M/1996/0167
Proposals: Extension to dwelling
Decision: PG
Decision Date:

Ref: M/2000/0140/F
Proposals: Rear kitchen and bathroom extension to dwelling
Decision: PG
Decision Date: 14-MAR-00

Ref: M/1992/0315
Proposals: Extension to Dwelling

Decision: PG
Decision Date:

Ref: M/1977/0332
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: M/2003/0218/F
Proposals: Proposed disabled shower room
Decision: PG
Decision Date: 07-MAY-03

Ref: M/1977/0568
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: M/1997/0792
Proposals: Retail Warehousing and Associated Carparking, Housing
and New Access Road
Decision: WITHDR
Decision Date:

Ref: LA09/2021/1505/PAN
Proposals: Renewal of residential development- M/2014.0572/O- maximum 210 units
Decision: PANACC
Decision Date: 02-NOV-21

Ref: LA09/2020/1105/PAD
Proposals: Option 3 - Proposed works to include development of new school
accommodation, 2no. grass football pitches, 1no. synthetic hockey pitch, 5no. tennis
courts, long jump area, hard play area and car parking areas (124no. spaces), one way
internal road layout including car and bus drop off arrangements, entrance from the
vehicular and pedestrian access vis Greers Road public car park, retaining walls and
proposed landscaping.
Decision: PAD
Decision Date: 01-FEB-21

Ref: M/2007/0787/O
Proposals: Residential development - maximum 210 units at 15m N.E. of 67a
Donaghmore Road, Dungannon with access roads onto Greers Road, Donaghmore
Road and Quarry Lane.
Decision: PG
Decision Date: 06-JAN-12

Ref: M/1999/0016

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

Decision: PG

Decision Date: 19-APR-00

Ref: LA09/2019/1329/PAD

Proposals: Create new accommodation to provide a primary school relocated from the existing site, 97 Donaghmore Road, Dungannon to alternatively identified new site option located at Donaghmore Road, Dungannon (new site area circa 1.2ha). Provide suitable educational facilities to meet the curricular needs of approx. 210 pupils

Decision: PAD

Decision Date: 27-NOV-19

Ref: LA09/2022/1489/O

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

Decision:

Decision Date:

Ref: LA09/2018/1121/PAD

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

Decision: PAD

Decision Date: 08-APR-19

Ref: M/2005/0081/F

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

Decision: PG

Decision Date: 12-APR-05

Ref: M/2006/1442/Q

Proposals: Housing Development

Decision: 211

Decision Date: 27-JUL-06

Ref: M/2014/0572/O

Proposals: Renewal of residential development (M/2007/0787/O), maximum of 210 units with access onto Greers Road, Donaghmore Road and Quarry Lane, Dungannon

Decision: PG

Decision Date: 25-OCT-16

Ref: M/1994/6200

Proposals: Site for Housing Development Quarry Lane Dungannon

Decision: QL
Decision Date:

Ref: M/1995/0061
Proposals: Site for Housing Development
Decision: PG
Decision Date:

Ref: M/1991/4069
Proposals: Alterations to dwelling
Decision: PDNOAP
Decision Date:

Ref: M/1992/0546
Proposals: Extension to Dwelling
Decision: PG
Decision Date:

Ref: M/1985/0447
Proposals: NEW ACCESS TO PUBLIC ROAD
Decision: PG
Decision Date:

Ref: M/2000/1173/O
Proposals: Proposed housing development
Decision: PG
Decision Date: 25-FEB-02

Ref: M/1977/0598
Proposals: DOMESTIC GARAGE
Decision: PG
Decision Date:

Ref: M/1974/0393
Proposals: IMPROVEMENTS AND EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: LA09/2017/0879/PAD
Proposals: Proposed demolition and new build scout hall approx. 450 x 500m sq hall, social space, ancillary accommodation and site works
Forming new access at side of site
Decision: DECPAD
Decision Date: 01-SEP-17

Ref: M/2008/1186/F

Proposals: Proposed raising of ridge height to create new bedrooms, hot press, storage area, en suite, bathroom & study on first floor, replacement of windows & doors & sun lounge extension to dwelling.

Decision: PG

Decision Date: 16-DEC-08

Ref: M/2006/2080/F

Proposals: Proposed replacement of existing dwelling to provide two new dwellings

Decision: PG

Decision Date: 22-JUN-07

Ref: M/1980/0018

Proposals: EXTENSION TO BUNGALOW

Decision: PG

Decision Date:

Ref: M/1979/0942

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: M/2014/0080/F

Proposals: Proposed 3 no. dwellings (1 no. one and three quarter storey detached dwelling, 2no. two storey, semi detached dwellings on site of 20 Woodlawn Drive, Dungannon

Decision: PR

Decision Date: 26-JUN-14

Ref: M/1977/0463

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: M/1979/020601

Proposals: 2 STOREY DWELLING HOUSE AND GARAGE

Decision: PG

Decision Date:

Summary of Consultee Responses

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

DFI Roads - Enniskillen Office-Roads Consultation blank.docx

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

Environmental Health Mid Ulster Council-LA09-2022-1489-O EH Response.pdf

Historic Environment Division (HED)-

Rivers Agency-745048 FINAL.pdf
NIEA-PRT LA09-2022-1489-O.PDF
Shared Environmental Services-
NI Water - Strategic Applications-Consulted in error. Please resend to Multi Units West.
Environmental Health Mid Ulster Council-
Shared Environmental Services-LA09-2022-1489-O HRA - AA 22-11-2023.pdf
NI Water - Strategic Applications-Consulted in error. Please resend to Multi Units West.
NIEA-PRT LA09-2022-1489-O.PDF
NI Water - Multiple Units West-LA09-2022-1489-O.pdf
NIEA-PRT LA09-2022-1489-O.pdf
Shared Environmental Services-
Environmental Health Mid Ulster Council-
NIEA-PRT LA09-2022-1489-O.PDF
Shared Environmental Services-Holding Letter .pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable

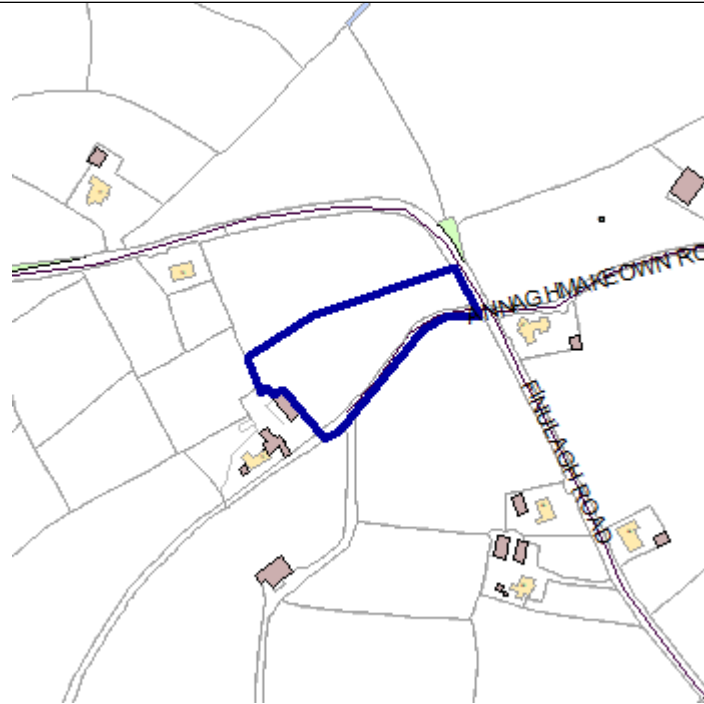


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.5
Application ID: LA09/2023/0005/F	Target Date: 18 April 2023
Proposal: Proposed dwelling and detached domestic garage	Location: Approx 55M NE of 72 Finulagh Road Dungannon BT70 3DB
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Michael Doran 72 Finulagh Road Galbally BT70 3DB	Agent Name and Address: Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	24-02-2023.docx
Non Statutory Consultee	DAERA - Omagh	LA09-2023-0005-F.docx
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc Roads Consultation - Full response.docx

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located within the open countryside outside any settlement designated by the Dungannon and South Tyrone Area Plan 2010. It sits adjacent the Finulagh Road approx. 2.3km northeast of Castlecaulfeild.

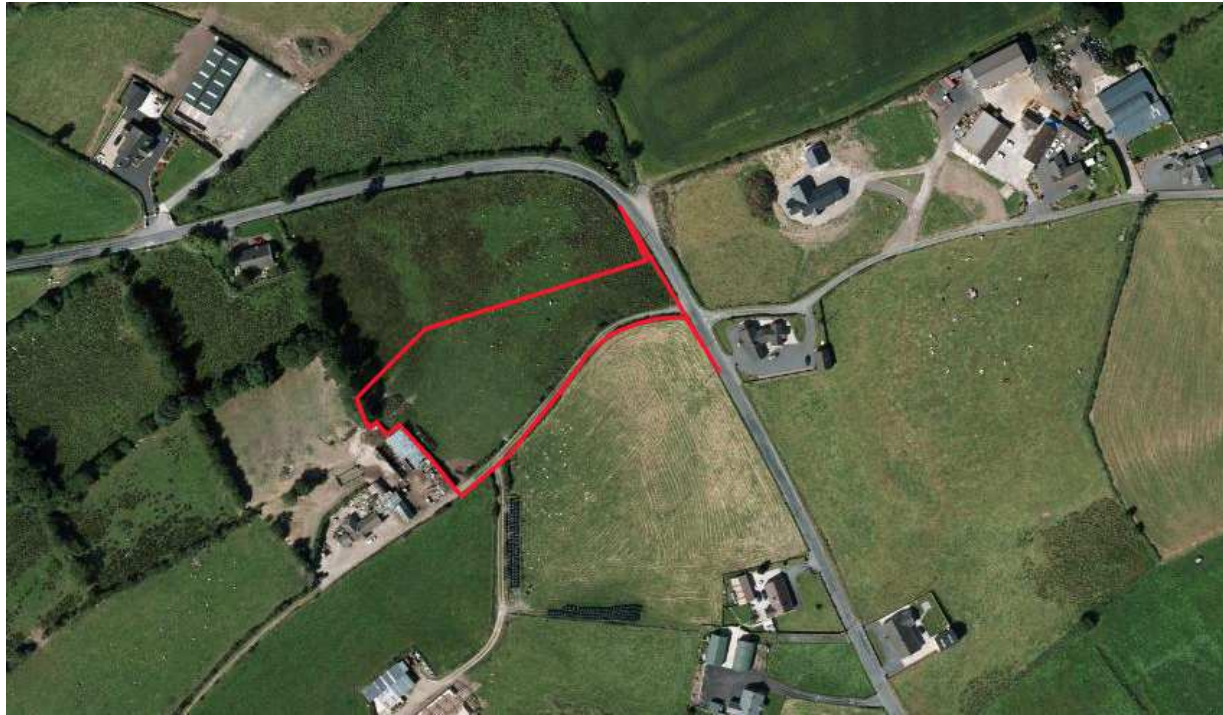


Fig 1: Site outlined red

The site is a relatively large rectangular shaped plot comprising the roadside frontage and southern half of a large agricultural field; and a lane that runs along the southeast boundary of the field to serve the applicant's farm holding at no. 72 Finulagh Road. The farm holding, which comprises a modest single storey dwelling (applicant's address) bound primarily to its northeast side by a number of outbuildings and sheds, bounds the site to the southwest. A mix of post and wire fencing and low hedging bounds the roadside frontage of the site and both sides of the lane bounding the site to the southeast. The northwest boundary of the site is undefined onto the host field.

The immediate area surrounding the site is typically rural in character comprising undulating agricultural landscape interspersed by detached dwellings of single storey appearance, ancillary dwellings, and farm groups. The landform within the immediate vicinity generally rises upwards quite steeply from the Finulagh Road from east to west through the site up to the applicants farm group which alongside the most western part of the site occupies an elevated position in the surrounding landscape.



Fig 2: View of site from Finulagh Road on southeast approach to its access off the Finulagh Road.



Fig 3: View of site from Finulagh Road on southeast approach to its access off the Finulagh Road.



Fig 4: View of site from Finulagh Road on southeast approach to its access off the Finulagh Road.

Critical views of the site exist from the Finulagh Road on the west / northwest approach when passing along the frontage of the host field; from the Finulagh Road over a longer distance on the southeast approach to the site access; and from the elevated Annaghmakeown Road located to the northeast.

Description of Proposal

This is a full planning application for a dwelling and detached domestic garage on a farm. The site is located approx. 55m NE of 72 Finulagh Road Dungannon.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Development Control Advice Note 15: Vehicular Standards

Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

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

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 objection was received from Marian Doran on the 14th September 2023 who advised that the dwelling on the applicant's farm holding no. 72 Finulagh Road is mortgaged in my both her and her ex-husband, the applicant's, name. That she objects to the proposal as she has never been told about it owns half of no. 72.

In response to the above objection the agent was contacted via email on the 3rd October 2023 and asked to provide an amended P2 Certificate of ownership notifying all parties in ownership of / with interest in the lands outlined in red under this application. The information required was to be submitted on a without prejudice basis within 14 days

from the date of the date of the email. To date this information has not been received. That said any planning permission granted will not confer title. It will be the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Relevant Planning History

- M/1976/0313 - Extension and repairs to dwelling - 72 Finulagh Road Castlecaulfield - Granted
- M/1992/4106 - Improvements to dwelling - 72 Finulagh Road Castlecaulfield - Permitted Development
- M/1996/4077 - Alterations to dwelling - 72 Finulagh Road Dungannon - Permitted Development

The above applications relate to the applicant's farm dwelling located on lands immediately southwest of the site.

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections to the proposal subject standard conditions and informatives, which will be applied to any subsequent decision notice to comply with the requirements of PPS 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DAERA) were consulted with a P1C Form and Farm maps submitted alongside the application. DAERA confirmed the farm business identified on P1C Forms and Farm maps has been active and established for over 6 years. That it was established in 1991 and has claimed through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years

Dungannon and South Tyrone Area Plan 2010

The site lies in the rural countryside outside any designated settlement with the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS advises that the policy provisions relevant to this proposal including Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

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

PPS 21 is the overarching policy for development in the countryside. Policy CTY1 of PPS 21 outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aim of sustainable development. These include dwellings on farms in accordance with Policy CTY 10 of PPS 21.

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

1. the farm business is currently active and has been established for at least 6 years,

The applicant has a farm business and as confirmed with the Department of Agriculture, Environment and Rural Affairs (DAERA) this business (identified on P1C Forms and Farm maps submitted alongside application) has been active and established for over 6 years. I am content Criterion (1) of CTY 10 has been met.

- no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application or since PPS 21 was introduced on 25th November 2008,

There is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from Mr Doran’s farm holding within the last 10 years from the date of the application. I am content Criterion (2) of CTY 10 has been met.

- the new building is visually linked or sited to cluster with an established group of buildings on the farm.

The new dwelling including garage will be located on agricultural lands immediately northeast of an established group of buildings on the applicant’s farm holding at no. 72 Finulagh Road comprising a modest single storey farm dwelling (applicant’s address) bound primarily to its northeast side by a number of outbuildings and sheds. I am content the proposed dwelling will visually link with these established buildings on the farm when viewed from the Finulagh Road (see ‘Characteristic of the Site and Area’ detailing views including Figs 2-4). I am content Criterion (3) of CTY 10 has been met.

CTY 10 goes on to say that the application site must also meet the requirements of Planning Policies CTY 13 Integration and Design of Buildings in the Countryside and CTY 14 Rural Character. CTY 13 outlines permission will only 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 and CTY14 where it does not cause a detrimental change to, or further erode the rural character of an area.

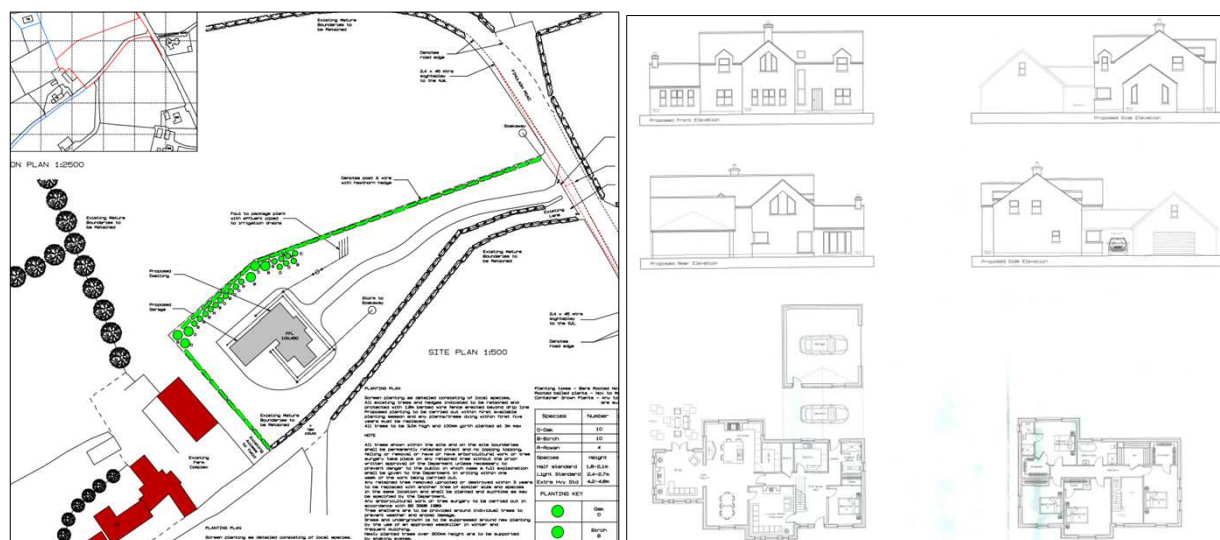


Fig 5 & 6: Proposed site layout; and floor plans and elevations of dwelling including garage, respectively.

In this instance I do not believe the site has the capacity to absorb the proposed 1 ¾ storey dwelling including garage submitted in accordance with Policy CTY13 and 14. The size, scale, and design of the dwelling is inappropriate for the site and locality and if permitted would be a prominent feature in the landscape when viewed from the surrounding vantage points (see ‘Characteristics of the Site and Area’) leading to a detrimental change to the rural character of the area comprising undulating agricultural landscape interspersed by detached dwellings of single storey appearance.

Accordingly, the agent was contacted via email on the 24th March 2023 and advised that Planning considered the large house type unsuitable for this prominent site and offered the applicant the opportunity to submit amended drawings to show the house type reduced to single storey to reduce the visual impact.

The agent subsequently emailed additional information on the 24th April 2023 advising the applicant is set on the design and feels it reflects the elements of dwelling design in the local area. That the site avails of well-established mature boundaries which will be retained and assist with integrating the dwelling. The proposed site is located in front of the existing farm complex consisting of large farm buildings. The agent also advised that having carried out extensive research within the Mid Ulster Council area regarding similar dwellings designs and listed them.

Whilst the additional information as detailed above was taken into consideration Planning opinion had not changed as such the agent was advised of this via phone on the 2nd June 2023 and that every site and proposal is assessed on its individual merits. Accordingly, on the 1st August 2023 the agent was given another opportunity to submit amended drawings to show the house type reduced to single storey to reduce the visual impact. On the 31st August 2023 amended drawings were received to show the dwelling’s ridge height reduced by ½ metre (7.5m to 7m) alongside views to show how the dwelling would integrate by availing of the well-established mature boundaries on site and its location to the front of the existing farm complex and buildings.

Again, whilst the additional information as detailed above was taken into consideration Planning opinion had not changed. The agent was advised via email on the 11th September 2023 that Planning still had concerns regarding the large house type on this prominent site and as such offered another opportunity to submit the following information for further consider:

- A section through the site (northeast – southwest) to show the concept of setting the dwelling below the farm group.
- An amended design reflective of simple rural form as this dwelling will be very visible in the landscape.

In addition to the above on the 3rd October 2023 as a result of a P2 Challenge received regarding land ownership (see ‘Representations’ further below) an amended P2 Certificate of ownership notifying all parties in ownership of / with interest in the lands outlined in red under this application.

The information required above was to be submitted on a without prejudice basis within 14 days from the date of the last email on the 3rd October 2023. To date no further

information has been received therefore as Planning opinion remains unchanged this proposal is recommended for refusal. The design of the dwelling is considered inappropriate for the site and its locality, and if permitted it would be a prominent feature in the landscape leading to a detrimental change to the rural character of the area.

Additional considerations

A suitably designed scheme on this site would not in my opinion have had any unreasonable impact on neighbouring amenity in terms of overlooking or overshadowing given the separation distances that could be retained. Additionally, an agricultural shed running along the outside of the site's rear / southwest boundary intervenes between the site and no. 72 Finulagh Road, the applicant's farm dwelling.

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked and there are no built heritage assets or natural heritage features of interest or significance on site.

Flood Maps NI indicate the site is not subject to Flooding.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the dwelling is inappropriate for the site and its locality, and if permitted it would be a prominent feature in the landscape.

Reason 2

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s): Emma Richardson

Date: 21 December 2023

ANNEX	
Date Valid	3 January 2023
Date First Advertised	19 January 2023
Date Last Advertised	19 January 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 67 Finulagh Road Dungannon Tyrone BT70 3DE The Owner / Occupier 72 Finulagh Road Dungannon Tyrone BT70 3DE	
Date of Last Neighbour Notification	14 September 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/1992/4106 Proposals: Improvements to Dwelling Decision: PDNOAP Decision Date:</p> <p>Ref: LA09/2023/0005/F Proposals: Proposed dwelling and detached domestic garage Decision: Decision Date:</p> <p>Ref: M/1976/0313 Proposals: EXTENSION AND REPAIRS TO DWELLING Decision: PG Decision Date:</p> <p>Ref: M/1996/4077 Proposals: Alterations to dwelling Decision: PDNOAP Decision Date:</p>	

Summary of Consultee Responses

DFI Roads - Enniskillen Office-24-02-2023.docx

DAERA - Omagh-LA09-2023-0005-F.docx

DFI Roads - Enniskillen Office-DC Checklist 1.doc
Roads Consultation - Full response.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Floor Plans Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02 Rev.01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.6
Application ID: LA09/2023/0012/O	Target Date: 21 April 2023
Proposal: Proposed Dwelling and Garage on a Farm	Location: Land Approx 120M West of 27 Tycanny Road Garvagh Dungannon BT70 2EB
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Neville Robinson 69 Tullanafoile Road Dungannon BT70 2ED	Agent Name and Address: Mr Philip Marshall 10 Union Street Cookstown BT80 8NN
Executive Summary: This application is being presented to Committee as the applicant is related to an elected member, it is contrary to CTY1 and CTY12 of PPS21, and the proposed development impacts on the land take associated with the planned route of the A5 Western Corridor dual carriageway project and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	DAERA - Omagh	LA09-2023-0012-O.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.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

The proposed development is contrary to CTY 1 and 12 of PPS 21 as it is not visually linked or sited to cluster with an established group of buildings on the farm. Additionally it is contrary to SPPS Para 6.297 and AMP 4 of PPS 3 as it is located within the land take associated with the planned route of the A5 Western Corridor dual carriageway project, and would if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

Characteristics of the Site and Area



The site is located within the rural area approximately 2.1km south-west of Garvaghy along the Tycanny Road and is outwith any settlement limits as set down in the Dungannon and South Tyrone Area Plan 2010. The site is a 0.32ha parcel of land, located to the north-east of a chicken house with associated silos, small shed and wooden chicken runs. The site is roughly square shaped and rises from south-west to north-east. The south-eastern (roadside) boundary is defined by a hedgerow with mature trees defining the north-eastern boundary. The south-western and north-western boundaries are undefined as they are cut out of the larger agricultural field. The site outlined in red includes a portion of the existing concrete yard to the chicken house at the southernmost tip of the site.

There is little recent development pressure in the area, with existing development taking the form of mostly single dwellings with associated outhouses.

Description of Proposal

Proposed Dwelling and Garage on a Farm

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant history

Ref: M/2000/0917/F

Proposals: Free Range Chicken Production Unit Consisting Of 2 No. Poultry Houses

Decision: PG

Decision Date: 17-JAN-01

Ref: M/1992/0084

Proposals: Erection of Dwelling

Decision: WITHDR

Decision Date:

Representations

No neighbouring properties were identified to be notified and press advertisement has been carried out in line with the Council's statutory duty.

An email has been received from the Ulster Farmers Union who are concerned with the fact this application is being refused due to the A5WTC which has not been commenced to date. Mr Robinson expects to lose land to the road but not the area that he had applied for planning for a dwelling and garage. It is extremely disappointing that the application has been refused without a decision on whether or not the road will progress and that the landowner was unaware that the section of land on which he applied for planning may be vested and form part of the road. I spoke with the policy and technical officer from the UFU and explained that a decision on this application has not yet been made. It is likely to go before Committee with a recommendation to refuse as we cannot go against DFI Roads recommendation that it will affect the land take of the WTC project; however no final decision has been taken on it yet. Sarah will contact DFI Roads herself to see if there is any way around this. Nothing further has been received to date.

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing planning policies should be applied in this assessment.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction therefore existing policy applies.

Para 6.297 of the SPPS further states that the regional strategic objectives for transportation and land-use planning are to:

- promote sustainable patterns of development which reduce the need for motorised transport, encourages active travel, and facilitate travel by public transport in preference to the private car;
- ensure accessibility for all, with the needs of people with disabilities and others whose mobility is impaired given particular consideration;
- promote the provision of adequate facilities for cyclists in new development;
- promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion;
- protect routes required for new transport schemes including disused transport routes with potential for future reuse;
- restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes; and
- promote road safety, in particular for pedestrians, cyclists and other vulnerable road users.

I do not consider the proposal is in line with the regional strategic objectives of the SPPS for transportation and land-use planning, as it will, if approved, impact on the route required for the new transport scheme of the A5 Western Transport Corridor. The New Approach to Regional Transportation, produced by the DRD, also supports these regional strategic objectives for transportation in Northern Ireland and highlights the aspirations of the Executive with regard to it. This proposal does not support these objectives.

PPS 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves a new

access onto the public road.

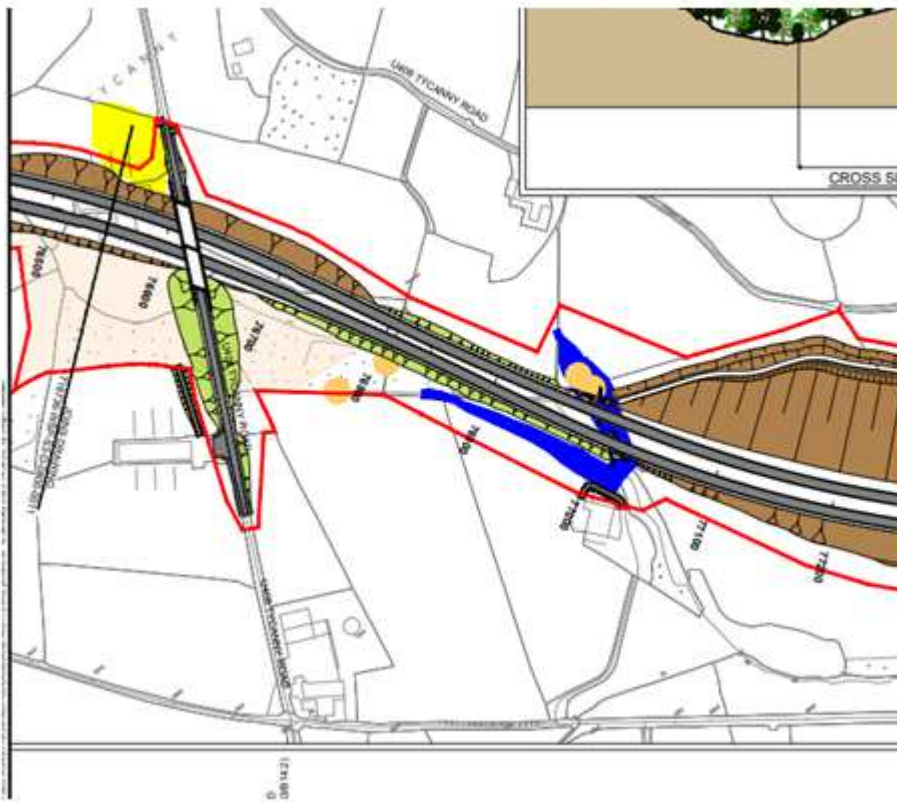
Policy AMP 4 of PPS 3 Protection for New Transport Schemes is also relevant and states that planning permission will not be granted for development that would prejudice the implementation of a transport scheme identified in a development plan.

Para 5.30 states that the following matters will be taken into account in assessing whether the implementation of a particular scheme would be prejudiced by a development proposal:

- the nature of the proposal;
- the programming of the transport scheme; and
- the extent to which implementation of the scheme would be compromised by the carrying out of the proposed development.

DfI Roads have been consulted and recommend a refusal for this application as the proposed development impacts on the land take associated with the planned route of the A5 Western Corridor dual carriageway project, as provided for within the associated Notice of Intention to make a Direction Order and Notices of Intention to make Vesting Orders and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

For ease of reference I have included below the A5WTC map for Tycanny Road which shows how this application will impact on the Western Corridor Project (site shown highlighted in yellow).



I have spoken directly with DfI Roads to see if there is any way this site will not prejudice the implementation of the project, following the submission of supporting information from the agent date received 30 March 2023. He explained that any applications that may impact on the A5 WTC are directed to the A5 WTC Team who determine if acceptable or not. DfI Roads have forwarded the recent drawings and statement to the A5 WTC team for further consideration on the proposals, and it has been confirmed that the proposals will have an effect on the vesting envelope and associated maintenance strip required for the A5 WTC scheme. They still recommend refusal on these grounds.

Planning Policy Statement 21 - Sustainable Development in the Countryside

CTY 1 allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or

- a dwelling on a farm in accordance with Policy CTY 10.

CTY 10 of PPS21 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*

DAERA have been consulted and have confirmed that the Farm Business ID has been in existence for the required 6 year period and that the applicant is a Category 1 farmer. They have also confirmed that payments are currently being claimed by the farm business and that the proposed site is located in a field which is under the control of the farm business identified on the P1C form. From this I am satisfied that the farm business is currently active and 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*

I have carried out a planning history search of the applicants holding and I am satisfied there are no planning approvals that could be considered as development opportunities to be sold/transferred off within the past ten years within the Mid Ulster Council area. The most recent application shown on the farm maps is dated 2005.

- (c) *The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.*

The site sits adjacent to the chicken house and small shed to the south-west of the site. Additionally, the silos whilst not buildings, are significant structures which read with the group when travelling along the public road. However, there is not an established group of buildings with which a dwelling on this site will visually link. For this reason the proposal is contrary to CTY 12.

CTY 13 – Integration and Design of Buildings in the Countryside and CTY 14 – Rural Character

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application the design elements of CTY 13 cannot be dealt with under this application but will be considered under any RM or Full application. I would however consider a ridge height of 5.5m should be applied to any permission given the low ridge level of the existing buildings with which any approval would be sited. When travelling north-east along the public road there will be limited long term critical views given the existing development to the south-west. When travelling south-west a dwelling here will read with the existing buildings. I am of the opinion that a dwelling with the suggested ridge height here will integrate and will not be prominent in the countryside. I am satisfied the proposal meets policy CTY 13. Existing and proposed levels will have to be provided with any approval, along with a comprehensive landscaping plan showing what vegetation is to be retained and what additional planting

is proposed.

CTY 14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A proposed dwelling on this site will not be unduly prominent in the landscape as it will be screened from any long term views. A dwelling here will not contribute to a localised sense of build-up and respects the tradition pattern of settlement. I have no concerns with the creation of ribboning and am content that the proposed dwelling in this location will not erode the rural character of this area. I consider the proposal complies with CTY 14.

Other Considerations

Environmental Health Department were consulted given the close proximity to a chicken house. They have noted the comments from DFI Roads who are raising concerns regarding the proximity of this proposed dwelling to the A5 Western Transport Corridor (WTC). Given the limited separation distance between this proposed dwelling and the A5 WTC, EHD would be concerned that the residential amenity of the future occupants of this proposed dwelling will be negatively impacted by road traffic noise from the A5 WTC and therefore they have concerns regarding the suitability of this proposed development.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

In addition to checks on the planning portal, Natural Environment Division (NED) map viewer available online has been checked and did not identify any natural heritage interests on site to raise any concerns in relation this proposal.

From assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map I have no flooding concerns. In addition, I have no ecological or residential amenity concerns.

I recommend refusal as the proposal is not visually linked or sited to cluster with an established group of buildings on the farm and is contrary to CTY1 & CTY10 of PPS 21. Additionally, it is contrary to SPPS Para 6.297 and AMP 4 of PPS 3 as it is located within the land take associated with the planned route of the A5 Western Corridor dual carriageway project, and would if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

Reason 2

The proposed development is contrary to SPPS Para 6.297 as it is located within the land take associated with the planned route of the A5 Western Corridor dual carriageway project, and would if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

Reason 3

The proposal is contrary to Planning Policy Statement 3, AMP 4 Protection for New Transport Schemes, in that it would, if permitted, impact on the land take associated with the planned route of the A5 Western Transport Corridor dual carriageway project, as provided for within the associated Notice of Intention to make a Direction Order and Notices of Intention to make Vesting Orders and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

Signature(s): Deirdre Laverty

Date: 14 December 2023

ANNEX	
Date Valid	6 January 2023
Date First Advertised	
Date Last Advertised	19 January 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0012/O Proposals: Proposed Dwelling and Garage on a Farm Decision: Decision Date:</p> <p>Ref: M/1992/0084 Proposals: Erection of Dwelling Decision: WITHDR Decision Date:</p>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-Outline resp.docx Environmental Health Mid Ulster Council- DAERA - Omagh-LA09-2023-0012-O.docx DFI Roads - Enniskillen Office-Outline resp.docx DFI Roads - Enniskillen Office-Outline resp.docx DFI Roads - Enniskillen Office-Outline resp.docx Environmental Health Mid Ulster Council-Planning response.pdf Environmental Health Mid Ulster Council-	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

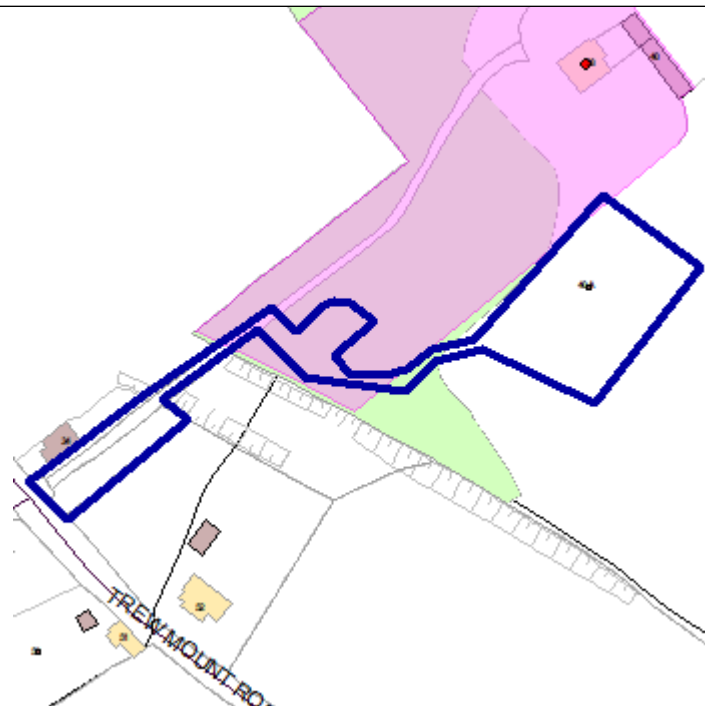


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.7
Application ID: LA09/2023/0208/F	Target Date: 15 June 2023
Proposal: Proposed function room building in substitution of previously approved marquee function room under planning reference LA09/2018/0526/F	Location: 38 Trewmount Road Laghey Corner Killyman
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Paul & Emma Quinn 38 Trewmount Road Killyman BT71 6RL	Agent Name and Address: Conor Foy 75 CREAGH ROAD Creagh Tempo BT94 3FZ
Executive Summary: The application is presented to committee on the basis of going against HED advice. They have suggested a 3 year time commencement condition be attached to any forthcoming approval. The reasons for proposing a permanent permission at this site is noted later in the report in detail.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Environmental Health Mid Ulster Council	LA09-23-0208 F Old Rectory Killyman 050923.doc
	Environmental Health Mid Ulster Council	LA09-23-0208 F Old Rectory Killyman.doc
Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	NIEA	PRT LA09-2023-0208-F.PDF
Non Statutory Consultee	NIEA	PRT - LA09-2023-0208-F.PDF

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located at 38 Trewmount Road, Killyman. The current use of the lands is better known locally as "the Old Rectory" and it is used for weddings and multiple other events. The red line of this site incorporates the existing access arrangement and lands to the SE of the main building on site. There is an existing marquee further south of this. The site itself is set back from the public road a notable distance and views are limited given the existing landscaping around the site. The lands surrounding the site have a mix of uses, with some of the lands being agricultural in use and noting the sites location where it is in close proximity to Killyman, there is a mix of uses nearby, including residential, recreational and commercial.

Description of Proposal

Full planning permission is sought for proposed function room building in substitution of previously approved marquee function room under planning reference LA09/2018/0526/F.

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. Neighbours notified under this application include: 33, 34 and 39 Trewmount Road. At the time of writing, no third party representations were received.

Planning History

LA09/2018/0061/PAN - Conversion of existing coach house to provide pre-function room accommodation and erection of garden function marquee with associated internal bar, kitchen, sanitary and car parking facilities within ground of listed building, Former Killyman Rectory HB Ref No. 13/07/011 - 38 Trewmount Road, Killyman – PAN ACCEPTED

LA09/2018/0519/LBC - Conversion of coach house as existing to provide pre-function room accommodation, installation of temporary sectional sanitary and food preparation buildings and erection of garden function marquee with associated internal bar, kitchen, sanitary and carparking facilities, within grounds of Listed Building, Former Killyman Rectory, HB No. 13/07/011 (amended description) - 38 Trewmount Road, Killyman – CONSENT GRANTED

LA09/2018/0526/F - Conversion of coach house as existing to provide pre-function room accommodation, installation of temporary sectional sanitary and food preparation buildings and erection of garden function marquee with associated internal bar, kitchen, sanitary and car parking facilities within grounds of listed building. Former Killyman Rectory (Amended Environmental Noise Impact Assessment received) (amended

description) - 38 Trewmount Road, Killyman – PERMISSION GRANTED

LA09/2020/0867/F - A section 54 application to vary condition 4 of planning approval LA09/2018/0526/F. Condition 4 relates to the sectional building containing the prep kitchen and toilets. We request to vary the condition from 18 months (from date of initial approval) to 42 Months with construction to be commenced within 43 months of the permission - 38 Trewmount Road, Killyman – PERMISSION GRANTED

LA09/2022/1549/F - Proposed Ceremony Room - Lands Approx. 45M To The South (Rear) Of Old Rectory, 38 Trewmount Road, Killyman, Dungannon. Bt71 6RL – PERMISSION GRANTED

LA09/2022/1550/F - Retention of existing Car Parking Layout in substitution for that approved under LA09/2018/0526/F - Lands Approx. 100M South West Of Old Rectory, 38 Trewmount Road, Killyman – PENDING CONSIDERATION

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 16: Tourism
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 4: Planning and Economic Development
- PPS 3: Access, Movement and Parking
- The Local Development Plan 2030 – Draft Plan Strategy

The majority of the application site is located just outside Killyman Settlement Limit in the rural countryside and is within a Local Landscape Policy Area. The Coach house at the entrance to the Old Rectory and the access to the site is within the settlement of Killyman. The site has no other zonings or designations related to the site.

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.

Planning Policy Statement 21- Sustainable Development in the countryside provides the policy context for this development and in particular Policy CTY 1 – Development in the Countryside which advises that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. All proposals for development in the countryside

must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. It is my opinion that this proposal meets these requirements.

The history of the site and the previous applications which were submitted were assessed mainly under the provisions of PPS 4. However, further discussions surrounding this application have led to the application being assessed mainly under the provisions of PPS 16, which deals with tourism. It was felt that the application may be a better fit within this policy context given that the site attracts people for generally short periods of time. The introduction of PPS 16 notes that the World Tourism Organisation (WTO) refers to the definition of tourism as tourists (overnight visitors) and same day visitors which is what this site would fall into.

Thus, this proposal will also be assessed against with criterion held within TSM 2 and TSM 7. TSM 2 relates to tourist amenities in the countryside and it deals with extensions of existing tourist amenities also. The proposal goes on to say that where possible, proposals will be expected to be accommodated thought the conversion, reuse or extension of existing buildings on site, however it adds that a replacement building could be acceptable provided it is sited and designed as to integrate with the overall development. I am content that the building proposed to replace the existing marquee and the proposed building is of a size, scale and design which is deemed appropriate for this site and will not harm the rural character of the site and will integrate within the overall development.

TSM 7 notes that in addition to the other policy provisions within PPS 16, proposals should be subject to a number of design and general criterion also. I am content that the proposal is compliant with criterion (a)-(o) of TSM 7, meeting with the design requirements and the general criteria and these will be assessed in the order they appear within TSM 7. I am content that a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired. There is a footpath which runs from Killyman to the entrance of the site and several pathways are shown within the site to allow access to this building. The site layout remains similar to what was approved previously, and the building design and landscaping arrangements are of high quality and will assist the promotion of sustainability and biodiversity. There is no flood lighting proposed as part of this application. There are existing boundary treatments which are to remain in place and will provide suitable enclosure for this building. I don't envisage any issues in relation to crime or personal safety at this site. There is no public art involved with this application.

The Old Rectory is a Wedding/Events venue and this use will be in conjunction with other functions which may take place at the site, similar to the building it will be replacing. I am content that the proposal should not harm the amenities of nearby residents, nor should it create a noise nuisance given the nature of the use proposed. The proposal does not adversely affect features of the natural or built heritage and it is not located in an area at flood risk nor should it exacerbate flooding. There are no emission or effluent which should be created as a result of the proposal and I am content the existing road network could safely handle any extra vehicular traffic the proposal may generate, however the numbers attending the site should be similar to those already

attending. The proposal does not amend the existing access arrangements, parking or manoeuvring areas that are existing provided. The land use proposed is compatible with the surrounding land uses and I am content with the access arrangements to and within the site.

The Council have agreed the economic activity on the site and the use has already been accepted at this site and as such Planning Policy Statement 4 – Planning and Economic Development is considered within this report also. PPS 4 provides the policy context for a range of different economic uses within the Settlement limits and outside of them in the rural countryside. PED 2, PED 3 and PED 9 are all somewhat relevant to this proposal and were assessed in detail previously under LA09/2018/0526/F. PED 2 deals with economic development in the countryside which directs you to PED 3 for the expansion of an established economic development use. The lands were previously granted permission under LA09/2018/0526/F for the conversion of the coach house etc. I am content that this proposal can be considered as an expansion of that established use and as such can be assessed under PED 3. I am content that the proposal would not harm the rural character or the appearance of the local area, nor would there be any major increase in the site area of the enterprise. Given the proposal is for the substitution of existing use of the building, I am content that the new building is respectful of the scale, design and materials of the original buildings on site. Further discussion about HED comments on the proposal will be later on in this report. There is adequate landscaping around the site which would screen from public views. I am content there is no conflict with this proposal and PED 9 as it sets out the general criteria for economic development and is similar to the criterion held within TSM 7. TSM 7 has been assessed within this application and PED 9 was assessed within the reports for historical approvals at this site.

HED were consulted on the proposal given the sites proximity in relation to the Listed Building. HED have noted in their responses and via further email discussions that they would only be content with a 3 year temporary permission at this site, hence why the application is being presented to the committee. It was considered that given the history on the site, notably the existing marquee on the site which this proposal intends to replace and which has no time limit condition attached to it, that in this instance a permanent permission for this proposal would also acceptable. This proposal is for a new function room, which is similar in size and scale and is sited at the same location as that approved previously. It is important to note that this building is located outside of the listing building curtilage (the pink wash area shown on the map earlier in the report) and thus it is our view that the impact on the listed building and indeed the setting of the listed building would be reduced.

Environmental Health were consulted on the application and a noise impact assessment has been provided. They are content with the finds of this report and have raised no concerns, subject to a number of conditions.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

Amplified music levels shall not exceed the levels stated within Table 5 of the noise impact assessment dated 10th August 2023.

Reason: To protect nearby residential amenity from noise.

Condition 3

Amplified music is only permitted within the conference room/hall as annotated on drawing number 01. Amplified music is not permitted in external areas within the blue line as shown on drawing number 01.

Reason: To protect nearby residential amenity from noise.

Condition 4

The approved function room shall be built to achieve the minimum sound reduction properties as per Table 6 of the submitted noise impact assessment.

Reason: To protect nearby residential amenity from noise.

Condition 5

Amplified and non-amplified music emanating from the area outlined in blue on drawing number 01 dated Jan 23 shall not exceed NR 25 for 15 minutes when measured at the façade of any residential property which lawfully exists.

Reason: To protect nearby residential amenity from noise

Condition 6

All doors opening to the marquee shall be equipped with self-closing devices and shall not be held open other than for the means of ingress and egress.

Reason: To protect nearby residential amenity from noise.

Condition 7

Within 8 weeks of a written request by the Planning Department, following a reasonable noise complaint, the applicant shall, at their expense, employ a suitably qualified and competent person to assess and report the level of noise emissions from the site and their impact at the complainant's property. Details of the noise monitoring survey shall be

submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To protect nearby residential amenity from noise.

Condition 8

If the report(s) submitted, as per conditions 2, 4 & 5, indicate that noise levels exceed noise levels stated within condition 2, a scheme outlining corrective action with proposed timescales for their implementation shall be agreed in writing with the Planning Department.

Reason: To protect nearby residential amenity from noise.

Signature(s): Sarah Duggan

Date: 21 December 2023

ANNEX	
Date Valid	2 March 2023
Date First Advertised	13 March 2023
Date Last Advertised	13 March 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 39 Trewmount Road Moy Tyrone BT71 6RL The Owner / Occupier 33 Trewmount Road Moy Tyrone BT71 6RL The Owner / Occupier 34 Trewmount Road Moy Tyrone BT71 6RL	
Date of Last Neighbour Notification	8 March 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2018/0519/LBC Proposals: Conversion of coach house as existing to provide pre-function room accommodation, installation of temporary sectional sanitary and food preparation buildings and erection of garden function marquee with associated internal bar, kitchen, sanitary and carparking facilities, within grounds of Listed Building, Former Killyman Rectory, HB No. 13/07/011 (amended description) Decision: CG Decision Date: 02-OCT-19</p> <p>Ref: M/1987/0271 Proposals: MINOR INTERNAL ALTERATIONS, MAJOR IMPROVEMENT WORKS AND DEMOLITION OF Decision: PG Decision Date:</p> <p>Ref: LA09/2017/1365/DC Proposals: Discharge of condition 02 for Planning application M/2008/0760/F Decision: RL Decision Date: 20-JUN-18</p>	

Ref: M/2008/1022/LDP

Proposals: Improvements to Moygashel Waste Water Treatment Works

Decision: PG

Decision Date: 25-MAR-09

Ref: M/1990/0397

Proposals: Extension and alteration to Gate Lodge

Decision: PG

Decision Date:

Ref: LA09/2018/1485/LBC

Proposals: Construction of new access road with entrance pillars/walls to serve as new access for proposed development described under Ref LA09/2018/0526/F, to include the omission of 2 no dwellings (Sites 25 & 26) under Ref M/2008/0760/F

Decision:

Decision Date:

Ref: LA09/2018/1114/F

Proposals: Construction of new access road with entrance pillars / walls to serve as new access for proposed development described under ref LA09/2018/0526/F, to include the omission of 2 no dwellings (sites 25 and 26) under ref M/2008/0760/F at lands 156m to the South West of 38 Trewmount Road, Dungannon

Decision:

Decision Date:

Ref: M/2005/2148/E

Proposals: Improvements to Moygashel Waste Water Treatment Works.

Decision: 211

Decision Date:

Ref: LA09/2022/1550/F

Proposals: Retention of existing Car Parking Layout in substitution for that approved under LA09/2018/0526/F.

Decision:

Decision Date:

Ref: LA09/2023/0208/F

Proposals: Proposed function room building in substitution of previously approved marquee function room under planning reference LA09/2018/0526/F

Decision:

Decision Date:

Ref: M/1978/0353

Proposals: NEW EXIT FOR VEHICLES AND PEDESTRIANS FROM DWELLING

Decision: PG

Decision Date:

Ref: LA09/2018/0526/F

Proposals: Conversion of coach house as existing to provide pre-function room accommodation, installation of temporary sectional sanitary and food preparation buildings and erection of garden function marquee with associated internal bar, kitchen, sanitary and car parking facilities within grounds of listed building. Former Killyman Rectory (Amended Environmental Noise Impact Assessment received) (amended description)

Decision: PG

Decision Date: 02-OCT-19

Ref: LA09/2020/0867/F

Proposals: A section 54 application to vary condition 4 of planning approval LA09/2018/0526/F. Condition 4 relates to the sectional building containing the prep kitchen and toilets. We request to vary the condition from 18 months (from date of initial approval) to 42 Months with construction to be commenced within 43 months of the permission.

Decision: PG

Decision Date: 11-DEC-20

Ref: LA09/2018/0061/PAN

Proposals: Conversion of existing coach house to provide pre-function room accommodation and erection of garden function marquee with associated internal bar, kitchen, sanitary and car parking facilities within ground of listed building , Former Killyman Rectory HB Ref No. 13/07/011

Decision: PANACC

Decision Date: 22-JUL-22

Ref: M/2008/1249/F

Proposals: Proposed single storey rear extension and erection of garage/store

Decision: PG

Decision Date: 16-JAN-09

Ref: M/2004/1607/F

Proposals: Replacement Dwelling

Decision: PG

Decision Date: 11-JAN-05

Ref: M/2014/0322/F

Proposals: Single storey extension to side and rear of dwelling

Decision: PG

Decision Date: 25-JUL-14

Summary of Consultee Responses

Environmental Health Mid Ulster Council-LA09-23-0208 F Old Rectory Killyman
050923.doc
Environmental Health Mid Ulster Council-LA09-23-0208 F Old Rectory Killyman.doc
Historic Environment Division (HED)-
NIEA-PRT LA09-2023-0208-F.PDF
NIEA-PRT - LA09-2023-0208-F.PDF

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Proposed Elevations Plan Ref: 02
Proposed Plans

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.8
Application ID: LA09/2023/0586/F	Target Date: 7 September 2023
Proposal: Proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited.	Location: Approx 100M North East of No. 2 Lisnamuck Road, Tobermore
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Tobermore Concrete Products Limited 2 Lisnamuck Road Magherafelt Tobermore BT45 5QF	Agent Name and Address: Mr Nigel Murray 6 Queens Road 2nd Floor, Titanic House Belfast BT3 9DT
Executive Summary: <p>The proposal is being presented to members of the planning committee as an exception to policy in that the proposal is contrary to CTY 15 in that it would mar the distinction between a settlement and the surrounding countryside. The proposal is located within the countryside, with the development limits of Tobermore located directly adjacent to the South West of the site where Tobermore Concrete is located. Members should be aware a similar application was approved on the site for 67 car parking spaces under planning reference LA09/2018/1481/F which was also presented to members an exception to CTY 15. This proposal is now for a larger car park providing 251 spaces. The agent has provided justification for the size of the car park and a subsequent planning application LA09/2023/0590/F for an extension to the office building which is also being presented to members with the recommendation to approve. When viewed together, the justification for the increase in size is acceptable. No objections have been received. DfI Roads, NIEA and DfI Rivers have been consulted and offered no objections to the proposal.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	NIEA	PRT LA09-2023-0586-F.pdf
Statutory Consultee	NIEA	PRT LA09-2023-0586-F.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docx
Statutory Consultee	Rivers Agency	399619- Final Response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx
Statutory Consultee	Rivers Agency	570244- Final Response.pdf

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located just outside the development limits of Tobermore and therefore lies in the open countryside as defined by the Magherafelt Area Plan 2015. The red line of the application site encompasses parts of two agricultural fields with part of the site cleared and levelled with hard fill at the time of the site visit. The site is located opposite the settlement limits of Tobermore where Tobermore Concrete are located. The site has some existing boundaries particularly on the roadside which screen the site.

Relevant Site History

LA09/2018/1481/F- Proposed car parking facilities and designated pedestrian crossing serving Tobermore Concrete. Approx 25M N.E Of No. 2 Lisnamuck Road, Tobermore. Permission granted.

LA09/2023/0590/F- Extension of the Tobermore offices to accommodate the growing numbers of staff for the following years. 2 Lisnamuck Road, Tobermore. Pending consideration.

LA09/2022/1557/F- Extension and alterations to production office. 2 Lisnamuck Road, Tobermore. Permission Granted

Description of Proposal

This is a full planning application for a proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
PPS 3: Access, Movement and Parking
PPS 15 (Revised): Planning and Flood Risk
PPS 21: Sustainable Development in the Countryside

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. The Area Plan directs that proposals within these areas will be restricted in accordance with the provisions of prevailing regional planning policy. Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the Countryside.

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the

LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.79 of the SPPS relates to economic development, industry and commerce. The regional objectives include promoting sustainable development and to sustain a vibrant rural community by supporting rural economic development of an appropriate nature. Para 6.87 states that the guiding principle for policies in the countryside is to facilitate proposals likely to benefit the rural community and support rural communities, while protecting or enhancing rural character and the environment. Section 6.73 of the SPPS relates to development that is acceptable in the countryside. Section 6.77 states that ‘proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety’.

Policy CTY 1 of PPS 21 details a range of types of development which are considered to be acceptable in principle in the countryside. As per the previous approval on site, approved under planning application LA09/2018/1481/F for a smaller car park, the principle of development was accepted under PPS 4. Whilst I am accepting the principle of development is acceptable here given the site history, a full assessment of the relevant planning policy is still appropriate.

PED 2 applies which refers to what economic development is acceptable in the countryside. From which PED 3 also applies for the expansion of an established economic development use, along with PED 9.

With regards to PED 3 it states that the expansion of an 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. It must be first noted that the proposed application does not involve an extension of any existing building nor does it require the need for any new buildings. From such, I note that the existing enterprise is substantial and note that the site has expanded through the previous number of years. There is currently a live planning application LA09/2023/0590/F being presented to members this evening for the recommendation to approve which is for the extension of existing offices at the premises. It is noted that the car park is relatively large, and is larger than what was previously approved on site, but I am content that this proposal will not harm the rural character or appearance of the local area and in comparison to what is already existing at Tobermore Concrete’s site.

In terms of PED 9 states that a proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all of the following criteria:

(a) it is compatible with surrounding land uses;

It is noted that the proposed car park is located near the existing parking at Tobermore Concrete however it does conflict with the current agricultural land use. However, as was agreed during the processing of the previous application on site that the character of the area is dominated by Tobermore Concrete that it is deemed as compatible with the surrounding land uses on balance.

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

Due to the separation distances between the site and nearby residents I am content that the proposal will not cause harm to their amenity.

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

NIEA were consulted during the processing of this application, as a Biodiversity Checklist was completed and a subsequent ecological assessment was submitted by the agent to ensure that there would be no negative impacts on natural heritage. Following the consultation procedure and amended plans including further details of the proposed landscaping plan, NIEA responded to confirm they had no objection to the proposal. From this, I am content that the proposal will not adversely affect features of the natural or built heritage.

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

Due to the amount of hardstanding a drainage assessment was submitted and after a response from Rivers Agency who replied to say that while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. From this it has been agreed on balance that the proposal is unlikely to cause or exacerbate flooding.

(e) it does not create a noise nuisance;

I am content due to the nature of the development it will not give rise to adverse noise levels.

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

I am content that due to the nature of development that it should not give rise to high levels of emissions and effluent however any that is created should be able to be dealt with.

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

A consultation was sent to DfI Roads who confirmed that they had no objection to the proposed car parking and from this I am content that the existing road network can safely handle any extra vehicular traffic.

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

I am content that adequate access arrangements have been provided and as this is a car park that it is to ensure there is sufficient parking provided with adequate manoeuvring areas.

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

I am content that the movement pattern connecting the existing and proposed parking areas is sufficient.

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

As previously mentioned NIEA requested a detailed landscaping plan. This was provided and NIEA were reconsulted and were content with the proposal, so I am content that the landscaping provided will aid sustainability and biodiversity.

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

There is no outside storage proposed and the proposed landscaping ensures the car park is enclosed.

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

I am content that the proposed development will deter crime and promote personal safety.

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

I note that there is new landscaping proposed to ensure the proposal integrates into the landscape appropriately.

Due to the location the site being within the open countryside and the existing economic business being located within the development limits it is noted that CTY 15 – The setting of Settlements applies. CTY 15 notes that a settlement's identity can be as much as a result of its setting within the surrounding countryside. Landscapes around settlements have a special role to play in maintaining the distinction between town and country, to prevent coalescence between adjacent built-up areas and in providing a rural setting to the built-up area. I note that purpose of defining settlement limits is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built-up area and surrounding countryside.

As was the case with the previous application, I am of the opinion that if approved the car park would resultantly mar the distinction between the settlement of Tobermore and the Countryside. However, as was the case under LA09/2018/1481/F the planning committee accepted the proposal and considered it was an exception to policy CTY 15. As the proposal is the same in principle, only larger, it is recommended that the committee also accept this application as an exception. It should be noted that the developer may be able to implement planning approval LA09/2018/1481/F as it does not expire until September 2024.

PPS 3: Access, Movement and Parking

Policy AMP 7, Car Parking and servicing arrangements states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. Proposals involving car parking in excess of the Department's published standards, or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances. The agent has provided a supporting statement providing justification for the size of the car park. The proposal to expand the offices, if approved would result in the loss of car parking space on site as well as an increase in the number of staff on site, which would also require additional parking

spaces. DfI Roads were consulted and confirmed that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic.

Policy AMP 9 (Design of Car Parking) states the Department will expect a high standard of design, layout and landscaping to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (a) it respects the character of the local townscape / landscape;*
- (b) it will not adversely affect visual amenity; and*
- (c) provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.*

It should be noted that the proposal does have the capacity to have a visual impact however, it was acknowledged that the character of the area is dominated by the Tobermore Concrete site and given the nature of the development it is not seen as an adverse impact. Additional planting and screening is proposed along new boundaries and within the internal layout of the car park which will aid the visual impact of the development and ensure it does not adversely affect the visual amenity. After consultations with DfI Roads I am content that there have been adequate provisions made for security, and the direct and safe access and movement of pedestrians and cyclists within the site. From this the application complies under AMP 9.

Policy AMP 10 (Provision of Public and Private Car Parks) states that planning permission will only be granted for the development or extension of public or private car parks, including park and ride and park and share where it is demonstrated that:

- they do not significantly contribute to an increase in congestion;*
- are not detrimental to local environmental quality;*
- they meet a need identified by the Department for Regional Development in Transport Plans or accepted by DRD following robust analysis provided by a developer;*
- within defined areas of parking restraint they are only used for short-stay parking and are appropriately managed to deter long stay commuter parking; and*
- they are compatible with adjoining land uses.*

After consultations with DfI Roads I am content that the proposed car park is unlikely to significantly contribute to an increase in congestion nor is it an area of parking restraint. All issues over detriment have been resolved given the need for the car park in association with the Tobermore Concrete business.

PPS 15- Planning and Flood Risk

Due to the amount of hardstanding associated with the car park a drainage assessment was required and submitted. A consultation was issued to DfI Rivers who stated it is not located within a flood plain, and there are no watercourses within the site. With regards to the Drainage Assessment DfI Rivers stated that the DA has demonstrated that the design and construction of a suitable drainage network is feasible, however, the drainage layout drawing states that the drainage design is subject to change. Therefore, DfI Rivers requests that the planning authority includes a condition as part of its planning permission if granted to agree a final drainage assessment prior to the commencement of any works.

Other Material Considerations

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

Summary of Recommendation:

Approve is recommended

Approval Conditions**Condition 1**

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

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

Condition 2

The vehicular access including visibility splays shall be provided in accordance with Drawing No 02 Rev A 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 the stamped approved Drawing No. 04 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

Condition 4

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

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

Condition 5

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

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

Condition 6

No operation in or from the car park hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing to provide the adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles associated with the car park.

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

Signature(s): Ciaran Devlin

Date: 19 December 2023

ANNEX	
Date Valid	25 May 2023
Date First Advertised	6 June 2023
Date Last Advertised	6 June 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0586/F Proposals: Proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited. Decision: Decision Date:</p> <p>Ref: LA09/2018/1481/F Proposals: Proposed car parking facilities and designated pedestrian crossing serving Tobermore Concrete Decision: PG Decision Date: 04-SEP-19</p> <p>Ref: H/2007/0683 Proposals: Extension to concrete works for lorry parking, outdoor storage and storage building. Decision: PRENC Decision Date: 29-OCT-07</p> <p>Ref: LA09/2022/1361/F Proposals: Proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited. Decision: WDN</p>	

Decision Date: 24-MAY-23

Ref: LA09/2023/0590/F

Proposals: Extension of the Tobermore offices to accommodate the growing numbers of staff for the following years.

Decision:

Decision Date:

Ref: H/1978/0451

Proposals: HV O/H LINE (BM 2456)

Decision: PG

Decision Date:

Summary of Consultee Responses

NIEA-PRT LA09-2023-0586-F.pdf

NIEA-PRT LA09-2023-0586-F.PDF

DFI Roads - Enniskillen Office-Roads Consultation.docx

Rivers Agency-399619- Final Response.pdf

DFI Roads - Enniskillen Office-Roads Consultation 2.docx

Rivers Agency-570244- Final Response.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.9
Application ID: LA09/2023/0590/F	Target Date: 8 September 2023
Proposal: Extension of the Tobermore offices to accommodate the growing numbers of staff for the following years.	Location: 2 Lisnamuck Road Tobermore
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: 2 Lisnamuck Road Tobermore Tobermore BT45 5QF	Agent Name and Address: Mr Nigel Murray 6 Queens Road 2nd Floor, Titanic House Belfast BT3 9DT
Executive Summary: This application is being presented to members with the recommendation to approve. There are no issues or objections with the application however, it is being presented in tandem with planning application LA09/2023/0586/F as the two are linked. The approval of this application would result in existing car parking to be relocated and the need for additional car parking spaces for members of staff and visitors to Tobermore Concrete, which LA09/2023/0586/F deals with. DfI Roads, DfI Rivers and NI Water were consulted on the application and offered no objections.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Rivers Agency	570190- Final Response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docx
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2023-0590-F.pdf
Statutory Consultee	Rivers Agency	405725- Final Response.pdf

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located within the settlement limits of Tobermore and within an area designated as a 'Major Area of Existing Industry.' The red line of the site is located within the business premises of Tobermore Concrete and is accessed via an existing access onto Lisnamuck Road. The building on site subject to the application is a two storey office building with an existing car park located adjacent to the north east. The building is located on the roadside boundary with a mesh wire fence between the road and the building.

Representations

No third party representations have been received.

Description of Proposal

This is a full planning application for an extension of the Tobermore offices to accommodate the growing numbers of staff for the following years.

Relevant Planning History

LA09/2018/1481/F- Proposed car parking facilities and designated pedestrian crossing serving Tobermore Concrete. Approx 25M N.E Of No. 2 Lisnamuck Road, Tobermore. Permission granted.

LA09/2022/1557/F- Extension and alterations to production office. 2 Lisnamuck Road, Tobermore. Permission Granted

LA09/2023/0586/F- Proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited. Under Consideration.

H/2009/0021/F- Extension to flag and kerb manufacturing building and ancillary site works. Permission Granted

H/2004/1552/F- Alterations & Extensions to Concrete Paving Manufacturing Building. Permission Granted

H/2004/1190/- Extension to administration building (revised scheme compared to scheme approved under H/2003/1184/f) Permission Granted

H/2000/0156/F- Proposed extension to office building, new sample display store and relocation of site access. Permission Granted

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

SPPS- Strategic Planning Policy Statement for Northern Ireland

PPS 3- Access, Movement and Parking
PPS 4- Planning and Economic Development
PPS 15- (Revised) Planning and Flood Risk

The site is located within a Major Area of Existing Industry, and I am content the proposed extension to the existing production office is compliant with the Magherafelt Area Plan.

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

The SPPS does not give specific provision for Economic Development, Industry and Commerce subject to a number of policy provisions. It does not present any change in policy direction with regards to industrial development in settlements/countryside. As such, the existing policy contained in PPS 4 will apply.

PPS 4- Planning and Economic Development

Policy PED 1 states a development proposal to extend an existing economic development use of premises within settlements will be determined on its individual merits having regard to Policy PED 9.

Policy PED 9- General Criteria for Economic Development states, 'all economic development proposals must comply with the following criteria:

(a) *It is compatible with surrounding land uses*

I am content that the proposal is compatible with the existing use on site which is an office building associated with the existing manufacturing business at Tobermore Concrete.

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

I am content that the proposal will not have any impact on nearby residents.

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

I have no concerns regarding natural or built heritage

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

Dfl Rivers were consulted as an Drainage Assessment was submitted by the agent. Dfl Rivers confirmed there were no concerns with flooding or affecting any watercourses. With regards to the DA Dfl Rivers were content that the design and construction of a suitable drainage network is feasible, however, the drainage layout drawing states that

the drainage design is subject to change. Therefore, Dfl Rivers requests that the planning authority includes a condition as part of its planning permission if granted.

(e) It does not create a noise nuisance;

I have no concerns regarding the development creating any noise nuisance.

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

I am content it is capable of dealing with emission or effluent. NI Water were consulted on the proposal and confirmed that capacity was available and a water connection is in place.

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

Dfl Roads were consulted and had no objection subject to a condition being applied that required no works to commence until the parking arrangements as approved under LA09/2023/0586/F or alternative parking arrangements agreed with Mid Ulster District Council have been completed.

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

I am content that adequate access arrangements are in place. If planning application LA09/2023/0586/F is approved and implemented prior to the commencement of any works on site, adequate parking will be provided.

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

Although the site is located within the settlement limits, it is in an area of existing industry and by its nature, public access to the site is limited. I am content that the proposal allows for adequate access to the proposed development.

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

I am content that the layout and design of the proposed extension is of high quality.

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

I am satisfied that appropriate boundary treatment and means of enclosure have been provided that screen the site appropriately.

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

I am content that the design will cause no concern for crime and promotes personal safety with designated pedestrian crossing areas within and around the site.

I am content the proposal meets the policy criteria PED 9 of PPS 4.

Other Material Considerations

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

No other development hereby permitted shall be commenced until the works necessary to provide the necessary car parking has been completed as generally indicated under Planning Application LA09/2023/0586/f or alternative parking arrangements to be agreed with Mid Ulster Council

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

Condition 3

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

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

Signature(s): Ciaran Devlin

Date: 19 December 2023

ANNEX	
Date Valid	26 May 2023
Date First Advertised	6 June 2023
Date Last Advertised	6 June 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/1994/0335 Proposals: NEW BLOCK PLANT Decision: PG Decision Date:</p> <p>Ref: H/2010/0417/F Proposals: Proposed new broiler breeder house for up to 8000 birds Decision: PG Decision Date: 01-NOV-10</p> <p>Ref: LA09/2018/1481/F Proposals: Proposed car parking facilities and designated pedestrian crossing serving Tobermore Concrete Decision: PG Decision Date: 04-SEP-19</p> <p>Ref: H/2007/0683 Proposals: Extension to concrete works for lorry parking, outdoor storage and storage building. Decision: PRENC Decision Date: 29-OCT-07</p>	

Ref: LA09/2023/0586/F

Proposals: Proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited.

Decision:

Decision Date:

Ref: LA09/2023/0590/F

Proposals: Extension of the Tobermore offices to accommodate the growing numbers of staff for the following years.

Decision:

Decision Date:

Ref: H/2003/1184/F

Proposals: Extension to administration building.

Decision: PG

Decision Date: 23-MAR-04

Ref: H/2004/1190/F

Proposals: Extension to administration building (revised scheme compared to scheme approved under H/2003/1184/f)

Decision: PG

Decision Date: 04-JAN-05

Ref: H/2008/0420/Q

Proposals: Proposed single wind turbine development

Decision: 211

Decision Date:

Ref: H/2005/0440/RM

Proposals: Dwelling & Garage To Enclosed A Courtyard

Decision: PG

Decision Date: 27-JUL-06

Ref: H/2000/0156/F

Proposals: Proposed extension to office building, new sample display store and relocation of site access

Decision: PG

Decision Date: 07-NOV-00

Ref: H/1988/0558

Proposals: OFFICES

Decision: PG

Decision Date:

Ref: H/1975/0384

Proposals: SITE OF EXTENSION TO EXISTING BLOCK MAKING PLANT OFFICES

AND MAINTENANCE

Decision: PG

Decision Date:

Ref: LA09/2022/1361/F

Proposals: Proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited.

Decision: WDN

Decision Date: 24-MAY-23

Summary of Consultee Responses

Rivers Agency-570190- Final Response.pdf

DFI Roads - Enniskillen Office-Roads Consultation.docx

NI Water - Strategic Applications-LA09-2023-0590-F.pdf

Rivers Agency-405725- Final Response.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Floor Plans Plan Ref: 03

Proposed Floor Plans Plan Ref: 04

Roof Details Plan Ref: 05

Proposed Elevations Plan Ref: 06

Cross Sections Plan Ref: 07

Proposed Plans Plan Ref: 08

Proposed Plans Plan Ref: 09

Existing Plans Plan Ref: 10

Existing Plans Plan Ref: 11

Existing Plans Plan Ref: 12

Existing Plans Plan Ref: 13

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.10
Application ID: LA09/2023/0640/F	Target Date: 21 September 2023
Proposal: Proposed farm dwelling and garage	Location: Approx 140M South of 130 Coolreaghs Road Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: K Black 130 Coolreaghs Road Cookstown BT80 9QD	Agent Name and Address: CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SQ
Executive Summary: The current application is presented as an approval, however is being presented at Committee following receipt of an objection.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - response.docxDC Checklist 1.doc
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DAERA - Omagh	LA09-2023-0640-F.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf

Representations:

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

Summary of Issues

The objector's concerns are addressed below:

1. Conflicting information with previous application on site LA09/2017/0867/O, and the subsequent applications on site that have been withdrawn – the recommendation for this application has been based on the information that has been submitted as part of this application that we have now.
2. Concerns over land ownership – A land registry check was carried out and it has confirmed that the site outlined in red belongs to Amanda Chambers, and the land outlined in blue is owned by K Black. K Black is the applicant, and Certificate C was filled out on the P1 form. K Black served notice on Amanada Chambers, therefore I am content the P1 form is correct, and all appropriate notice has been served.
3. Farm business is not active (CTY 10) – DAERA confirmed that the farm business ID provided has been in existence for more than 6 years, and we are content the farm business is active – the land is being leased out, and a conacre agreement has been submitted as part of evidence.
4. Proposed dwelling is not clustered with or visually linked to an existing group of buildings on the farm (CTY 10) – I am of the opinion that there is somewhat of a visual linkage with existing farm buildings at No. 130 Coolreaghs Road. Whilst the visual linkage may not be strong, there is no test within the policy on the strength of visual linkage. Furthermore, Policy CTY 10 also allows for consideration to 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 demonstrable health and safety reasons. Following Environmental Health's consultation response, additional consideration can be given to this site due to health and safety concerns.
5. Proposed house would appear unduly prominent, it would not respect the traditional pattern of development, and it would add to a ribbon of development (CTY 13 & 14) – I am content that the proposed dwelling will not appear as a prominent feature in the landscape and will integrate into the landscape with the existing landscaping and the proposed landscaping. I am content that the dwelling will not appear as a prominent feature in the landscape, and the proposed dwelling is unlikely to result in an adverse impact to the rural character of the area.
6. Proposed site would artificially create a gap on the roadside where two dwellings would be allowed under the CTY 8 exception – I do not believe a double infill opportunity can be created as any new dwellings need to be 75m away from third party farm buildings.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The red line of the application site is part of a larger agricultural field which is located along the roadside and rises from south to North. The roadside, south and west boundaries of the site are defined by low level hedges and post and wire fencing, with the northern boundary remaining undefined. Further north of the site is third party farm buildings, and immediately north of these buildings is No. 130 Coolreaghs Road which is the existing farm dwelling. The surrounding area is mainly agricultural rural lands and dwellings located throughout the countryside.

Description of Proposal

This is a full planning application for a proposed farm dwelling and garage, the site is identified as approximately 140M South of No. 130 Coolreaghs Road, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

One neighbour notification letter was issued.

One objection was received in connection with this application.

Relevant Planning History

LA09/2017/0867/O – Proposed dwelling and garage, 65M South Of 130 Coolreaghs Road, Cookstown. Permission Granted 24.08.2017.

LA09/2018/0130/RM – Dwelling and Garage, 65M South Of 130 Coolreaghs Road. Application pending consideration.

LA09/2019/0822/F – Erection of a shed over existing storage tank for the storage of farm feeds, Lands 48M Se of 130 Coolreaghs Road Cookstown. Application Withdrawn.

LA09/2022/0235/F – Proposed Farm dwelling and garage to supersede previously approved Ref: LA09/2017/0867/O, Approx 65M South Of 130 Coolreaghs Road, Cookstown. Application Withdrawn.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 1: General Principles

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

CTY 10 – Dwellings on Farms

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 14 – Rural Character

Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside

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

PPS 21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21. In this instance the application is for a farm dwelling 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.

In respect to criteria A, DAERA were consulted and confirmed the Business ID provided has been in existence since 2005 but that they closed the business as there was no agricultural activity over the last 5 years. They also confirmed that the site field was claimed in 2023 by another farm business. It was already established in the previous application in the same field (LA09/2022/0235/F) that DAERA advised that another farm is claiming single farm payment from the applicant's land and it was confirmed that the applicant has a lease agreement to let the land out and that the lands are being farmed by a third party. I am content the proposal complies with criteria A as the business ID provided has been in existence for more than 6 years and the business aspect has been met as the land is being leased out.

With regards to criteria B, I have conducted a search on the planning portal and found no evidence of any dwellings or development opportunities that have been sold off from the farm holding within 10 years and there has been no claims made otherwise. The lands where the site is located were transferred to Amanda Chambers in January 2022 however, as Amanda Chambers is listed as a member of the active farm business this cannot be considered being sold off or transferred off the farm holding.

Criteria C requires the building to be visually linked or sited to cluster with an established group of buildings on the farm. Firstly, the agent has identified the buildings located to the north as No. 130 Coolreaghs Road and the associated garage as the existing buildings associated with the farm business. Following discussions at internal group meetings this was deemed acceptable as there is no other buildings on the farm holding which have been identified. The next step is that the new dwelling should visually link with or be sited to cluster with this established group of buildings. I am of the opinion that there is somewhat of a visual linkage with existing farm buildings at No. 130 Coolreaghs Road. Whilst the visual linkage may not be strong, there is no test within the policy on the strength of visual linkage. While standing on this site, the buildings on the farm can be seen with this site.

Policy CTY 10 also allows for consideration to 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 demonstrable health and safety reasons. Environmental Health were consulted, and they noted they previously considered a similar proposal (LA09/2022/0235/F) in this same field and raised concerns regarding the inadequate separation distance between the proposal and the existing farm business. The minimum recommended separation distance between a proposed dwelling and existing third party farm business is 75m to

protect residential amenity from noise, odour and pests. We consider these health and safety concerns highlighted by Environmental Health to give consideration for an alternative site at least 75m from the third party farm buildings immediately south and adjacent to existing farm buildings at No. 130 Coolreaghs Road, which has left no other alternative for a site elsewhere than this particular site. For these reasons, even though there is a weak visual linkage with existing farm buildings, we are content that there is a visual linkage and additional consideration can be given to this site due to health and safety concerns, therefore I am content this application complies with CTY 10.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I am content that the dwelling will not appear as a prominent feature in the landscape. I am content that the dwelling will integrate into the landscape given the limited views of the site along with the existing landscaping and the proposed landscaping. Finally, in terms of the proposed design, I am content that this is acceptable within this rural context. From this I am content that the application complies 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. As stated, I am content that the dwelling will not appear as a prominent feature in the landscape, and the proposed dwelling is unlikely to result in an adverse impact 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

DfI Roads were consulted and had no objection to the application, subject to conditions and informatives.

I have no ecological, flooding, or residential amenity concerns.

Summary of Recommendation:

Approve is recommended

This application is recommended as an approval, subject to the email from the agent confirming the withdrawal of the live Reserved Matters application LA09/2018/0130/RM.

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 of 2.4m x 90m both directions and any forward sight distance shall be provided in accordance with Drawing No. 02 REV 01 uploaded on public access on 06th Oct 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

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

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

Condition 4

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

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

Condition 5

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

Reason: To ensure the development integrates into the countryside.

Condition 6

The scheme of planting hereby approved shall be carried out in accordance with Drawing No. 02 REV 01 uploaded on public access on 06th Oct 2023 during the first available planting season after the commencement of development. Trees or shrubs dying, removed, or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Mid Ulster District Council gives written consent to any variation.

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

Signature(s): Seáinín Mhic Íomhair

Date: 21 December 2023

ANNEX	
Date Valid	8 June 2023
Date First Advertised	20 June 2023
Date Last Advertised	20 June 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 130 Coolreaghs Road Cookstown Tyrone BT80 9QD</p>	
Date of Last Neighbour Notification	15 June 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: I/1984/0362 Proposals: FARM DWELLING HOUSE Decision: PG Decision Date:</p>	
<p>Ref: I/1997/0307 Proposals: Replacement dwelling Decision: PG Decision Date:</p>	
<p>Ref: I/1984/036201 Proposals: FARM DWELLING HOUSE Decision: PG Decision Date:</p>	
<p>Ref: LA09/2023/0640/F Proposals: Proposed farm dwelling and garage Decision: Decision Date:</p>	
<p>Ref: I/2007/0358/F Proposals: Proposed replacement dwelling and garage</p>	

Decision: PG
Decision Date: 13-FEB-08

Ref: I/1976/0434
Proposals: IMPROVEMENTS TO EXISTING DWELLING
Decision: PG
Decision Date:

Ref: LA09/2020/0100/F
Proposals: Replacement dwelling
Decision: PG
Decision Date: 13-AUG-20

Ref: I/1997/0088
Proposals: Proposed stable building and erection of wall
Decision: PG
Decision Date:

Ref: I/1978/0276
Proposals: BUNGALOW
Decision: PR
Decision Date:

Ref: I/1993/0328
Proposals: Removal of Occupancy Condition
Decision: PR
Decision Date:

Ref: I/1976/0334
Proposals: ERECTION OF DWELLING
Decision: PR
Decision Date:

Ref: I/1980/0161
Proposals: BUNGALOW
Decision: PR
Decision Date:

Ref: I/2004/0510/O
Proposals: proposed dwelling and garage
Decision:
Decision Date:

Ref: I/1991/0087
Proposals: Continued use as dwelling house without compliance with
occupancy condition

Decision: PR
Decision Date:

Ref: I/1995/0089
Proposals: Site for Dwelling
Decision: WITHDR
Decision Date:

Ref: LA09/2017/0867/O
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 24-AUG-17

Ref: I/1988/0261
Proposals: REPLACEMENT DWELLING
Decision: PG
Decision Date:

Ref: I/1989/0404
Proposals: Replacement Dwelling
Decision: PG
Decision Date:

Ref: LA09/2022/0235/F
Proposals: Proposed Farm dwelling and garage to supersede Previously approved Ref:
LA09/2017/0867/O
Decision:
Decision Date:

Ref: LA09/2018/0130/RM
Proposals: Dwelling and Garage
Decision:
Decision Date:

Ref: LA09/2019/0822/F
Proposals: Erection of a shed over existing storage tank for the storage of farm feeds
(amended description)
Decision: WDN
Decision Date: 25-OCT-22

Ref: I/1993/6028
Proposals: Site for Single Storey Dwelling Coolreaghs Road Cookstown
Decision: PRER
Decision Date: 30-MAR-93

Ref: I/1995/0278

Proposals: Site for dwelling

Decision: PG

Decision Date:

Ref: I/1996/0296

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: I/2008/0339/F

Proposals: Change of garage from original approved under I/2007/0358/RM (to accommodate additional domestic storage)

Decision: PG

Decision Date: 21-JUL-08

Ref: I/2006/0351/O

Proposals: Proposed retirement bungalow & domestic garage

Decision:

Decision Date:

Summary of Consultee Responses

Environmental Health Mid Ulster Council-

DFI Roads - Enniskillen Office-Roads Consultation - response.docxDC Checklist 1.doc

Historic Environment Division (HED)-

DAERA - Omagh-LA09-2023-0640-F.docx

Environmental Health Mid Ulster Council-Planning response.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01 Rev 01

Site Layout or Block Plan Plan Ref: 02 Rev 01

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Garage Plans Plan Ref: 04

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.11
Application ID: LA09/2023/0772/F	Target Date: 1 November 2023
Proposal: Change of House Type From Previously Approved Ref: LA09/2021/1098/F and Garage	Location: Approx 180M SE of 28 Broagh Road, Knockloughrim
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Aidan O'Mahony and Clodagh McPeake 266 Hillhead Road Castledawson Magherafelt BT45 8EF	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: <p>This Full application for a change of house type from previously approved ref: LA09/2021/1098/F and garage is being presented to committee as applicants' father Mr S McPeake is an Elected Councillor in Mid Ulster District Council.</p> <p>This proposal has been assessed under all relevant policy and guidance, that is the SPPS, the Magherafelt Area Plan 2015, PPS 3 and PPS 21 (CTY 13 AND 14) and Building on Tradition- a Sustainable Design Guide for the Northern Ireland Countryside 2012. The proposal is not at conflict with any of the relevant policies.</p> <p>Approval is recommended with appropriate conditions and informatives attached to any decision.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits or other designated sites as per the Magherafelt Area Plan 2015. The site is located approximately 180m east of the public road with the access taken from an existing access. At the time of the site visit it was apparent works had commenced on site with the site being cleared, stones laid along the access and there was a small garage built to

the north of the red line. The site is relatively flat with the site gently sloping south. There are existing boundaries to the north and east of the site where the dwelling is to be located with public views of the site quite limited. The immediate area is a mix of agricultural land uses and residential dwellings located.

Description of Proposal

This is a Full application for a change of house type from previously approved reference LA09/2021/1098/F and Garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Eight (8) neighbouring properties were notified with (No. 27 and 28A returned by royal mail – no such address), and press advertisement was carried out in line with the Council's statutory duty. To date, no third party representation has been received.

Consultations

No consultations were considered necessary for this application.

Relevant Planning History

Reference: LA09/2021/1098/F

Proposal: Change of house type from previously approved Ref: H/2005/0910/F & A/1062/PAC, & garage with alterations to previously approved access & laneway

Location: Approx 180 Se of 28 Broagh Road, Knockloughrim

Decision and Date: Permission Granted 28.07.2022

Reference: H/2005/0910/F

Location: 180M South East Of 28 Broagh Road, Knockloughrim.

Proposal: Proposed dwelling and garage.

Decision and Date: Permission Refused > Appeal Upheld 25.09.2007

Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
- Planning Policy Statement 3: Access, Movement and Parking

- Planning Policy Statement 21: Sustainable Development in the Countryside
 - CTY 13 Integration and Design of Buildings in the Countryside
 - CTY14 Rural Character

Magherafelt Area Plan 2015

The Magherafelt Area Plan 2015 identifies the site as being in the rural countryside, approximately 2.21km southeast of Knockloughrim. There are no other zonings or designations within the Plan.

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.

Mid Ulster District Council Draft Plan Strategy 2030

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. 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.

Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

The guide has been prepared to raise awareness of the importance of looking after the Northern Ireland countryside and how to achieve higher quality of sustainable development that will provide a basis to protect and enhance our rural assets. The guide will be used in accordance with all sustainable development in Northern Ireland countryside to understand the requirements of Planning Policy Statement 21. The document is used as a development management tool and will be used as a material consideration in the determination of planning applications for development proposals outside of settlement limits.

I am content that the proposed plans reflect the Building on Tradition guidelines for sustainable design in the countryside.

Planning Policy Statement 3 – Access, Movement and Parking

As the previous planning approval is still extant and the access will remain unaffected by the proposal, I am content that it was not necessary to consult with roads in this instance. Under application reference LA09/2021/1098/F DFI roads were consulted as the proposal involved an alteration to the access to which DFI roads had no objection considering visibility splays were 2.4 x 45metres and a 45-metre forward sightline, as this remains the same I am content the proposal complies with PPS 3.

PPS 21 – Sustainable Development in the Countryside

Consideration of evidence

The proposed application site has 4 previous approvals which are relevant in this case. The most recent planning approval (LA09/2021/1098/F) which I note is still extant proposed a change of house type from previously approved Ref: H/2005/0910/F & A/1062/PAC, & garage with alterations to previously approved access & laneway. The principle of development was agreed under application A/1052/PAC. Permission was granted for a proposed dwelling and garage from the appeal reference 2007/A1062 after planning reference H/2005/0910/F was refused. The previous case officer was content all pre commencement conditions were commenced prior to the expiry date.

Mid Ulster Historical Ortho provides evidence that splays are in place and that development has begun. From site visit it is apparent that the site has been cleared, stones laid along the access and there was a small garage built to the north of the red line. I am assertive that it is reasonable to conclude that the development as approved in the was lawfully commenced prior to the expiry date.

CTY 13 - Integration and Design of Buildings in the countryside

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. The site is well screened and views from the public road will be very limited. The proposed design is of a high quality and is appropriate to the countryside setting. The dwelling is proposed to be a two-storey dwelling with the finishes to be smooth render finish with corbelled eaves and anthracite grey cladding as shown in drawing '04'. Given that the proposed is smaller in terms of scale and massing to previous approval LA09/2021/1098/F I am content it will not be a prominent feature in the landscape and will blend with the local landscape. From this I am content that the application complies with CTY 13 of PPS 21.

CTY 14 - Rural Character

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 dwelling will not be unduly prominent in the landscape, nor does it result in build up. It is considered that the site and its environs are suitable for absorbing a dwelling of this size and scale. The subordinate garage will not damage rural character. It was assessed on previous applications that a dwelling on this site is in

accordance with this policy and I am content that there is unlikely to be any adverse impact to the rural character of the area nor will it create or add to a ribbon of development as such I am content that the application complies under CTY 14.

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application be granted planning permission subject to the below conditions.

Habitats Regulations Assessment

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

This permission is granted solely as a substitute for the permission for a dwelling and garage on the site under LA09/2021/1098/F on 28.07.2022 and only one dwelling shall be constructed on the site.

Reason: To ensure that only one dwelling is constructed on site.

Condition 3

All landscaping comprised in the approved details of landscaping on the drawing No.02 uploaded on public access on 18.07.2023 shall be carried out in the first planting season following the commencement of any further development or other works hereby approved.

Reason: To ensure the development integrates into the countryside.

Condition 4

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

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

Condition 5

The existing mature trees and vegetation identified in drawing No.02 uploaded on public access on 18.07.2023 shall be retained except where it is required to provide sight lines.

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

Signature(s): Ciara Carson

Date: 20 November 2023

ANNEX	
Date Valid	19 July 2023
Date First Advertised	1 August 2023
Date Last Advertised	1 August 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 26 Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX The Owner / Occupier RNN - 27 Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX The Owner / Occupier 29 Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX The Owner / Occupier 26 Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX The Owner / Occupier RNN - 28A Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX The Owner / Occupier 30 Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX The Owner / Occupier 28 Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX The Owner / Occupier RNN 30A Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX</p>	
Date of Last Neighbour Notification	13 November 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/1993/6054 Proposals: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR BELLAGHY MAGHERAFELT Decision: QL Decision Date:</p> <p>Ref: LA09/2019/1543/F Proposals: Change of house type and garage from approved dwelling under H/2014/0441/F Decision: PG Decision Date: 06-AUG-20</p>	

Ref: H/2011/0286/RM

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 15-NOV-11

Ref: LA09/2023/0772/F

Proposals: Change of House Type From Previously Approved Ref: LA09/2021/1098/F and Garage

Decision:

Decision Date:

Ref: H/2005/0291/O

Proposals: Site of Dwelling and Garage.

Decision: PR

Decision Date: 22-AUG-06

Ref: H/2004/1362/O

Proposals: Site of dwelling and garage

Decision: PR

Decision Date: 12-JAN-06

Ref: H/2005/0117/O

Proposals: Site Of Dwelling & Garage

Decision: PG

Decision Date: 19-SEP-06

Ref: LA09/2016/0575/LDE

Proposals: Substantial works for garage and access have commenced

Decision: PG

Decision Date: 04-JAN-17

Ref: H/2014/0441/F

Proposals: Dwelling (change of house type from previous approval H/2011/0286/RM)

Decision: PG

Decision Date: 21-MAY-15

Ref: H/2010/0352/F

Proposals: Proposed 1½ storey rear extension to extend 1st floor bedroom and provision of games room on ground floor

Decision: PG

Decision Date: 09-SEP-10

Ref: H/2009/0540/RM

Proposals: Proposed dwelling & garage

Decision: PG

Decision Date: 13-NOV-09

Ref: H/2010/0523/F

Proposals: Amended access onto existing laneway to that previously approved under H/2007/1019/RM

Decision: PG

Decision Date: 18-APR-11

Ref: LA09/2019/0765/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 04-SEP-19

Ref: H/2007/1019/RM

Proposals: Private dwelling and garage

Decision: PG

Decision Date: 23-MAY-08

Ref: LA09/2019/1562/RM

Proposals: Dwelling & garage

Decision: PG

Decision Date: 06-AUG-20

Ref: H/1994/0148

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: H/1993/0148

Proposals: SITE OF CHALET DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: LA09/2016/1591/F

Proposals: Change of house type from previously approved H/2007/1019/RM

Decision: PG

Decision Date: 14-JUL-17

Ref: H/2005/0910/F

Proposals: Proposed dwelling and garage.

Decision: PR

Decision Date: 25-SEP-07

Ref: LA09/2020/1125/NMC

Proposals: Removal of external stone work 33m forward sight distance

Decision:

Decision Date:

Ref: LA09/2021/1098/F

Proposals: Change of house type from previously approved Ref: H/2005/0910/F & A/1062/PAC, & garage with alterations to previously approved access & laneway

Decision: PG

Decision Date: 28-JUL-22

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Road Access Plan Plan Ref: 03

Proposed Plans Plan Ref: 04

Garage Plans Plan Ref: 05

Notification to Department (if relevant)

Not ApplicableNot Applicable



Development Management Officer Report Committee Application

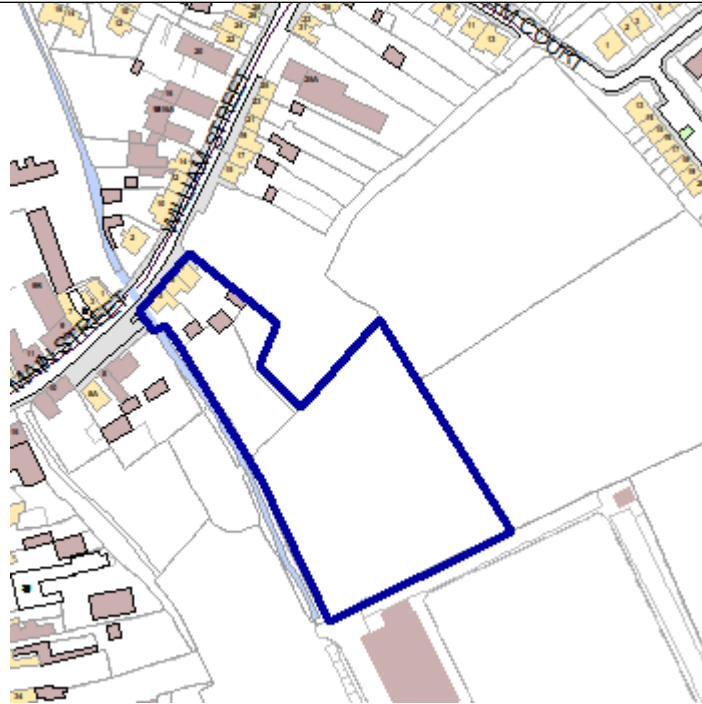
Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.12
Application ID: LA09/2023/0786/F	Target Date: 9 November 2023
Proposal: Demolition of No.s 1-3 William Street, the erection of 14 no residential units, including 8no. two storey townhouses and 6 no. bungalow dwellings, car parking, alterations to an existing access, the creation of a community riverside biodiversity greenway, community open space area and all associated site works (amended description).	Location: Lands at and to The South East of 1-7 William Street, Bellaghy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Ballyscullion Property Investments Ltd 4d Ballyscullion Lane Bellaghy BT45 8NQ	Agent Name and Address: Ms Johann Muldoon Stable Buildings 30A High Street Moneymore BT45 7PD
Executive Summary: Application relates to housing development consisting of 14 units. All housing proposed, will be located outside of the settlement limit. Access to the site will run through land within settlement limit - some of which is zoned for housing and some of which is unzoned. Application does not meet any of the categories of residential development which are acceptable under CTY 1 of PPS 21. Planning statement makes reference to the site being used for assisted / retirement living but no evidence submitted to prove need for this type of residential development nor any commitment demonstrated from a registered housing association.	

Proposal also contrary to FLD3 of PPS 15 in so far as no drainage assessment as been submitted.

DFI Roads have provided a list of issues with access arrangements which need addressed but given the fact that the principle of development is contrary to policy, amendements have not been sought. PSD drawings have not been provided at time of writing report .

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	NI Water - Multiple Units West	LA09-2023-0786-F.pdf
	DFI Roads - Enniskillen Office	DC Checklist.doc Roads Consultation.docx
	Environmental Health Mid Ulster Council	LA09 2023 0786 F Housing dev Bellaghy.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Copy.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 front (NW) of the site consists of what appears to be one dwelling, fronting onto William Street Bellaghy, but which has an address of 1-3 William Street. The dwelling is disused but still intact and in good repair. To the rear of the dwelling there is a garden area which is overgrown and contains mature trees.

This garden area leads to a roughly rectangular shaped field which slopes upward considerably from west to east. The north western boundary of the site which divides the field from the houses on William Street is defined by considerable deciduous trees. The eastern boundary of the site also has a few tall deciduous trees whilst the southern boundary is undefined apart from a low post and wire fence which separates the site from the grounds of Bellaghy GAC.

The character of the area varies at different parts of the site. At the front portion of the site, where the existing house is located along William Street, there is very much a bustling feel of a busy main street whereas in the field itself which forms the main part of the site, there is a sense that one is removed from the village scene and in a more rural, environment.

There is planning history on the site in the form of H/2007/0893/O which was refused and the subsequent appeal dismissed.

Description of Proposal

The proposal is to demolish the existing dwelling 1-3 William Street to create an access which leads to the aforementioned field wherein there is proposed to be constructed, 14 no residential units, including 8no. two storey townhouses and 6 no. bungalow dwellings. The scheme also proposes the creation of a riverside greenway.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

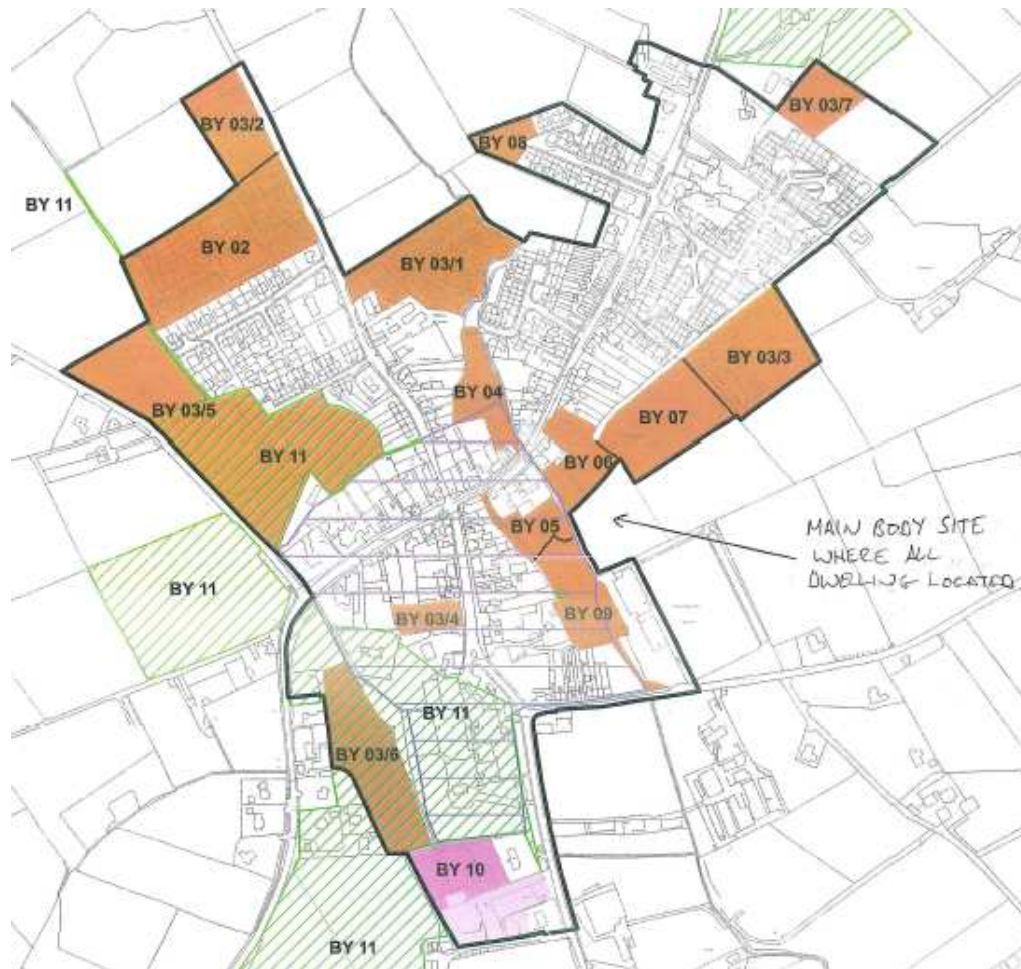
The following policies are relevant;

- Magherafelt Area Plan (MAP)
- SPPS
- PPS 21 – Sustainable Development in the Countryside
- PPS 7- Quality Residential Environments
- PPS 15 – Planning and Flood Risk
- PPS 3 – Access, Movement and Parking

Magherafelt Area Plan (MAP)

The site in its entirety consists of 3 different statuses as per the MAP. The dwellings at the front of the site are located on un-zoned white land while the gardens to the rear of these dwellings are zoned as Housing Policy Area BY06. The main portion of the site is located outside of the settlement limit. The housing aspect of proposal is located exclusively on the land which is outside of the settlement limit and therefore must be assessed under the prevailing policy for the countryside.

There is an Area of Archaeological Potential located immediately adjacent to the site.



SPPS

In relation to housing development in the countryside (i.e. outside of settlement limits), the SPPS sets out the strategic policy direction which Councils should follow and advises of the range of housing development which will be deemed as acceptable in the rural area. These are listed at paragraph 6.73 of the SPPS and are in keeping with the criteria set out in PPS 21. They include;

- Replacement dwellings
- Dwellings in existing clusters
- Dwellings on farms

- Dwellings for non-agricultural business enterprises
- Infill / ribbon development
- Conversion / reuse of existing buildings
- A dwelling needs for personal circumstances
- A temporary caravan
- Social and Affordable Housing

PPS 21 – Sustainable Development in the Countryside

Policy CTY 1 sets out the range of classes of residential development which are acceptable in the countryside.

The only class of residential development listed in CTY 1, which it could be suggested is relevant in applying to this proposal, is the criterion for the provision of social and affordable housing in accordance with Policy CTY 5; however it should be noted that the description of the proposal for this application does not mention social and affordable housing.

The proposal simply states “*residential units, including 8no. two storey townhouses and 6 no. bungalow dwellings.*” However, in the Design and Access statement, the agent has stated that the proposal is for 14no. assisted living units.

The agent in their planning statement has stated at para. 6.5 that “*there is a demonstrated need for this type of assisted living/retirement housing in the rural area.*” They have also stated in their Design and Access Statement that “*discussions have occurred with the chief executive and members of the Trust about the need for assisted living housing within the local area. Feedback has confirmed a need.*”

However, no evidence of these discussions has been provided and no evidence of the need for assisted living units has been provided.

In addition to the above, no information has been provided about the tenure of the proposed properties. It is not uncommon for housing developments to be built by private contractors and sold privately to people of retirement age. This does not equate to the provision of social housing and in the absence of any information about the tenure of the proposed houses I cannot assume that this proposal is for social housing without any evidence to back this claim up.

I have written to the agent on 18th September requesting the following information;

- Does the scheme relate to social housing?
- What is the tenure of the development
- Has a social housing provider been secured to deliver the development.

The agent has responded to these queries but has not addressed the issues satisfactorily. They have asserted that Bellaghy has an aging population and that there is a need for tailored living arrangements to meet the needs of elderly people. They state that the client has approached various housing providers but that “social housing agencies do not have the money to deliver these units.”

It is clear therefore that the developer has not demonstrated that the scheme will be for social housing, despite being afforded the opportunity to clarify this.

If I was to accept the premise that the proposal is for social housing, then the relevant policy would be CTY 5 of PPS 21. CTY 5 states that planning permission will only be granted for social housing on the edge of a small settlement “*where application is made by a registered Housing Association and where a demonstrable need has been identified by the Northern Ireland Housing Executive which cannot readily be met within an existing settlement in the locality.*”

Whilst the application is certainly located on the edge of a small settlement, it has not been made by a registered Housing Association. The planning statement submitted by the agent states that the applicant has engaged with social housing providers in relation to this site, but again, no evidence of this has been submitted. In addition, no evidence has been submitted to prove a demonstrable social housing need, as identified by NIHE. It is also apparent that no process has been undertaken to discount sites in the settlement of Bellaghy, nor indeed in other settlements in the locality, which may be suitable for housing this development.

Given all of the above, I am not satisfied that this proposal complies with either policies CTY 1 or CTY 5 of PPS 21 for the following reasons;

- There is no firm commitment by the applicant that this proposal will be for social and affordable housing. The application relates to “residential development” or “assisted / retirement living.”
- No evidence has been provided of any social housing need as demonstrated by the NIHE.
- The agent has stated that no social housing providers are on board to deliver the development.
- The application has not been made by a registered housing association.
- No process has been undertaken to discount alternative sites within settlement limits.

PPS 7 – Quality Residential Environments

QD 1 of PPS 7 states that all proposals for residential housing development will be expected to conform to all the following criteria which have been assessed in turn as laid out below;

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

The development is designed to respond to the sloping nature of the site and the agent has demonstrated how they have used traditional design and layout patterns to respond

to built form which exists in the locality. Notably they have demonstrated how the quadrangle style layout is in keeping with traditional and culturally important building patterns evidenced at Bellaghy Bawn. Visual representations provided by the agent have in my opinion, demonstrated that the site respects the surrounding context and is appropriate in terms of design and layout for the locality.

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

No features of archaeology or built heritage assets have been identified as being impacted by this proposal. Bellaghy is a historically significant settlement and an area of Archaeological Potential exists next to the site but is not affected by this site.

The proposal therefore will have no impact on any archaeological or built heritage features.

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

The requirement to provide public open space only applies to residential developments in excess of 25 units, as per OS 3 of PPS 8. However, despite that, the scheme involves a significant degree of public open space provision both within the housing development itself and also along the “greenway” beside the river.

In relation to private amenity space, Creating Places states that *“a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater.”*

The proposed development contains 14 separate units each with their own private amenity space. The amount of private amenity space shown for each dwelling ranges from 50sq. metres to 95 sq. metres and this results in an average private amenity space for the development of just under 78 sq. metres each.

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

The scheme involves a significant degree of public open space and community space which can be used by the wider community. It is also proposed to incorporate a second phase of development including 8 commercial units and a café which will be for use by the wider community.

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

The development will be linked to a public footpath which will enable residents to easily walk to the local shops and services available within Bellaghy Village. There is also a greenway beside the existing river which will be enjoyed by pedestrians.

(f) adequate and appropriate provision is made for parking;

The agent has calculated that the required level of parking for this development is 22 spaces. The scheme has provided 24. DFI Roads have been consulted on this application but have not disagreed with the level of parking; they have asked that amendments are made to the parking layout that would mean the footpath is not impacted upon.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

The design, scale and form of the dwellings is in keeping with the typical house design in this kind of development. Typical finishes are grey concrete tiles with grey PVC doors, black aluminium rainwater goods and white render finish.

The appearance of the new dwellings will not be out of context in the locality and similar in terms of design and scale to other houses already erected in the village.

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

The only potential conflict in terms of adjacent land uses is the local GAA pitch which has floodlighting and which can experience large crowds generating noise at certain times.

Env. Health have been consulted but at the time of writing have yet to respond.

No issues of overshadowing, loss of privacy will be experienced by other dwellings.

Given all of the above, I am content that subject to favourable comment from Env Health, the proposal is in accordance with QD 1 of PPS 7.

PPS 15 – Planning and Flood Risk

The site is located within the Q100 strategic flood plain. It is also above the threshold for

a drainage assessment as laid out in FLD 3. No drainage assessment has been submitted as part of the application. The agent states in their planning statement that a drainage assessment has been submitted as part of the submission. This does not appear to the case as I cannot see a Drainage Assessment as part of the submission. The agent has stated on two occasions (16/8/23 and 30/12/23) that a DA is being prepared, but to date none has been submitted.

The proposal is therefore contrary to FLD 3 of PPS 15 given that no drainage assessment has been submitted. The agent has been aware of this issue for approx.. 4 months but has still failed to submit a DA. Given that the principle of development is contrary to policy as outlined above, I do not feel it is necessary to wait on the submission of a DA as this will not address the fundamental policy concerns in relation to this development.

PPS 3 – Access, Movement and Parking

The scheme involves the creation of a new access onto William Street with visibility splays of 4.5m x 90m and a private access road leading to the 14 dwellings.

DFI Roads have not objected to the visibility splays shown as part of the scheme but have initially raised issues with parking spaces impacting on the footway and other issues. These have been addressed by the agent and a re-consultation with DFI Roads has taken place.

DFI Roads have still got issues to be addressed in relation to this development but these are not thought to be insurmountable and they have stated that they are generally happy with the layout. They have also asked for a formal PSD drawing to be submitted as this has not been submitted to date. However, given that the principle of the development is contrary to policy as outlined above, I do not feel it is necessary to wait on the submission of formal PSD drawings as these will not be capable of addressing the fundamental policy concerns with this development.

OTHER MATERIAL CONSIDERATIONS

No third party objections have been received.

Another important material consideration is the planning history on the site. H/2007/0893/O related to a “*site for housing development*” and was refused because it was deemed to be prejudicial to the draft Magherafelt Area Plan.

A subsequent appeal against this refusal was dismissed.

Summary of Recommendation:

Refuse is recommended

Given all of the above, I recommend that this application is refused for the following reasons;

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 FLD 3 of PPS 15 in that it has not been accompanied by a drainage assessment.

Signature(s): Colin McKeown

Date: 5 December 2023

ANNEX	
Date Valid	27 July 2023
Date First Advertised	15 August 2023
Date Last Advertised	8 August 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier Bellaghy Wolfe Tones GAC 30 Ballyscullion Road Bellaghy Londonderry BT45 8LD</p> <p>The Owner / Occupier 8 Main Street Bellaghy Londonderry BT45 8HS</p> <p>The Owner / Occupier RNN - 1-3 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier RNN - 5 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier RNN - 7 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier RNN - 15 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier 17 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier 19 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier 2 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier 10 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier 12 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier 14 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier 16 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier 18 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier RNN - 1 Main Street Bellaghy Londonderry BT45 8HS</p> <p>The Owner / Occupier 3 Main Street Bellaghy Londonderry BT45 8HS</p> <p>The Owner / Occupier 5 Main Street Bellaghy Londonderry BT45 8HS</p> <p>The Owner / Occupier 7 Main Street Bellaghy Londonderry BT45 8HS</p> <p>The Owner / Occupier</p>	

6 Main Street Bellaghy Londonderry BT45 8HS

Date of Last Neighbour Notification	4 August 2023
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Date of EIA Determination	
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ES Requested	<events screen>
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Planning History

Ref: H/1996/0383
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: H/2007/0860/F
Proposals: Proposed housing development consisting of 8 No. apartments and 4 No. townhouses
Decision: PG
Decision Date: 29-OCT-09

Ref: LA09/2016/1618/PAD
Proposals: Housing Development
Decision: PAD
Decision Date: 01-JAN-17

Ref: H/2004/0930/O
Proposals: Site of 9 terraced dwellings (3 separate blocks).
Decision: PG
Decision Date: 01-FEB-07

Ref: H/2007/0893/O
Proposals: Site of housing development
Decision: PR
Decision Date: 26-FEB-08

Ref: H/2004/0646
Proposals: Site of residential development consisting of 18 detached and 4 semi-detached dwellings with new access road
Decision: 461
Decision Date:

Ref: H/2003/0910/O

Proposals: Site of five no dwellings.

Decision: PG

Decision Date: 19-OCT-04

Ref: LA09/2023/0786/F

Proposals: Demolition of no. 1-3 William Street, Bellaghy for the alteration/widening of an existing access, associated siteworks, community landscape area and riverside biodiversity habitat, community linkages and courtyard parking for the creation of 14 no. assisted living units comprising 6 bungalows and 8 no two storey townhouses.

Decision:

Decision Date:

Ref: LA09/2018/1060/F

Proposals: Demolition of existing derelict dwellings and redevelopment to include 7no. Apartments , 4No semi-detached dwellings using approved visibility splays and access

Decision: PG

Decision Date: 12-SEP-19

Ref: H/1992/0520

Proposals: ALTS AND ADDS TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2018/0606/F

Proposals: Demolition of existing changing room and storage area with proposed new extension to include meeting rooms and toilets

Decision: PG

Decision Date: 13-JUN-18

Ref: H/1996/0591

Proposals: EXTENSION TO EXISTING SOCIAL CENTRE TO FORM 2 CHANGING ROOMS PLUS ERECTION OF COVERED STAND TERRACING AND BOUNDARY WALL AND FLOODLIGHTING TO PLAYING FIELDS

Decision: PG

Decision Date:

Ref: H/1982/0029

Proposals: LEISURE CENTRE

Decision: PG

Decision Date:

Summary of Consultee Responses

NI Water - Multiple Units West-LA09-2023-0786-F.pdf

DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation.docx

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 16
Site Location Plan Plan Ref: 01
Site Location Plan Plan Ref: 02
Site Layout or Block Plan Plan Ref: 03
Proposed Plans Plan Ref: 04
Proposed Plans Plan Ref: 05
Site Appraisal or Analysis Plan Ref: 06
Cross Sections Plan Ref: 07
Proposed Floor Plans Plan Ref: 08
Proposed Floor Plans Plan Ref: 09
Proposed Floor Plans Plan Ref: 10
Proposed Plans Plan Ref: 11
Proposed Plans Plan Ref: 12
Proposed Plans Plan Ref: 13
Proposed Plans Plan Ref: 14
Existing Plans Plan Ref: 15

Notification to Department (if relevant)

Not Applicable



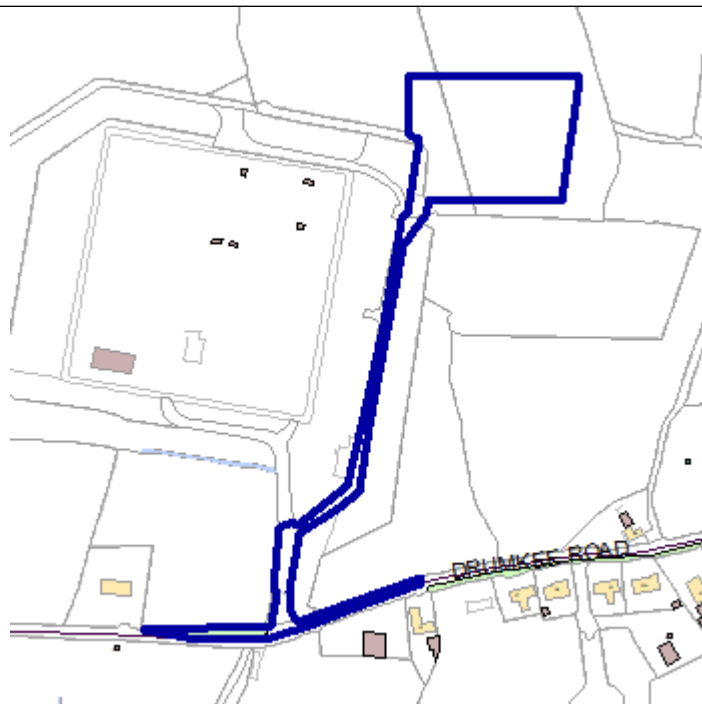
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.13
Application ID: LA09/2023/0930/F	Target Date: 19 December 2023
Proposal: Heron Storage Ltd Application under Section 54 of the Planning Act (Northern Ireland) 2011 to vary condition 17 of planning permission ref: LA09/2022/0600/F - Proposed erection of a battery energy storage system facility 100MW (BESS) and associated 33KV transformers, including 2 switch houses with control rooms lighting and closed-circuit television (CCTV) columns, new site boundary fencing and landscaping proposals, use of existing access and ancillary development works, including underground cabling route linking the site to Tamnamore main substation to the West. See accompanying cover letter for reasons to vary condition.	Location: Lands immediately East of Tamnamore Substation and Circa 260M South West of 167 Ballynakilly Road Coalisland Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Heron Storage Ltd 2 St Patricks Street Draperstown BT45 7AL	Agent Name and Address: TSA Planning 20 May St Belfast BT1 4NL
Executive Summary: The applicant is a relative of the Head of Local Planning in Mid Ulster District Council - Karen Doyle. The Head of Strategic Planning in discussion with the Service Director has agreed this application can go to Planning Committee as an approval, given that NI Fire and Rescue have raised no concerns to this proposal and not responded formally via the Portal.	



Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	NI Fire And Rescue Service Headquarters	
Statutory Consultee	Health And Safety Executive For NI	CN202309-0010 - Lands immediately east of Tamnamore Substation & c260m SW of 167 Ballynakilly Rd, Coalisland (22.11.2023).pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-2023-0930-F 8th Dec 23.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-2023-0930-F.pdf
Statutory Consultee	NI Fire And Rescue Service Headquarters	
Statutory Consultee	Health And Safety Executive For NI	CN202309-0010 - Lands immediately east of Tamnamore Substation & c260m SW of 167 Ballynakilly Rd,

Non Statutory Consultee	SONI LTD	Coalisland.pdf SONI Response LA09_2023_0930_F Tamnamore.pdf
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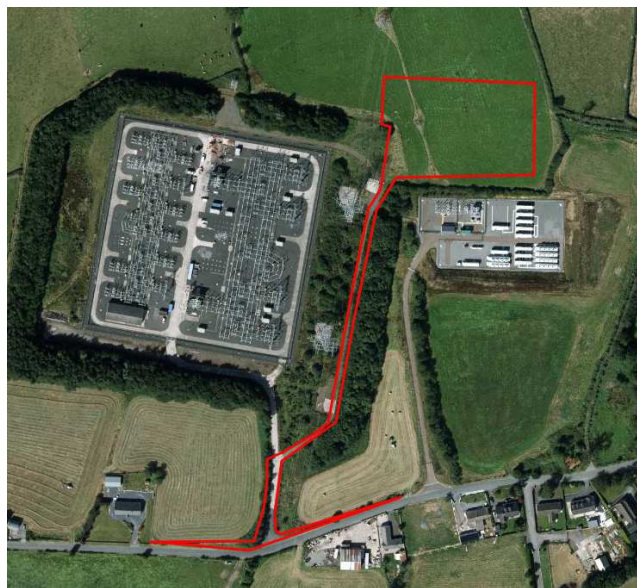
Representations:

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

This application site occupies a parcel of land immediately East of the Tamnamore SONI Substation, approximately 260 metres South West of No 167 Ballynakilly Road, Coalisland. It sits immediately east of the existing NIE/SONI Tamnamore Substation which accesses onto the Drumkee Road. Adjacent and to the south of the site is a battery storage facility which was granted permission in October 2018. The site itself occupies the southern portion of an agricultural field which continues to the north, resulting in a lack of defined boundaries on the ground. There is existing hedgerow close to the southern boundary and established vegetation exists where the proposed new access is located. On the opposite side of the Drumkee Road close to where the existing access meets the public road, is an established line of detached dwellings which are mostly single storey along the roadside.



The site measures approximately 1.18 ha and sits less than 2.5 kilometres to the North West of the Tamnamore Roundabout, and 400 metres to the south west of the junction where traffic turn off the Ballynakilly Road towards Clonoe.



The surrounding agricultural land is traversed by the busy A45 Ballynakilly Road which connects Coalisland to the M1 motorway. There are some dispersed dwellings throughout the landscape and a variety of commercial landuses such as car sales, joinery, tourist accommodation and filling station close by, as well as some engineering enterprises. The surrounding landscape is also characterised by the existing electricity infrastructure with the presence of pylons and transformers permeating the skyline.

Relevant Planning History

LA09/2022/0600/F - Proposed erection of a battery energy storage system facility 100MW (BESS) and associated 33KV transformers, including 2 switch houses with control rooms lighting and closed-circuit television (CCTV) columns, new site boundary fencing and landscaping proposals, use of existing access and ancillary development works, including underground cabling route linking the site to Tamnamore main substation to the West - Lands Immediately East Of Tamnamore Substation and C 260M South West Of 167 Ballynakilly Road, Coalisland –Approval - 11.05.2023

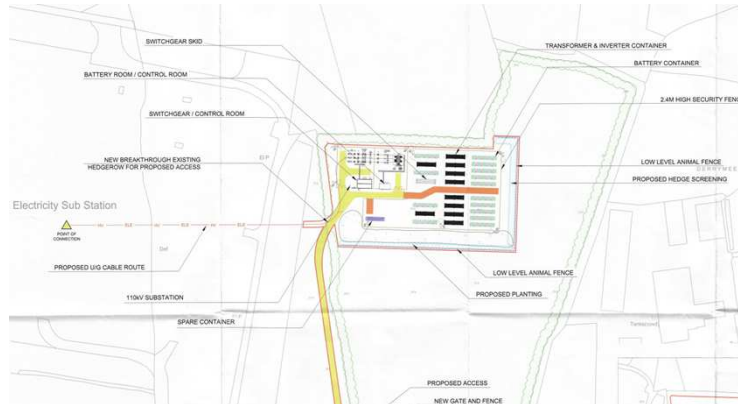
LA09/2022/1447/F - Proposed synchronous condenser facility, new access, and ancillary development - 370M SW Of No 51 Drumkee Road, Dungannon – Approval - 27.06.2023

LA09/2022/1410/F - Proposed battery energy storage system (BESS) 100MWh (100 MW/1 hr), new access and alterations/ extensions of existing lane, and ancillary development - 500M NE Of 32 Drumkee Road, Dungannon (to Rear Of Tamnamore

275kv Electricity Substation) - under consideration

LA09/2021/0816/HSC - Lithium Battery Storage – 26.10.2022 - Application Withdrawn

LA09/2019/1469/NMC - Non-material change to approval LA09/2018/0803/F (Battery Energy Storage System) - 150M North Of 60 Drumkee Road, Coalisland –18.12.2019- Approval (see below)



LA09/2020/0876/PAD - Battery Storage facility - 150M North Of 60 Drumkee Road, Coalisland – Declined – 01.09.2021

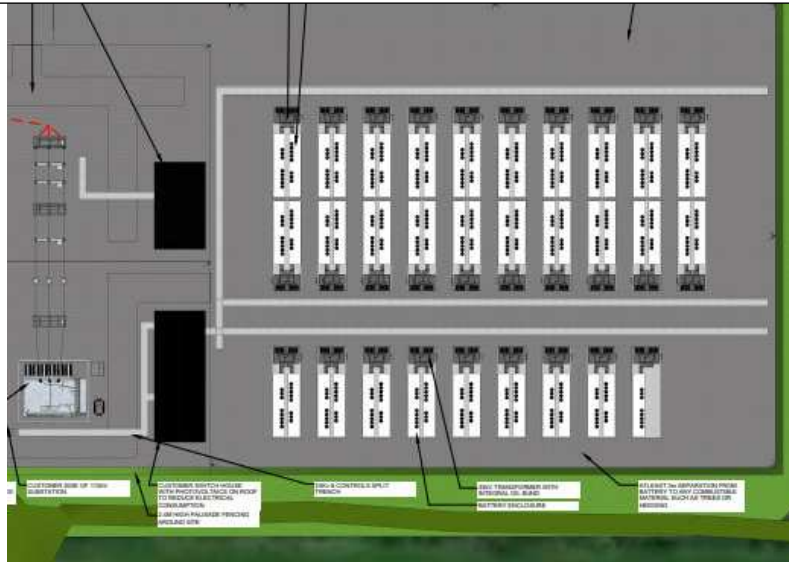
LA09/2018/0803/F - Proposed battery energy storage system, new access lane and ancillary development – 150M North Of 60 Drumkee Road, Coalisland - 03.10.2018 – Approval

M/2011/0198/F - Additional electrical plant and equipment installation, control room inside the existing sub-station site and overhead electrical transmission lines - Approval – 08.12.2011

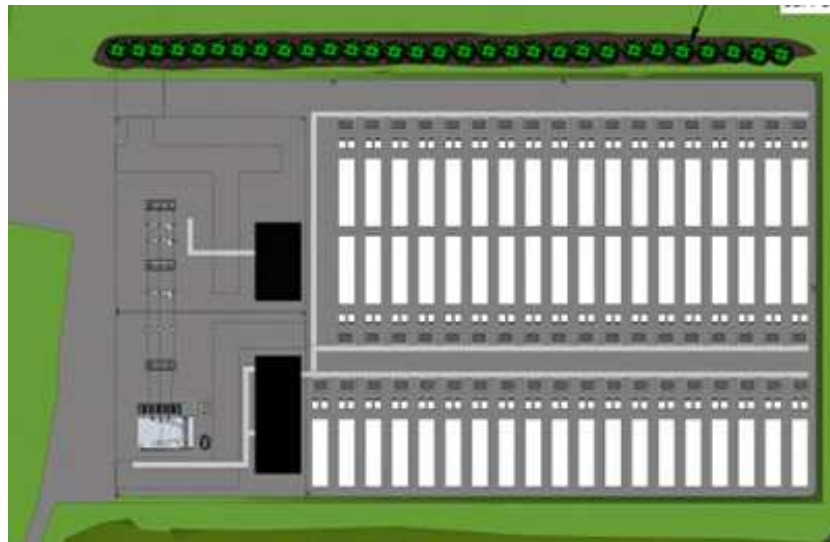
Description of Proposal

This application seeks to vary Condition No 17 of LA09/2022/0600/F. This application was granted permission on 11th May 2023 for the Erection of a Battery Energy Storage System (BESS) facility 100MW and associated 33KV transformers, including 2 switch houses with control rooms lighting and closed-circuit television (CCTV) columns, new site boundary fencing and landscaping proposals, use of existing access and ancillary development works, including underground cabling route linking the site to Tamnamore main substation to the West.

The revised proposed layout of the site proposed by this application



Below is the site layout granted permission under LA09/2022/0600/F for the storage of Multi Source Power Flex-ESS Batteries.



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The original scheme which was granted permission as detailed above was assessed fully against the relevant policies at the time and was deemed to be compliant with those policies, as was set out in the Case Officer’s Report which was presented to Committee and agreed on 12th June 2023.

Members will note that the extent of the layout is reduced from the originally approved

site layout plan. This would in itself have constituted a Non-Material Change had the condition restricting the use of the battery type not have been specified on that approval. The reduced layout itself makes no material difference in my view and the original Drawing 07 REV1 dated 29th November 2022 could be superseded as part of the consideration of this change to Condition 17 in tandem.

Condition No 17 of permission LA09/2022/0600/F reads;

“The proposed facility shall install the Multi Source Power Flex-ESS Battery Energy Storage System as agreed by Mid Ulster District Council.”

This condition was attached to the permission as that was the specific type of BESS the agent had applied planning permission for and it was therefore this specific type of technology which was being assessed by the Council, along with the relevant consultees including Health and Safety Executive for NI and NI Fire and Rescue Service.

This application seeks to vary the wording of Condition No 17 and seeks to utilise Tesla branded batteries as opposed to “Multi Source Power Flex-ESS” that were initially proposed to be utilised. The battery type this applicant which now to utilise are referred to as “Megapack 2 (MP2) and Megapack 2XL (MP2XL). Information was submitted on this amended battery type including an amended Noise Impact Assessment.

Mid Ulster District Council’s Environmental Health section were consulted and have stated that in respect of fire and safety they are unable to provide comment on varying condition 17 of planning permission reference LA09/2022/0600/F as this falls outside the remit of the Environmental Health Department. However having considered the information presented they are content that Condition No 3 of the planning permission granted which related to noise levels from the inverters and transformers, would not be compromised.

System Operator NI Ltd (SONI) stated that in this instance the variation of the planning condition would not have any detrimental effect to the existing network, or any future planning to the Tamnamore Substation.

HSENI commented that the information submitted by the agent referred to the UL 9540A test. They wish to make the Council aware that this test method has no UK standard or accreditation associated with it. The information on the Hydrogen Fluoride gas cloud indicates it will extend onto an existing adjacent development. HSENI do not have any further comments on this application. In responding to this, the agent provided a written submission which further clarifies the extent of any such cloud including that the adjacent development in another BESS station. A further response from HSENI on the 22nd Nov stated that based on information provided to date, including the applicant’s response dated 17th October 2023, HSENI has no additional comment to make.

NI Fire and Rescue Service (NIFRS) were consulted on 28th September 2023 and a reminder sent on 8th December 2023. They have not provided a formal consultation

response to this proposal via the Council's Planning Portal. The agent did submit an email trail of their private correspondence with a number of people in the NIFRS which concluded in someone from the TSC Operations section saying they have no objections. It is not normal procedure for the Planning Department to accept unofficial consultation responses from agents regarding their applications, however it is anticipated that a formal response will have been uploaded to Mid Ulster District Council's Planning Portal before the planning committee meeting. As such members are asked to accept my recommendation to approve the change to the condition is subject to an official positive response from NIFRS.

This proposal refers only to Condition 17 of the original permission, therefore it is still necessary to restate all the other original conditions part of that application which have not been discharged and are thus still relevant.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

Condition 1

As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

Condition 2

The vehicular access, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No 9 REV 2 received on 4th May 2023, prior to the commencement of any works or development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

The Sound Power Level of Inverters and Transformers shall not exceed the levels outlined within Table 1 of the Irwin Carr letter dated 7th October 2022.

Reason: To protect nearby residential amenity from excessive noise.

Condition 4

Within 4 weeks of a written request by Mid Ulster District Council, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with noise levels stated within condition 1. Details of noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity from noise.

Condition 5

In the event that previously unknown contamination is discovered falling outside the scheme of the approved revised remediation scheme in the Preliminary Risk Assessment dated 9th May 2022, development on the site shall cease, pending the submission and agreement of a written report, detailing the proposed investigation, risk assessment and remediation scheme, by Mid Ulster District Council and the Northern Ireland Environment Agency. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at www.gov.uk/guidance/land-contamination-how-to-manage-the-risks. In the event of unacceptable risks being identified a remediation strategy shall be agreed by Mid Ulster Council in writing and subsequently implemented and verified to its satisfaction and that of Northern Ireland Environment Agency.

Reason: To protect environmental receptors and to ensure the site is suitable for use.

Condition 6

After completing all remedial works under Condition 5 and prior to the operation of the development, a Verification Report must be agreed in writing by Mid Ulster Council. This should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing risks and achieving the remedial objectives. This report must be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at www.gov.uk/guidance/land-contamination-how-to-manage-the-risks.

Reason: To protect environmental receptors and to ensure the site is suitable for use.

Condition 7

Prior to the development commencing, any onsite wells should be fully decommissioned and evidence agreed in writing to Mid Ulster Council. This should be in line with SEPA guidance document - "Good Practice for Decommissioning

Redundant Boreholes and Wells (UK Groundwater Forum)" available at <https://sepa.org.uk/media/34618/decommissioning-redundant-boreholes-andwells.pdf>.

Reason: To protect environmental receptors and to ensure the site is suitable for use.

Condition 8

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

Reason: To protect breeding birds.

Condition 9

The proposed lighting around the compound are only to be operational during times authorised personnel are on site.

Reason: To minimise the impact of the proposal on bats and other wildlife.

Condition10

All hard and soft landscaping works shall be carried out in accordance with the details on Drawing No 10 REV1 dated 29th November 2022. These works shall be carried out during the first available planting season after works commences to the appropriate British Standard and or other recognised Codes of Practice and retained thereafter.

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

Condition11

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

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

Condition12

The details contained in the Drainage Assessment dated 2nd February 2023 and the Subsequent amendments dated 23rd February 2023, 28th February 2023 and 27th March 2023 shall be implemented and adhered to, unless written consent is obtained from Mid Ulster District Council.

Reason: To safeguard against flood risk.

Condition13

The details contained in the Fire and Safety Report dated 29th November 2022 shall be implemented and adhered to, unless written consent is obtained from Mid Ulster District Council.

Reason: In the interest of public health and safety.

Condition14

Any variation to the details contained in the Hazardous Substance Report dated 29th November 2022 shall be sought by written consent Mid Ulster District Council.

Reason: In the interest of public health and safety.

Condition15

Prior to the development hereby permitted becoming operational, a Final Emergency Response Plan will be submitted to in writing and agreed by Mid Ulster District Council. Once agreed, these shall be implemented in full and any variations to the agreed Plan will require further consent.

Reason: In the interest of public health and safety.

Condition16

Once a contractor has been appointed and prior to the commencement of any developmoent hereby permitted, a Final Construction Environmental Management Plan (CEMP) must be submitted to and agreed in writing by Mid Ulster Distrcit Council in compliance with NIEA Water Management Unit.

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

Condition 17

The proposed facility shall install the Tesla Megapack 2 (MP2) and Megapack 2XL (MP2XL) as agreed by Mid Ulster District Council.

Reason: In the interests of fire and safety.

Signature(s): Cathy Hughes

Date: 20 December 2023

ANNEX	
Date Valid	5 September 2023
Date First Advertised	18 September 2023
Date Last Advertised	18 September 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/1990/0534 Proposals: Erection of bungalow Decision: PG Decision Date:</p> <p>Ref: M/1978/0678 Proposals: REPLACEMENT WORKSHOP FOR REPAIR OF AGRICULTURAL MACHINERY Decision: PG Decision Date:</p> <p>Ref: LA09/2022/0600/F Proposals: Proposed erection of a battery energy storage system facility 100MW (BESS) and associated 33KV transformers, including 2 switch houses with control rooms lighting and closed-circuit television (CCTV) columns, new site boundary fencing and landscaping proposals, use of existing access and ancillary development works, including underground cabling route linking the site to Tamnamore main substation to the West Decision: PG Decision Date: 23-JUN-23</p> <p>Ref: LA09/2022/1108/PAD Proposals: Electrical installation, including Synchronous Compensator and associated</p>	

infrastructure

Decision:

Decision Date:

Ref: M/2011/0500/F

Proposals: Proposed 110/33kV Electrical Substation and erection of 50km 110kV portal type overhead line to connect proposed substation into both the Omagh main substation and the Tamnamore Grid Substations. To facilitate the connection of renewable energy to the NIE Network and provide network reinforcement to the Ballygawley area.

Decision: PG

Decision Date: 15-MAR-13

Ref: LA09/2023/0930/F

Proposals: Application under Section 54 of the Planning Act (Northern Ireland) 2011 to vary condition 17 of planning permission ref: LA09/2022/0600/F - Proposed erection of a battery energy storage system facility 100MW (BESS) and associated 33KV transformers, including 2 switch houses with control rooms lighting and closed-circuit television (CCTV) columns, new site boundary fencing and landscaping proposals, use of existing access and ancillary development works, including underground cabling route linking the site to Tamnamore main substation to the West. See accompanying cover letter for reasons to vary condition.

Decision:

Decision Date:

Ref: M/2004/0461/Q

Proposals: dwelling or dwellings

Decision: ELR

Decision Date: 03-JUN-04

Ref: LA09/2022/0397/PAD

Proposals: Proposed erection of a 100MW Battery Energy Storage Facility (BESS) and all associated site and access works including an underground cable connection to the adjacent Tamnamore Electrical Substation

Decision: WDN

Decision Date: 03-AUG-22

Ref: M/2003/1338/F

Proposals: New 275/110kv Grid Substation with interconnecting 110kv over-head line connection (5.5km) to the existing Dungannon main Substation at Edendork, Dungannon

Decision: PG

Decision Date: 29-JUN-04

Ref: M/1979/0825

Proposals: IMPROVEMENTS AND EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: M/2004/0459/Q
Proposals: dwelling or dwellings
Decision: ELR
Decision Date: 03-JUN-04

Ref: M/2004/0458/Q
Proposals: dwelling or dwellings
Decision: ELA
Decision Date: 03-JUN-04

Ref: M/2011/0198/F
Proposals: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1.
Decision: PG
Decision Date: 08-DEC-11

Ref: LA09/2022/1447/F
Proposals: Proposed synchronous condenser facility, new access, and ancillary development
Decision: PG
Decision Date: 29-JUN-23

Ref: M/2004/0473/Q
Proposals: dwelling or dwellings
Decision: ELA
Decision Date: 03-JUN-04

Ref: M/1999/0798/RO
Proposals: Dwelling
Decision: PG
Decision Date: 19-JAN-00

Ref: M/1988/0324
Proposals: EXTENSION TO PROVIDE OFFICE TEAROOM, STORE AND TOILETS
Decision: PG
Decision Date:

Summary of Consultee Responses

Environmental Health Mid Ulster Council-
NI Fire And Rescue Service Headquarters-
Health And Safety Executive For NI-CN202309-0010 - Lands immediately east of
Tamnamore Substation & c260m SW of 167 Ballynakilly Rd, Coalisland (22.11.2023).pdf
Environmental Health Mid Ulster Council-LA09-2023-0930-F 8th Dec 23.pdf
Environmental Health Mid Ulster Council-LA09-2023-0930-F.pdf

NI Fire And Rescue Service Headquarters-
Health And Safety Executive For NI-CN202309-0010 - Lands immediately east of
Tamnamore Substation & c260m SW of 167 Ballynakilly Rd, Coalisland.pdf
SONI LTD-SONI Response LA09_2023_0930_F Tamnamore.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Existing Plans Plan Ref: 02
Site Layout or Block Plan Plan Ref: 03
Proposed Plans Plan Ref: 04
Existing Plans Plan Ref: 05
Proposed Plans Plan Ref: 06
Proposed Plans Plan Ref: 07
Proposed Plans Plan Ref: 08
Proposed Plans Plan Ref: 09

Notification to Department (if relevant)

Not ApplicableNot Applicable

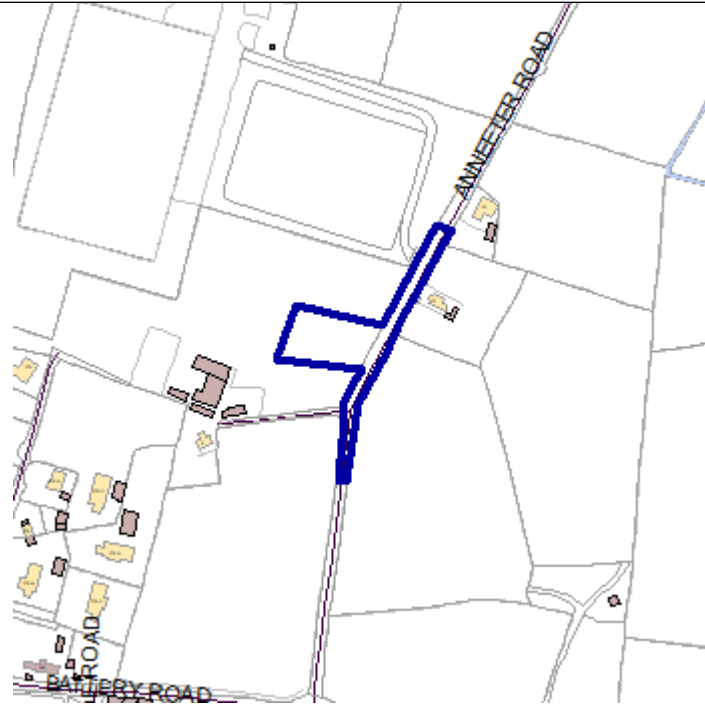


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.14
Application ID: LA09/2023/0943/O	Target Date: 21 December 2023
Proposal: Proposed site for dwelling and garage	Location: 90M North East of No. 6 Anneeter Road Moortown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Christine Toner 120 Ardboe Road Moortown	Agent Name and Address: APS Architects LLP Unit 4 Mid Ulster Business Park Derryloran Ind Estate 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	DC Checklist 1.doc Roads outline.docx FORM RS1 STANDARD.doc

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located in the rural countryside, just outside Moortown Settlement Limits, as defined by the Cookstown Area Plan (see Figs: 1, 2 & 3 below); and approx. 600 metres west of Lough Neagh.



Fig 1: Site outlined red.



Fig 2: Site outlined red.

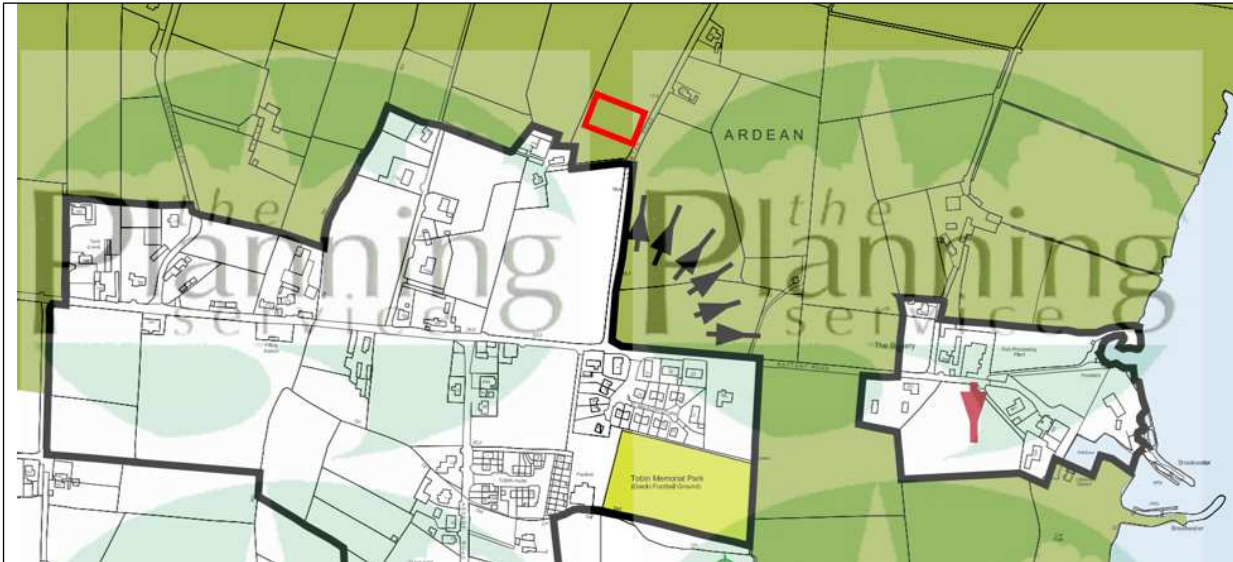


Fig 3: Moortown Settlement Limits outlined by bold black line and site outlined red.

As seen in Fig 3 above Moortown is defined in two separate nodes. The site, a relatively flat rectangular shaped plot cut from the roadside frontage and center of a much larger agricultural field, is located to the very north of Moortown’s western node. Except for the roadside frontage of the site, which is defined by a low hedge, the remaining boundaries of the site are all undefined and open onto the host field.

Open views of the site will exist from Anneeter Road over a short distance on both approaches and passing along the frontage. Open long distance views will also exist from the south / southeast from the Battery Road.

Whilst Moortown GAA grounds are located just to the north of the site’s host field the area surrounding the site to the north, west, east and southeast in the countryside is primarily characterised by flat agricultural lands typical of the lough shores interspersed with detached dwellings, ancillary buildings and farm holdings. Whilst the lands immediately to the south of the site’s host field and no. 6 Anneeter Road, a neighbouring 2 storey dwelling with ancillary farm sheds, are located within the settlement limits of Moortown and have been approved for housing they have not yet been developed and remain agricultural in nature retaining the immediate area surrounding the site’s rural feel.

Description of Proposal

This is an outline application for a proposed dwelling and garage to be located on lands 90m North East of No. 6 Anneeter 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

- I/2009/0422/F - Housing and retail development consisting of 36 housing units (10 detached, 12 semidetached, 11 town houses & 3 apartments above retail units) and retail building with supermarket, first floor restaurant, 3 no. retail units, site road and associated site works - Lands immediately south of 6 Anneeter Rd Moortown - Granted
- LA09/2019/0937/F - Proposed amendment to road junction approved under LA09/2015/0881/F to include new footpath along Anneeter Rd and Ardean Cl - Junction of Anneeter Rd & Battery Rd Cookstown - Granted 27th June 2023
- LA09/2021/1289/O - Site for dwelling within a gap (Renewal of Planning Application LA09/2018/0602/O) - 17m North of no 11 Anneeter Rd Moortown - Granted 25th October 2021
- LA09/2022/1426/O - Proposed site for dwelling and garage within a cluster (Visual linkage with adjacent community hub building) - 40m North East of no 178 Battery Rd Moortown - Granted 25th July 2023

Whilst there is no planning history on site the above applications have been referenced on the site location plan submitted in support of this application on lands in the wider vicinity (see Fig 4, further below).

Consultees

1. Dfl 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:

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

In support of this application, under Policy CTY 2a New Dwellings in Existing Clusters the applicant / agent submitted a site location plan (see Fig 4, below) indicating the site is located within a cluster of development associated with the local GAA grounds and community hub further to its north. The site location plan also shows:

- two roadside dwellings, located further to the northeast of the site, with an approval for a dwelling under infill Policy CTY 8 of PPS21) between them under application LA09/2021/1289/O;
- a large field, located further south of the site and the farm group located at no. 6 Anneeter Road, within the settlement limits of Moortown with an approval for mixed use housing and commercial under application I/2009/0422/F;
- a site, located further west of the site and no. 6 Anneeter Road approved at Planning Committee as an exception to PPS21 under application LA09/2022/1426/O; and
- a road improvement scheme approved under application LA09/2019/0937/F with

footpath to be provided along the west side of Anneeter Road including along the frontage of the site connecting Moortown settlement limits with the GAA Grounds to its north.

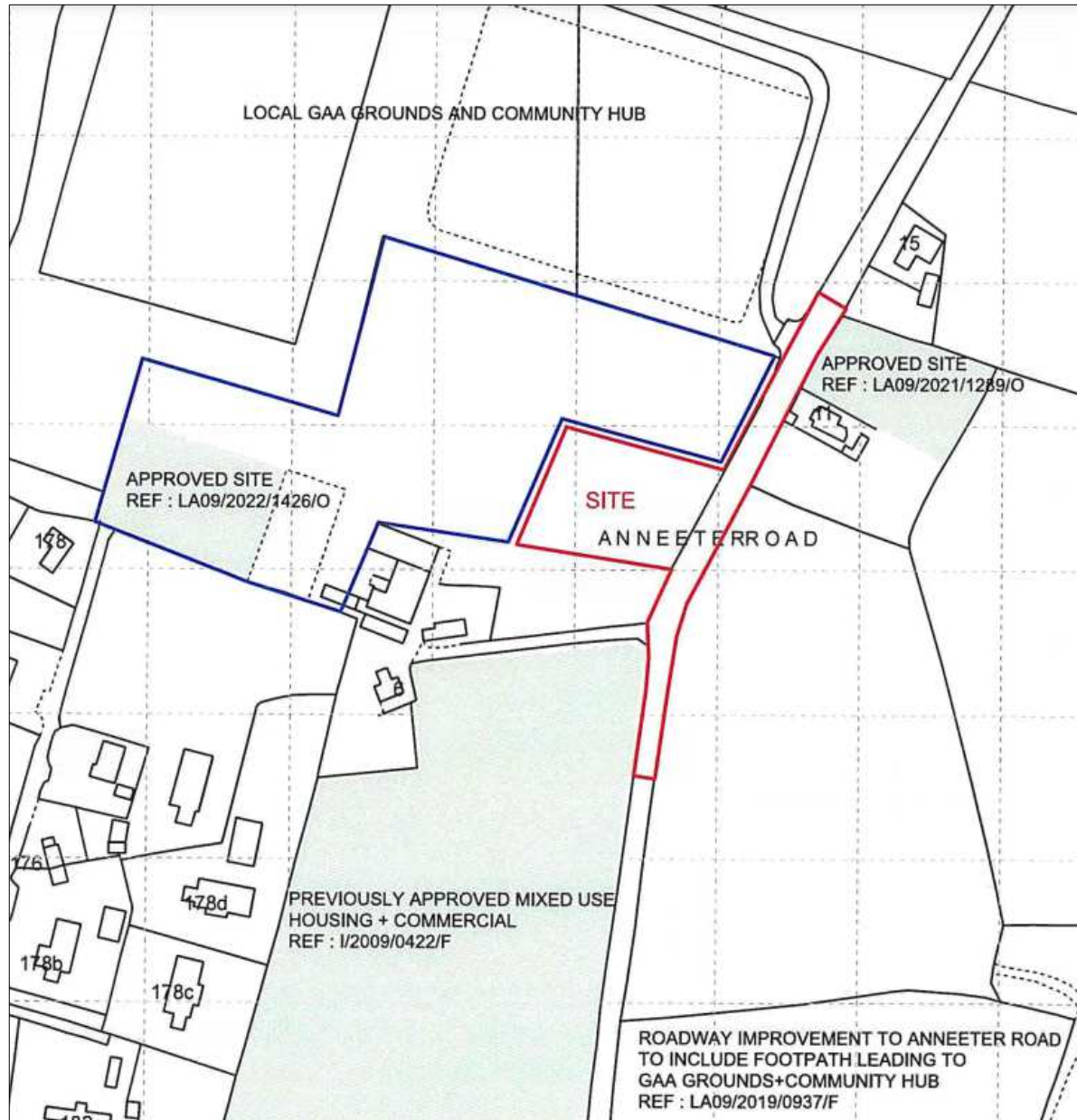


Fig 4: Site location plan

Having considered this proposal, taking account of the information in support in Fig 4 above, I do not consider it meets the criteria of Policy CTY 2a as the site is not located within a cluster of development in the countryside. The site is cut from the roadside frontage and center of a much larger agricultural field just outside the settlement limits of Moortown and as such it is not bound on any side by development and / or development within a cluster in the countryside. Whilst the GAA grounds exist to the north of the site, they do not bound it and in my opinion do not form part of a cluster of development in close proximity to the site in the countryside as described by policy to include at least three dwellings.

Additionally, the proposed development by reason of its location just north of Moortown Settlement Limits would be contrary to Policy CTY 15 – The Setting of Settlements in that it would mar the distinction between Moortown and the surrounding countryside.

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. I would also note that whilst the applicant / agent has referenced application LA09/2022/1426/O on the site location plan submitted (see Fig 4) this permission was approved by the Planning Committee as an exception to PPS21.

Other Policy and Material Considerations

Checks on the planning portal and Historic Environment Division (HED) map viewer available online identified no built heritage assets of interest on site and whilst checks on Natural Environment Division (NED) map viewer available online identified the site is located within an area known to breeding wader the site comprises improved grassland.

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 10th October 2023 from Ms Sara Isaly the owner / occupier of no. 6 Anneeter Road, a farm holding comprising a dwelling and farm sheds located to the southwest of the site. Ms Isaly, following a phone conversation, write to remind Planning that that her septic tank and slurry tank are located between 6 Anneeter Road and the site.

Taking account of Ms Isaly's comments above in relation to her farm holding at no. 6 Anneeter 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. 78 metres from these buildings. The closest dwelling not associated with the farm building is 175C Battery Road to the southwest of the buildings, it is approx. 70 metres from the group (see Fig 5, below). These buildings appear to be agricultural in nature and could be used for any agricultural activity without a change of use occurring. There is nothing to prevent the owner 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.



Fig 5: Site and distances from agricultural buildings

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 mar the distinction between Moortown and the surrounding countryside.

Reason 3

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): Emma Richardson

Date: 20 December 2023

ANNEX	
Date Valid	7 September 2023
Date First Advertised	19 September 2023
Date Last Advertised	19 September 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 15 Anneeter Road Cookstown Tyrone BT80 0HZ The Owner / Occupier 11 Anneeter Road Cookstown Tyrone BT80 0HZ The Owner / Occupier 6 Anneeter Road Cookstown Tyrone BT80 0HZ	
Date of Last Neighbour Notification	13 September 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Ref: I/2007/0286/O Proposals: Housing development Decision: PG Decision Date: 18-FEB-09 Ref: LA09/2018/0602/O Proposals: Site for dwelling within a gap Decision: PG Decision Date: 04-SEP-18 Ref: LA09/2021/1289/O Proposals: Renewal of Planning Application LA09/2018/0602/O Decision: PG Decision Date: 25-OCT-21 Ref: I/2001/0041/O Proposals: One and a half storey dwelling and domestic garage Decision: PR Decision Date: 27-MAY-02	

Ref: I/2009/0422/F

Proposals: Housing and retail development consisting of 36 housing units (10 detached, 12 semi detached, 11 town houses & 3 apartments above retail units) and retail building with supermarket, first floor restaurant, 3 no. retail units, site road and associated site works (Amended site and layout)

Decision: PG

Decision Date: 09-MAY-11

Ref: I/2013/0020/F

Proposals: Proposed two storey replacement dwelling with garage

Decision: PG

Decision Date: 19-APR-13

Ref: LA09/2019/0187/F

Proposals: Proposed alterations to changing rooms and gym from previous approval

Decision: PG

Decision Date: 25-MAR-19

Ref: LA09/2019/0937/F

Proposals: Proposed amendment to road junction approved under LA09/2015/0881/F to include new footpath along Anneeter Road and Ardean Close

Decision: PG

Decision Date: 04-JUL-23

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/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: LA09/2023/0943/O

Proposals: Proposed site for dwelling and garage

Decision:

Decision Date:

Summary of Consultee Responses

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

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2024	Item Number: 5.15
Application ID: LA09/2023/0981/O	Target Date: 1 January 2024
Proposal: Outline planning for up to 2no. semi detached dwellings with car parking and rear amenity space to be booked ended by the main A505 road way within an existing cluster of development.	Location: Lands Directly adjacent and South of 1 Oakland Villas, Drum Road, Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Ryan Glasgow 24 Glenarny Road Cookstown BT80 9DZ	Agent Name and Address: No Agent
Executive Summary: <p>This application is being presented to the planning committee with the recommendation to approve as an exception to policy. The proposal does not fully fit within any policy contained within CTY1 of PPS 21, however, it is most appropriate to consider the proposal under CTY2a, as it meets all but one of the policy criteria. No objections have been received. DfI Roads were consulted as access to the existing development at Oakland Villas is via a protected route. However, after discussions between DfI Roads and the applicant, amendments were made and DfI Roads offer no objection subject to conditions being applied. NI Water were consulted and confirmed there is capacity at the WWTW but due to the close proximity to the WWTW which is approximately 95m North of the application site, they are recommending it be refused as an Odour Encroachment Assessment is required to determine the compatibility of these proposals with the existing operation of the Wastewater Treatment Works. However, there are 6 dwellings located within Oakland Villas which is closer to the WWTW. Given this, I believe it is unreasonable to request an Odour Encroachment Assessment to determine if two new dwellings are compatible in this location given the six existing dwellings are in closer proximity to the WWTW. I have no concerns relating to integration or the impact of the proposal on the character of the area as it is felt it will round off the existing development</p>	

here.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation outline approval.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template.docx
Statutory Consultee	NI Water - Multiple Units West	LA09-2023-0981-O.pdf

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan. However, although it is outside any settlement limits, the

site is located at the entrance to a small development comprising of six dwellings, so the immediate character of the area is urban rather than being a typical rural area. The application site is a small rectangular plot of land, sandwiched between the Drum Road to the south and the dwelling identified as No.01 Oakland Villas. The site is currently defined by mature hedge rows and trees on site, it does not appear to be used as part of the amenity space for No.01 Oakland Villas.

Description of Proposal

This is an outline planning application for 2no. semi-detached dwellings with car parking and rear amenity space to be booked ended by the main A505 road way within an existing cluster of development.

Relevant Planning History

LA09/2021/0146/O- Site for 2 storey dwelling and garage at builders yard with use of existing entrance to the Drum Road between 167 Drum Road and Oakland Villas.
Permission Granted 30th January 2023

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Cookstown Area Plan 2010
Strategic Planning Policy Statement (SPPS)
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

The Cookstown Area Plan identifies the site as being outside any defined settlement limits.

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other

environmental considerations including those for drainage, access and road safety. A number of examples are provided in CTY 1 detailing the different cases that would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

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

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

I am content that the cluster of development lies outside of a farm and consists of more than three dwellings.

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

I am content that the cluster appears as visual entity in the local landscape whilst travelling along the Drum Road in both directions.

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

It should be noted that permission was granted for a dwelling within a cluster under planning application LA09/2021/0146/O which is located approximately 60m NE of this application site. In determining this application, it was initially recommended to be refused as it did not comply with CTY 8. During the deferred process this application was assessed under CTY2a in which it was identified that the 'Village Green' area to the front of Oakland's Villas could be considered as a focal point, given a focal point can be considered as giving a place a 'sense of identity' and somewhere that is well known to the local community with a sense of presence. As this was accepted in the assessment of this policy, I am content that it can be accepted in this application assessment.

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

The site is only bounded on one side with development in the cluster, which is to the north of the site. The southern boundary is bounded by the public road; however, this is not considered as development in the cluster.

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

I am content that the proposed dwelling can be absorbed into the existing cluster, and it will not alter the existing character of the area.

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

I am satisfied that two dwellings at this location would not adversely impact on residential amenity. This can be assessed further at Reserved Matters stage to ensure there are no issues with overlooking.

The proposal therefore fails to meet one policy criteria detailed above in that the cluster is only bounded on one side with other development in the cluster. However, given the layout of the small development of Oakland Villas, it allows for two semi-detached dwellings at this location, which will not impact on the character of the area. The development can be considered an opportunity for rounding off, of the existing development. The two semi-detached dwellings would read in conjunction with the existing development known as Oaklands Villas.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I note that this is only an outline application therefore, no design details have been submitted however, I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. I am content that a dwelling at this location does not rely solely on new planting for integration, although additional planting would benefit the integration of the dwelling. I am content ancillary works will integrate with their surroundings and an appropriately designed dwelling would blend with the landform and other natural features.

Policy CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed building will not appear prominent in the landscape. I am content that this development can be viewed as part of an existing cluster and given the existing dwellings within Oakland Villas, two semi-detached dwellings at this site would not change the character of the area.

PPS 3- Access, Movement and Parking:

DfI Roads were consulted and initially raised a number of concerns. The applicant then amended the proposal to address these issues and following a re-consultation DfI Roads confirmed the concept plan 02 Rev A would provide a satisfactory means of access for the proposed development. A PSD drawing will be required at Full or RM stage to cover the construction of the footway, access position, sightlines and parking as per "Creating Places". DfI Roads have no objections subject to conditions being applied to any approval.

Other Material Considerations

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

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

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

Condition 2

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

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

Condition 3

No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

Condition 4

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

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

Condition 5

The visibility splays of 33 metres by 2.0 metres at the junction of the proposed access with the public road, shall be provided.

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

Condition 6

A 2m wide footway shall be constructed across the site frontage.

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

Condition 7

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

Reason: In the interests of visual amenity.

Signature(s): Ciaran Devlin

Date: 19 December 2023

ANNEX	
Date Valid	18 September 2023
Date First Advertised	3 October 2023
Date Last Advertised	3 October 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 6 Oakland Villas Cookstown Tyrone BT80 9DP The Owner / Occupier 5 Oakland Villas Cookstown Tyrone BT80 9DP The Owner / Occupier 4 Oakland Villas Cookstown Tyrone BT80 9DP The Owner / Occupier 3 Oakland Villas Cookstown Tyrone BT80 9DP The Owner / Occupier 2 Oakland Villas Cookstown Tyrone BT80 9DP The Owner / Occupier 1 Oakland Villas Cookstown Tyrone BT80 9DP</p>	
Date of Last Neighbour Notification	17 October 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: I/2003/1147/F Proposals: Decant site for 1 No Mobile & furniture Store Decision: PG Decision Date: 10-MAR-04</p> <p>Ref: LA09/2021/0146/O Proposals: Site for 2 storey dwelling and garage at builders yard with use of existing entrance to the Drum Road between 167 Drum Road and Oakland Villas Decision: PG Decision Date: 01-FEB-23</p> <p>Ref: LA09/2023/0981/O Proposals: Outline planning for up to 2no. semi detached dwellings with car parking and rear amenity space to be booked ended by the main A505 road way within an existing</p>	

cluster of development.

Decision:

Decision Date:

Ref: I/2003/0692/O

Proposals: Erection of House

Decision: PR

Decision Date: 07-JUN-04

Summary of Consultee Responses

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

DFI Roads - Enniskillen Office-Response Template.docx

NI Water - Multiple Units West-LA09-2023-0981-O.pdf

Drawing Numbers and Title

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2020/0896/O Recommendation: Approve	Target Date: 21 September 2020
Proposal: Proposed Infill dwelling and garage	Location: 20M West Of 6 Five Mile Straight Draperstown
Applicant Name and Address: Joe McWilliams 5 Slievegallion Drive Draperstown BT45 7JR	Agent name and Address: Cmi Planners 38B Airfield Road Toomebridge Magherafelt BT41 3SG
Summary of Issues: No objections have been received.	
Summary of Consultee Responses:	
Characteristics of the Site and Area The proposed site is identified as lands approximately 20m west of No 6 Moneyneaney to the north east of Moneyneaney. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Ground levels elevate in a northerly direction. Boundaries comprise mature vegetation with intermittent semi-mature trees on the north and east boundaries; post and wire fencing and sporadic vegetation on the west and post and wire fence to the south (running appavelled with the Five Mile Straight Rd). The surrounding landform is best described as uplands representing undulating countryside and mainly consist of farms and scattered detached dwellings located throughout the surrounding area.	
Description of Proposal The applicant is seeking outline planning approval for a dwelling and garage based on an infill site located 20m west of No 6 Five Mile Straight Draperstown.	

Deferred Consideration:

This application was presented before the Planning Committee in June 2021 with a recommendation to refuse where it was agreed by Members to defer the application for an office meeting with the Service Director.

The applicant has submitted a planning application based on an infill under Policy CTY 8. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage. A substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Having carried out a site visit it is clear there is a bungalow and garage to the immediate west of the application site and a derelict shop building to the east of the site. Although there are three buildings the garage is set somewhat to the rear of the bungalow. However, it can be viewed from the road, and it could be said it has a frontage to the road. There is a further dwelling to the west, but this does not have a frontage to the road and cannot be considered as part of a build-up of development along this part of the Five Mile Straight.

In my opinion the application is a gap site within a line of three or more buildings along the Five Mile Straight and I recommend an approval subject to the conditions below.

Conditions/Reasons for Refusal:**Approval Conditions****Condition 1**

Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

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

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

Condition 2

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

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

Condition 3

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

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

Condition 4

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

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21.

Condition 5

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

Reason: In the interest of visual amenity.

Condition 6

During the first available planting season after the occupation of the building for its permitted use, trees shall be planted along the undefined boundaries of the site in accordance with a scheme submitted to and approved by the Department

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

Condition 7

A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

Signature(s):Karen Doyle

Date: 20 December 2023



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0896/O	Target Date:
Proposal: Proposed Infill dwelling and garage	Location: 20m West of 6 Five Mile Straight Draperstown
Referral Route: Refusal recommended - Contrary to Policies CTY1 & CTYO of PPS21.	
Recommendation:	
Applicant Name and Address: Joe McWilliams 5 Slievegallion Drive Draperstown BT45 7JR	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Executive Summary: .	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

- 1.Does the proposed development represent an infill opportunity within an existing ribbon of development in accordance with Policy CTY8 of PPS21; and
- 2.Does the proposed development meet the criteria for a dwelling within an existing cluster of development in accordance with Policy CTY2a - No objections received and all other material considerations have been addressed within the determination below

Characteristics of the Site and Area

The proposed site is identified as lands approximately 20m west of No 6 Moneyneaney and is approximately 1 mile north east of the Village of Moneyneaney. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Ground levels elevate in a northerly direction. Boundaries comprise mature vegetation with intermittent semi-mature trees on the north and east boundaries; post and wire fencing and sporadic vegetation on the west and post and wire fence to the south (running apparelled with the Five Mile Straight Rd). The surrounding landform is best described as undulating countryside with farmsteads and detached dwellings

Description of Proposal

The applicant is seeking outline planning approval for a dwelling and garage based on an infill site located 20m west of No 6 Five Mile Straight Draperstown. No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves alterations to an existing lane that accesses.

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

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 10th August 2020 (publication date 11th August 2020) Four (4) neighbouring properties were notified on 14th August 2020; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

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

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

Relevant planning history

Reference	Location	Proposal/Complaint	Status	Date
LA09/2018/0782/O	79m North West of 6 Five Mile Straight	Dwelling and garage	PERMISSION GRANTED	12.12.2018
LA09/2019/1242/F	80 Meters North West of 6 Fivemile Str	Relocation of dwelling & change of house type from apt	PERMISSION GRANTED	16.01.2020
LA09/2019/0661/F	80m North West of 6 Fivemilestraight, [Dwelling and garage	PERMISSION GRANTED	01.08.2019
LA09/2020/0896/O	20m West of 6 Five Mile Straight, Drap	Proposed Infill dwelling and garage	VALID APPLICATION RECEIVED	
H/1997/0478	6 FIVEMILE STRAIGHT DRAPERSTC	AFTER SCHOOL CLUB	PERMISSION GRANTED	

Consultees

1.DFI Roads were consulted in relation to access, moving and parking arrangement and have responded with no objection subject to standard conditions and informatives, which I am satisfied the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and parking.

Planning Assessment of Policy and Other Material Considerations

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

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain provisions provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS).
2. Cookstown Area Plan 2010
3. PPS 21 Sustainable Development in the Countryside (CT8, CTY 13 & 14)
4. PPS 3 Access, Movement and Parking.
5. Building on Tradition A sustainable design guide for rural NI.

Magherafelt Area Plan 2015

The site lies in the rural countryside and outside any designated settlement limits as depicted in the CAP 2015. The CAP has no material policies for dealing with dwellings in the countryside.

The Strategic Planning Policy Statement for Northern Ireland.

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

Planning Policy Statement 21: Sustainable Development in the Countryside. PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria being met. These are listed in Policy CTY1 of PPS21.

The applicant seeks outline approval for the development of a small gap site in accordance with Policy CTY8 of PPS21.

Assessment

According to Planning Policy Statement 21 there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The main issues in this assessment are:-

1. Does the proposed development represent an infill opportunity within an existing ribbon of development in accordance with Policy CTY8 of PPS21; and
2. Does the proposed development meet the criteria for a dwelling within an existing cluster of development in accordance with Policy CTY2a.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern

along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The site is located west of No 6 a small single storey building that was formerly as a shop. Located to the rear of the site is a large grass field and beyond a two storey dwelling with surrounding farm buildings. Abounding the west boundary of the site is a grass field that has recently granted planning permission for a farm dwelling under CTY10.

At the time of my site visit i noted a new dwelling under construction (roof level) located approx. 35m west and is set back from the Public Road and accessed is by a private lane. I am of the view that, while the building No 6 has a frontage onto the public road, it is my considered view that the new dwelling under construction located 35m west does have a frontage and is not is not within a substantial and continuously built up frontage. The application fails the Policy CTY8 of PPS21.

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 - The proposal site does lie outside of a farm complex, when viewing the development located immediately adjacent to the proposal site from the submitted map it does appear there is a cluster of buildings however when actually viewing the situation on the ground there does not appear to be cluster as there is no visual linkage between existing buildings due to existing vegetation, separation distances, landform and siting;
- 2.the cluster appears as a visual entity in the local landscape - as previously mentioned when viewing the existing development on site there is no visual linkage between No 6 and a new dwelling under construction with the application site when travelling along Five Mile Straight Road at this point;
- 3.The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross –roads. It is established that in certain incidences buildings such as shops can be considered a local focal point even if their use is redundant. Therefore, I accept that the former shop can be considered a local focal point and can be considered material in the assessment of this application. Whilst there is a cross roads to the east of the site the separation distance between and the cross roads reduces the visual linkages thus failing to meet this criteria;
- 4.The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster - the proposal site provides a suitable degree of .enclosure with mature vegetation to all existing sides however it is noted that only one bounded is adjacent to No Five Mile Straight thus failing to meet this criteria;
- 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 as previously stated I do not recognised as an existing cluster;
- 6.Development would not adversely impact on residential amenity - the proposal would not adversely impact on residential amenity as the proposal site is large enough to facilitate a suitable degree of separation and the existing planting could provide integration.

As I must make my assessment on the basis of the current situation on the ground, I cannot attach weight to the outline planning approval for a farm dwelling adjacent to the west boundary of the application site. Thus having considered all of the above it is my judgement that the proposal as presented does not comply with the requirements of CTY2a of Planning Policy Statement 21.

Considering the requirements of CTY14 of PPS21 Rural character

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.

Given this is an outline application, the details of the design, access and landscaping would be reviewed at Reserved Matters stage if approval were to be granted. I find no reason why a dwelling could not be designed and sited to integrate successfully into this site. The dwellings and buildings at either side of the site which this application proposes to infill include a single storey and a two storey.

Having considered all of the information presented it is my professional opinion that the proposal does not adhere to the requirements of CTY 1, CTY 2a and CTY8 of PPS21 and as such a refusal should be issued.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

:

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement,
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development associated with a focal point or located at a cross-roads,
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not a continuous frontage along 5 Mile Straight Road to allow for the infilling of the site.

Signature(s)
Date:

ANNEX	
Date Valid	27th July 2020
Date First Advertised	11th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 4 Dunmurry Road Draperstown Londonderry The Owner/Occupier, 4 Five Mile Straight Draperstown Londonderry The Owner/Occupier, 4a Dunmurry Road Draperstown The Owner/Occupier, 6 Five Mile Straight Draperstown Londonderry	
Date of Last Neighbour Notification	14th August 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/0782/O Proposal: Dwelling and garage Address: 79m North West of 6 Five Mile Straight Draperstown, Decision: PG Decision Date: 12.12.2018 Ref ID: LA09/2019/1242/F Proposal: Relocation of dwelling & change of house type from approval LA09/2019/0661/F. Increase site curtilage Address: 80 Meters North West of 6 Five mile Straight, Draperstown, Decision: PG Decision Date: 16.01.2020 Ref ID: LA09/2019/0661/F Proposal: Dwelling and garage Address: 80m North West of 6 Five mile straight, Draperstown, Decision: PG Decision Date: 01.08.2019 Ref ID: LA09/2020/0896/O	

Proposal: Proposed Infill dwelling and garage
Address: 20m West of 6 Five Mile Straight, Draperstown,
Decision:
Decision Date:

Ref ID: H/1997/0478
Proposal: AFTER SCHOOL CLUB
Address: 6 FIVEMILE STRAIGHT DRAPERSTOWN
Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads / NI Water Standard condition and Informatives

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

Further Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1380/F	Target Date: <add date>
Proposal: Retention of dwelling	Location: Adjacent & 100m East of 18 Shantavny Road Garvaghy.
Applicant Name and Address: Ciaran Owens Shantavny Road Garvaghy Ballygawley	Agent name and Address: T A Gourley 35 Moveagh Road Cookstown BT80 9HE
Summary of Issues: This application is for the retention of a dwelling that has been constructed without the benefit of planning permission. The dwelling is located beside an historic monument, a personal circumstances case has been made but does not set out why there is a site specific need and a farming case put forward has not been verified. The modular home is not an appropriate rural design and the site lacks any features to integrate the dwelling. There has been no additional information to progress this proposal since	
Summary of Consultee Responses: DFI Roads – recommend conditions to be attached if the Council wish to approve Historic Monuments Division – contrary to BH1 of PPS6 as this has an adverse impact on a scheduled monument Loughs Agency – no objections in principle	
Characteristics of the Site and Area: This application site is located along a private laneway off the Shantavny Road. The boundary of Fermanagh and Omagh District Council sits 300 metres to the west of this site, with Garvaghy approximately 2 kilometres further west and Ballygawley 5.5 kilometres to the south east. The surrounding area is quite remote and typically characteristic of an elevated site with gorse vegetation and poor quality agricultural land. Shantavny Scotch Wind Farm sits close by on the opposite side of the road to this site. This application site occupies a parcel of land on which a modular dwelling is sited some 120 metres off the Shantavny Road. This dwelling for which this application seeks permission for measures 14.4 metres in length, is 7.2 metres wide and has a ridge height of 4.3 metres FGL. The walls are a yellow render cast with blue/black roof tile and white uPvc windows and doors. This dwelling accommodates 3 bedrooms and has a bay window on the front elevation. It has no openings on the eastern gable which faces the road and the western gable has double doors.	

There are 3 windows on the rear northern elevation and 3 windows on the front southern elevation with the bay window to the left of the front door. The curtilage of the dwelling is marked by a concrete wall beyond which is a barbed wire fence and gravel surrounds the dwelling and joins to the tarmaced lane. This laneway also serves No 18 Shantavny Road, a bungalow which sits to the west of this site and is occupied by the applicant's 2 sisters.

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

This application seeks planning permission for the retention of a dwelling on land adjacent to and 100m East of 18 Shantavny Road, Garvaghy.

Deferred Consideration:

This application was before the Planning Committee in April 2021 and again in March 2023 with a recommendation to refuse. Prior to the March Committee Meeting the agent submitted a list of details that he was working on and would be submitting:

- justification for the dwelling under Policy CTY 6
- report from Archaeology & Heritage Consultancy Limited, recommending that the proposed
- justification for the dwelling under Policy CTY 10
- solicitors letters to address issues in relation to land ownership

The application was deferred to allow the submission of this further information, however despite reminders to the agent no additional information has been submitted.

There has been a lack of response to correspondence in relation to this application to address the issues that have been raised. In light of the length of time that I have been waiting for the information and with no alternative proposal to assess, I recommend the application is refused for the reasons stated below.

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. This proposal is contrary to Policy CTY 6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated there are compelling and site specific reasons for this proposal related to the applicant's specific personal or domestic circumstances.
3. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this proposal meets any of the criterion.
4. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape, and the design of the building is inappropriate for the site and its locality.
5. The proposal is contrary to Policy BH 1 of PPS 6 Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

Signature(s):
Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1380/F	Target Date: <add date>
Proposal: Retention of dwelling	Location: Adjacent & 100m East of 18 Shantavny Road Garvaghy.
Applicant Name and Address: Ciaran Owens Shantavny Road Garvaghy Ballygawley	Agent name and Address: T A Gourley 35 Moveagh Road Cookstown BT80 9HE
Summary of Issues: This application is for the retention of a dwelling that has been constructed without the benefit of planning permission. The dwelling is located beside an historic monument, a personal circumstances case has been made but does not set out why there is a site specific need and a farming case put forward has not been verified. The modular home is not an appropriate rural design and the site lacks any features to integrate the dwelling.	
Summary of Consultee Responses: DFI Roads – recommend conditions to be attached if the Council wish to approve Historic Monuments Division – contrary to BH1 of PPS6 as this has an adverse impact on a scheduled monument Loughs Agency – no objections in principle	
Characteristics of the Site and Area: This application site is located along a private laneway off the Shantavny Road. The boundary of Fermanagh and Omagh District Council sits 300 metres to the west of this site, with Garvaghy approximately 2 kilometres further west and Ballygawley 5.5 kilometres to the south east. The surrounding area is quite remote and typically characteristic of an elevated site with gorse vegetation and poor quality agricultural land. Shantavny Scotch Wind Farm sits close by on the opposite side of the road to this site. This application site occupies a parcel of land on which a modular dwelling is sited some 120 metres off the Shantavny Road. This dwelling for which this application seeks permission for measures 14.4 metres in length, is 7.2 metres wide and has a ridge height of 4.3 metres FGL. The walls are a yellow render cast with blue/black roof tile and white uPvc windows and doors. This dwelling accommodates 3 bedrooms and has a bay window on the front elevation. It has no openings on the eastern gable which faces the road and the western gable has double doors. There are 3 windows on the rear northern elevation and 3 windows on the front southern	

elevation with the bay window to the left of the front door. The curtilage of the dwelling is marked by a concrete wall beyond which is a barbed wire fence and gravel surrounds the dwelling and joins to the tarmaced lane. This laneway also serves No 18 Shantavny Road, a bungalow which sits to the west of this site and is occupied by the applicant's 2 sisters.

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

This application seeks planning permission for the retention of a dwelling on land adjacent to and 100m East of 18 Shantavny Road, Garvaghy.

Deferred Consideration:

This application was before the Planning Committee in April 2021 with a recommendation to refuse. The application was deferred to allow the submission of further information to address the issues raised in the case officers report to committee.

Following the meeting additional information was provided for consideration by DFI Roads and medical information about the applicant's sister. DFI Roads are now content with revised access details and this can be conditioned if planning permission is granted. The medical information for the personal circumstances case does not provide any details and the last documentation was for 2015. of the current circumstance since 2015. Without any recent information I am not convinced or persuaded there is a current medical or personal circumstances case for a separate dwelling. Information has been provided that states the applicants sisters house is not fit for extension and has issues with damp. No response has been provided to the suggestion this is replaced with a new dwelling to accommodate everyone.

The land the applicant claims to own is not registered in his name and despite requests for additional information to address this, no new information has been presented. The agent has advised the applicants solicitor is getting the land registered his name, however there has been no further details about this since 19 May 2022 despite further request in October 2022.

The agent advised they have engaged the services of an Archaeologist to deal with the issues of the Scheduled Monument and they would be submitting details showing the house moved to a more suitable position. Again there has been no further information submitted to deal with this despite requests.

While the dwelling is located off a private laneway, there is no vegetation or land features to integrate it from views on the lane. The lane is not solely to access this property but also serves the applicant sisters house further to the west. In light of this the views from the lane are a material consideration and the dwelling does not integrate nor is its prefabricated design and appearance acceptable in the rural area.

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

There has been a lack of response to correspondence in relation to this application to address the issues that have been raised. In light of the length of time that I have been waiting for the information and with no alternative proposal to assess, I recommend the application is refused for the reasons stated below.

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. This proposal is contrary to Policy CTY 6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated there are compelling and site specific reasons for this proposal related to the applicant's specific personal or domestic circumstances.
3. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this proposal meets any of the criterion.
4. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape, and the design of the building is inappropriate for the site and its locality.
5. The proposal is contrary to Policy BH 1 of PPS 6 Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

Signature(s):

Date



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1380/F	Target Date:
Proposal: Retention of dwelling	Location: Adjacent & 100m East of 18 Shantavny Road Garvagh.
Referral Route: This application fails CTY 1 and also CTY 10 and CTY 13 of PPS 21. It also fails to meet AMP 2 in PPS 3 and BH 1 of PPS 6	
Recommendation:	Refusal
Applicant Name and Address: Ciaran Owens Shantavny Road Garvagh Ballygawley	Agent Name and Address: T A Gourley 35 Moveagh Road Cookstown BT80 9HE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Statutory	Foyle Carlingford & Irish Lights Commission	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice

Representations:

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

Characteristics of the Site and Area

This application site is located along a private laneway off the Shantavny Road. The boundary of Fermanagh and Omagh District Council sits 300 metres to the west of this site, with Garvaghy approximately 2 kilometres further west and Ballygawley 5.5 kilometres to the south east. The surrounding area is quite remote and typically characteristic of an elevated site with gorse vegetation and poor quality agricultural land. Shantavny Scotch Wind Farm sits close by on the opposite side of the road to this site.

This application site occupies a parcel of land on which a modular dwelling is sited some 120 metres off the Shantavny Road. This dwelling for which this application seeks permission for measures 14.4 metres in length, is 7.2 metres wide and has a ridge height of 4.3 metres FGL. The walls are a yellow render cast with blue/black roof tile and white uPvc windows and doors. This dwelling accommodates 3 bedrooms and has a bay window on the front elevation. It has no openings on the eastern gable which faces the road and the western gable has double doors. There are 3 windows on the rear northern elevation and 3 windows on the front southern elevation with the bay window to the left of the front door. The curtilage of the dwelling is marked by a concrete wall beyond which is a barbed wire fence and gravel surrounds the dwelling and joins to the tarmaced lane. This laneway also serves No 18 Shantavny Road, a bungalow which sits to the west of this site and is occupied by the applicant's 2 sisters.

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

This application seeks planning permission for the retention of a dwelling on land adjacent to and 100m East of 18 Shantavny Road, Garvaghy. This planning application was submitted in response to Court action which is currently being pursued regarding the unauthorised construction of the dwelling under Enforcement Case LA09/2016/0219/CA.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations.

Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received have been subject to a Counter Representation period. In light of this the Draft Plan cannot currently be given any determining weight.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have any impact this proposal as PPS 21 is retained and it is this policy which this application will be assessed under.

Development in the Countryside is controlled under the provisions of Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside. Policy CTY1 provides clarification on which types of development are acceptable in the countryside and sets out where planning permission will be granted for an individual dwelling house in the countryside, subject to meeting certain criteria.

The agent provided a supporting statement in which they claim the dwelling met the criteria of both CTY 6 and CTY 10 of PPS 21.

CTY 6 in PPS21 sets out that permission will be granted for a dwelling in the countryside where there are compelling reasons related to the applicant's personal or domestic circumstances, provided the following criteria is met:

- a) The applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
- b) There are no alternative solutions to meet the specific circumstances of the case, such as:
 - An extension or annex attached to an existing dwelling
 - The conversion or re-use of another building within the curtilage of the property
 - The use of a temporary mobile home for a limited period to deal with immediate short term consequences.

Medical information was submitted in the form of doctor's records, ambulance reports and hospital discharge letters all dating from 2001 -2015. However, this did not refer to the applicant, but to the applicant's sister who lives at No 18. The agent states the applicant "is involved in caring for his sister who lives together with another sister at No 18. The applicant's partner who resides with him also provides care for the sister when the applicant is at work with a local employer.

While the agent has provided medical records for the applicant's sister covering the years 2011- 2015 to demonstrate as to why this application should be considered under CTY 6 - Special Personal and Domestic Circumstances, I am not persuaded by this information. The agent has not identified the level of care which the applicant provides or any medical evidence documenting the care plan required by Sheila from a medical professional. I am not satisfied the information put forward by the applicant that genuine hardship would be caused if planning permission were refused.

The agent has claimed the existing dwelling at No 18 given its age and layout would not readily facilitate an extension. I am not satisfied by this statement nor convinced that this option has ever been fully investigated. Therefore I am of the opinion this proposal fails to satisfy the requirements of CTY 6, and thus it does not meet this policy.

Policy CTY 13 stipulates 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 shallow pitch of this dwelling and the design is not appropriate in this location. As mentioned above, this site is located in an upland area which is very exposed. There is an absence of any natural boundaries on this site which means it is unable to provide a suitable degree of enclosure for the dwelling to integrate into the surrounding landscape, thereby failing to meet the policy requirements of CTY 13.

The agent in the supporting statement states the applicant owns a farm of over 40 acres since 1979 and has maintained the land in good condition. A number of invoices for bailing were submitted for 2016 - 2018. A lack of information detailing the land within the applicant's ownership and where it is located, along with an absence of any Farm Business ID number, I have been unable to determine if this proposal complies with the criteria required, therefore it fails to meet CTY 10.

Representations and Consultations

Historic Environmental Division of NIEA were consulted as this dwelling is located next to TYR 52: 22. They responded saying this monument of regional importance is the site of a scheduled prehistoric wedge tomb which is afforded statutory protection under the provisions of the Historic Monuments and Archaeological Objects (NI) Order 1995 and thus BH 1 of PPS6 is applicable. The dwelling to be retained in this application is located approximately 36 metres from the monument and is in line with the functional alignment of the tomb. The site is located to the south-west of this monument and the eastern boundary runs along the edge of the scheduled area around the wedge tomb. HED (Historic Monuments) is concerned as this application is contrary to Policy BH 1 of PPS 6 ? Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

This application site falls within a Loughs Agency Consultation Zone. So the Foyle Carlingford & Irish Lights Commission were consulted and have no objections to this application.

DfI Roads were consulted and responded stating they could not provide comment due to the poor quality of the drawings submitted. Appropriate accurate drawings were requested from the agent, however this was not submitted which meant DfI could not comment on this proposal due to a lack of information.

There were no objections to this proposal from the neighbour notification process or advertisement in the local media.

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the policy set out in PPS 21, this proposal fails as it does not meet any of the criteria in CTY 1 and also CTY 10 and CTY 13. It also fails to meet AMP 2 in PPS 3 and BH 1 of PPS 6 also as detailed below.

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. This proposal is contrary to Policy CTY 6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated there are compelling and site specific reasons for this proposal related to the applicant's specific personal or domestic circumstances.

3. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this proposal meets any of the criterion.

4. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape, and the design of the building is inappropriate for the site and its locality.

5. This proposal is contrary to Policy AMP 2 of PPS 3 Access, Movement and Parking, in that it has failed to demonstrate that the access will not prejudice road safety or significantly inconvenience the flow of traffic, due to an absence of sufficient information.

6. The proposal is contrary to Policy BH 1 of PPS 6 Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

Signature(s)

Date:

ANNEX	
Date Valid	5th November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 18 Shantavny Road, Garvaghy. Co Tyrone	
Date of Last Neighbour Notification	10th December 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1380/F Proposal: Retention of dwelling Address: Adjacent & 100m East of 18 Shantavny Road, Garvaghy., Decision: Decision Date: Ref ID: K/2007/0821/F Proposal: Application under Article 28 of the Planning Order to remove Conditions 6 and 7 and modify Condition 11 of Planning Approval K/2005/0597/F Address: Slieve Divena Hill (In the townlands of Altamooskan) Decision: Decision Date: 16.10.2007	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Drawing No. 02
Type: Farm Boundary Map
Status: Submitted

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

Drawing No. 04
Type: Road Access Plan
Status: Submitted

Drawing No. 05
Type: Elevations and Floor 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: LA09/2020/1423/F	Target Date: 8 January 2021
Proposal: Proposed 1no. two bedroom apartments and 2no. one bedroom apartments	Location: 28M Ne Of 30 Augher Road Clogher BT76 0AD
Applicant Name and Address: RMS Civils 10 Beaghbeg Road Cookstown BT80 9PE	Agent Name and Address: CQ Architects 23 Dunamore Road Cookstown BT80 9NR
Summary of Issues: This application is on a restricted site which has been used for open space purposes with flowerbeds and grass areas. There has been no justification for the loss of the open space and the proposal represents overdevelopment of a restricted site out of character with the development in the area.	
Summary of Consultee Responses: DFI Roads – concerns about access onto a Protected Route, parking and servicing of the site and the adjacent development has been resolved, recommend conditions Environmental Health Department – consulted due to the need for on site waste water treatment and odour zone from NI Water WWTW, no objections raised provided on site treatment is maintained through an agreement NI Water – no capacity to accept any waste water into the system, site is within odour consultation zone	
Characteristics of the Site and Area: This application site is a rectangular portion of land which sits parallel and adjacent to the Augher Road in Clogher. It sits in the northern part and within the development limits of Clogher village and is whiteland in the Dungannon and South Tyrone Area Plan (DSTAP).	

The area surrounding this site is typically residential, with the housing development at Ferndale to the west of the site comprising 34 properties, a mixture of semi-detached two storeys at the entrance and one and a half storey dwellings for the remainder. The residential dwellings to the north east of the site fronting onto the main road comprises a row of 5 terraced townhouses known as Crossowen Way. Beyond this to the north is an equipped playground at Mc Crea Park and Clogher Day Care Centre abuts this to the north. To the south of the site is a row of detached dormer bungalows which each have garden areas to the front.

The site measures approximately 0.04 hectares and is currently an area of open space. It rises slightly from the footpath to the rear of the site in a north westerly direction. The north eastern boundary of the site is defined on the ground by low kerbing that runs alongside the public footpath leading to the residential development of Ferndale to the north west. This footpath also continues along the south eastern boundary which is undefined on the ground and is parallel to the public road allowing pedestrian access to the centre of the village to the south. The south western boundary of the site is also low kerbing which contains the area of open space and abuts the tarmaced shared entrance to the BT Exchange and the dwelling at No 30 Augher Road. The north western boundary at the rear of the site comprises some trees and vegetation, abutting the BT exchange which is a single storey building with in a secure gated compound.

There are 2 street lights along the site's boundary, 2 water meter posts, a telegraph pole. a tree as well as a concrete lid allowing access to underground services within the site area.

Description of Proposal

This application seeks full planning permission for 1no. two-bedroom apartments and 2no. one-bedroom apartments on land 28 metres North East of No 30 Augher Road Clogher.

Deferred Consideration:

This application was before the Planning Committee in May 2023 where it was deferred for a meeting with the Service Director of Planning. A meeting was held on 23 June 2023 where the issues relating to the proposed development were set out and primarily the concern relates to the loss of open space and the density of the proposed development. At the meeting Councillor Gael Gildernew offered support for the need for this type of development in Clogher.

Following the meeting the agent was advised there is an exception for the loss of open space that was agreed in a protocol with the then Department for the Environment and NIHE where NIHE have identified an unmet need for social housing. No further information has been presented in relation to this exception.

Members are advised Annex A of PPs 8 sets out the definition of open space, this site is, in my opinion, an area of amenity green space as it has been used for flower beds and is currently maintained as a grass area which has a visual amenity value in this locality. There has been no justification or support form NIHE provided for the loss of this area of open space and as such I do not consider the principle of the development has been met and this proposal is contrary to Policy OS1 in PPS8.

The proposed development is cramped on this restricted site, the applicant did offer to provide some maintained open space within the site. No plans were provided to show

these areas and due to the restrictive size and the amount of development proposed, it is not feasible to provide any meaningful space. The concerns raised in the previous report in relation to Quality Residential Development, the design of the proposal, its density and relationship with the local area is, in my opinion, well founded and as such I recommend this application is refused.

Reasons for Refusal:

Reason 1

The proposal is contrary to Policy OS1 and PPS 8, Open Space Sport and Outdoor Recreation in that the proposal will lead to a loss of existing public open space in Clogher.

Reason 2

The proposal is contrary Policy QD 1 of PPS 7 Quality Residential Environments in that the development does not respect the surrounding context and landscape features are not protected.

Reason 3

The proposal is contrary to Policy LC1 in the Addendum to PPS7 - Safeguarding Established Residential Areas in that the proposed density is significantly higher and the pattern of development is not in character or of an environmental quality than that found in the established residential area.

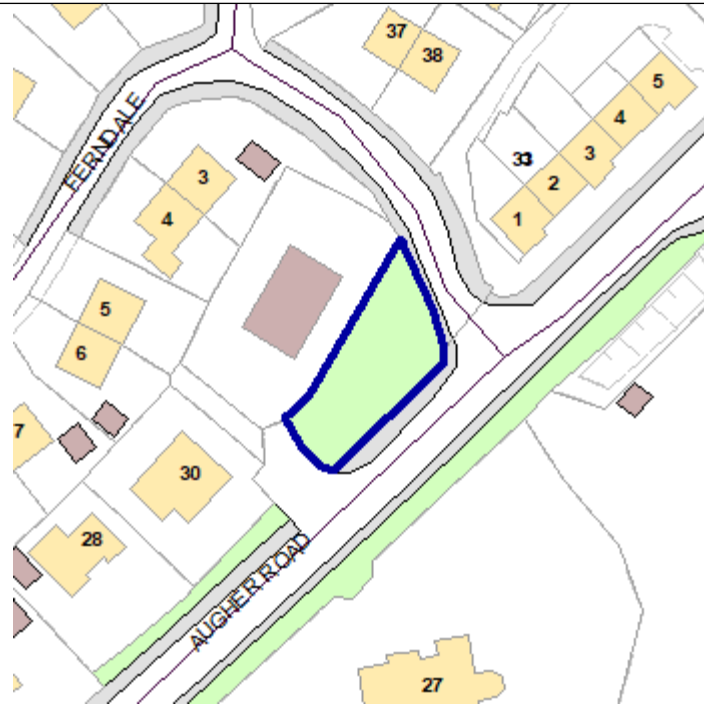
Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 June 2023	Item Number: 5.7
Application ID: LA09/2020/1423/F	Target Date: 8 January 2021
Proposal: Proposed 1no. two bedroom apartments and 2no. one bedroom apartments	Location: 28M Ne Of 30 Augher Road Clogher BT76 0AD
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: RMS Civils 10 Beaghbeg Road Cookstown BT80 9PE	Agent Name and Address: CQ Architects 23 Dunamore Road Cookstown BT80 9NR
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NI Water - Multiple Units West	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NI Water - Multiple Units West	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NI Water - Multiple Units West	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	NI Water - Multiple Units West	Substantive:

		YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC
Statutory Consultee	DFI Roads - Enniskillen Office	23-11-2022.docx
Statutory Consultee	NI Water - Multiple Units West	LA09-2020-1423-F.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning Response3 LA09-20-1423.pdf Planning Response LA09-22-1646.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	NI Water - Multiple Units West	
Statutory Consultee	DFI Roads - Enniskillen Office	09-03-2023 Conditions.docx

Representations:

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

Summary of Issues

This apartment scheme fails to meet the policy requirements of OS 1 in PPS 8, QD 1 in PPS 7 and LC1 in the Addendum to PPS7.

Characteristics of the Site and Area

This application site is a rectangular portion of land which sits parallel and adjacent to the Augher Road in Clogher. It sits in the northern part and within the development limits of Clogher village and is whiteland in the Dungannon and South Tyrone Area Plan (DSTAP).

The area surrounding this site is typically residential, with the housing development at Ferndale to the west of the site comprising 34 properties, a mixture of semi-detached two storeys at the entrance and one and a half storey dwellings for the remainder. The residential dwellings to the north east of the site fronting onto the main road comprises a row of 5 terraced townhouses known as Crossowen Way. Beyond this to the north is an equipped playground at Mc Crea Park and Clogher Day Care Centre abuts this to the north. To the south of the site is a row of detached dormer bungalows which each have garden areas to the front.

The site measures approximately 0.04 hectares and is currently an area of open space. It rises slightly from the footpath to the rear of the site in a north westerly direction. The north eastern boundary of the site is defined on the ground by low kerbing that runs alongside the public footpath leading to the residential development of Ferndale to the north west. This footpath also continues along the south eastern boundary which is undefined on the ground and is parallel to the public road allowing pedestrian access to

the centre of the village to the south. The south western boundary of the site is also low kerbing which contains the area of open space and abuts the tarmaced shared entrance to the BT Exchange and the dwelling at No 30 Augher Road. The north western boundary at the rear of the site comprises some trees and vegetation, abutting the BT exchange which is a single storey building with in a secure gated compound. There are 2 street lights along the site's boundary, 2 water meter posts, a telegraph pole, a tree as well as a concrete lid allowing access to underground services within the site area.

Planning History

M/2000/0727/PA - Installation of 1 No. new 0.3m dish antenna onto existing 15m high telecommunications steel column. - Clogher Tenements, Augher Road, Clogher - Granted

M/1984/0599 - Private Housing Development - Clogher Tenements, Clogher - Granted

M/1978/0607-Q Type Telephone Exchange - Clogher Tenements, Augher Road, Clogher - Granted

Description of Proposal

This application seeks full planning permission for 1no. two-bedroom apartments and 2no. one-bedroom apartments on land 28 metres North East of No 30 Augher Road Clogher.

Consultations and Representations

NI Water were consulted on the initial proposal of 6 apartments and said there was no available capacity at the Clogher Wastewater Treatment Works (WwTW) and if the applicant wishes to proceed, they should contact NIW to discuss options such as a permanent wastewater facility at their own expense, which may or may not be adopted by NIW in the future. They state there is an existing sewer and watermain crossing the site and say no construction is to be made, trees planted or other obstruction made within 3 metres (or 1.5 times the depth whichever is greater) of sewers, or 4 metres (or 1.5 times the depth whichever is greater) of watermains <350mm diameter or 8 metres of watermains of 350mm diameter or greater. A diversion may be necessary in order to prevent disturbance/ damage to existing sewers/watermains and in the interest of public safety, therefore consultation with NIW is required at an early design stage.

NI Water said a high-level assessment of the public surface water sewer has indicated potential network capacity issues which establishes significant risks of detrimental effect to the environment and on existing properties. Therefore, NI Water is recommending connections to the public surface water drainage system are curtailed. NI Water have also said the site is located within a development consultation zone in proximity to a Waste Water Treatment Works (WWTW) or Regional Pumping Station and there is a possibility of nuisance from odour and /or noise Policy WM5 relates to Development in the Vicinity of Waste Management Facilities and states permission will only be granted

where it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility and it would not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment. As this application site is located wholly or partially within 400m odour consultation zone boundary of Clogher WWTW which is located to the north west of this site, NIW have requested a Development Encroachment Assessment is undertaken required in order to ensure any potential residents are not impacted by any NI Water facility. However, as there are already numerous residential properties that have been long established on this intervening area which lies within the consultation zone, I do not feel it is necessary as part of this development proposal. This site is located at the edge of the consultation zone and if there are any odour or noise issues regarding the existing works, these would be reported to the Council's Environmental Health section who would investigate any nuisance. NI Water has reiterated their concerns as above when the scheme was reduced to 4 apartments.

The Council's Environmental Health section were consulted on the initial scheme and requested information on the method of sewage disposal as there was no capacity at the WWTW. Information on the type of manufacturing plant, its capacity and location were requested. Following the reduction of the scheme and the inclusion of a private treatment plant, the Environmental Health section has no objections to this proposal subject to a number of conditions regarding the plant's location and the agreeing of a Maintenance Agreement prior to the occupation of any of the apartments approved.

DfI Roads were consulted and a number of amendments were requested regarding the initial development proposed of 6 apartments. They were concerned due to overdevelopment and the scheme was not in compliance with Creating Places;

- There should be no parking or accesses as close to adjacent junction (Ferndale)
- Parking spaces are too short
- Double in-curtilage parking and turning is required when so close to Ferndale
- No accesses can come off the radii into Ferndale
- There can be no reversing onto a major distributor road
- Sightlines out of Ferndale will be jeopardised

Amended drawings were submitted and DfI Roads still had concerns as the proposal was accessing onto the A4 Protected Route which is contrary to AMP 3 - Access to Protected Routes under Other Protected Routes -within Settlement Limits in PPS 3. There was also a shortfall of 3 spaces less than the 8 required in Creating Places.

Revised drawings were submitted and there were still a number of issues regarding the proposal which had then been reduced to 4 apartments which needed to be overcome;

- Existing sight lines of 4.5m x 112m from the access to Ferndale towards Clogher must be shown and clear of any obstacles.
- 2.4m x 81m sight lines at access onto the Augher Road at the "BT" access.
- Access to development shall be via the "BT" access with the site's access point being as close to the telephone exchange entrance gates as possible with sight lines of 2.0m x 33m, in order to allow vehicles to clear the Augher Road before turning into the site.
- Development to have double in curtilage parking and turning.
- Auto Track service vehicle entering, turning and exiting the site in forward gear must be provided as the apartments are not to be serviced from either the access into Ferndale or the Augher Road.

- A footway link from the site access to the existing footway on the Augher Road must be included.

Following the submission of amended drawings, DfI Roads still had a number of concerns regarding service vehicle movements, showing location of existing street furniture, telephone poles, street lights etc, the existing BT access and sight lines as well as the provision of 11 parking spaces. The 5th revision of drawings still had issues DfI roads needed amended regarding how all the sight lines were depicted on the drawings and the insertion of DfI Roads notes onto the drawing. In March 2023 DfI Roads commented they are now satisfied with this proposal subject to conditions regarding the provision of visibility splays in perpetuity.

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

The Strategic Planning Policy Statement for Northern Ireland `Planning for Sustainable Development (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. As the site lies within the settlement limit of Clogher as defined in the above plan, SETT 1 is the relevant policy. I am content that if this proposal complies with the provisions of PPS 7, it will also comply with SETT 1.

Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments is a material consideration for this type of development where all proposals for residential development will be expected to conform to a list of criteria. Clogher is a linear shaped village where settlement has developed along the Dungannon to Enniskillen A4 Primary Route. As can be seen from the Planning History above, this

site was previously included as part of the initial Ferndale residential development applications. As there has never been any development on this parcel of land, it appears to have been incorporated as an area of public open space associated with and at the entrance to Ferndale development. However due to the length of time that has passed since these were granted planning permission, I was not able to access the files to see what this particular site was to be utilised as.

The premise of residential development is generally acceptable on this site due to its location within the development limits of Clogher, subject to it meeting certain criteria of the relevant policy. The area surrounding this site is a mixture of residential and public utilities with the BT Exchange adjacent to the north. This site currently serves as a visual feature at the entrance to the residential development of Ferndale. I do not feel this application respects the surrounding context of the site as it is on an area of existing open space. Orthophotography can confirm that as far back as 2004 this site was a grassed area of open space and at times in the north eastern corner where the access to Ferndale is located was planted with flowers which would have been planted and maintained by the Council. This proposal although not impacted by any archaeological or built heritage features, it would result in the area of open space and the vegetated boundary which currently screens the BT Exchange being permanently lost. Development on this site would be wide open to the footpath and road as it would lack any degree of enclosure.

The small-scale nature of this proposal does not require the developer to provide public open space and there is some amenity space provided for bin storage for each apartment underneath the external steps to the first-floor apartment close to the north eastern boundary of the site. This proposal does not provide any landscaped areas nor does it introduce any planting to soften the visual impact of the development and assist in its integration with the surrounding area. The proposed development due to its small size does not need to provide local neighbourhood facilities as part of this planning application. The location of this site within the settlement limits of Clogher mean it benefits from existing footpaths which would meet the needs of people whose mobility is impaired while also being close to conveniently access public transport.

DfI Roads were consulted and regarding the initial proposal they were concerned it was overdevelopment of the site as there was not adequate space for parking or manoeuvring facilities. As discussed in detail above the access to the proposed development was changed and altered a number of times. As the density of the development was reduced, the amount of parking spaces required was lessened also. However, there were still issues regarding service vehicle movements, the location of existing street furniture features (telephone poles, street lights) and the existing BT access. Following more amendments to the proposal, DfI Roads were now satisfied there is adequate and appropriate provision for parking. The concept of new apartment development is not an established feature in Clogher, where most apartments are located above ground floor shops along the Main Street of the village. Although the scheme has reduced from 6 units to 3 units, the introduction of apartment development on this application site could be seen as a cramming project, particularly as the site is currently visually an open green area. The hardstanding parking area for the proposed apartments is out of character in this area also, as the adjacent Crossowen Way has parking provided to the rear of the properties. The finishes proposed for this

development are suitable in this area, the type of residential development not so much and could be considered out of keeping with the surrounding area.

There are no residential properties which may be adversely impacted by this proposal in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The BT Exchange to the north of the site is not manned constantly and workers to and from this building are on an ad hoc basis when needed. I wouldn't have any concerns regarding crime or personal safety in relation to this development due to its location on the side of a busy road adjacent to public footpaths which benefit from public lighting.

Policy LC1 in the Addendum to PPS7 - Safeguarding Established Residential Areas aims to Protect Local Character, Environmental Quality and Residential Amenity. The density of the apartment development proposed in this application is 75 units per hectare. When compared to the nearby densities of 24 per hectare at Ferndale and 31 per hectare at Crossowen Way, it is clear to see the proposed development is of a notably higher density and not in keeping with the existing average density type in this part of Clogher. The introduction of a 1 and 2 bed apartment development combined with its construction on an area of open space in my opinion is not in keeping with the overall character and environmental quality of the existing area. Annex A sets out the space requirements for this type of development and these proposed apartments do meet these standards.

Planning Policy Statement 8 deals with the provision of Open Space, Sport and Outdoor Recreation in planning applications. Policy OS 1 - Protection of Open Space states that development which would result in the loss of existing open space will not be permitted and the presumption against the loss of existing space applies irrespective of its physical condition and appearance. Annex A in PPS 8 defines open space as all open space of public value which acts as a visual amenity.

With regards to this application site, the applicant having completed Certificate A in the P1 form claims ownership of the site. Irrespective of ownership, this site can still be seen to provide benefits to the public and it does not extinguish the status of this site as an amenity green space which is afforded protection under PPS 8. As has been stated above, this site was included as part of the original planning application for Ferndale residential development and has never been built on, it has always been an informal open space area which at times was partially planted with flowers at certain times of the year. It acts as a welcoming green space at the entrance to Ferndale and is also a welcome visual break in the streetscape with the trees and vegetation to the rear of the site acting as a buffer screening the BT Exchange building from public view. It is my opinion this visual amenity makes a positive contribution to the attractiveness and character of this part of Clogher village. Although this land is not zoned in DSTAP, nonetheless it constitutes open space of public value for the purposes of PPS 8 and consequently, this residential development e proposal would involve the loss of existing open space.

Policy OS1 does go on to state that an exception to the presumption against the loss of open space will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh its loss. This has not been demonstrated by the developer and this proposal does not compensate for the loss of this feature. I consider it would negatively impact the area by depleting the environmental quality and is thereby contrary to OS 1 in PPS 8.

An Environmental Impact Screening Determination was not necessary for this application as it falls below the threshold of Category 10 - Infrastructure Projects part (B) Schedule 1 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017. This proposed development although being an urban development project does not have an area which exceeds 0.5 ha.

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

This application was advertised in the local press and 4 letters were sent to residents neighbouring this site. There were no objections received about this proposal.

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. There were 13 neighbouring properties which were notified and there were no objections received.

Summary of Recommendation:

Refuse is recommended

The design of this proposed apartment scheme would not be considered a high-quality scheme due to overdevelopment of the site and the high density of the scheme which is not consistent with that found in this part of Clogher village. The significant loss of informal open space would be particularly detrimental to the character of the surrounding area due to the highly conspicuous location of the site along the main road. Therefore, I recommend this proposal is refused in that it fails to comply with the policy provisions of PPS 8 and PPS 7.

Refusal Reasons

Reason 1

The proposal is contrary to Policy OS1 and PPS 8, Open Space Sport and Outdoor Recreation in that the proposal will lead to a loss of existing public open space in Clogher.

Reason 2

The proposal is contrary Policy QD 1 of PPS 7 Quality Residential Environments in that the development does not respect the surrounding context and landscape features are not protected.

Reason 3

The proposal is contrary to Policy LC1 in the Addendum to PPS7 - Safeguarding Established Residential Areas in that the proposed density is significantly higher and the pattern of development is not in character or of an environmental quality than that found in the established residential area.

Case Officer: Cathy Hughes

Date: 25 May 2023

ANNEX	
Date Valid	13 November 2020
Date First Advertised	14 October 2021
Date Last Advertised	1 December 2020
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 30 Augher Road Clogher Tyrone BT76 0AD The Owner / Occupier 3 Ferndale, Clogher, Tyrone, BT76 0AS The Owner / Occupier 4 Ferndale, Clogher, Tyrone, BT76 0AS The Owner / Occupier 27 Augher Road, Clogher, Tyrone, BT76 0AD The Owner / Occupier 1 Crossowen Way Clogher Tyrone BT76 0AX The Owner / Occupier 5 Crossowen Way, Clogher, Tyrone, BT76 0AX The Owner / Occupier 28 Augher Road, Clogher, Tyrone, BT76 0AD The Owner / Occupier 4 Crossowen Way, Clogher, Tyrone, BT76 0AX The Owner / Occupier 26 Augher Road, Clogher, Tyrone, BT76 0AD The Owner / Occupier 3 Crossowen Way, Clogher, Tyrone, BT76 0AX The Owner / Occupier 25 Augher Road, Clogher, Tyrone, BT76 0AD The Owner / Occupier 2 Crossowen Way, Clogher, Tyrone, BT76 0AX The Owner / Occupier 24 Augher Road, Clogher, Tyrone, BT76 0AD</p>	
Date of Last Neighbour Notification	7 September 2022
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: M/1974/0352
Proposals: ERECTION OF 33 DWELLING HOUSES
Decision: PG
Decision Date:

Ref: M/2000/0727/PA
Proposals: Installation of 1 No. new 0.3m dish antenna onto existing 15m high telecommunications steel column.
Decision: 53
Decision Date: 24-JUL-00

Ref: M/1974/035201
Proposals: ERECTION OF 33 DWELLING HOUSES
Decision: PG
Decision Date:

Ref: LA09/2020/1423/F
Proposals: Proposed 1no. two bedroom apartments and 2no. one bedroom apartments
Decision:
Decision Date:

Ref: M/1978/060701
Proposals: `Q' TYPE TELEPHONE EXCHANGE
Decision: PG
Decision Date:

Ref: M/1978/0607
Proposals: Q/TYPE TELEPHONE EXCHANGE
Decision: PG
Decision Date:

Ref: M/1984/599A
Proposals: PRIVATE HOUSING DEVELOPMENT - PHASE 1
Decision: PG
Decision Date:

Ref: M/1984/0599A
Proposals: PRIVATE HOUSING DEVELOPMENT - PHASE 1
Decision: PG
Decision Date:

Ref: M/1984/0599
Proposals: PRIVATE HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
NI Water - Multiple Units West-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
NI Water - Multiple Units West-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
NI Water - Multiple Units West-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
NI Water - Multiple Units West-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
Environmental Health Mid Ulster Council-Substantive: TBC
DFI Roads - Enniskillen Office-23-11-2022.docx
NI Water - Multiple Units West-LA09-2020-1423-F.pdf
Environmental Health Mid Ulster Council-Planning Response3 LA09-20-1423.pdf
Planning Response LA09-22-1646.pdf
DFI Roads - Enniskillen Office-
NI Water - Multiple Units West-
DFI Roads - Enniskillen Office-09-03-2023 Conditions.docx

Drawing Numbers and Title

Proposed Plans Plan Ref: 06
Proposed Plans Plan Ref: 05
Proposed Plans Plan Ref: 04
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 ApplicableNot Applicable



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0719/F Recommendation: Refusal	Target Date: 5 July 2021
Proposal: Proposed farm dwelling and garage	Location: Approx 25M East Of 25 Creagh Hill Road Toomebridge
Applicant Name and Address: Mr Brendan Mulholland 107 Deerpark Road Toomebridge	Agent name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: To Committee - Refusal - Contrary to CTY 1, 8, 10, 13 and 14 of PPS 21.	
Summary of Consultee Responses: 	
Characteristics of the Site and Area The site is located approximately 1.1km north of the development limits of Creagh, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as Approx. 25m East of 25 Creagh Hill Road Toomebridge, in which the red line covers a small roadside portion of a much larger agricultural field accessed via an existing access. The immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.	
Description of Proposal This is a full application for a farm dwelling and garage, the site is located at Approx. 25m East of 25 Creagh Hill Road Toomebridge.	

Deferred Consideration:

This application was presented before the Planning Committee with a recommendation to refuse in February 2022. Members agreed to defer the application for a meeting with the Service Director following which I carried out an inspection of the site. The application was presented before the Members at the Planning Committee in February 2023 with a recommendation to refuse whereupon Members agreed to defer the application for a site visit which has taken place. The application was presented before the Members in April 2023 with a further recommendation to refuse, where it was agreed to defer the application to explain the test in relation to expanding a farm and the need to put an agricultural case and to allow time to consider alternative sites.

The application was recommended for refusal, in summary, due the proposed building not being site to visually link or cluster with a group of buildings on the farm, the proposed building will add to a ribbon of development and a new building will not be able to visually integrate into the local landscape.

At the previous committee the Service Director asked why the applicant will not consider a new dwelling outside the farm yard of the working farm but where it will both visually link and cluster with the group of buildings on the farm.

The agent has submitted an email to justify siting a new dwelling away from the main farm grouping, and this is primarily because it will not be occupied by a member of the farm business and will be sold to a third party. The argument put forward is that Environmental Health have considered proposals for dwellings close to working farms and have raised concerns regarding the inadequate separation distance between the new dwelling and the farm business. In those cases, Environmental Health have recommended a separation distance of 75 metres to protect future amenity. The agent has submitted a drawing showing a 75m radius around the farm and contends this is the best site outside of the 75 metres as it benefits from natural screening, is adjacent to existing dwelling and will round off existing development. The proposed dwelling will not be a prominent feature on the landscape and will provide a suitable degree of enclosure.

It is my opinion the agent is misdirected in the case he puts forward. Environmental Health may on a case by case basis, seek to protect the amenity of those third parties who are applying for planning permission where the dwelling is not on the farm and the applicant is not relying on CTY 10 to gain planning permission. However, in this case before the Council, the applicant is seeking planning permission on his farm, is relying on his Business ID for the basis of an active and established farm but does not want to site a new dwelling on his farm so that it can be sold to a third party.

Policy CTY 10 does allow exceptions for siting a dwelling away from the farm grouping, however there must be demonstrable health and safety reasons or verifiable plans to expand the farm business. In this case, the argument is being put forward that a new dwelling will cause a negative impact on the residential amenity of the proposed occupant because that person will not be involved in the running of the farm as the site will be sold off, having sold a previous site off the farm in October 2012. In my opinion this is not a demonstrable health and safety reason. The applicant is also not able to demonstrate there are verifiable plans to the expand the farm business.

I still do not consider the application satisfies criteria (c) of CTY 10. The site is too far removed

to either be visually linked or sited to cluster with the group of buildings on the farm and therefore fails to meet criteria (c) and it will not read as being part of the group of buildings on the farm.

Should a dwelling on this site be considered under CTY 10 it must also meet the requirements of CTY 13 (a-g) and CTY 14 of PPS 21.

Referring to CTY 13 it is still my opinion the site is an open site, which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape. Although this is a flat site and sits below the level of the road, it is an open and exposed site that cannot provide any level of integration into the local landscape. The proposed dwelling will rely primarily on the use of new landscaping for integration which is contrary to CTY 13.

Policy CTY 14 permits a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I still consider a new dwelling at this location will add to a ribbon of development which will further erode the rural character of this area. This is contrary to Policy CTY 14.

As such the proposed dwelling must also be considered in the context of Policy CTY 8 which states that planning permission will be refused for a building which adds to a ribbon of development. This application site is not a gap site for the purposes of CTY 8. There is currently a line of 3 road frontage dwellings to the immediate west of the application site and this application will extend that line of ribbon development and is therefore contrary to Policy CTY 8.

I have considered the relevant policies, the additional information submitted by the agent in October 2023 and it is my opinion that planning permission should be refused for this application based on the reasons cited below under CTY 8, 10, 13 and 14 of PPS 21.

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 CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and as it has not been demonstrated to be an exceptional case for a dwelling on the farm to be sited so as not to be visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration and the proposed dwelling is not visually linked or sited to cluster with an established

group of buildings on the farm.

Reason 4

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Reason 5

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

Signature(s):Karen Doyle

Date: 20 December 2023



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0719/F	Target Date: 5 July 2021
Proposal: Proposed farm dwelling and garage	Location: Approx 25M East Of 25 Creagh Hill Road Toomebridge
Applicant Name and Address: Mr Brendan Mulholland 107 Deerpark Road Toomebridge	Agent name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: To Committee - Refusal - Contrary to CTY 1, 8, 10, 13 and 14 of PPS 21.	
Summary of Consultee Responses: 	
Characteristics of the Site and Area The site is located approximately 1.1km north of the development limits of Creagh, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as Approx. 25m East of 25 Creagh Hill Road Toomebridge, in which the red line covers a small roadside portion of a much larger agricultural field accessed via an existing access. The immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.	
Description of Proposal This is a full application for a farm dwelling and garage, the site is located at Approx. 25m East of 25 Creagh Hill Road Toomebridge.	

Deferred Consideration:

This application was presented before the Planning Committee with a recommendation to refuse in February 2022. Members agreed to defer the application for a meeting with the Service Director following which I carried out an inspection of the site. The application was presented before the Members at the Planning Committee in February 2023 with a recommendation to refuse whereupon Members agreed to defer the application for a site visit which has taken place.

The application was recommended for refusal, in summary, due the proposed building not being site to visually link or cluster with a group of buildings on the farm, the proposed building will add to a ribbon of development and a new building will not be able to visually integrate into the local landscape.

Planning permission was granted for a farm dwelling and was transferred off the farm holding in October 2012, and since the date of submission of this application the 10 year period has now expired and an application for a farm dwelling can be considered. The application meets criteria (a) and (b) of CTY 10.

Having carried out a site visit I do not consider the application satisfies criteria (c) of CTY 10. From the site visit it is apparent the site is too far removed to either be visually linked or sited to cluster with the group of buildings on the farm and therefore fails to meet criteria (c) and it will not read as being part of the group of buildings on the farm.

Should a dwelling on this site be considered under CTY 10 it must also meet the requirements of CTY 13 (a-g) and CTY 14 of PPS 21.

Referring to CTY 13 it is my opinion the site is an open site, which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape. Although this is a flat site and sits below the level of the road, it is an open and exposed site that cannot provide any level of integration into the local landscape. The proposed dwelling will rely primarily on the use of new landscaping for integration which is contrary to CTY 13.

Policy CTY 14 permits a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. From my site visit a new dwelling at this location will add to a ribbon of development which will further erode the rural character of this area. This is contrary to Policy CTY 14.

As such the proposed dwelling must also be considered in the context of Policy CTY 8 which states that planning permission will be refused for a building which adds to a ribbon of development. This application site is not a gap site for the purposes of CTY 8. There is currently a line of 3 road frontage dwellings to the immediate west of the application site and this application will extend that line of ribbon development and is therefore contrary to Policy CTY 8.

I have considered the relevant policies and it is my opinion that planning permission should be refused for this application based on the reasons cited below under CTY 8, 10, 13 and 14 of PPS 21.

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 CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Reason 4

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Reason 5

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

Signature(s):Karen Doyle

Date: 14 March 2023



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0719/F	Target Date: 5 July 2021
Proposal: Proposed farm dwelling and garage	Location: Approx 25M East Of 25 Creagh Hill Road Toomebridge
Applicant Name and Address: Mr Brendan Mulholland 107 Deerpark Road Toomebridge	Agent name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: To Committee - Refusal - Contrary to CTY 1, 8, 10, 13 and 14 of PPS 21.	
Summary of Consultee Responses: 	
Characteristics of the Site and Area The site is located approximately 1.1km north of the development limits of Creagh, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as Approx. 25m East of 25 Creagh Hill Road Toomebridge, in which the red line covers a small roadside portion of a much larger agricultural field accessed via an existing access. The immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.	
Description of Proposal This is a full application for a farm dwelling and garage, the site is located at Approx. 25m East of 25 Creagh Hill Road Toomebridge.	

Deferred Consideration:

This application was presented before the Planning Committee with a recommendation to refuse in February 2022. Members agreed to defer the application for a meeting with the Service Director following which I carried out an inspection of the site.

From an inspection of the site I do consider there to be a focal point with which this site is associated. The premises of SDC and Annahorish Primary School are to the south of the application site but are too far removed to be considered as a focal point for association with the application site. I do not consider any merit in pursuing a dwelling in a cluster at this location.

Planning permission was granted for a farm dwelling and was transferred off the farm holding in October 2012, and since the date of submission of this application the 10 year period has now expired and an application for a farm dwelling can be considered. The application meets criteria (a) and (b) of CTY 10.

Having carried out a site visit I do not consider the application satisfies criteria (c) of CTY 10. From the site visit it is apparent the site is too far removed to either be visually linked or sited to cluster with the group of buildings on the farm and therefore fails to meet criteria (c).

Should a dwelling on this site be considered under CTY 10 it must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY 16 of PPS 21.

Referring to CTY 13 it is my opinion the site is an open site, which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape. The proposed dwelling will rely primarily on the use of new landscaping for integration which is contrary to CTY 13.

Policy CTY 14 permits a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. From my site visit it is clear that a new dwelling at this location will add to a ribbon of development which will further erode the rural character of this area.

As such the proposed dwelling must also be considered in the context of Policy CTY 8 which states that planning permission will be refused for a building which adds to a ribbon of development. This application site is not a gap site for the purposes of CTY 8. There is currently a line of 3 road frontage dwellings to the immediate west of the application site and this application will extend that line of ribbon development and is therefore contrary to Policy CTY 8.

Having considered all the relevant policies, it is my opinion that planning permission should be refused for this application based on the reasons cited below.

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 CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Reason 4

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Reason 5

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

Signature(s):Karen Doyle

Date: 23 January 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0719/F	Target Date:
Proposal: Proposed farm dwelling and garage	Location: Approx 25m East of 25 Creagh Hill Road Toomebridge
Referral Route: To Committee – Refusal - Contrary to CTY 1, 8, 10, 13 and 14 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Brendan Mulholland 107 Deerpark Road Toomebridge	Agent Name and Address: CMI Planners Ltd 38b Airfield Road 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
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	Rivers Agency	Advice

Representations:

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

Summary of Issues

To Committee - Refusal

Characteristics of the Site and Area

The site is located approximately 1.1km north of the development limits of Creagh, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. I note that the site is identified as Approx. 25m East of 25 Creagh Hill Road Toomebridge, in which the red line covers a small roadside portion of a much larger agricultural field accessed via an existing access. I note that the immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.

Representations

Five neighbour notifications were sent out however no representations were received in connection with this application.

Relevant Planning History

H/2009/0093/O - Site of dwelling on a farm (and garage) - 25m North of 105 Deerpark Road, Toomebridge - Permission Granted 09.04.2009

H/2009/0424/F - Dwelling on a farm with attached garage (1 storey) - 25m North of 105 Deerpark Road, Toomebridge - Permission Granted 15.10.2009

Description of Proposal

This is a full application for a farm dwelling and garage, the site is located at Approx. 25m East of 25 Creagh Hill Road Toomebridge.

Planning Assessment of Policy and Other Material Considerations

The key planning issues are as stated below and following policies/advice have been included in this assessment:

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 10 - Dwellings on the Farm

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 area 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.

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the business has been allocated in 1992. Went on to confirm that the farm business has made claims in each of the previous six years. From such I am content that the farm business is currently active and established as per required by policy.

With respect to (b), upon review of the farm business and after reasonable checks were completed I note that two approvals were attained under the farm business number - H/2009/0093/O and H/2009/0424/F. However after further checks these two permissions were permitted in 2009 beyond the ten years. Upon a land registry check however it was clear that this site H/2009/0424/F has been transferred in October 2012 as such it is within the last ten years. As there has been a transfer off the farm in the previous ten years as such it fails under this part of the policy.

With respect to (c), I note that the registered farm address of the business sits approximately 315m south of the site, with the farm buildings sitting approximately 230m south of the site. I note that there are four farm sheds identified I am content that these can constitute as an existing group of buildings on the farm. With this in mind I hold the opinion that the proposed site is too far to be able to visually link or cluster with this existing group. I hold the opinion that the applicant owns lands between the site and the existing group which would be able to successfully visually link and cluster with this group and any dwelling should be located within these lands. The policy states that where practicable to use an existing laneway for access, I note that the intention is use an existing laneway onto the public road. From such I hold the opinion that the application has failed this part of the policy.

As such the application does not comply under CTY 10. I note that other case has been put forward at this point. in that there is no replacement or conversion opportunity, nor does the site lie within a cluster associated with a focal point. I would argue that the site in this position would extend a ribbon of development along the Creagh Hill Road, as such the application would also fail under CTY 8. Finally there has been no personal and domestic circumstances provided nor any case for a dwelling for non-agricultural business.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that there are a variety of housetypes in the close vicinity of the site as such given this I am content that the proposed dwelling is unlikely to appear as a prominent feature in the landscape. In addition, given the landform and surrounding

landscaping (existing and proposed) I am content that the dwelling and ancillary works would be able to successfully integrate into the landscape. In terms of design, I note that the design is quite simple and has become quite a common housetype seen in the countryside and from such I am content that this is acceptable within this location. However as mentioned previously I hold the opinion that the proposed dwelling in this location is unable to cluster nor visually link with the existing group of buildings on the farm, from such I hold the opinion that application fails under 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 mentioned previously I am content that a dwelling in this location will not be unduly prominent in landscape. Upon review of the site further I hold the opinion that if permitted the dwelling would further extend a ribbon of development along the Creagh Hill Road as such would damage rural character. From such the application has failed under CTY 14.

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

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, confirmed that they had no objections to the application subject to the relevant conditions and informatives being added, as a result I am content that the access is acceptable under PPS 3.

A consultation was sent to Rivers Agency, who in their response confirmed that the Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 coastal flood plain. However confirmed that an undesignated culverted watercourse affects the site, the exact positioning is unknown and should be verified on site. Under 6.33 of the policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place. DfI Rivers would recommend that the working strip is shown on a site layout drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times. In addition by way of a planning informative, prospective purchasers whose property backs onto this watercourse should be made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

Rivers Agency went on to confirm that the development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development

and any impacts beyond the site. If the proposal is to discharge into a watercourse then an application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973. Finally confirmed that FLD 4 and 5 do not apply.

I have no ecological or residential amenity concerns.

I recommend refusal given the failure under CTY 1 of PPS 21.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

- 1.The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2.The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along the Creagh Hill Road.
- 3.The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other dwelling(s)/development opportunities have not been sold off from the farm holding within 10 years of the date of the application. Nor does the proposed new building visually linked or sited to cluster with an established group of buildings on the farm.
- 4.The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.
- 5.The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	10th May 2021
Date First Advertised	25th May 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 23 Creagh Hill, Toomebridge, Toome, Londonderry, BT41 3SR The Owner/Occupier, 24 Creagh Hill Toomebridge Toome The Owner/Occupier, 25 Creagh Hill Toomebridge Toome The Owner/Occupier, 26 Creagh Hill Toomebridge Toome The Owner/Occupier, 90 Deerpark Road Toomebridge Toome	
Date of Last Neighbour Notification	25th May 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0719/F Proposal: Proposed farm dwelling and garage Address: Approx 25m East of 25 Creagh Hill Road, Toomebridge, Decision: Decision Date: Ref ID: H/2004/0889/O Proposal: Site of Dwelling and Garage. Address: 80m North of 25 Creagh Hill Road, Toomebridge. Decision: Decision Date: 24.10.2005 Ref ID: H/1983/0235 Proposal: HOUSE AND DETACHED STORE Address: CREAGH HILL, TOOMEBRIDGE Decision: Decision Date:	

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 04
Type: Proposed Plans
Status: Submitted

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

Drawing No. 05
Type: Proposed Plans
Status: Submitted

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1106/O	Target Date: 11/11/21
Proposal: Erection of single storey dwelling & garage	Location: Approx 60m NW of 45 Lisnastrane Road Coalisland
Applicant Name and Address: Niall O'Neill 34 Innismore Park Coalisland BT71 4RH	Agent Name and Address: Oonagh Given 10 Carnan Park Strathroy Omagh BT79 7XA
Summary of Issues: This application is for a dwelling in the countryside, the applicant owns the land, lets it out in conacre and also ensures the land ins maintained. The applicant does not have any buildings to group or visually link with, however there are medical reasons for residing in the countryside. This application is being recommend as an exception to policy for a farmer as there are no buildings on the farm. .	
Summary of Consultee Responses: DFI Roads - access to be improved where the lane meets Lisnastrane Road, conditions recommended DAERA – no business id, land farmed by another farmer	
Characteristics of the Site and Area: The application site is located at lands approx. 60m NW of Lisnastrane Road, Coalisland. The site is located within the Countryside, just outside the settlement of Coalisland. The red line of the site includes a portion of a larger agricultural field and is	

accessed via an existing laneway which currently serves a number of other dwellings. The lands surrounding the site are outlined in blue indicating ownership. The site itself is quite flat throughout and the boundaries of the red line are currently undefined to the south and west with a small wood to the north and post and wire fencing to the lane.



Fig 1 – proposed site against the small wood to the rear of the photo and to the left hand side of the lane.

The surrounding area is rural in nature, scattered with single dwellings and associated outbuildings. As noted, the settlement of Coalisland is approx. 1km from the site and there is a mix of uses found here.

Description of Proposal

Outline planning permission is sought for the erection of single storey dwelling and garage.

Deferred Consideration:

This application was initially put forward on the basis of personal circumstances, however these were not considered to be so compelling as to warrant granting planning permission for a dwelling in the countryside under Policy CTY6 and the application was presented to the Planning Committee as a refusal in January 2022. At that meeting the application was deferred for a meeting the Service Director for Planning. Further information has been presented in relation to the applicants farming interests.

Members will be aware that farming cases are assessed against CTY10 of PPS21 and there are a number of criteria that must be met. The applicant currently lives in a house in Coalisland and owns this 2 ha field. He does not have any buildings on his farm. The land is currently let out in conacre with the applicant deriving a modest income once he has paid for hedge cutting and reseeding of the ground. Receipts submitted illustrate this has been on-going since 2014 and as such I am content this is beyond the 6 years needed to establish a farm case. At a recent site inspection it was noted the mandi us well maintained in grass and the hedges and fences are well maintained. In my opinion I consider the applicant has passed the test for an active and established farmer. This is the

only land owned and there are no other sites or sell offs from here. Members will be aware there is a requirement on any farming case to have buildings on the farm and to site a new dwelling beside them or on an appropriate site if there are health and safety grounds or plans to expand the farm group. It is noted in this case the applicant does not have any buildings on the farm with which to cluster or visually link. Usually this would result in an application being recommended for refusal. In my opinion the proposed site would be an acceptable site if there were buildings on the farm that could not be sited beside. The site is down a lane where there is limited development pressure and there is a mature treed boundary to the north to integrate a dwelling with. Members will be aware the applicant was involved in an industrial accident which was the basis of the original submission. While the submitted case did not demonstrate a site specific need for a dwelling here under policy CTY6, given the farming interests set out, I consider it is reasonable to make an exception to Policy CTY10 and forgo the need for a group of buildings on the farm.

It is my recommendation that an exception to CTY10 is exercised here due to the applicants special circumstances and that planning permission is granted for a dwelling.

Conditions/Reasons for Refusal:

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access where the lane meets Lisnastrane Road, including visibility splays of 2.0m x 33.0m in both directions, a 33.0m forward sight line and any other details set out in the DFI Roads response received on 24 November 2023, shall be provided in accordance with a 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of all trees and hedges

within and on the site boundaries to be retained, measures for their protection during the course of development and details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

Signature(s)

Date:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1106/O	Target Date: 11/11/21
Proposal: Erection of single storey dwelling & garage	Location: Approx 60m NW of 45 Lisnastrane Road Coalisland
Referral Route: Refusal – contrary to CTY 6, CTY 13 and CTY 14.	
Recommendation:	Refusal
Applicant Name and Address: Niall O'Neill 34 Innismore Park Coalisland BT71 4RH	Agent Name and Address: Oonagh Given 10 Carnan Park Strathroy Omagh BT79 7XA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Proposal is considered to be contrary to CTY 6, CTY 13 and CTY 14 of PPS 21. There were no representations received in relation to the proposal.

Characteristics of the Site and Area

The application site is located at lands approx. 60m NW of Lisnastrane Road, Coalisland. The site is located within the Countryside, just outside the settlement of Coalisland. The red line of the site includes a portion of a larger agricultural field and is accessed via an existing laneway which currently serves a number of other dwellings. The lands surrounding the site are outlined in blue indicating ownership. The site itself is quite flat throughout and the boundaries of the red line are currently undefined except for the boundary which adjoins with the laneway which has post and wire fencing with scattered landscaping. The surrounding area is rural in nature, scattered with single dwellings and associated outbuildings. As noted, the settlement of Coalisland is approx. 1km from the site and there is a mix of uses found here.

Description of Proposal

Outline planning permission is sought for the erection of single storey dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Planning History

There is not considered to be any relevant planning history associated with this site.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 43, 45, 47 and 49 Lisnastrane Road. At the time of writing, no third party representations have been received.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking⁷⁶
- Local Development Plan 2030 - Draft Plan Strategy

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the

whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

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

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

The agent has submitted a statement in support of this application which details why the applicant is applying under Policy CTY 6. Medical evidence has been provided by way of supporting statement from the agent (Oonagh Given), a hospital letter and a care report from a Nursing Care Consultants. Due to the sensitive nature of the applicant's personal circumstances, the specifics of the supporting information and reports will not be detailed in this report. However, we are satisfied with the evidence and information provided from the agent that the applicant has special circumstances which may mean they would suffer genuine hardship if planning permission were to be refused.

In terms of criteria (b) of CTY 6, where are no alternative solutions to meet the particular circumstances of the case. An extension or annex attached to the existing dwelling which is located within an urban setting would not negate the reasons set out for the need for a rural location, as set out in the medical evidence provided. There are no other buildings within the curtilage of the applicants dwelling, nor would this be suitable given the need for a rural location and the applicants' needs are not short term and therefore a temporary mobile home would not be a suitable option either. The concern we have with the proposal is that we do not feel the site chosen is in line with the **site specific** (my emphasis) element needed in order to comply with CTY 6. The agent has been asked to detail why they feel the proposed site is site specific and they responded that the applicant:

“needs to live in a quite rural setting as a result of his brain injury – as confirmed by his doctor and as indicated in the evidence supplied. It makes no consequence to the rationale behind CTY 6 whether Mr O’Neill seeks to build a house on the subject site as opposed to some other site in the countryside as the outcome would still be the same – a house in the countryside. It makes sense that he would build on the only piece of land that he owns in the rural area. The site is only about a kilometre from Coalisland and so this very close proximity to an urban centre is much more sustainable than if he were to choose a more remote site. A cousin lives on the opposite side of the lane from the site, while this is not a determining factor, it is a positive factor for Mr O’Neill and his family”.

Although, we remain empathetic to the applicant's personal circumstances, we feel that the agent has confirmed within her argument that there isn't determining site specific reasons for the proposed site, noting that the outcome would be the same for any potential site located in the countryside. The lands in question would be moving further away from immediate family (i.e. parents) and the only benefits of this would be living in solitude and quietness of the rural area, which the medical team has supported. The care report noted that the current accommodation would not be suitable long term for the applicant. However, this still doesn't overcome the issue that there isn't a site specific reason which is set out within the policy. Had the applicant been moving closer to his parents for support, this may have been seen as special circumstances. I recommend that the Committee discuss in close session the applicants needs and perhaps discuss alternative options.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. The land is generally flat throughout and a dwelling should not appear prominent at this site if approval were to be forthcoming, especially given that the applicant has noted they would be proposing a bungalow and public views would be limited, given its set back location along an existing laneway. The site has limited landscaping along its boundaries and we feel the red line of the site is essentially just a cut out of an open field. There is existing trees to the north of the site, which we feel should the principle of the site have been agreed, that moving the red line towards this would have allowed the dwelling to blend with them and therefore been more in line with criterion (f) of CTY 13. Therefore, it is considered the proposal would be contrary to the criterion held within CTY 13 and CTY 14 where the proposal would result in suburban style build-up of development and the existing landscaping would not be able to provide a suitable degree of enclosure for the site to allow for integration for any proposed dwelling.

Dfl Roads were consulted in relation to the proposal and have raised no concerns, subject to condition. They have noted that the applicant would require 3rd party lands to achieve the sight splays required if approval were to be forthcoming.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on

the use of new landscaping for integration. The proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

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

Signature(s)

Date:

ANNEX	
Date Valid	29th July 2021
Date First Advertised	10th August 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 43 Lisnastrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 45 Lisnastrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 47 Lisnastrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 49 Lisnastrane Road, Coalisland, Tyrone, BT71 5DE	
Date of Last Neighbour Notification	12th August 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/0186/RM Proposal: Replacement dwelling and garage Address: Lands at 110m South West of 43 Lisnastrane Road, Lisnastrane , Coalisland, Decision: PG Decision Date: 17.07.2018 Ref ID: LA09/2017/0564/O Proposal: Replacement dwelling and garage Address: Lands at 110m South West of 43 Lisnastrane Road, Lisnastrane, Coalisland, Decision: PG Decision Date: 05.10.2017 Ref ID: LA09/2021/1106/O Proposal: Erection of single storey dwelling & garage Address: Approx 60m NW of 45 Lisnastrane Road, Coalisland, Decision: Decision Date: Ref ID: M/1980/0547	

Proposal: REFUSE TIP
Address: LISNASTRANE, COALISLAND
Decision:
Decision Date:

Ref ID: M/1978/0788
Proposal: FARM DWELLING
Address: LISNASTRANE, COALISLAND
Decision:
Decision Date:

Ref ID: M/2003/1042/O
Proposal: Proposed retirement dwelling - living accommodation
Address: Adjacent to Crossan House 43 Lisnastraine Road Coalisland
Decision:
Decision Date: 21.09.2004

Ref ID: M/2004/1501/RM
Proposal: Proposed retirement dwelling - living accommodation
Address: 43 Lisnastraine Road, Crossan House, Lisnastraine, Coalisland
Decision:
Decision Date: 14.12.2004

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 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: LA09/2022/0112/O	Target Date: 24 March 2022
Proposal: Dwelling & garage	Location: 60M South Of 29 Lisnagowan Road, Feroy, Dungannon
Applicant Name and Address: Mr Derek Montgomery 29 Lisnagowan Road Feroy Dungannon BT70 3LH	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Summary of Issues: This application is for a dwelling in the countryside and has been assessed against the policies for a replacement dwelling and a dwelling on a farm. Following further integration of the farming case, the farm business is now established, is currently active has not had any planning permission granted before under the policy, had any opportunities sold off and is sited beside existing buildings on the farm.	
Summary of Consultee Responses: DFI Roads - recommend approval with sight lines of 2.4m x 45.0m DAERA – category 1 farm, business allocated 14/11/2016	
Characteristics of the Site and Area: The site is located at lands approx. 60m South Of 29 Lisnagowan Road, Dungannon. The site is a rectangular portion of lands which fronts onto two roads. Some of the lands which surround the site are outlined in blue, indicating ownership and include the building to the NW of the site which is to be replaced. The site itself is sloping, with an increase from the SE portion of the site to the NW. There is existing post and wire fencing along the roadside boundaries with the remainder of the boundaries currently undefined opening to	

the agricultural field and agricultural buildings. The surrounding area is largely rural in nature, with scattered single dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for a dwelling and garage.

Deferred Consideration:

This application was at the Planning Committee in November 2023 where it was deferred to allow further assessment of the farming case that had been submitted.

Members will be aware that farming cases are assessed against CTY10 of PPS21 and there are a number of criteria that must be met. This application was submitted on 24 January 2022 and a DAERA consultation advised the business ID was allocated in November 2016 and as such was not established for the 6 years required by the policy, at that time. Since then the business ID has become established, through the passage of time and as such I am content the application is on an active and established farm. A check of the farm maps has not identified any other dwellings or building sites approved under this policy or sold off from the holding. The site is located adjacent to an existing group of buildings on the farm, and there are also buildings on the opposite side of the road to the north, which are on this farm. The existing buildings and rising ground to the north, provide a backdrop to any development on the site and as such in my opinion a suitably designed dwelling would integrate on this site. In my opinion the design of the dwelling can be reserved and assessed at a later stage as this sloping site could be developed in a number of ways that could be suitable.

As the proposal meets with the policy for a dwelling on a farm, this application is recommended for approval.

Conditions/Reasons for Refusal:

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45.0m in both directions, a 45.0m forward sight line and any other details set out in the DFI Roads response received on 14 March 2023, shall be provided in accordance with a 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of all trees and hedges within and on the site boundaries to be retained, measures for their protection during the course of development and details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 November 2023	Item Number: 5.1
Application ID: LA09/2022/0112/O	Target Date: 24 March 2022
Proposal: Dwelling & garage	Location: 60M South Of 29 Lisnagowan Road Feroy Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Derek Montgomery 29 Lisnagowan Road Feroy Dungannon BT70 3LH	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

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

Representations:

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

Summary of Issues

No representations received.

Characteristics of the Site and Area

The site is located at lands approx. 60m South Of 29 Lisnagowan Road, Dungannon. The site is a rectangular portion of lands which fronts onto two roads. Some of the lands which surround the site are outlined in blue, indicating ownership and include the building to the NW of the site which is to be replaced. The site itself is sloping, with an increase from the SE portion of the site to the NW. There is existing post and wire fencing along the roadside boundaries with the remainder of the boundaries currently undefined opening to the agricultural field and agricultural buildings. The surrounding area is largely rural in nature, with scattered single dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for a 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. Neighbours notified under this application include: 30 Lisnagowan Road. At the time of writing, no third party representations were received.

Planning History

There is not considered to be any relevant planning history associated with this site. The proposal originally was submitted as dwelling on a farm and there were applications associated with the farm business including a sell of which would have been relevant, however the agent/applicant has since advised that they wish the proposal to be assessed under the CTY 3 Replacement policy given it failed the criterion within CTY 10.

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 site is located outside any defined Settlement Limit in the rural countryside and the site has no other zonings or designations related to the site.

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

The Strategic Planning Policy Statement 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 does not offer any change in policy direction with regards to replacement dwellings.

Policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. As discussed before, the applicant was originally submitted as a dwelling on a farm application under CTY 10, however the agent was made aware of a sell off related to the farm business and as such has asked that the proposal is assessed under Policy CTY 3. Policy CTY 3 of PPS 21 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 walls are substantially intact.

The structure in question is a single storey building with all of its external walls intact. I don't consider that the building in question exhibits characteristics which would help determine that the application is a dwelling, including chimneys, window and door openings. From my findings on site, noting the internal and external features of the building (shown below in photos 1 – 3), I am not convinced that the building in question represents a genuine replacement opportunity. The agent has been afforded a number



Photo 1 – internal picture from building



Photo 2 – External image of the building



Photo 3 – External image of the building

The agent has indicated the preferred siting which is just SE of the building to be replaced. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted, however as noted before, it is considered the proposal is contrary to the policy criterion held within CTY 3 in that it does not exhibit the essential characteristics of a dwelling. The proposal also lacks any degree of existing landscaping and if approval were to be forthcoming, a landscaping scheme would be required at RM stage.

The proposal intends to create a new access onto Lisnagowan Road. DfI Roads were consulted and have raised no concerns subject to condition.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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): Sarah Duggan

Date: 25 October 2023

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: LA09/2022/0201/O	Target Date: 13 April 2022
Proposal: Proposed single storey dwelling	Location: Adjacent To 64 Reaskmore Road Reaskmore Dungannon
Applicant Name and Address: Kieran MC Gartland 66 Reaskmore Road Reaskmore Dungannon	Agent Name and Address: Peter McCaughey 31 Gortnasaor Dungannon BT71 6DA
Summary of Issues: This application is for a dwelling in the countryside and has been assessed against the policies for a dwelling on a farm. The applicant does not have a farm business id issued by DAERA but has shown details of the farming that is carried out. The farmers nephew lives in the house next door to the proposed site and has advised he works on the farm so is involved in farming on the holding.	
Summary of Consultee Responses: DFI Roads - recommend approval with sight lines of 2.4m x 45.0m HSENI – high pressure gas pipeline close by, applicant to discuss with Mutual Energy in relation to services	
Characteristics of the Site and Area: The red line of the site is a roadside site, located just north of 64 Reaskmore Road. Lands to the North, East and South are hatched blue, indicating ownership, including No.66 Reaskmore Road and the associated outbuildings. The lands are generally flat across the site and the roadside boundary is bounded by existing low level hedging and the boundary to the south is made up with post and wire fencing. The remainder of the boundaries are currently undefined. The surrounding area is rural in nature, although	

there is increasing development along the roadside with single dwellings and associated outbuildings.

The site is located at lands approx. 60m South Of 29 Lisnagowan Road, Dungannon. The site is a rectangular portion of lands which fronts onto two roads. Some of the lands which surround the site are outlined in blue, indicating ownership and include the building to the NW of the site which is to be replaced. The site itself is sloping, with an increase from the SE portion of the site to the NW. There is existing post and wire fencing along the roadside boundaries with the remainder of the boundaries currently undefined opening to the agricultural field and agricultural buildings. The surrounding area is largely rural in nature, with scattered single dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for a proposed single storey dwelling.

Deferred Consideration:

This application was at the Planning Committee in February 2023 where it was deferred for a meeting with the Servicer Director for Planning to allow further discussion of the farming case.

Members will be aware that dwellings on farms are assessed against CTY10 of PPS21 and there are a number of criteria that must be met. Kieran owns approx. 3.5 ha of agricultural lands here, some buildings and his farm house. Additional information has been submitted from the applicant and his nephew, Plunkett, who lives in the house adjoining the application site. Information has been provided that shows the applicant has owned the land for a considerable number of years, the land has been let out to Forest View Farms for over 7 years for grazing and silage cutting and the ground is maintained with the assistance of the applicants nephew. Receipts have been provided that I am content relate to maintenance of the land for agricultural activity. It is noted some recent receipts are in the name of the applicants nephew with an explanation of the relationship between the applicant and his nephew. Members will be aware that DAERA allocate farm business IDs and these can include other individuals on the farm, not just the farm owner. Taking into account the information provided about the relationship, I am of the opinion that Plunkett is also involved in the farm here with the applicant, Kieran. From the information presented I am content this is an active and established farm when assessed against the criteria for farming activities in CTY10.

Planning permission was granted for a dwelling on the applicants land which was transferred to Plunkett in September 2013, over 10 years ago. There are no other sites, dwellings or building opportunities sold off the farm.

From the information provided and assessed above, it is my opinion that Plunkett is involved in the farming activity here with Kieran. It is reasonable to conclude that Plunkett's house is now also part of the buildings on the farm for the assessment of whether or not the site is visually linked or sited to cluster. A dwelling here will have a clear link to the existing buildings on the farm, including Plunkett's house and this meets the final criteria for a dwelling in a farm. Given the overall appearance of the group of building here area low elevation, I consider it is appropriate to condition the ridge height of any dwelling is kept low to reflect the immediate character. I recommend a 5.0m ridge height is imposed.

As I have concluded the proposal meets with the policy for a dwelling on a farm, this application is recommended for approval.

Conditions/Reasons for Refusal:

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45.0m in both directions, a 45.0m forward sight line and any other details set out in the DFI Roads response received on 14 March 2023, shall be provided in accordance with a 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The dwelling hereby approved shall have a ridge height not exceeding 5.0m above the finished floor level.

Reason: In the interests of visual amenity

5. The depth of underbuilding of the dwelling hereby approved shall not exceed 0.3m .

Reason: In the interests of visual amenity

6. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of all trees and hedges within and on the site boundaries to be retained, measures for their protection during the course of development and details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme

dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 February 2023	Item Number: 5
Application ID: LA09/2022/0201/O	Target Date: 13 April 2022
Proposal: Proposed single storey dwelling	Location: Adjacent To 64 Reaskmore Road Reaskmore Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Kieran MC Gartland 66 Reaskmore Road Reaskmore Dungannon	Agent Name and Address: Peter McCaughey 31 Gortnasaor Dungannon BT71 6DA
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Health & Safety Executive For NI	Substantive: TBC

Representations:

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

Summary of Issues

No representations received.

Characteristics of the Site and Area

The red line of the site is a roadside site, located just north of 64 Reaskmore Road. Lands to the North, East and South are hatched blue, indicating ownership, including

No.66 Reaskmore Road and the associated outbuildings. The lands are generally flat across the site and the roadside boundary is bounded by existing low level hedging and the boundary to the south is made up with post and wire fencing. The remainder of the boundaries are currently undefined. The surrounding area is rural in nature, although there is increasing development along the roadside with single dwellings and associated outbuildings.

Description of Proposal

Outline planning permission is sought for a proposed single storey dwelling.

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. Neighbours notified under this application including: 64 Reaskmore Road. At the time of writing, no third party representations have been received.

Planning History

There is not considered to be any relevant planning history associated with the site.

Planning Assessment of Policy and Other Material Considerations

- o Dungannon and South Tyrone Area Plan 2010
- o Strategic Planning Policy Statement (SPPS)
- o PPS 21: Sustainable Development in the Countryside
- o PPS 3: Access, Movement and Parking
- o 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 with 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, including the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with CTY 8 and for a dwelling on a farm with CTY 10. The agent has not indicated which policy they wanted the proposal assessed against, however it was considered that CTY 8 and CTY 10 were the only two which would be likely at this site and as such, both policies were considered at our group discussions.

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.

The concern with this proposal is that it would add to a ribbon of development. There is a line of three dwellings to the south of the site, however to the north there is a small gap and beyond that there is a single dwelling which is set back quite a substantial distance from the roadside, and it is not considered that this dwelling presents a frontage to the road. 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 outlined in red would be sufficient to accommodate no more than two dwellings, given the current plot sizes located along this road if the remainder of the infill policy were to be met.

In relation to CTY 10, the agent was asked if there was a possible farming case we could explore. He provided supporting information noting that the applicant owns 10 acres of adjoining land. He adds that the applicant cuts and trims all boundary hedges, cleans out and clears all drains and cuts the grass at least twice a year for silage etc. Letters from three neighbours were provided as supporting information which state that the applicant helps out with the above-mentioned works. The applicant does not have any invoices or receipts to further validate the above claims, which is generally what we would require and ask for to confirm that the business is active and established if they do not have a Business ID number.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. There are concerns that the proposal would be contrary to some of the policy criterion held within these policies in that it would add to a ribbon of development and in the case that the proposal is assessed against CTY 10, it would not be sited to

visually link with existing farm buildings. If approval were to be granted, I would note that single storey as noted in the description would be suitable for this site, given it is the predominant house type along this section of Reaskmore Road.

Health and Safety Executive were consulted on the proposal also, given it is within the vicinity of a major hazard pipeline. They have noted that they have liaised with Mutual Energy who own and operate the pipeline in the area and they have advised that the proposed development does not encroach onto their pipeline thus they would not advise against. However, they do add that the Council should consult with Mutual Energy directly. They added that the proposal is outside of the easement area of their pipeline and causes no change to population density. Therefore, they would have no objections. They note that they would wish to engage with the developer prior to construction to get a more complete picture, and to ensure that installation of utilities to the property pose no risk to the pipeline.

The applicant has noted that they intend to create a new access onto Reaskmore Road. DfI Roads were consulted and raised no concerns with the proposal subject to condition.

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 Reaskmore Road.

Reason 2

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the buildings would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Reason 3

The proposal is contrary to Policies CTY10 and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside as not enough evidence has been provided to demonstrate that the farm business is active and established and the proposed development is not sited to visually link with existing buildings on the farm.

Case Officer: Sarah Duggan

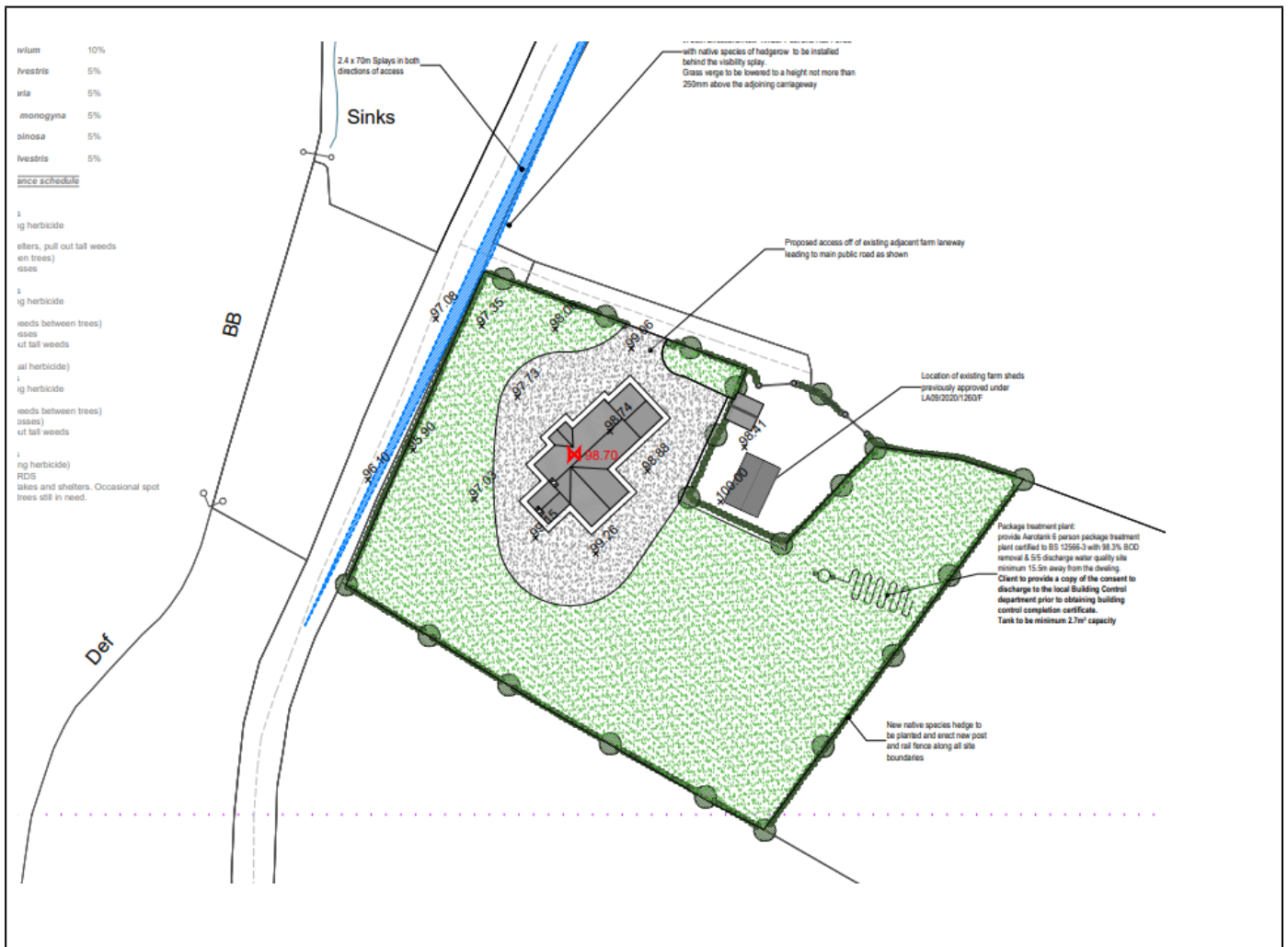
Date: 19 January 2023

ANNEX	
Date Valid	16 February 2022
Date First Advertised	3 March 2022
Date Last Advertised	1 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 64 Reaskmore Road Dungannon Tyrone BT70 1QF	
Date of Last Neighbour Notification	4 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 Health & Safety Executive For NI-Substantive: TBC	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	
Notification to Department (if relevant) Not Applicable	



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0670/F Recommendation: Approve	Target Date: 7 September 2022
Proposal: Proposed dwelling and garage on a farm	Location: 151M N Of 36 Keady Road Swatragh BT46 5SA
Applicant Name and Address: Declan McNicholl 23 Glen Gardens, Maghera, BT46 5GN	Agent Name and Address: OJQ Architecture The Gadda Building 89 Main Street Garvagh, Coleraine, BT51 5AB
Summary of Issues: <p>This application was presented as a refusal to Members at March 2023 Planning Committee. It was considered that the proposal was contrary to Policies CTY 1, CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling was not visually linked or sited to cluster with an established group of buildings on the farm. Members agreed to defer the application for an office meeting with Dr Boomer. The application is now being recommended for approval with the justification for this change in recommendation detailed further in this report.</p>	
Summary of Consultee Responses: <p>No new consultations were issued to inform this deferred consideration</p>	
Description of Proposal <p>This is a full planning application for a proposed dwelling and garage on a farm. Since the application was last before Members the applicant has re-sited the dwelling further to the NW of the site, moving it further down an existing slope.</p>	



Deferred Consideration:

The main area of contention with this application was the fact that the proposed dwelling was not sited beside/clustered with an established group of buildings on the farm which is a requirement of Policy CTY 10 of PPS21. It was previously acknowledged that there is permission for the erection of 2 agricultural buildings on this site, approved under LA09/2020/1260/F on the 23rd March 2021. When the application was first before Members in March 2023, only 1 of these sheds had been built. Following a site inspection on the 18th December 2023, I can confirm that both agricultural buildings have now been erected. These farm buildings were applied for by the farmer who takes this land in conacre and notice was served on the landowner, Barney McNicholl. Planning Permission does not confer title and for the purpose of this assessment the buildings can be taken as being owned by the McNicholl family. It is now my opinion that there is no conflict with Policies CTY 10 and CTY 13 of PPS 21.

During the deferred office meeting on the 16th March 2023 the principle of this farm case was further explored in terms of it being active and established. At the outset the applicant, Mr McNicholl was using the business ID of a third party farmer, Mr Boyd, who takes this land in conacre but does not own it. The applicant was advised that this would not meet the test of CTY 10 as Mr Boyd's farm and farm buildings are registered at a different location. On reflection, the applicant has now submitted a different farm case. Whilst he does not benefit from having a farm business ID of his own, he has provided a signed affidavit explaining that the site is part of

lands farmed by the McNicholl family in excess of 100 years. He has also provided receipts covering the years 2017 - 2023 which demonstrate that he keeps his land in good agricultural condition. Furthermore, he has provided 2 x conacre agreements which show he leases out his land to Mr Boyd and has done since 2014. It is my opinion that the applicant has now demonstrated that he has an active and established farm business for the purposes of CTY 10.

There have been no third party objections to this application and I have no concerns with the proposal in terms of design and integration. New landscaping has been proposed and will be a condition of approval.

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 70 metres and a 70 metre forward sight distance, shall be provided in accordance with Drawing No. 01 uploaded on Public Access on 6th October 2022, and Drawing No. 02 Rev 3, uploaded on Public Access on 15th September 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 shall be provided in accordance with Drawing No. 02 Rev 3, uploaded on Public Access on 15th September 2023, 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 hedgerow and vegetation along the Northern, Southern and Western boundaries of the site, as indicated on drawing 02 Rev 3, upoaded on Public Access on the 15th September 2023, shall be permanently retained, except where its removal is required for the provision of sight splays.

Reason: To ensure the integration of the dwelling on this site.

Signature(s):Karla McKinless

Date: 19 December 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 March 2023	Item Number: 5.13
Application ID: LA09/2022/0670/F	Target Date: 7 September 2022
Proposal: Proposed dwelling and garage on a farm	Location: 151M N Of 36 Keady Road Swatragh BT46 5SA
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Declan McNicholl 23 Glen Gardens, Maghera, BT46 5GN	Agent Name and Address: OJQ Architecture The Gadda Building 89 Main Street Garvagh, Coleraine, BT51 5AB
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Coleraine	Consultee Response - LA09-2022-0670-F.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx

Representations:

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

Summary of Issues

The proposal is contrary to Policy CTY 1, CTY 10 & CTY 13 of Planning Policy Statement 21. The proposed site does not visually link with or cluster with an established group of buildings on the farm.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The red line of the application site includes the roadside portion of a larger agricultural field which extends further south east. The site rises in a south eastern direction from the road and then levels out. The site is bound on three sides with existing trees and hedges with the south eastern boundary currently undefined. There is an existing, single agricultural shed located adjacent to the site accessed via an existing farm gate and rough laneway that runs along the northern boundary. The surrounding area is mainly agricultural land with single dwellings located throughout.

Representations

No third party representations have been received.

Description of Proposal

This is a full planning application for a proposed dwelling and garage on a farm.

Site History

LA09/2020/1260/F- Erection of proposed agricultural buildings. 193M North Of 36 Keady Road, Swatragh. Permission Granted 23rd March 2021.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster' 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 dwellings on farms. 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 area 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:

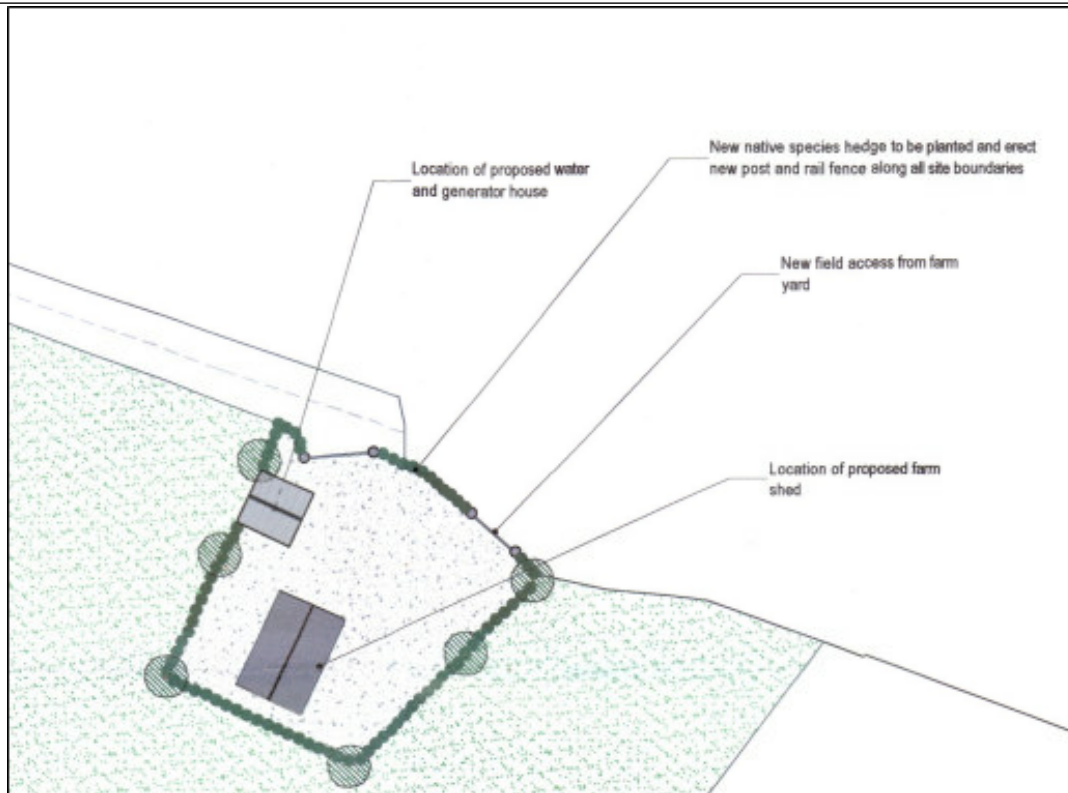
(a) the farm business is currently active and has been established for at least 6 years;
(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008;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

The applicant is using a third party farmers business ID and the P1c form has been signed by both the applicant and owner of the farm business. DAERA were consulted and confirmed the farm business has been active and established for more than 6 years, therefore I am content that criteria A has been met.

Following a search on the planning system I am content that 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.

With regards criteria C which states that the new building is visually linked or sited to cluster with an established group of buildings on the farm. On the initial site inspection there was no farm building erected on or adjacent to the site as identified by the agent however, the agent then advised the shed was in place as per the approval of LA09/2020/1260/F. Below is a snippet from the approved drawing which shows two buildings were approved. However, at the latest site visit only one building was in place, the approved water and generator house had not been erected.



From this, there is only one farm building and not an established group of buildings on the farm at this location where a dwelling would visually link or cluster with and as such, the proposal fails to fully comply with this policy criteria C. I am content however that the access is taken off the existing laneway approved under application LA09/2020/1260/F.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that the proposed dwelling is of high quality design and although the site is elevated above the road level the ridge height of 7m from finished floor level and the retention of existing roadside boundaries would ensure it is not a prominent feature in the landscape. I am content that ancillary works integrate into the landscape and the dwelling will blend with the landform and slopes. However, criteria (g) of CTY 13 requires it to visually link with or be sited to cluster with an established group of buildings on the farm and for this reason it fails to comply with CTY 13.

Policy CTY 14 states, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content a dwelling at this location would not result in a detrimental change to or erode the rural character of the area or be a prominent feature in the landscape.

PPS 3 - Access, Movement and Parking;

The proposal is to create a new access. DfI Roads advised that they have no objection to the proposed development subject to conditions.

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.

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 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s): Ciaran Devlin

Date: 21 February 2023

ANNEX	
Date Valid	25 May 2022
Date First Advertised	
Date Last Advertised	28 June 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: LA09/2020/1260/F Type: F Status: PG</p> <p>Ref: LA09/2017/0306/RM Type: RM Status: PG</p> <p>Ref: LA09/2016/1169/O Type: O Status: PG</p> <p>Ref: LA09/2022/0670/F Type: F Status: PCO</p>	
Summary of Consultee Responses	
<p>DAERA - Coleraine-Consultee Response - LA09-2022-0670-F.DOCX DFI Roads - Enniskillen Office-Full & RM Resp.docx</p>	

Drawing Numbers and Title

Garage Plans Plan Ref: 04
Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Elevations and Floor Plans Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/1413/O Recommendation: Approve	Target Date: 5 January 2023
Proposal: Site for a Dwelling and Garage on a Farm	Location: 90M North Of 2A Brackaghreilly Road, Maghera.
Applicant Name and Address: Mr Tomas Convery 2 Brackareilly Road Maghera BT46 5LE	Agent Name and Address: Mr Aidan O' Hagan 5 Drumderg Road Draperstown, BT45 7EU
Summary of Issues: This application was presented as a refusal to Members at February 2023 Planning Committee. It was considered that the proposal was contrary to Policies CTY 1, CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it had not been demonstrated that the farm business was active and established. It was also considered that the proposed dwelling was not visually linked or sited to cluster with an established group of buildings on the farm. Members agreed to defer the application for an office meeting with Dr Boomer. The application is now being recommended for approval with the justification for this change in recommendation detailed further in this report.	
Summary of Consultee Responses: No new consultations were issued to inform this deferred consideration.	
Description of Proposal This is an outline application for a proposed site for a dwelling and garage on a farm.	

Deferred Consideration:

The proposal was considered contrary to Policies CTY1, CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established for at least six years nor is the proposed dwelling visually linked or sited to cluster with an established group of buildings on the farm.

In order to fully consider this complex farm case I am going set out all the evidence submitted by the applicant.

The applicant is Tomas Convery who resides with his father, Thomas Convery at number 2 Brackaghreilly Road, Maghera. At number 2, there is a dwelling and domestic garage. There are no agricultural buildings. Thomas Convery has provided his farm business ID in order for his son to obtain a farm dwelling. DAERA have confirmed that this business number associated with 2 Brackaghreilly Road, was only allocated on the 15th Sept 2020. Claims of the land have only been made since 2022. These facts alone do not make a case for an active and established farm business for the required 6 years under Policy CTY 10 of PPS 21.

Since the application was deferred for an office meeting at Feb 2023 Planning Committee, the applicant has presented additional information to make a case that the farm business is active and established for the required time. This includes conacre agreements signed by Kevin Convery, who has taken Thomas Converys land from 2015 to 2020. Signed documents by agricultural contractors who confirm that Thomas Convery has paid them to cut hedges, plough, re-seed, fertilise, drain and fence for him since 2015. A solicitor has also provided a letter setting out the history of the Convery farm in this particular area (Folio 675). This land has been in the Convery family back as far as 1895. A portion of Folio 675 was transferred to Thomas Convery on the 19th August 2019. Based on this additional information it is not unreasonable to accept that the Convery Farm Business has been established in excess of 6 years, despite Thomas only registering for a Farm Business ID in Sept 2020. The conacre agreement and evidence of the land being kept in good agricultural condition are evidence that the farm is currently active. I am therefore satisfied that the first test of policy CTY 10 is now met.

The second area of contention is the siting of the proposed dwelling and the fact that it fails to visually link or site to cluster with an established group of buildings on the farm. The applicant has confirmed that there is only a dwelling and garage at the registered farm address. There is a container and sheep pen at the application site but these are not considered an established group of buildings on the farm. The applicant has advised that they do not control any of the lands adjacent to number 2 Brackaghreilly Road. I have carried out a land registration check and it confirms that the lands to the N, NW and W are indeed in third party ownership however it is notes that Folio 675, which takes in a small triangular portion of land directly opposite number 2 Brackaghreilly Road is in the Convery Family Ownership. Having carried out a site visit it is my opinion that the parcel of land referred to would be too restrictive to accommodate a dwelling. It also lacks any integration qualities. This however does not meet the exceptions test stated in CTY 10 for siting away from buildings on the farm.

The application site is approximately 300m to the East of the applicants dwelling. I can confirm that the site benefits from mature boundaries and would easily integrate a dwelling. I would therefore recommend that Members consider the proposed site as an exception to Policy CTY

10. Whilst it will not cluster or visually link to the only 2 buildings on the holding, there are no acceptable sites adjacent which can be utilised in terms of ownership or size.

There have been no third party objections to the proposal

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

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

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

Condition 2

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

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

Condition 3

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the RS1 Form available to view on Public Access.

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

Condition 4

The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

Condition 5

If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and

size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

Condition 6

No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

Condition 7

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

Reason: In the interest of visual amenity.

Condition 8

No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor level of the proposed building and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the plans approved under Reserved Matters.

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

Signature(s):Karla McKinless

Date: 19 December 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 February 2023	Item Number: 5.23
Application ID: LA09/2022/1413/O	Target Date: 5 January 2023
Proposal: SITE OF DWELLING AND GARAGE ON A FARM.	Location: 90M North Of 2A Brackaghreilly Road, Maghera.
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr TOMAS CONVERY 2 BRACKAGHREILLY ROAD MAGHERA BT46 5LE	Agent Name and Address: Mr AIDAN O' HAGAN 5 DRUMDERG ROAD DRAPERSTOWN, BT45 7EU
Executive Summary: To Committee - Refusal - Contrary to CTY 1, 10 and CTY 13 of PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	P1 Form not up loaded to the Portal.
Non Statutory Consultee	DAERA - Coleraine	Consultee Response - LA09-2022-1413-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx

Representations:

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

Summary of Issues

To Committee – Refusal – Contrary to CTY 1, 10 and CTY 13 of PPS 21.

Characteristics of the Site and Area

The proposed site is located approximately 3.6km west of the development limits of Maghera, as such the site is located within the open countryside outside any designations as per the Magherafelt Area Plan 2015. The site is identified as 90M North Of 2A Brackaghreilly Road, Maghera in which the red line covers a portion of a much larger agricultural field. I note that the field is bounded by mature trees on all boundaries, in which the site is accessed via an existing shared laneway off the public road. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties.

Representations

Two neighbour notifications were sent out however no representations were received.

Description of Proposal

This is an outline application for a proposed site for a dwelling and garage on a farm, the site is located 90M North Of 2A Brackaghreilly Road, Maghera.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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 10 – Dwellings on the Farm

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 area 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.

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the farm business was only allocated in 2020 and that claims only have been made in 2022. I note that with the application that a number of signed letters were submitted, a series of them state a number of works completed inclusive of fencing, adding slurry, re-seeding and hedge cutting. In addition, one states that he claimed the lands from the applicant between 2015-2020. Whilst I acknowledge the additional information, it has been discussed with my Senior Planner that the application has still failed to demonstrate as an active and established business as per required by policy.

With respect to (b), I note that no farm maps were submitted with this application, however the agent submitted a map to confirm the lands in connection with the farm business. From review of this map, I can confirm that there does not appear to be any approvals under this policy nor has any other development opportunities sold off in the last ten years.

With respect to (c), I first note that the registered address of the farm business sits approximately 300m south west of the site with the agent confirming that the applicant does not own lands immediately around the only buildings on the farm i.e. the farm house. He chose this site given the existing landscaping around the site. I note that the applicant owns the adjacent field to the site that sits between the site and the farm house. Whilst I acknowledge the rationale for the siting I hold the view that the dwelling should be sited in the field adjacent to the site as this would be closest location to the buildings on the farm as any dwelling would still be able to integrate with the chance of minimal visual linkage. From this I hold the view that this application fails under CTY 10 of PPS 21.

Upon review of the remainder of the policies of CTY 1 I hold the view that none of these are applicable to this site and must recommend refusal under CTY 1 respectively.

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 hold the view than an appropriately designed dwelling will not

appear as visually prominent in the landscape. I note that as much of the existing landscaping should be retained and supplemented with additional landscaping, with such any dwelling would be able to successfully integrate. Given the landform and surrounding development I feel it necessary to restrict any ridge height to 6.5m. As noted the site is not located to cluster or visually link with an established group of buildings on the farm. Given such I hold the view that the application does not fully comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As such I am content that an appropriately designed dwelling would not appear unduly prominent in the landscape. I note that dwelling is unlikely to result in adverse impact on the rural character of the area. I am content that this is able to comply under CTY 14.

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

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.

I have no ecological or residential amenity concerns.

The proposal has failed under CTY 1,10 and 13 of PPS 13 as such a refusal is recommended.

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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established for at least six years nor is the proposed dwelling visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

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

Signature(s): Peter Henry

Date: 19 January 2023

ANNEX	
Date Valid	22 September 2022
Date First Advertised	4 October 2022
Date Last Advertised	4 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 2 Brackaghreilly Road Maghera Londonderry BT46 5LE The Owner / Occupier 2A Brackaghreilly Road Maghera Londonderry BT46 5LE	
Date of Last Neighbour Notification	31 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-P1 Form not up loaded to the Portal. DAERA - Coleraine-Consultee Response - LA09-2022-1413-O.DOCX DFI Roads - Enniskillen Office-Outline resp.docx	
Drawing Numbers and Title Site Location Plan Plan Ref: 01/TC/14/22 Site Layout or Block Plan Plan Ref: 02/TC/14/22	
Notification to Department (if relevant) Not Applicable	

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/1743/O Recommendation: Approve	Target Date: 3 April 2023
Proposal: Proposed dwelling and garage	Location: Approx 30M West of 5 Carrydarragh Road Moneymore
Applicant Name and Address: Mr Randall Crooks 8 McKinney park Cookstown BT80 9RD	Agent Name and Address: No Agent
Summary of Issues: <p>This application was presented as a refusal to Members at June 2023 Planning Committee. It was considered that the proposal is contrary to Policies CTY 1, CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial and built up road frontage and the erection of a dwelling on this site would create a ribbon of development and therefore harm the rural character of the area. The proposal was also considered contrary to Planning Policy Statement 2, Planning and Nature Conservation in that the site lies within in SLNCI and it has not been adequately demonstrated that the development will not adversely affect the nature conservation interests of the area by way of submission of a biodiversity checklist. Members agreed to defer the application for an office meeting with Dr Boomer. Following this office meeting, a follow up site inspection and submission of additional information the application is now being recommended for approval with the justification for this change in recommendation detailed further in this report.</p>	
Summary of Consultee Responses: <p>Consultation has been issued to NIEA (NED) to help inform this re-consideration.</p>	

Description of Proposal

This is an outline application for a proposed dwelling and garage at lands approximately 30m west of No. 5 Carrydarragh Road, Moneymore.

Deferred Consideration:

This outline application was applied for under Policy CTY 8 of PPS 21. The applicant made a case that the site represented a "gap site" within a substantial and built up road frontage. The initial case officer assessment determined that there was not a substantial and built up road frontage. Following my site inspection I am of the opinion the site does not have a typical road frontage with the Carrydarragh Road. Nor does the adjacent dwelling at number 5. This is somewhat dictated by the presence of the Ballymully River which effectively prevents the site from fronting directly onto the road. There is also reliance on the adjacent 3rd party outbuildings which I can confirm do front directly onto the Carrydarragh Road. Whilst this is not the perfect example of a built up road frontage, it is my opinion that only for the River, the site would meet the policy test.

In addition to considering this application under CTY 8 of PPS 21, I have also looked at it in terms of a dwelling in an existing cluster under CTY 2A of PPS21. I would accept that there is a cluster of development at this immediate location which takes in 3 dwellings and ancillary outbuildings. It has its own visual entity in the local landscape. It is located at a T Junction, not a cross road. The Ballymully River which flows along the Southern site boundary could be considered as a focal point in this locality. The site is well enclosed and has development on 2 sides - the dwelling to the West and the yard and outbuildings to the West. A dwelling in this location could be considered as a consolidation of this small cluster and it will not affect any adjacent residential amenity. The closest third party dwelling is located over the River at the opposite side of the road. The ancillary outbuildings and yard are not residential in nature and will not be negatively impacted upon if a dwelling were to be sited in this location.

The applicant has also submitted a personal and domestic circumstances case for siting a dwelling in this location. I do not contest that the occupant of number 5 Carrydarragh has medically verified conditions however the site specific and genuine hardship tests under Policy CTY 6 have not been satisfactorily met.

In terms of the principle of a dwelling at this location it is my opinion that the site is fully compliant with Policy CTY2A - Dwelling in an existing cluster.

The initial assessment also raised concern about the impact of a dwelling on the adjacent River which is a designated SLNCI. The applicant has since submitted a Preliminary Ecological Appraisal which I have consulted NIEA (Natural Environment Division) with. They are satisfied that the proposal will have no impact on designated sites and other natural heritage interests subject to no works occurring within a protection zone. This can be dealt with by planning condition. Informal consultation with Shared Environment Service has concluded that any hydrological link from the site to Lough Neagh and Lough Beg SPA/RAMSAR is of such a distance that there will be no conceivable effects.

Due to the proximity of the site to the adjacent River there is evidence that part of the site lies within the 1 in 100 year flood plain. I would recommend a siting condition be attached so that the dwelling is sited outside this area. This will ensure compliance with PPS 15 - Planning and Flood Risk.

Since this application was first before Planning Committee an objection has been received from the occupant of numbers 6 Carrydarragh Road (the owner of the adjacent yard and dwelling). He has raised concern about the impact on his privacy, impact on heritage and the River, an unsafe access, inadequate sewers and loss of vegetation. There will be adequate separation distance between the site and the residential property so that privacy will not be negatively impacted upon. Consultation with NIEA and the imposition of a condition will ensure that there are no negative impacts on the River and Natural Heritage. DFI Roads have been consulted and have no objections in terms of Road Safety. Existing vegetation will be condition to be retained. The P1 form indicates that the proposal will be served by a septic tank and there will be no mains connection in this rural location. The onus will be on the applicant to ensure he has the appropriate consents in relation to this. It is my opinion that the issues raised by the objector have been fully considered and do not merit the refusal of the application.

It is recommended that Members approve this application subject to the conditions listed below.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

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

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

Condition 2

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

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

Condition 3

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the RS1 Form available to view on Public Access.

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

the convenience of road users.

Condition 4

The development hereby permitted shall not be occupied until any retaining wall or culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that any structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

Condition 5

The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

Condition 6

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

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

Condition 7

No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

Condition 8

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

Reason: In the interest of visual amenity.

Condition 9

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

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

Condition10

No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor level of the proposed building and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the plans approved under Reserved Matters.

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

Condition11

Plans at Reserved Matters stage shall show no works occurring within the protection zone as detailed on the Concept Plan 02 rev 1 uploaded on Public Access on 13th November 2023.

Reason: To protect natural heritage interests

Condition12

The dwelling hereby approved shall be sited in the location as detailed on the Concept Plan 02 rev 1 uploaded on Public Access on 13th November 2023.

Reason: To avoid development in the Flood Plain

Signature(s):Karla McKinless

Date: 20 December 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 June 2023	Item Number: 5.36
Application ID: LA09/2022/1743/O	Target Date: 3 April 2023
Proposal: Proposed dwelling and garage	Location: Approx 30M West of 5 Carrydarragh Road Moneymore
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Randall Crooks 8 McKinney park Cookstown BT80 9RD	Agent Name and Address: No Agent
Executive Summary: The current application is presented as a refusal, having failed to meet the requirements of policy CTY 8 - Ribbon Development.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.docRS1 Form a (1).doc
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Rivers Agency	161902 - Final response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation outline approval.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 application site is located at lands approximately 30m west of No. 5 Carrydarragh Road and falls within the open countryside. The front (south-western) boundary of the site runs parallel to Ballymully River and is defined by scattered trees and vegetation which extend along the northern and western boundary. The eastern boundary is currently undefined,

I note the immediate and wider setting is characterised predominately agricultural land uses with a scattering of residential dwellings.

Description of Proposal

This is an outline application for a proposed dwelling and garage at lands approximately 30m west of No. 5 Carrydarragh Road, Moneymore.

Representations

One neighbour notification letter was issued in relation to this application however, no objections have been received to date.

Consultations

- DfI Roads were consulted and have no objection to the proposal subject to the inclusion of conditions.
- Historic Environment Division (Historic Monuments) were consulted due to the proximity to a megalithic tomb approximately 90m north-east of the application site. They are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- Rivers Agency were consulted and responded highlighting that the site lies partially within the 1 in 100 year fluvial flood plain. They have advised that development is only suitable to that part of the site which is found to be outside the determined flood plain.
- SES were consulted informally and have advised that no formal consultation was required based on the location, type and nature of the proposal.

Planning History

There is not considered to be any relevant planning history associated with the site.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

The site falls within the open countryside, approximately 0.7km west of the settlement limits of Moneymore as defined in the Magherafelt Area Plan 2015. The site falls within a site of local nature conservation importance (designation COU03/44). Policy CON 3 Sites of Local Nature Conservation Importance has been considered and it is concluded that the proposal would have limited impact on the designation.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The Strategic Planning Policy Statement provides a regional framework of planning policy that will be considered 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. The application to be considered is for a dwelling and garage under the provisions of policy CTY 8 – Ribbon Development.

Policy CTY 8 states that “an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale siting and plot size and meets other planning and environmental requirements”.

The application is seeking an infill site between No. 5 Carrydarragh Road to the east and the shed buildings to the west of the application site. In my opinion, the development mentioned does not constitute the definition of a substantially built-up frontage. No. 5 Carrydarragh Road is set back from the roadside and therefore does not have road frontage, and the additional development to the west is separated from the application site by a river. The proposal therefore fails to meet infill policy.



CTY 13 – Integration and Design of Buildings in the Countryside

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.

A new building will be unacceptable where;

- (a) It is a prominent feature in the landscape; or*
- (b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) It relies primarily on the use of new landscaping for integration; or*
- (d) Ancillary works do not integrate with their surroundings; or*
- (e) The design of the building is inappropriate for the site and its locality; or*
- (f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) In the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

It is considered that a dwelling could be accommodated on the proposed site provided it is of a size and scale comparable to the dwellings in the vicinity. Furthermore, as the site is screened along the front (south-western) boundary, I am content that the site has the capacity to absorb a dwelling of suitable size and scale.

CTY 14 – Rural Character

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.

A new building will be unacceptable where:

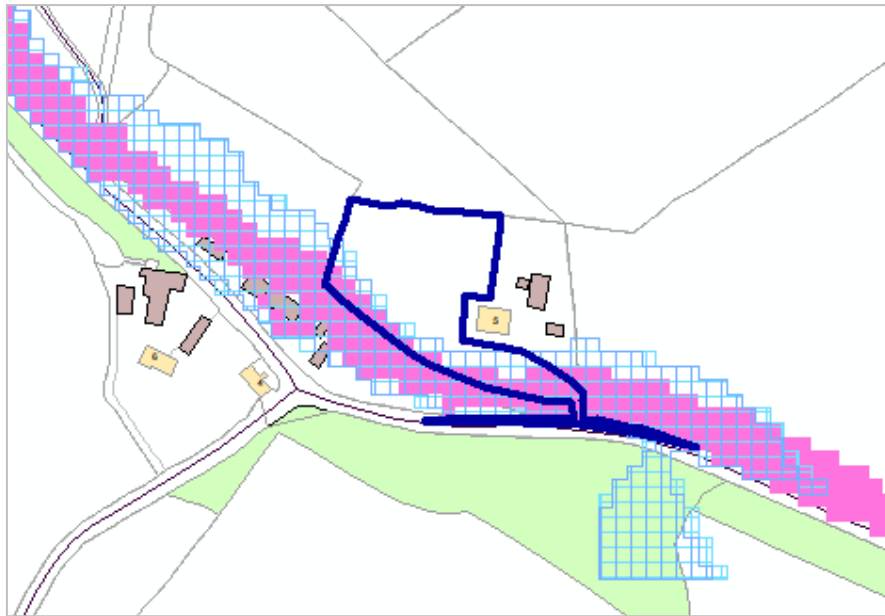
- (a) It is unduly prominent in the landscape; or*
- (b) It results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) It does not respect the traditional pattern of settlement exhibited in that area; or*

(d) It creates or adds to a ribbon of development (see Policy CTY 8); or
(e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

It is considered that the site, if approved, would add to a ribbon of development and result in a suburban style build-up when viewed with the existing dwellings.

Planning Policy Statement 15 – Planning and Flood Risk

DfI Rivers have provided comment on this application stating that the site lies partially within the 1 in 100 fluvial flood plain. I note that a dwelling could be accommodated within the northern portion of this site.



Planning Policy Statement 2 – Natural Heritage

Policy NH 4 – Sites of Nature Conservation Importance – Local has been considered and the proposal is not considered likely to have a significant adverse impact on the area.

Planning Policy Statement 6 – Planning, Archaeology, and the Built Heritage

HED have advised that the proposal is satisfactory to PPS 6 archaeological policy requirements.

Mid Ulster 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 of 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.

Habitats Regulations Assessment

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21 - 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 8 of Planning Policy Statement 21 - Development in the Countryside in that the proposed site does not represent a substantial and built-up frontage and would, if permitted, result in ribbon development along the Carrydarragh Road.

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 buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development at this part of the Carrydarragh Road and therefore result in a detrimental change to the rural character of the countryside.

Reason 4

The proposal is contrary to Planning Policy Statement 2, Planning and Nature Conservation in that the site lies within in SLNCI and it has not been adequately demonstrated that the development will not adversely affect the nature conservation interests of the area by way of submission of a biodiversity checklist.

Signature(s): Zoe Douglas

Date: 23 May 2023

ANNEX	
Date Valid	19 December 2022
Date First Advertised	10 January 2023
Date Last Advertised	10 January 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 5 Carrydarragh Road Moneymore Magherafelt BT45 7YX	
Date of Last Neighbour Notification	5 January 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2002/0612/O Proposals: Site of Dwelling & Garage Decision: PG Decision Date: 29-MAY-03</p> <p>Ref: LA09/2022/1743/O Proposals: Proposed dwelling and garage Decision: Decision Date:</p> <p>Ref: I/1999/4003 Proposals: Agricultural Store Decision: PDNOAP Decision Date:</p> <p>Ref: H/2003/0941/RM Proposals: Dwelling and garage. Decision: PG Decision Date: 26-NOV-03</p>	

Summary of Consultee Responses

Historic Environment Division (HED)-
Historic Environment Division (HED)-
DFI Roads - Enniskillen Office-DC Checklist.docRS1 Form a (1).doc
Historic Environment Division (HED)-
Rivers Agency-161902 - Final response.pdf
DFI Roads - Enniskillen Office-Roads Consultation outline approval.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



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: LA09/2022/1777/O	Target Date: 7 April 2023
Proposal: 2 storey dwelling with detached garage on a farm under policy CTY10	Location: Adjacent to and South of No.14 Tullylinton Road Dungannon BT70 2AS
Applicant Name and Address: Mr R Hopper 9 Elm Lane Bush Dungannon BT71 6FT	Agent Name and Address: Mr Barry Maguire 39 Carland Road Dungannon BT71 4AA
Summary of Issues: This application is for a dwelling in the countryside and has been assessed against the policies for a dwelling on a farm. The applicant does not have a farm business id issued by DAERA but has shown details of the farming that is carried out. The farmers nephew lives in the house next door to the proposed site and has advised he works on the farm so is involved in farming on the holding.	
Summary of Consultee Responses: DFI Roads - recommend approval with sight lines of 2.4m x 60.0m DAERA – Category 1 farm business allocated 25/07/2005, has not submitted claims and land claimed by another farm business in 2022.	
Characteristics of the Site and Area: The site is located within the rural area approximately 1.3km north-west of Ballygawley along the Tullylinton Road and is outwith any settlement limits as set down in the Dungannon and South Tyrone Area Plan 2010. The site is a 0.19ha parcel of land, located to the south of an existing farm grouping consisting of a derelict dwelling and associated farm sheds. The site is roughly square shaped, with the southern boundary of the site undefined as it is cut out of the larger agricultural field. The western boundary is	

defined by mature hedging, as is the eastern (roadside) boundary with mature trees also along this boundary. The northern boundary of the site is defined by an existing agricultural building. The site rises from south to north and from east to west. There is little recent development pressure in the area, with existing development taking the form of mostly single storey dwellings with associated outhouses..

Description of Proposal

Proposed 2 storey dwelling with detached garage on a farm under policy CTY10

Deferred Consideration:

This application was at the Planning Committee in June 2023 where it was deferred to allow the submission of additional information to demonstrate the farm is currently active.

From the previous report members will be aware DAERA have advised the applicant has a category 1 farm business which was allocated in July 2005, there are no sites or other building opportunities sold off the land and the site is beside a group of buildings on the farm. The only issue of contention relates to the farm being currently active. Members will be aware that agricultural activity has a wide definition in CTY10, it can include maintaining the land in good agricultural and environmental condition. In this case the applicant does not live close to the site or lands and has leased these out to a neighbouring farmer. The applicant has advised the terms of the agreement with the farmer who leases the land includes the cutting of hedges and maintaining fences and this has been on-going for a considerable period of time. At a recent inspection I noted there are prints consistent with animals having been on the land, there is a new gate post into the field opposite the agricultural buildings and the hedges are faced. I consider this demonstrates the land is being used for agricultural activities and is maintained in good agricultural condition. The applicant has provided water bills for the property at 14 Tullylinton Road. I am aware that domestic properties do not currently have water bills and the property there is not occupied. I consider it reasonable to conclude these bill relates to the provision of water in the drinkers that I noted in the fields opposite the buildings. This demonstrates the applicant has some investment, albeit limited, in the land to ensure farming activities are on-going on the lands. In light of this information I am of the opinion that agricultural activity is on-going on the holding and as such the farm is currently active.

This proposal is for a 2 storey dwelling which will group with existing buildings on the farm. I consider it necessary to ensure the existing vegetation to the road side is maintained to ensure a 2 storey dwelling here is not a prominent feature in the landscape. In my opinion the existing mature trees will provide that screening and a sense of enclosure to successfully integrate a 2 story dwelling here and a condition to ensure these are retained is necessary.

As I have concluded the proposal meets with the policy for a dwelling on a farm, this application is recommended for approval.

Conditions/Reasons for Refusal:

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 60.0m in both directions, a 60.0m forward sight line and any other details set out in the DFI Roads response received on 8 February 2023, shall be provided in accordance with a 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of all trees and hedges within and on the site boundaries to be retained, measures for their protection during the course of development and long term maintenance. The scheme shall also provide details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. For the avoidance of doubt, the new access shall be designed to ensure the minimum amount of removal of mature vegetation along the roadside. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 June 2023	Item Number: 5.38
Application ID: LA09/2022/1777/O	Target Date: 7 April 2023
Proposal: 2 storey dwelling with detached garage on a farm under policy CTY10	Location: Adjacent to and South of No.14 Tullylinton Road Dungannon BT70 2AS
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr R Hopper 9 Elm Lane Bush Dungannon BT71 6FT	Agent Name and Address: Mr Barry Maguire 39 Carland Road Dungannon BT71 4AA
Executive Summary: I recommend refusal to Committee as the proposal is contrary to CTY 1 and CTY 10 of PPS 21 as it has not been demonstrated that the farm business is currently active and has been established for at least 6 years.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	DAERA - Omagh	LA09-2022-1777-O.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

I recommend refusal to Committee as the proposal is contrary to CTY 1 and CTY 10 of PPS 21 as it has not been demonstrated that the farm business is currently active and has been established for at least 6 years.

Characteristics of the Site and Area

The site is located within the rural area approximately 1.3km north-west of Ballygawley along the Tullylinton Road and is outwith any settlement limits as set down in the Dungannon and South Tyrone Area Plan 2010. The site is a 0.19ha parcel of land, located to the south of an existing farm grouping consisting of a derelict dwelling and associated farm sheds. The site is roughly square shaped, with the southern boundary of the site undefined as it is cut out of the larger agricultural field. The western boundary is defined by mature hedging, as is the eastern (roadside) boundary with mature trees also along this boundary. The northern boundary of the site is defined by an existing agricultural building. The site rises from south to north and from east to west. There is little recent development pressure in the area, with existing development taking the form of mostly single storey dwellings with associated outhouses.

Description of Proposal

Proposed 2 storey dwelling with detached garage on a farm under policy CTY10

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant history

There are no relevant histories to consider.

Representations

One (1) neighbouring property was identified to be notified and press advertisement has been carried out in line with the Council's statutory duty. The neighbour notification letter that was sent out to No. 14 Tullylinton road has been returned as the dwelling is derelict at present, as noted at the time of site inspection. To date no letters of representation have been received.

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing planning policies should be applied in this assessment.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction therefore existing policy applies.

PPS 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves a new access onto Tullylinton Road. DFI Roads have been consulted and have no objections subject to a plan at 1:500 scale to be submitted as part of the reserved matters application, showing sightlines of 2.4m x 60m and a forward sight distance of 60m in both directions as per the RS1 form.

Planning Policy Statement 21 - Sustainable Development in the Countryside

CTY 1 allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

CTY 10 of PPS21 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
DAERA have been consulted and have advised that the Farm Business ID provided has been in existence for the required 6 year period. They have also informed us that the proposed site is located on land that is not under the control of the farm business identified on the application form, the land was claimed by another farm business in 2022.

The agent was requested on 7th March 2023 to provide evidence for us to determine that the farm business is currently actively farming. Utility bills have been provided that show payment to NI Water twice yearly for the supply of fresh water to the fields throughout the farm. These bills date back to 13th March 2018 (for the billing period 1st October 2017 – 31st March 2018) which falls short of the required 6 years. In addition, they are addressed to a different name and address than that of the applicant. As the evidence provided does not show active farming by the applicant over the requisite timeframe I am not satisfied that the farm business is currently active and established for at least 6 years and criterion (a) of the policy has not been met.

(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

I have carried out a planning history search of the applicants holding and I am satisfied there are no planning approvals that could be considered as development opportunities to be sold/transferred off within the past ten years.

(c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

The proposed site is located adjacent to and to the south of an existing established farm grouping, and therefore clusters with it. A new building on this site will visually link with the existing farm grouping when travelling along the public road.

CTY 13 – Integration and Design of Buildings in the Countryside and CTY 14 – Rural Character

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application the design elements of CTY 13 cannot be dealt with under this application but will be considered under any RM or Full application. When travelling north along the public roads views are limited until upon the site given the curvature of the road and the existing roadside boundary. A two storey dwelling here as proposed will read with the existing farm buildings. When travelling south there are no critical views again until upon the site due to the existing farm grouping. Even if some of the roadside vegetation is removed to facilitate sightlines there will not be any critical views. A new dwelling here will not be a prominent feature in this landscape and will be in keeping with the existing character of the area. I am satisfied the proposal meets policy CTY 13. Existing and proposed levels will have to be

provided with any approval, along with a comprehensive landscaping plan, including details of what vegetation will have to be removed, what is to be retained and what additional planting to mitigate against any removal is proposed.

CTY 14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A proposed dwelling on this site will not be unduly prominent in the landscape as it will be screened from any long term views. A dwelling here will not contribute to a localised sense of build-up and respects the tradition pattern of settlement. I have no concerns with the creation of ribboning and am content that the proposed dwelling in this location will not erode the rural character of this area. I consider the proposal complies with CTY 14.

Other Considerations

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

In addition to checks on the planning portal, Natural Environment Division (NED) map viewer available online has been checked and did not identify any natural heritage interests on site to raise any concerns in relation this proposal.

From assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map (NI) I have no flooding concerns.

I spoke with the agent on 19th April 2023 about the possibility of a replacement dwelling at this site given the existing derelict dwelling within the farm holding however it was not considered a viable option by his client as he does not wish to have to demolish as it would be too costly. I hold the view that the application has failed to demonstrate that there is an active and established business for the required period as such it fails under CTY 10 and I must recommend refusal.

As the proposal fails to meet CTY 10 of PPS 21 it also fails to meet CTY 1 of PPS 21 and I therefore recommend refusal.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that there is an active and established farm business for the past 6 years.

Signature(s): Deirdre Laverty

Date: 30 May 2023

ANNEX	
Date Valid	23 December 2022
Date First Advertised	12 January 2023
Date Last Advertised	12 January 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier RNN - 14 Tullylinton Road Dungannon BT70 2AS	
Date of Last Neighbour Notification	20 January 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2022/1777/O Proposals: 2 storey dwelling with detached garage on a farm under policy CTY10 Decision: Decision Date:	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Outline resp.docx DAERA - Omagh-LA09-2022-1777-O.docx	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Site Location Plan Plan Ref: 02 Site Location Plan Plan Ref: 03	
Notification to Department (if relevant) Not Applicable	



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2023/0405/O Recommendation: Refuse	Target Date: 19 July 2023
Proposal: Proposed farm dwelling & domestic garage	Location: Lands 170M South of 82 Bancran Road Drapersown
Applicant Name and Address: Aidan Coyle 66 Bancran road Draperstown BT45 7DA	Agent Name and Address: Christopher Quinn 11 Dunamore Road Cookstown BT80 9NR
Summary of Issues: <p>This application was presented as a refusal to Members at September 2023 Planning Committee. It was considered that the proposal was contrary to Policies CTY 1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling was not visually linked or sited to cluster with an established group of buildings on the farm. Members agreed to defer the application for an office meeting with Dr Boomer. The application is again being recommended for refusal with the justification for this recommendation detailed further in this report.</p>	
Summary of Consultee Responses: <p>No new or additional consultations were issued to inform this deferred recommendation.</p>	
Description of Proposal <p>This is an outline application for a proposed farm dwelling and domestic garage.</p>	

Deferred Consideration:

The main area of contention with this application was the fact that the proposed dwelling was not sited beside/clustered with an established group of buildings on the farm which is a requirement of Policy CTY 10 of PPS21.

The address of the farm business is accepted as being 66 Bancran Road. This is some 350m to the NE of the application site. 66 Bancran Road is located up a short laneway which comes directly off the Bancran Road. It takes in a dwelling and 2 agricultural buildings and for the purpose of this assessment is regarded as the principle farm group. The application site, also accessed via a slightly longer laneway coming off the Bancran Road contains 1 agricultural building and a hard standing area/yard.

Policy CTY 10 of PPS 21 states that a new dwelling should be visually linked or sited to cluster with an established group of buildings on the farm. It goes on to set out exceptions which would allow an alternative site elsewhere on the farm. To be considered an exception it must be demonstrated that there are no other sites available at another group of buildings and where there are health and safety reasons or verifiable plans to expand the farm at the existing building group.

From carrying out a site inspection I can confirm that a dwelling on this site would cluster with only 1 agricultural building. This is at conflict with the policy requirement. It is also material to this consideration that this agricultural building does not benefit from planning permission. There may be a case that it has been erected in excess of 6 years. Our historical orthos show it on site from 2017, however it does not benefit from a Certificate of Lawfulness. Furthermore, the applicant has not demonstrated why a dwelling could not be sited to cluster or visually link with the farm buildings at 66 Bancran Road. Having visited this address and reviewed the farm maps supplied there is potential for a site in field 015 1/H. There are no current planning applications being considered by the Planning Department to expand the farm into this field and no health and safety reasons have been put forward for not siting beside the existing farm group.

To accept clustering a dwelling with a single agricultural building which does not have planning approval would leave the Council subject to challenge and for this reason it is my opinion that the proposal is contrary to Policy CTY 10 of PPS 21.

The proposed site, although elevated from the Glengomna road, does benefit from a good backdrop of rising land and vegetation. With some landscaping and a 5.5m ridge height condition, I would have no concerns about integration or rural character. However, it remains that the proposal is not acceptable in principle as a farm dwelling. There have been no objections to this proposal from any third party.

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 Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on this site does not visually link or cluster with an established group of farm buildings.

Signature(s):Karla McKinless

Date: 20 December 2023

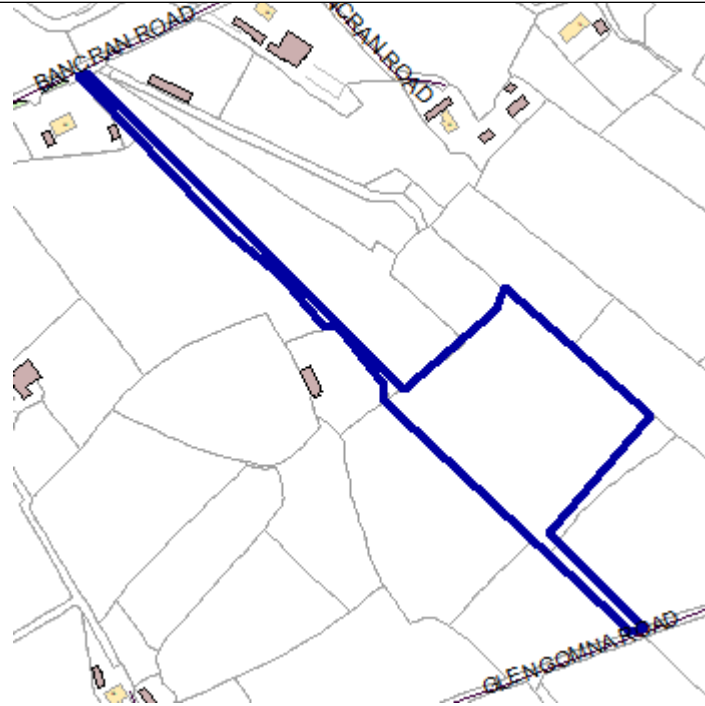


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.13
Application ID: LA09/2023/0405/O	Target Date: 19 July 2023
Proposal: Proposed farm dwelling & domestic garage	Location: Lands 170M South of 82 Bancran Road Drapersown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Aidan Coyle 66 Bancran road Draperstown BT45 7DA	Agent Name and Address: Christopher Quinn 11 Dunamore Road Cookstown BT80 9NR
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. In this instance, there is only one farm building next to the site for the dwelling, but the policy stipulates that more than one established farm building is required for visual linkage / clustering.</p> <p>The application meets the requirements of policies CTY 13 , CTY 14 and CTY 16 of PPS 21.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2023-0405-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	Historic Environment Division (HED)	

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site of the proposed development is located in the rural countryside approximately 2

miles west and outside of the Straw settlement limit as defined in the Magherafelt Area Plan 2015. The site is a 1.69 hectare area agricultural field sited between the Bancran and Glengomna Rd. The site for the dwelling is next to a small farm yard with a cattle shed, all of which is within the ownership of the applicant. Principle access to the site is via a 300m laneway off the Bancran Rd, though there is a second field-gate access off the Glengomana Rd. The site rises gradually from both roads and much of the red-lined site boundary for the dwelling is located on the hill brow. Principle views of the site are along the Glengomna road, though there is a degree of screening afforded to the site in the form of hedging, both along the roadside and 90 metres back from the Glengomna road, which also marks the south eastern boundary of the site. Hedging and scatterings of trees are present along the remaining boundaries. There are no immediate neighbours adjacent to the site for the dwelling. The site is located in the Sperrins AONB and the wider surrounding environment consists mostly of agricultural fields with scatterings of dwellings and farm buildings.

Description of Proposal

This is an outline application for a proposed farm dwelling and 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 2 miles west and outside of the Straw settlement limit as defined in the Magherafelt Area Plan 2015. The site falls within the Sperrin AONB.

Relevant Histories

None

Other Constraints

There are no issues pertaining to flooding at the site.

The site falls within the Sperrins AONB. Policy NH 6 of PPS 2 applies, which is addressed in the main body of this assessment below.

The site falls within an NISMR Planning buffer zone for what appears to be an enclosure and bullaun south west of the site. Historic Environment Division were consulted and

provided that, upon assessing the application on the basis of the information provided, they are content that the proposal is satisfactory to SPPS and PPS 6 Archaeological policy requirements.

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 farm dwellings. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Planning Policy Statement 21: Sustainable Development in the Countryside

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 on the farm and therefore 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.

In terms of visual linkage / clustering, there is only one farm building with which a new dwelling at this site could cluster with if sited in the north western corner of the field. However, the policy asks that the new building is visually linked or sited to cluster with established group of buildings on the farm. Because there is only one farm building identified at this site, the proposed fails to meet this aspect of the policy. There is no demonstrable evidence provided from a competent authority such as the Health and Safety Executive or Environmental Health and also no evidence relating to the future expansion of the farm business (i.e. valid planning permissions, building control approvals etc) that would support a dwelling at this site as an exception. The existing laneway access to the site is via the Bancran Rd, though the applicant has indicated a second access off the Glengomna Rd. Given the existing access runs through a farm yard, it is not considered a practicable means of access for a new dwelling and therefore the new access is deemed acceptable in this instance. Given the proposed fails to visually link / cluster with an established group of farm buildings, the proposed fails to comply with Policy CTY 10.

Policy CTY 13 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This is an outline application and therefore such details are only received at the reserved matters stage if approval is granted at outline. It is taken that a dwelling would not be unduly prominent in this landscape if sited appropriately in the existing field. It is recommended that any dwelling at this site be single storey. There is a degree of existing landscaping that would mean that the dwelling would not rely primarily on the use of new landscaping measures for its integration. The proposed satisfies Policy CTY 13 at this outline stage.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As provided, a dwelling at this site would not be unduly prominent if the above design and siting recommendations are provided. I am content that the site and its environs are an ideal size to encompass a new dwelling in this location. The proposed satisfies Policy CTY 14 at this outline stage.

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 CTY 16 of PPS21.

Planning Policy Statement 2 – Natural Heritage

Policy NH 6 of PPS 2 provides guidance on proposals sited within Areas of Outstanding Natural Beauty. The policy provides that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. I am content that an appropriately sited and appropriately designed dwelling (as referenced above) could integrate sympathetically with the surrounding locality. The design of any future dwelling at the site should exhibit local architectural styles, local materials, design and colours. The proposal complies with Policy NH 6 of PPS 2 at this outline stage.

Planning Policy Statement 3 – Access, Movement and Parking

The applicant has indicated in the P1 form that the proposed access arrangements involve alteration of an existing access to a public road. DfI Roads were consulted who assessed the proposed access onto the Glengomna Road. It is advised that third party land may be required to achieve the visibility splays within the applicant's controlled lands. DfI Roads offered no objections to the proposed subject to the standard RS1 condition. The proposed complies with PPS 3 at this outline stage.

Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage

The site falls within an NISMR Planning buffer zone for what appears to be an enclosure and bullaun south west of the site. Historic Environment Division were consulted and provided that, upon assessing the application on the basis of the information provided, they are content that the proposal is satisfactory to SPPS and PPS 6 Archaeological policy requirements.

Recommendation

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.

Signature(s): Benjamin Porter

Date: 3 August 2023

ANNEX	
Date Valid	5 April 2023
Date First Advertised	18 April 2023
Date Last Advertised	18 April 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 86 Bancran Road Draperstown Londonderry BT45 7DA	
Date of Last Neighbour Notification	28 April 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2022/1736/O Proposals: Proposed dwelling and garage Decision: Decision Date:</p> <p>Ref: H/1981/0338 Proposals: BUNGALOW WITH GARAGE Decision: PG Decision Date:</p> <p>Ref: H/2006/0012/F Proposals: Extension to dwelling providing sun lounge and garage Decision: PG Decision Date: 03-JUL-06</p> <p>Ref: H/1986/0006 Proposals: HOUSE AND GARAGE Decision: PG Decision Date:</p> <p>Ref: H/1991/0158 Proposals: SITE OF DWELLING</p>	

Decision: WITHDR

Decision Date:

Ref: H/2004/0538/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 24-NOV-05

Ref: LA09/2021/1045/F

Proposals: Proposed sheep house / machinery store and domestic garage

Decision:

Decision Date:

Ref: H/2014/0124/F

Proposals: Proposed alterations and extension to dwelling to provide additional living and sleeping accommodation

Decision: PG

Decision Date: 03-JUN-14

Ref: H/1983/0342

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2023/0405/O

Proposals: Proposed farm dwelling & domestic garage

Decision:

Decision Date:

Ref: H/1980/0435

Proposals: HV O/H LINE (BM 4297)

Decision: PG

Decision Date:

Ref: H/2004/0579/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 14-MAR-06

Ref: H/2009/0400/F

Proposals: Proposed granny flat extension & alterations

Decision: PG

Decision Date: 17-AUG-09

Ref: H/1986/0348

Proposals: DOUBLE GARAGE

Decision: PG
Decision Date:

Ref: H/1979/0191
Proposals: SITE OF REPLACEMENT BUNGALOW
Decision: PG
Decision Date:

Ref: H/1975/0111
Proposals: EXTENSION TO HOUSE
Decision: PG
Decision Date:

Ref: H/1979/0390
Proposals: SITE OF 2 BUNGALOWS
Decision: PG
Decision Date:

Ref: H/1979/0224
Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW
Decision: PG
Decision Date:

Ref: H/2003/0613/O
Proposals: Site of dwelling.
Decision: PG
Decision Date: 16-JAN-04

Ref: H/1976/0072
Proposals: ALTERATIONS AND ADDITIONS TO HOUSE
Decision: PG
Decision Date:

Ref: H/1978/0130
Proposals: ALTERATIONS AND ADDITIONS TO DWELLING
Decision: PG
Decision Date:

Summary of Consultee Responses

DAERA - Coleraine-Consultee Response LA09-2023-0405-O.DOCX
DFI Roads - Enniskillen Office-Outline resp.docx
Historic Environment Division (HED)-

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: LA09/2023/0592/F	Target Date: 7 September 2023
Proposal: Off-site replacement dwelling and garage	Location: Adjacent and South of No 5 Legane Road Aughnacloy
Applicant Name and Address: Mr & Mrs Chris Potter 21A Legane Rd Aughnacloy BT69 6ES	Agent Name and Address: Mr Marcus Kerr 111 GILLYGOOLEY ROAD OMAGH BT78 4SU
Summary of Issues: This application is for an off site replacement dwelling, the existing dwelling is a modest bungalow clustered in a group on the side of a hill, the proposal is a large 2 storey dwelling set in the middle of a large field with considerable site works to accommodate the proposed dwelling and garage. The proposed dwelling and garage will have a significantly greater visual impact than the existing and is contrary to CTY3, CTY13 and CTY14.	
Summary of Consultee Responses: DFI Roads - no objections from road safety perspective, recommend conditions to be attached to any planning permission	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, dwellings on single plots APPLICATION NUMBER – LA09/2023/0592/F ACKN and groups of farm buildings. There is minimal development pressure in the immediate area from the construction of single dwellings. To the north and within the site is a single	

storey dwelling at No.5 Legane Road. Beside the dwelling is a group of outbuildings. The application site is a cut-out of a larger agricultural field. Along the roadside boundary is a grass verge and low hedge and along the east boundary is hedging.

Description of Proposal

This is a full application for off-site replacement dwelling and garage at adjacent and South of No 5 Legane Road, Aughnacloy.

Deferred Consideration:

This application was before the Planning Committee in September 2023 where members agreed to defer to allow the applicant to be given an opportunity to amend the scheme. The agent was written to following the meeting and there has been no further engagement from them to discuss revisions.

Members will be aware from the previous report of the concerns in relation to the proposed development and the comments from an objector. Policies CTY3, CTY13 and CTY14 advocate for development that fits in with the character of the area and integrates into the landscape without having a greater visual impact than the existing dwelling to be replaced. In this case it is quite clear the proposal will have a significantly greater impact than the existing dwelling and as such I recommend this application is recommended is refused.

Reasons for Refusal:

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 that no overriding reason has been demonstrated why the development cannot be located within a settlement.

Reason 2

Contrary to CTY 3 - Replacement Dwellings in PPS 21 in that the overall size of the dwelling would not allow it to integrate into the landscape and the proposed dwelling and garage would have a greater visual impact than the existing dwelling, the design of the dwelling is not appropriate to the rural setting and it will not respect the existing field pattern and will result in the loss of hedgerows.

Reason 3

Contrary to CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape, unable to provide a suitable degree of enclosure and would rely on new landscaping for integration, and the ancillary works do not integrate with their surroundings.

Reason 4

Contrary to CTY 14 - Rural Character in PPS 21 in that the development if permitted would be a prominent feature in the landscape, does not respect the traditional pattern of settlement in the area and the impact of ancillary works would damage rural character.

Signature(s)

Date:

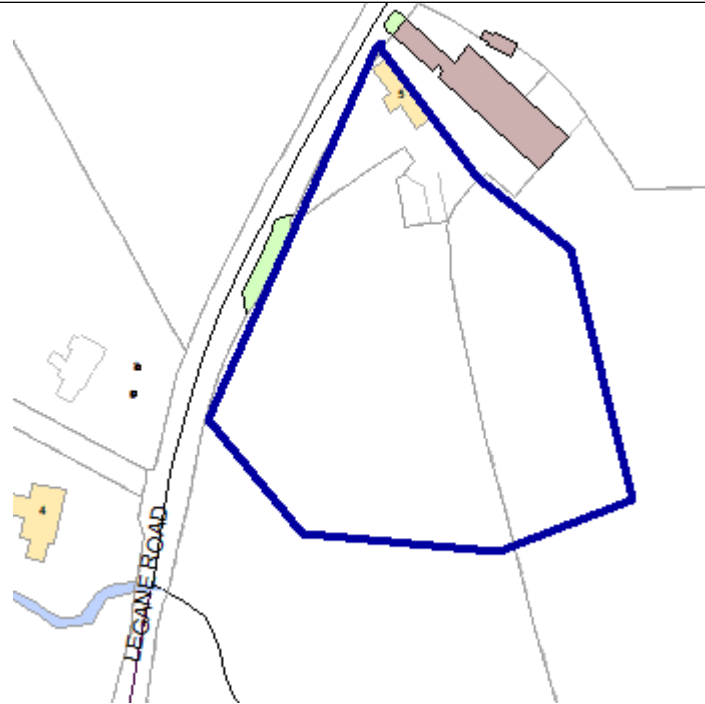


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 September 2023	Item Number: 5.17
Application ID: LA09/2023/0592/F	Target Date: 7 September 2023
Proposal: Off-site replacement dwelling and garage	Location: Adjacent and South of No 5 Legane Road Aughnacloy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr & Mrs Chris Potter 21A Legane Rd Aughnacloy BT69 6ES	Agent Name and Address: Mr Marcus Kerr 111 GILLYGOOLEY ROAD OMAGH BT78 4SU
Executive Summary: <p>One third party objection has been received and raises issues about the scale and massing of the dwelling, integration, impact on the landscape, replacement dwelling criteria and loss of hedgerows.</p> <p>The following are issues with the proposal:</p> <p>CTY 3 - Greater visual impact of the proposed dwelling in relation to the existing dwelling. The scale and massing of the proposed dwelling is too large for the site and will rely on new landscaping for integration.</p> <p>CTY 13 - The proposal will be a prominent feature in the landscape, design is inappropriate for the site, and the access is unacceptable as it is a sweeping driveway with large garden area.</p> <p>CTY 14 - The proposal will be a prominent feature in the landscape, does not respect the pattern of settlement in the area and the access would damage rural character.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc Roads Consultation - response.docx

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, dwellings on single plots

and groups of farm buildings. There is minimal development pressure in the immediate area from the construction of single dwellings. To the north and within the site is a single storey dwelling at No.5 Legane Road. Beside the dwelling is a group of outbuildings. The application site is a cut-out of a larger agricultural field. Along the roadside boundary is a grass verge and low hedge and along the east boundary is hedging.

Description of Proposal

This is a full application for off-site replacement dwelling and garage at adjacent and South of No 5 Legane Road, Aughnacloy.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party objection has been received.

An objection letter was submitted on the 19th June 2023 from Mr and Mrs E Bradley who lives at No. 4 Legane Road which is 89m to the southwest corner of the application site. The following issues were raised in the objection letter.

Design of the proposed dwelling

The objector states that the dwelling is not in character with other dwellings along this road where the majority are small/medium size houses. It is stated the proposed dwelling is about 10 to 20 times larger than the existing dwelling and will have a negative impact on the area. Also, the proposed dwelling is replacing a three-bedroom cottage. In rebuttal, issues about the design of the dwelling will be considered in the assessment of CTY 3.

Loss of Hedgerows

The objector states that the proposal will result in the loss of hedgerows and wildlife and negatively impact on views within the countryside. In rebuttal, the applicant has

proposed to plant new hedging along any boundaries where they are removed.

Views in the Countryside

The objector states that the proposed dwelling will cut into the hill and negatively impact on one of the most scenic areas of the locality. I consider that private views from a dwelling within the countryside are not a material planning consideration but the overall impact on the landscape and prominence will be considered in the assessment.

Dwelling to be Replaced

The objector has raised concerns to the reasoning as to why the proposed dwelling is not sited on the footprint of the existing dwelling and there are existing outbuildings which could adequately be used for storage. The objector considers that if the existing dwelling is to be retained as storage this should be a separate application and the area will now have two buildings as opposed to one. This issue will be considered in the assessment of CTY 3.

Construction of the new dwelling

The objector states that the construction of the new dwelling will have a negative impact on this quiet country road. It is stated that with a dwelling of this size there will be an increase in the number of vehicles coming and going from the dwelling which will increase noise levels in the area. The noise from the construction of the dwelling and future number of vehicles at the site would not be a material planning consideration.

Proposed dwellings as part of a group with existing buildings at No.5 Legane Road

The objector has stated that they do not consider the proposed dwelling will be viewed as part of a group when viewed with existing farm buildings. Also, they consider it is not possible that the new dwelling will not have a greater impact than the existing building. This issue will be considered in the assessment of CTY 3.

Planning History

There are no planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

the Plan.

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for a replacement dwelling CTY 3 is the relevant policy in the assessment.

CTY 3 – Replacement Dwellings

The building to be replaced is single storey and has a long rectangular form. The external finishes are white pebbledash walls, slate roof tiles and upvc windows and doors. The building has two chimneys that project from the ridgeline. I am content the walls of the building are substantially intact, and it has the appearance of a dwelling. I consider the building is a dwelling to be replaced.

I consider the dwelling to be replaced could be defined as a vernacular building as it meets the characteristics in Annex 2 of PPS 21. It has a long rectangular form with most of the windows on the front and back elevation of the building. The agent has stated in a supporting statement that they wish the dwelling to be retained as a storage shed for the farm. I am content the building can be conditioned to be retained and not for use as a dwelling. In the objection letter submitted the objector has queried why the existing dwelling needs to be retained for storage as there are several farm buildings within the farming grouping which could be used for storage. The policy in CTY 3 does state that the retention of the existing structure will be accepted for retention is it can be successfully incorporated into the scheme for example as a store. The adjacent group of farm buildings are within the applicant’s ownership and the existing dwelling sits within a group of these buildings. I am content the existing dwelling can be converted to a store.

The proposed dwelling will not be sited on the footprint of the dwelling to be replaced which is located on a farm and beside existing outbuildings. The proposed dwelling will be sited in the northeast corner of the adjacent field to the south. The agent stated there are slurry tanks at the farmyard beside the existing dwelling and on health and safety

grounds it is not viable to replace the dwelling on the existing footprint. Also, the existing dwelling is modest, and the existing curtilage is restricted to accommodate a family sized dwelling. The objector has raised issues as to why the proposed dwelling cannot be sited on the footprint of the existing dwelling. I accept the reasoning why the dwelling cannot be located within the existing curtilage as existing dwelling is sited beside farm buildings and could not reasonably accommodate a family sized dwelling with amenity space.

The proposed dwelling will be sited in the adjacent field where the topography rises steeply from the front of the site to the rear boundary. As shown in figure 1 below the applicant has provided a section through the site to demonstrate the proposed dwelling will cut into the slope and sit at approximately the same ground level as the adjacent dwelling and farm buildings.

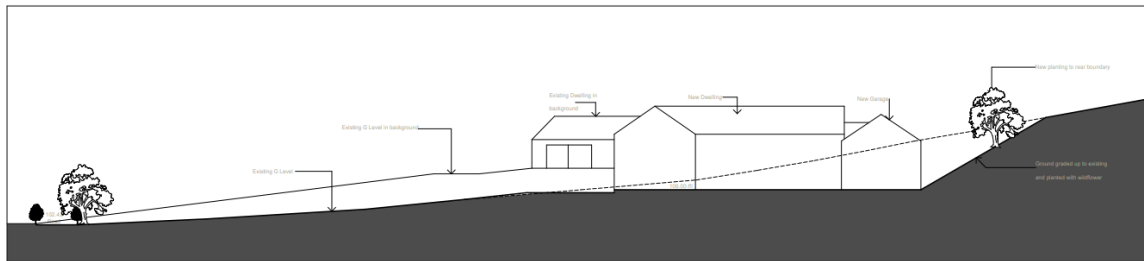


Figure 1 – Image of the section through the site.

The dwelling to be replaced is a modest single storey dwelling that clusters with a group of other buildings. The proposed dwelling as shown in figure 2 is a large two storey building with the main section to the front and a section in the middle which leads to the large garage and games room to the rear. CTY 3 states the overall size of the dwelling should integrate into the landscape and not have a greater visual impact than the existing building.



Figure 2 – Front Elevation of Proposed dwelling.

As shown in figure 2 the proposed dwelling is a large two storey dwelling with different sections to the side and rear. I consider the scale and massing of the dwelling is excessive and does not reflect a simple rural form for a dwelling in the countryside.

There is a two-storey dwelling across the road at Np.4 Legane Road but this is on flat land and is hidden in critical views with established vegetation around the site as shown in figure 3. I consider the scale and massing of the dwelling is also inappropriate for the site itself and will not integrate into the landscape. As shown in figures 4 and 5 the application site has a lack of enclosure and there is limited existing vegetation to screen the large dwelling in critical views. I consider the main prominent view is at the end of Legane Road as the large dwelling will be face on in direct views. There are long distance views of the dwelling as Rehaghy Road is a long straight road but as the agent has shown the dwelling will be cut into the slope so will be approximately the same ridge line as the existing buildings.



Figure 3 – Image of neighbouring dwelling showing other two storey dwellings in the area.



Figure 4 – Image of the application site and existing dwelling and farm buildings.



Figure 5 – Image from the junction of the Legane Road and Rehaghy Road.

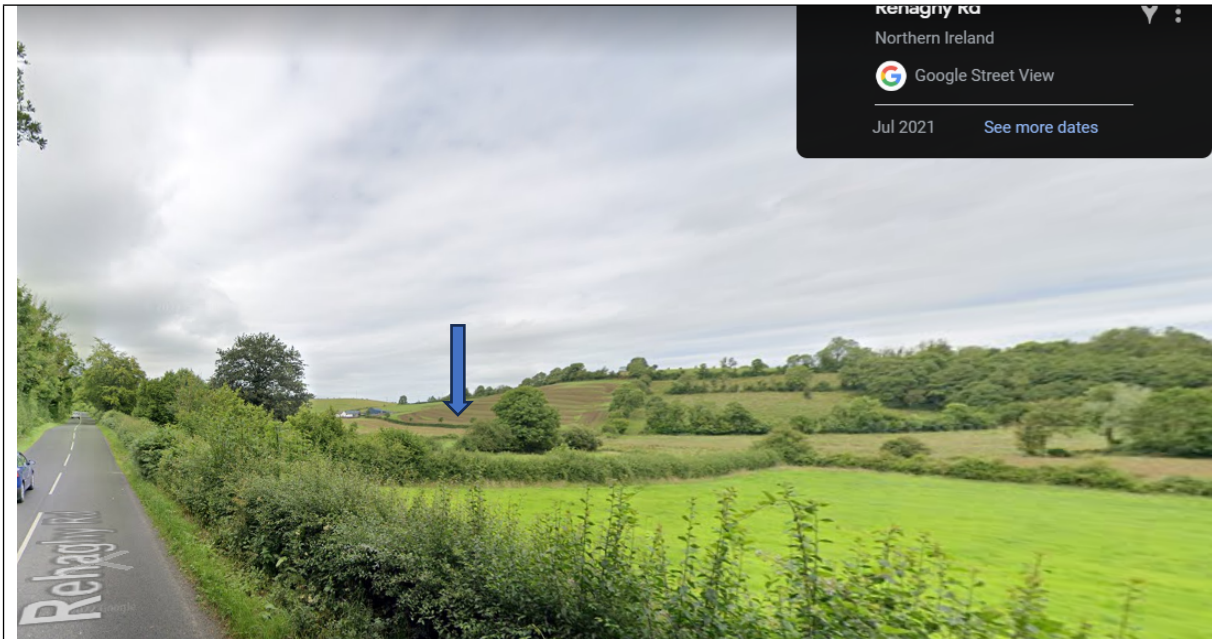


Figure 6 – Long distance view along Rehaghy Road of the site.

After assessing the site, I consider the design of the proposed dwelling is not appropriate to the rural setting and is too large in scale and massing. As shown in figure 7 below to achieve the design the applicant will have to cut excessively into the slope and will involve significant cut and infill.

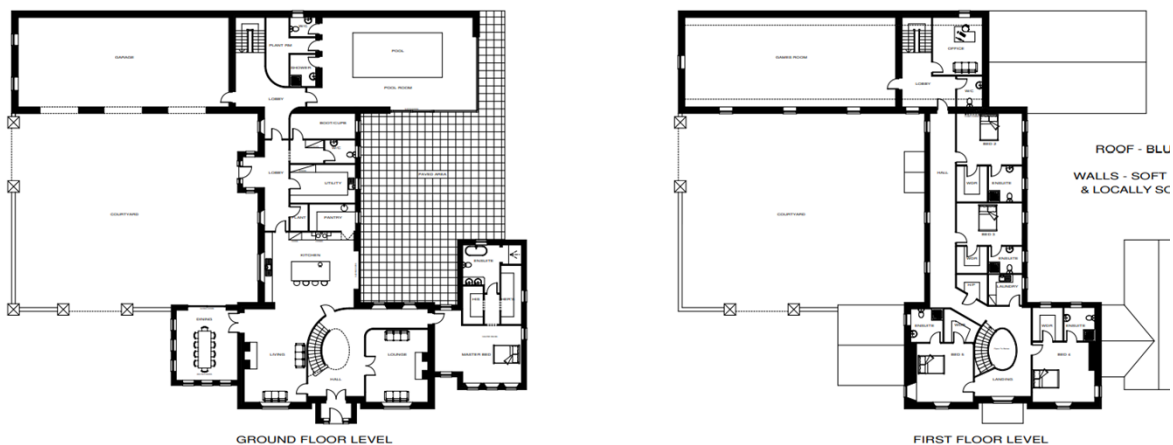


Figure 7 – Image of the proposed floor plans.



Figure 8 – Image of the proposed site plan.

As shown in figure 8 the applicant has proposed a new access through the middle of the adjacent field and the remaining area will be garden area. I have shown an image in figure 9 from ‘Building on Tradition’ guidance which shows that a design should avoid for a dwelling in the countryside. It states avoid extensive cut and fill, a sweeping driveway and a large garden area.

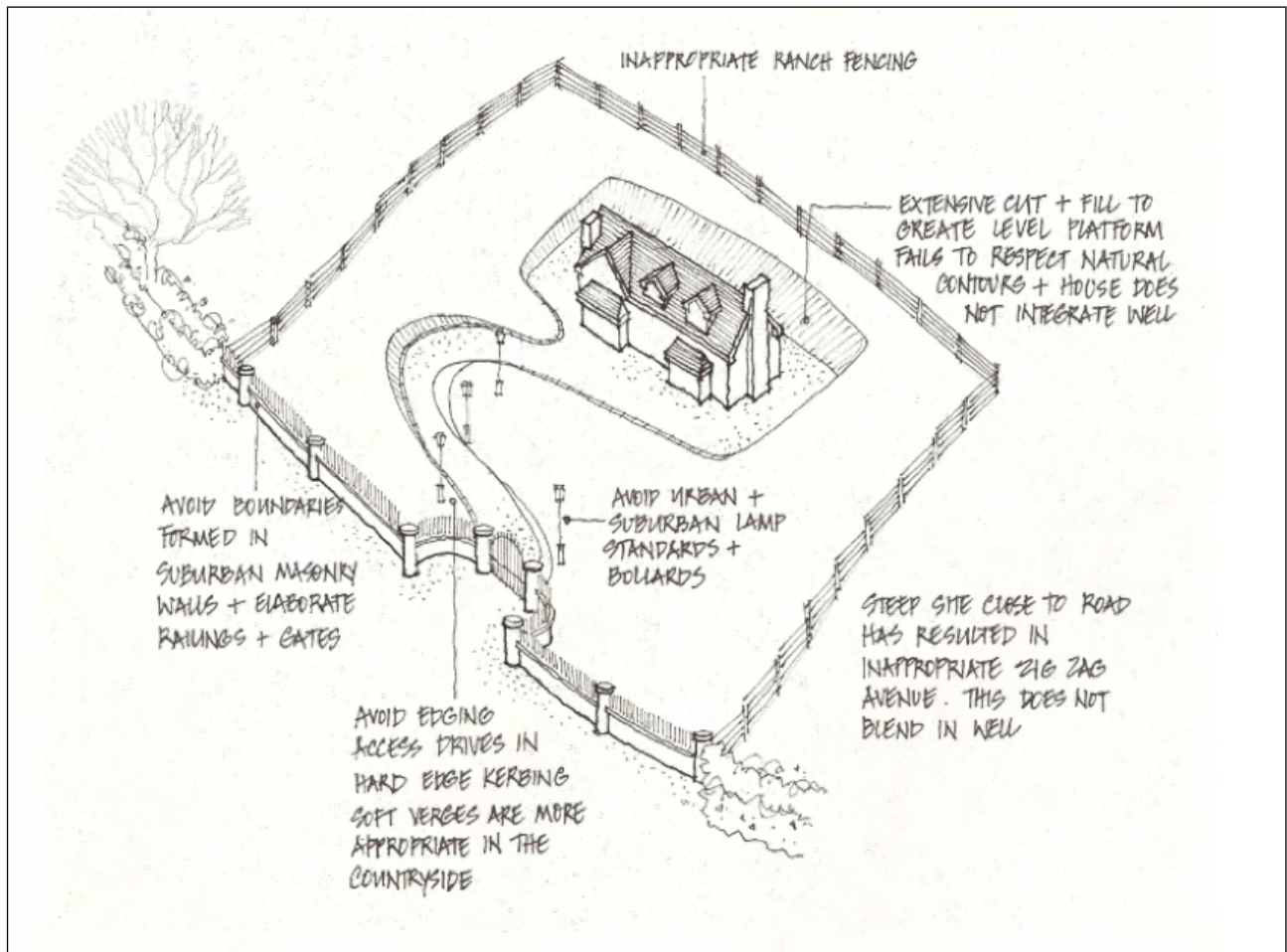


Figure 9 – Image from ‘Building on Tradition’ guidance.

Overall, I consider the proposed dwelling does not meet the criteria in CTY 3 for a replacement dwelling.

CTY 13 – Integration and Design of Buildings in the Countryside

As stated earlier in the assessment I consider the proposed dwelling will be a prominent feature in the landscape as the scale and massing of the dwelling is too large for the site. The proposal will involve extensive cutting into the hill and there is a lack of existing natural boundaries. I am of the opinion the dwelling will rely on new landscaping to integrate and I believe the access will not integrate into the landscape either. I consider the design of the dwelling is inappropriate for the site and it is replacing a modest single storey dwelling.

CTY 14 – Rural Character

I consider the proposed dwelling and access in this location will be detrimental to rural character as it will be prominent in the landscape. The proposal does not respect the traditional pattern of settlement in the area of dwellings with a simple rural form.

PPS 3 – Access, Movement and Parking

AMP 2 – Access to Public Roads

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

DFI Roads had no concerns with the proposal subject to visibility splays of 2.4m x 70m in both directions and 70m forward sight distance. This would involve the removal of hedging along the roadside boundary in both directions and this was one of the only natural boundaries at the site.

Other Considerations

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

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not comply with all the criteria in CTY3, CTY13 and CTY14 in PPS 21 – Sustainable Development in the Countryside.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 that no overriding reason has been demonstrated why the development cannot be located within a settlement.

Reason 2

Contrary to CTY 3 - Replacement Dwellings in PPS 21 in that the overall size of the dwelling would not allow it to integrate into the landscape and the proposed dwelling and garage would have a greater visual impact than the existing dwelling, the design of the dwelling is not appropriate to the rural setting and it will not respect the existing field pattern and will result in the loss of hedgerows.

Reason 3

Contrary to CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape, unable to provide a suitable degree of enclosure and would rely on new landscaping for integration, and the ancillary works do not integrate with their surroundings.

Reason 4

Contrary to CTY 14 - Rural Character in PPS 21 in that the development if permitted would be a prominent feature in the landscape, does not respect the traditional pattern of settlement in the area and the impact of ancillary works would damage rural character.

Signature(s): Gillian Beattie

Date: 7 August 2023

ANNEX	
Date Valid	25 May 2023
Date First Advertised	5 June 2023
Date Last Advertised	5 June 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 6 Legane Road Aughnacloy Tyrone BT69 6HD The Owner / Occupier 4 Legane Road Aughnacloy Tyrone BT69 6HD The Owner / Occupier 5 Legane Road Aughnacloy Tyrone BT69 6HD</p>	
Date of Last Neighbour Notification	1 June 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0592/F Proposals: Off-site replacement dwelling and garage Decision: Decision Date:</p> <p>Ref: M/2009/0731/F Proposals: Proposed two storey dwelling with central single storey flat roofed porch, rear and side projections and a double garage Decision: Decision Date:</p>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-DC Checklist 1.docRoads Consultation - response.docx	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Cross Sections Plan Ref: 04

Notification to Department (if relevant)

Not Applicable

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 December 2023 in Council Offices, Circular Road, Dungannon and by virtual means

Members Present	Councillor S McPeake, Chair
	Councillors J Buchanan*, Carney*, Clarke, Cuthbertson*, Kerr, Mallaghan, McConnell, McElvogue, McFlynn*, D McPeake*, Robinson* (5.17 pm)
Officers in Attendance	Mr Bowman, Head of Strategic Planning (HSP) Ms Donnelly, Council Solicitor Ms Doyle, Head of Local Planning (HLP) Mr Marrion, Senior Planning Officer (SPO) Ms McCullagh, Senior Planning Officer (SPO)** Mr McClean, Senior Planning Officer (SPO) Ms McKinless, Senior Planning Officer (SPO) Mr Stewart, Senior Planning Officer (SPO) Miss Thompson, Committee and Member Services Officer
Others in Attendance	LA09/2023/0851/O Mr Begley***

- * Denotes members and members of the public present in remote attendance
- ** Denotes Officers present by remote means
- *** Denotes others present by remote means

The meeting commenced at 5.01 pm

P128/23 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

P129/23 Apologies

Councillors Black, Graham, Martin and Varsani.

P130/23 Declarations of Interest

The Chair, Councillor S McPeake reminded members of their responsibility with regard to declarations of interest.

Councillor McElvogue declared an interest in agenda item 5.22 – LA09/2023/0761/O.

P131/23 Chair's Business

The Head of Local Planning (HLP) referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda Item 5.4 - LA09/2022/0226/F - 19 dwellings (18 semi detached and 1 detached) at existing housing site at the junction of Ardboe Road / Kilmascally Road, E off 87B Kilmascally Road, Dungannon for Mr E Mullan.

Agenda Item 5.7 - LA09/2022/1350/F - Retention of utility storage yard, portacabins, security fencing and all associated site works (temporary use) at 191 Glen Road, Maghera for Geraldine O'Kane.

Agenda Item 5.8 - LA09/2022/1366/F - Retention of farm building at 200m S of 70 Cadian Road, Dungannon for Mr Martin Daly.

Agenda Item 5.9 - LA09/2022/1608/F - Retrospective car sales unit at 50m NE of 50 Ballyronan Road, Magherafelt for Igen Autos Ltd.

Agenda Item 5.10 - LA09/2023/0251/F - 2 storey dwelling with 1 1/2 storey garage attached via carport at 50m E of 55 Killycanavan Road, Dungannon, Ardboe for Eugene Devlin.

Agenda Item 5.13 - LA09/2023/0466/O - Dwelling and garage at land approx. 150m N of 30 Killyfaddy Road, Magherafelt for Mr Arron McMurray.

Agenda Item 5.16 - LA09/2023/0629/O - Gap site for dwelling and domestic garage at lands approx. 60m NE of 45 Derrytresk Road, Coalisland for Mary Daya.

Agenda Item 5.19 - LA09/2023/0714/O - Site for dwelling and garage adjacent to 20 Sessiagh Road, Tullyhogue, Cookstown for Mr Alan Nethercott.

Agenda Item 5.22 - LA09/2023/0761/O - House on a farm at lands adjacent to and immediately NW of 4 Derryvaren Road, Coalisland for James Campbell.

Agenda Item 5.26 - LA09/2023/1031/F - Removal of Condition 4 of LA09/2022/1294/O for a dwelling and domestic garage at lands approx. 35m N of 12 Drumard Road Kilrea for Mr Colm Bradley.

Proposed by Councillor McConnell
Seconded by Councillor S McPeake and

Resolved That the planning applications listed above be deferred for an office meeting.

Matters for Decision

P132/23 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2020/1263/F **Demolition of existing buildings on site; redevelopment to include the construction of a GF retail unit with apartment above along the street frontage; 5no 2 storey semi-detached residential units to the rear. Amended vehicular and pedestrian access and associated hard and soft landscaping; parking provisions (incurtilage and communal) at 27-33 Main Street, Bellaghy for Mr H Griffin**

Members considered previously circulated report on planning application LA09/2020/1263/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/1263/F be approved subject to conditions as per the officer's report.

LA09/2021/1336/O **Site for 4 detached dwellings with detached domestic garages at 70m NW of 36 Moss Road, Ballymaguigan, Magherafelt for Sean Cassidy**

Members considered previously circulated report on planning application LA09/2021/1336/O which had a recommendation for approval.

Proposed by Councillor Kerr
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/1336/O be approved subject to conditions as per the officer's report.

LA09/2021/1475/F **Free range poultry shed with 2 feed bins, a storage shed and associated site works (Poultry shed to contain 8000 free range egg laying hens) at land approx. 100m NW of 9 Soarn Road, Stewartstown for Mr Jeremy Baird**

Councillor J Buchanan proposed the officer recommendation.

Councillor McFlynn asked to hear the officer report.

Mr Marrion (SPO) presented a report on planning application LA09/2021/1475/F advising that it was recommended for approval.

Councillor McFlynn referred to recent press in relation to poultry sheds that have been approved and stated she would have concern in relation to this application and asked for legal advice on whether the Committee should approve this application or put it on hold until advice is received regarding the press article.

The Chair, Councillor S McPeake advised that an item in relation to the recent press article would be taken in confidential business later in the meeting and stated that this application should be considered on its own merits.

Mr Marrion advised that consultations and assessments have been carried out with no concerns being reported.

Councillor McFlynn asked that it be noted that she was not content for the application to be approved at this time.

Councillor Cuthbertson seconded Councillor J Buchanan's proposal.

Resolved That planning application LA09/2021/1475/F be approved subject to conditions as per the officer's report.

LA09/2022/0226/F **19 dwellings (18 semi detached and 1 detached) at existing housing site at the junction of Ardboe Road / Kilmascally Road, E off 87B Kilmascally Road, Dungannon for Mr E Mullan**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0558/F **Redevelopment to facilitate the upgrade of existing Waste Water Treatment Works, (WWTW) at 14 Moygashel Lane, Dungannon for Northern Ireland Water Ltd**

Members considered previously circulated report on planning application LA09/2022/0558/F which had a recommendation for approval.

Councillor Cuthbertson declared an interest in the application as he had attended the September meeting of Council in which he had questioned NI Water on the development and NI Water in theory lobbied Council at that time. Councillor Cuthbertson asked if the proposal includes the temporary access.

Mr Marrion advised that the plans do not include any temporary access.

Councillor Cuthbertson stated he was content with this.

Proposed by Councillor Mallaghan
Seconded by Councillor McConnell and

Resolved That planning application LA09/2022/0558/F be approved subject to conditions as per the officer's report.

LA09/2022/0566/F **4 townhouses and in curtilage parking at site to rear of 41 Oldtown Street, Cookstown for Mr Ronnie Nicholl**

Councillor J Buchanan proposed that this application be deferred.

Members agreed to the proposal.

Resolved That planning application LA09/2022/0566/F be deferred for an office meeting.

LA09/2022/1350/F **Retention of utility storage yard, portacabins, security fencing and all associated site works (temporary use) at 191 Glen Road, Maghera for Geraldine O'Kane**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/1366/F **Retention of farm building at 200m S of 70 Cadian Road, Dungannon for Mr Martin Daly**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/1608/F **Retrospective car sales unit at 50m NE of 50 Ballyronan Road, Magherafelt for Igen Autos Ltd**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2023/0251/F **2 storey dwelling with 1 1/2 storey garage attached via carport at 50m E of 55 Killycanavan Road, Dungannon, Ardboe for Eugene Devlin**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2023/0368/RM **Dwelling and garage at lands adjacent to 6 Tullyveagh Road, Cookstown for Mr Trevor Brown**

Members considered previously circulated report on planning application LA09/2023/0368/RM which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0368/RM be approved subject to conditions as per the officer's report.

LA09/2023/0441/F **2 storey dwelling, including carpark, garden and rear yard with minor alterations to existing dwelling at no.1 Derryvale Park (including new pitched roof) at 1 Derryvale Park and lands SW of 1 Derryvale Park, Coalisland for Mr Kieran Talbot**

Members considered previously circulated report on planning application LA09/2023/0441/F which had a recommendation for approval.

Proposed by Councillor McElvogue
Seconded by Councillor Carney and

Resolved That planning application LA09/2023/0441F be approved subject to conditions as per the officer's report.

LA09/2023/0466/O **Dwelling and garage at land approx. 150m N of 30 Killyfaddy Road, Magherafelt for Mr Arron McMurray**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2023/0499/F **Change of use and extension of existing bar and restaurant to part light industrial part storage or distribution at 9 Corvanaghan Road, Cookstown for Mr Brian McGarrity**

Members considered previously circulated report on planning application LA09/2023/0499/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0499/F be approved subject to conditions as per the officer's report.

LA09/2023/0597/O **4 luxury apartments and associated car parking at land 30m E of 41 Clabby Road, Fivemiletown for Mr Henry & Jordan McClure**

Members considered previously circulated report on planning application LA09/2023/0597/O which had a recommendation for approval.

Proposed by Councillor McConnell
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0597/O be approved subject to conditions as per the officer's report.

LA09/2023/0629/O **Gap site for dwelling and domestic garage at lands approx. 60m NE of 45 Derrytresk Road, Coalisland for Mary Daya**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2023/0682/F **Retention of Block 2 (21,23,25 & 27) at Castle Lane Mews, Thomas Street, Dungannon for Mr Peter O'Donnell**

Members considered previously circulated report on planning application LA09/2023/0682/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2023/0682/F be approved subject to conditions as per the officer's report.

LA09/2023/0711/F **Amendment to site layout including site access (previously approved M/2008/0556/F) at 225m W of 21 Creevelough Road, Carnteel, Dungannon for Mr Tony Rafferty**

Members considered previously circulated report on planning application LA09/2023/0711/F which had a recommendation for approval.

Proposed by Councillor McElvogue
Seconded by Councillor Kerr and

Resolved That planning application LA09/2023/0711/F be approved subject to conditions as per the officer's report.

LA09/2023/0714/O **Site for dwelling and garage adjacent to 20 Sessiagh Road, Tullyhogue, Cookstown for Mr Alan Nethercott**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2023/0758/O **Site for dwelling between 11A and 15A Annaghmore at Annaghmore Road, Coagh for Micheal Ryan**

Members considered previously circulated report on planning application LA09/2023/0758/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Kerr and

Resolved That planning application LA09/2023/0758/O be approved subject to conditions as per the officer's report.

LA09/2023/0760/O Dwelling at lands approx. 600m W of 10B Beaghbeg Road, Cookstown for Stephen McGurk

Members considered previously circulated report on planning application LA09/2023/0760/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2023/0760/O be approved subject to conditions as per the officer's report.

LA09/2023/0761/O House on a farm at lands adjacent to and immediately NW of 4 Derryvaren Road, Coalisland for James Campbell

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2023/0787/F 2 detached storey and a half chalet dwellings with associated access and car parking at site N of 1 Mullagh Court, Maghera for SC Properties

Members considered previously circulated report on planning application LA09/2023/0787/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2023/0787/F be approved subject to conditions as per the officer's report.

LA09/2023/0789/O Dwelling and garage adjacent to and E of Eglis GAA, 108 Killyliss Road, Dungannon for Mr James Muldoon

Members considered previously circulated report on planning application LA09/2023/0789/O which had a recommendation for approval.

Proposed by Councillor McConnell
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0789/O be approved subject to conditions as per the officer's report.

LA09/2023/0851/O Site for dwelling at lands approx. 78m NW of 25 Crosscavangh Road, Galbally for Ms Sinead Kelly

Mr Marrion (SPO) presented a report on planning application LA09/2023/0851/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Begley to address the committee.

Mr Begley referred to the reasons for refusal of the application as being that the cluster is not associated with a focal point and that the site is not bounded on two sides. Mr Begley advised that the cluster is associated with two focal points, these being Sessia Lodge and Crosscavanagh Battle Site and both of these are recorded on the NIEA Historic Monuments register. Mr Begley stated that access to Sessia Lodge and the battle site both form the North Eastern boundary of the proposed site. Mr Begley stated that there was no doubt the proposal could be associated with the focal points mentioned and that this addresses the first refusal reason. Mr Begley referred to the second reason for refusal which is that the site is not bounded on two sides and referred to aerial photograph which shows that the site is bounded on three sides by development these being – agricultural sheds and storage yard, dwelling, chicken run/coop and access to lane to Sessia Lodge. Mr Begley stated that the developments referred to are compliant with the definition of development as defined in the Planning Act and should therefore be considered as such for the purpose of this proposal. Mr Begley stated that as the site can be associated with two focal points and is bounded on three sides he asked that application be approved or if the Committee are were still uncertain he asked that the application be deferred.

The Chair, Councillor S McPeake asked what Sessia Lodge is.

Mr Begley stated that Sessia Lodge is registered as a Listed Building (House).

The Head of Local Planning (HLP) asked if there are any signposts in the locality to indicate Sessia Lodge is a listed building. The HLP also asked what the building is currently used as and if people can visit.

Mr Begley stated that Sessia Lodge is currently used as a private dwelling with historic features therein. Mr Begley also referred to the former battle site which is adjacent and stated that it would be widely known that the two places exist and that the public do visit them often according to the applicant.

The HLP asked if the battle site is protected in that it cannot be used for agricultural purposes.

Mr Begley stated that as far as he was aware the site could still be grazed but that more major earthworks would not be permitted.

Councillor Kerr stated that the agent had made some compelling arguments and felt that a site visit would be beneficial and proposed that a site visit take place.

Councillor McElvogue seconded Councillor Kerr's proposal.

Mr Marrion advised that there did not appear to have been any consultation with Historic Buildings or Historic Monuments in relation to this application and stated that if the proposal is close to a battle site he would have some concern that the application has not been fully considered.

The HLP stated she would recommend that the application be deferred in order to consult with Historic Buildings and Historic Monuments.

Councillor Kerr proposed to do both – that a site visit be organised and that in the interim consultations take place with Historic Buildings and Historic Monuments.

Councillor McElvogue seconded Councillor Kerr's proposal.

Resolved That planning application LA09/2023/0851/O be deferred for a site visit and to consult with Historic Buildings and Historic Monuments.

LA09/2023/1031/F **Removal of Condition 4 of LA09/2022/1294/O for a dwelling and domestic garage at lands approx. 35m N of 12 Drumard Road Kilrea for Mr Colm Bradley**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1011/O **Dwelling and garage at 110m NE of 65 Roughan Road, Stewartstown for Andrew Richardson**

Members considered previously circulated report on planning application LA09/2021/1011/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Buchanan and

Resolved That planning application LA09/2021/1011/O be approved subject to conditions as per the officer's report.

LA09/2022/1098/O **Dwelling & detached double garage at plot of ground in the townland of Aneeter Beg, 50m S of 90 Aneeter Road, Moortown, Coagh for Miss Rachael Devlin.**

Members considered previously circulated report on planning application LA09/2022/1098/O which had a recommendation for approval.

Proposed by Councillor McConnell
Seconded by Councillor Kerr and

Resolved That planning application LA09/2022/1098/O be approved subject to conditions as per the officer's report.

LA09/2022/1504/O **Site for dwelling and domestic garage at 160m NE of 116 Lurgylea Road, Dungannon for Mr Patrick Clark**

Mr Marrion (SPO) presented a report on planning application LA09/2022/1504/O advising that it was recommended for refusal.

Councillor Mallaghan stated that the site visit was useful and it was clear to see that some work in relation to a hedging and vegetation scheme had already commenced. The Councillor stated he did not believe the field was that large compared to others in the locality and that small bungalows with a garage are typical of what is seen in the area. Councillor Mallaghan stated that the focal point issues have been addressed following the site visit. The Councillor stated that this is an open part of

the countryside but felt that circumstances would allow for a small dwelling at the proposed location. Councillor Mallaghan referred to the cattle handling facility and the comments from the officer that it does not exist on previous maps and felt that this could be a stumbling block in terms of whether it needs to be made lawful but that it would not be unusual to see at this type of location. The Councillor stated he recognised the policy refers to dwellings but stated he felt there are enough buildings in the area ie. Garages, Church, dwellings, buildings associated with hobby farming. Councillor Mallaghan stated that he felt the application meets the spirit of the policy and was still of the view that it should be approved and proposed same.

The Head of Local Planning (HLP) stated that the policy is for new dwellings in existing clusters and that the Committee have taken decisions in the past in which exceptions have been made in which, for example, four of the six criteria are met. The HLP advised the Committee to proceed with caution as officers have identified that there isn't a cluster of which three are dwellings. The HLP accepted that there are a number of buildings but that there are not three dwellings. The HLP stated that she accepted it is not a large site in terms of a field but when you look at the footprint of what is there it is large. The HLP also referred to the open sided shed on the other side of the road and if this wasn't a lawful building then Members are relying on a building that does not have a Certificate of Lawfulness or planning permission.

Councillor Clarke stated that sometimes what is laid down in policy can be difficult to tie in and referred to the value put on things and that in this case there is a situation where there is a Church and other buildings along with a focal point but that this has not the weight of being a cluster because there are not three dwellings. The Councillor felt that an exception should be made on the application.

The HLP stated that Members may want to consider that the proposal does not meet a cluster in its definition of policy but that there are enough buildings and with the focal point it would be unduly harsh not to approve a dwelling in association with that focal point.

The Chair, Councillor S McPeake stated that he felt Councillor Clarke's comments in relation to differentiation between buildings were valid and whether a Church has more value than a dwelling.

Councillor Mallaghan stated that there are eight buildings around the proposed site and although the definition of policy has not been met in which three dwellings are required he felt there is a definite cluster of buildings and that is where an exception should be made for this application.

The HLP stated it would not only be an exception in terms of definition of a cluster and referred to degree of enclosure around the site and whether Members felt this was sufficient to accommodate a dwelling. The HLP also referred to the shed that doesn't benefit from a Certificate of Lawfulness and that unlawful development should not be relied on.

Councillor Kerr seconded Councillor Mallaghan's proposal.

The Council Solicitor stated that the reasons for making an exception to policy needed to be clear for the purposes of the minutes. On this occasion Members are

proposing to make an exception in relation to two of the requirements of the policy, on the basis that the application meets the spirit of the policy.

The Chair, Councillor S McPeake stated that there are a number of buildings surrounding the site and although not meeting the policy requirement of three dwellings it is felt that the nature and mix of buildings outweighs the requirement for three dwellings and is sufficient to make an exception in this case.

Councillor Mallaghan referred to the vegetation scheme in place and that this can take a few years to grow and that he was content that what is there will provide good screening and integration for a dwelling. In terms of the cattle handling facility the Councillor stated it would be good to get some reassurance on this in terms of permitted development and that farmers can have this type of facility without having to apply for a CLUD. Councillor Mallaghan stated he was not aware of any enforcement on the shed and that there are no objections to the application.

Councillor Clarke asked if the cattle handling facility is in a field on its own on the farm.

Mr Marrion stated that the application site itself is a red line.

Councillor Clarke stated that the field would need access to a handling facility for health and safety reasons.

The HLP advised that the handling facility is not in the field being applied for therefore there may be more than one field in the ownership of the farmer. The HLP advised that without an application for Certificate of Lawfulness it is not known whether this is a first building on the farm which would require a permission and would not benefit from permitted development and in the absence of this information it is hard to make any assumptions.

The Council Solicitor sought clarification from Councillor Mallaghan and he confirmed that from the site visit he was satisfied that the two sides of the site were bounded visually by two farm buildings and that is the relevant justification to make an exception to the requirements set out in the policy on this occasion.

Councillor Cuthbertson stated he was not at the site meeting but that he did have concerns and that the Head of Local Planning and Council Solicitor are not fully content with the proposal to approve the application. The Councillor stated that the application does not meet with policy and that an exception is being made based on a shed which is not legally there. On that basis Councillor Cuthbertson proposed the officer recommendation to refuse the application.

Councillor Robinson seconded Councillor Cuthbertson's proposal.

Members voted on Councillor Mallaghan's proposal –

For – 8

Against – 3

Abstained - 1

Resolved That planning application LA09/2022/1504/O be approved subject to conditions delegated to officers.

LA09/2023/0118/O **Site for a dwelling and domestic garage at lands approx. 60m NW of 61 Sherrigrim Road, Stewartstown, Dungannon for Mr Miller Glendinning**

Members considered previously circulated report on planning application LA09/2023/0118/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Robinson and

Resolved That planning application LA09/2023/0118/O be approved subject to conditions as per the officer's report.

Matters for Information

P133/23 **Minutes of Planning Committee held on 7 November 2023**

Members noted previously circulated minutes of Planning Committee held on 7 November 2023.

Live broadcast ended at 5.58 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Kerr
Seconded by Councillor Clarke and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P134/23 to P139/23.

Matters for Decision

P134/23 Receive Enforcement Report

Matters for Information

P135/23 Confidential Minutes of Planning Committee held on 7 November 2023
P136/23 Enforcement Live List
P137/23 Enforcement Cases Opened
P138/23 Enforcement Cases Closed
P139/23 Update on ongoing investigation

P140/23 Duration of Meeting

The meeting was called for 5 pm and concluded at 6.25 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.
- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any

proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.

Report on	Planning Appeal 2022/A0212 for 6 dwellings approximately 90m east of 96 Davagh Road, Omagh
Date of Meeting	9 th January 2023
Reporting Officer	Chris Boomer, Planning Manager
Contact Officer	Karen Doyle

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	The purpose of this report is to inform Members that the appeal was dismissed by the Planning Appeals Commission following a decision by the Planning Committee to refuse planning permission for the proposed development.
2.0	Background
2.1	This application for 6 dwellings in a Dispersed Rural Community was refused by Mid Ulster District Council whereupon the applicant lodged an appeal with the Planning Appeals Commission. An informal hearing took place on 6 December 2023 and the Council were represented by Karla McKinless and Karen Doyle.
3.0	Main Report
3.1	The main issues considered by the Commissioner, in this single Commissioner decision were whether the appeal proposal would: <ul style="list-style-type: none"> • Be acceptable in principle; • Visually integrate into its landscape; • Detrimentially change the rural character of the area; and • Adversely affect a scheduled monument.
3.2	The appeal site is within the Broughderg and Davagh Upper Dispersed Rural Community. The Commissioner refers to the issue of focal points in the DRC and states that policy infers there could be more than one identified focal point within a DRC. The Commissioner accepted the crossroads, the church and the monument represent focal points and the appeal proposal would consolidate those identified focal points and accordingly did not find the proposal to offend Policy CTY 2 of PPS 21 or Policy SETT 3 of the Cookstown Area Plan in this regard.

<p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p>	<p>The Commissioner addressed the Council’s objection to the visual integration and impact on rural character. In the Council’s statement of case issues of visual integration were covered in depth with various viewpoints identified in the locality from which it was considered the appeal proposal would be contrary to criteria (a), (b) and (f) of CTY 13 in PPS 21. The Commissioner accepted the Council’s argument there are sustained and open views of the site from Broughderg Road northeast of the appeal site. Given the lack of vegetation along the site boundaries, the open nature of the site and the limited backdrop the proposal would break the skyline and would be obtrusive on the landscape. The Commissioner also considered the reliance on new landscaping to aid the integration of the site into the local landscape and considered this was contrary to Policy. Accordingly, the Commissioner found the appeal proposal to be contrary to criteria (a), (b) and (f) of CTY 13.</p> <p>Officers also presented a case which defended the position the proposal would offend criteria (a) and (c) of CTY 14. Criteria (c) requires that the appeal proposal would respect the traditional pattern settlement exhibited in that area. The proposed development, together with the church, the monument at the crossroads and the dwelling at No 96 would form on visual entity in the landscape. The Commissioner considered this would consolidate and respect the traditional pattern of settlement exhibited in this part of the Sperrins AONB and found the proposal would not offend criterion (c) of CTY 14.</p> <p>Criterion (a) of CTY 14 requires that the proposed buildings are not unduly prominent in the landscape. Given the Commissioner’s conclusions that there is a lack of well-established natural boundary treatment and the breaking of the skyline from certain viewpoints, the Commissioner found the appeal proposal would be unduly prominent in the Sperrins AONB and would offend criterion (a) of CTY 14.</p> <p>The Commissioner was not persuaded by third party objections based on the negative impact on the views across to Beaghmore Stone Circles and found the appeal proposal would not offend Policy CON 4 of the Cookstown Area Plan.</p> <p>The appeal was dismissed by the Planning Appeals Commission and the Council’s reason for refusal was upheld.</p>
<p>4.0</p>	<p>Other Considerations</p>
<p>4.1</p>	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: None identified at present.</p> <p>Human: None identified at present.</p> <p>Risk Management: None identified at present.</p>

4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None identified
	Rural Needs Implications: None identified
5.0	Recommendation(s)
5.1	Members consider the decision of the Planning Appeals Commission on this appeal.
6.0	Documents Attached & References
	Appendix A – Appeal Decision

Appeal Reference:	2022/A0212
Appeal by:	M Conway
Appeal against:	The refusal of full planning permission
Proposal:	Erection of 6 no. dwellings and associated access road
Location:	Approximately 90 metres east of 96 Davagh Road, Omagh
Planning Authority:	Mid Ulster District Council
Application Reference:	LA09/2018/0566/F
Procedure:	Hearing on 6 th December 2023
Decision by:	Commissioner Stevenson, dated 20 th December 2023

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the appeal proposal would:
 - be acceptable in principle;
 - visually integrate into its landscape;
 - detrimentally change the rural character of the area; and
 - adversely affect a scheduled monument.
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 requires the Commission when dealing with an appeal 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 where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Cookstown Area Plan 2010 (CAP) operates as the LDP for the area in which the appeal site is located. In the CAP, the appeal site is outside any defined settlement limit and is within the countryside. It is in the Sperrins Area of Outstanding Natural Beauty (AONB), Beaghmore Area of Special Archaeological Interest (ASAI) and an Area of Constraint on Mineral Development. Policy MN1 of the CAP is entitled 'Areas of Constraint on Mineral Developments'. Given that the appeal proposal is for residential development, Policy MN1 is not engaged.
5. Policy CON4 of the CAP states that planning permission will not be granted for proposals for large-scale development within Beaghmore ASAI unless it can be demonstrated that there will be no significant impact on the character and appearance of this distinctive historic landscape. It expands to say that particular

attention will be paid to the impact of proposals when viewed from the stone circles and other critical viewpoints within this area. I will address this policy later in this decision.

6. The appeal site is also within the Broughderg and Davagh Upper Dispersed Rural Community (DRC). Policy SETT3 of the CAP is entitled 'Dispersed Rural Community'. It states that development proposals at Broughderg and Davagh Upper will be assessed against the prevailing planning policies and the guidance set out for the area in Part 3 of the Plan. Policy SETT3 also states that a DRC is designated at this location to accommodate the need for limited, local housing in recognition of its existing community facilities and strong local identity in an area of low development pressure. It goes on to say that regard will be had to Policy HOU7 of A Planning Strategy for Rural Northern Ireland (PSRNI), and other prevailing regional planning policies and guidance contained in Part 3 of the Plan. I will deal with the PSRNI later in this decision.
7. The CAP identifies the original St. Mary's Church that is now a post office and a community centre as forming a locally significant focal point on Broughderg Road. The Plan also indicates that there is a public house in the area. The CAP states that "new development and individual dwellings should be located on sites that visually integrate into the landscape." It expands to say that "clusters of development will normally be located close to the existing focal point on the Draperstown Road." I will address compliance or otherwise with Policy SETT3 later in this decision.
8. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) outlines transitional arrangements that will operate until a Plan Strategy for the area is adopted. Under those arrangements, certain policies are retained namely Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21). There is no conflict or change in policy direction between the provisions of the SPPS and those of the retained PPS21 insofar as it relates to the appeal proposal. In accordance with the transitional arrangements, PPS21 therefore provides the policy context for assessing this appeal. The Appellant refers to the Council's non-planning policy documents and other planning policies and guidance in her Statement of Case. However, none of those publications are in contention. This decision focuses on PPS21 and the matters that are in contention.
9. The preamble to PPS21 states that its policy provisions will take precedence over Policy HOU7 of the PSRNI. Accordingly, the PSRNI is not applicable. PPS21 clarifies that its policy provisions will take precedence over the policy provisions for Dispersed Rural Communities contained in existing statutory and published draft development plans. Policy CTY1 of PPS21 is entitled 'Development in the Countryside' and it sets out a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.
10. The policy expands to say that planning permission will be granted for residential development in the countryside in certain cases. One of these is for a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY2. If the appeal proposal accords with Policy CTY2, the appeal proposal will satisfy Policy CTY1 of PPS21 in terms of its acceptability in principle. Policy CTY1 states that "all proposals for development in the countryside must be sited and designed to

integrate sympathetically with their surroundings and to meet other planning and environmental considerations.”

11. Policy CTY2 of PPS21 is entitled ‘Development in Dispersed Rural Communities’ and it states that within a Dispersed Rural Community (DRC) designated in a development plan, planning permission will be granted to suitable proposals for a small cluster or ‘clachan’ style development of up to 6 houses at an identified focal point. The policy expands to say that permission will generally be limited to one cluster per focal point. The policy states that “the design of all proposals should be of a high quality appropriate to their rural setting and have regard to local distinctiveness. Proposals for individual dwellings or social/affordable housing schemes in DRCs will be assessed against the other policy provisions of this PPS.”
12. The appeal proposal is for a clachan style development of 6 no. dwellings on a parcel of land that is part of a larger agricultural field. That field is located at the Davagh Road/Broughderg Road crossroads. The appeal site slopes down in a southerly direction from Broughderg Road and rises up from Davagh Road in a north-easterly direction. A post and wire fence defines the roadside boundaries of the appeal site, and the other two site boundaries are undefined. A detached dwelling at No. 96 Davagh Road and Our Lady of the Wayside Church and its graveyard are at the crossroads. At the corner of the crossroads in front of the appeal site is a monument and directional signposts. A stone circle is north-west of the appeal site.
13. The Council accepts that the appeal proposal would be located at an identified focal point. However, a third party argues that the appeal proposal would not be suitable at the appeal site and that other locations would be more appropriate. He contends that the focal point is half a mile away at the community centre. The third party also states that 6 dwellings would be totally out of place in Broughderg. Nevertheless, the policy permits a cluster of development of up to 6 dwellings in the DRC. The Appellant accepts that the community centre is a focal point. However, he alleges that the crossroads, the church and its graveyard, plus the monument are other focal points.
14. While the CAP indicates that the original St Mary’s Church and the post office form a locally significant focal point on Broughderg Road and clusters of development will normally be located close to the existing focal point at Draperstown Road, the use of the word ‘normally’ in the LDP infers that other locations may be appropriate. Moreover, PPS21 was published after the CAP, and it indicates that it takes precedence over the plan. Policy CTY2 refers to “an” identified focal point and does not say “the” identified focal point. The policy therefore infers that there could be more than one identified focal point within a designated DRC. For those reasons, I am satisfied that there can be more than one identified focal point within the Broughderg and Davagh Upper DRC.
15. The amplification text of Policy CTY2 states that “in an effort to help sustain these particular rural communities, the decision-maker will approve a suitable proposal for a small group of houses that build upon and consolidate identified focal points.” To my mind, the crossroads, the church, and the monument represent focal points, and the appeal proposal would consolidate those identified focal points. Accordingly, the appeal proposal would be at an identified focal point and would therefore not offend Policy CTY2 of PPS21 or Policy SETT3 of the CAP in this regard.

16. The Council expressed no concerns with the design of the proposed dwellings or the proposed site layout. Their objection to the appeal proposal relates to visual integration and rural character only. Policy CTY13 of PPS21 is entitled 'Integration and Design of Buildings in the Countryside.' It 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 Council argue that the appeal proposal would offend criteria (a), (b) and (f) of Policy CTY13 of PPS21 only. The policy states that a new building will be unacceptable where (a) it is a prominent feature in the landscape; or (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
17. Paragraph 5.58 states that the determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings. Paragraph 5.62 expands to say that "new buildings should be sited to take advantage of the opportunities afforded by existing mature planting, hills, slopes or other natural features to provide suitable enclosure. These features can provide a visual backdrop to development and equally where located in the foreground between the site and critical views can assist integration by filtering views of the new building."
18. In Appendix 3 of the Council's Statement of Case, viewpoints are identified that they consider are critical. Of those viewpoints, the Council indicate that particular attention should be drawn to Viewpoints 1 (VP1), 2 (VP2), 6 (VP6) and 7 (VP7). They are of the opinion that the appeal proposal would be prominent from those vantage points and that the site or its surrounds offer little in terms of integration. VP1, 2, 6 and 7 are along the Broughderg Road and are all within a short distance from the appeal site. VP7 is furthest away.
19. While the Appellant alleges that visibility levels are generally low in the Sperrins, my visual assessment is based on what I saw on the day of my site visit. VP1 is at the Our Lady of the Wayside church. The church and its car park are on higher ground to the appeal site. Given this and the vegetation that exists along the road boundary in front of the church, the appeal proposal would not read as prominent from this viewpoint.
20. VP6 and VP7 are from Broughderg Road north-east of the appeal site. From those viewpoints, there are sustained and open views of the site as you travel down the hill. While there is some backdrop from higher land in the distance, the site appears open and lacks any enclosure from established natural boundaries. Given these factors, the six proposed dwellings would read as prominent. VP2 is from the corner of the church at the Davagh Road and Broughderg Road crossroads. From VP2, the monument and the traffic signs are in front of the appeal site. A group of trees can be seen in the far distance and hillier ground beyond. The land gently rises up from the corner of the appeal site. The rising topography and the group of trees provide an element of backdrop. However, given the lack of vegetation along the site boundaries, the open nature of the site and the limited backdrop, the proposed dwellings would break the skyline from this viewpoint and would be obtrusive in the landscape.

21. VP3 is from Davagh Road north-west of the crossroads behind the church. From this viewpoint, the proposed dwellings would be on lower ground. The view of the development would be interrupted by the dwelling at No. 96. The higher landform would provide a backdrop when viewed from VP3. Given these factors, I am satisfied that the appeal proposal would not be a prominent feature from this viewpoint. VP4 and VP5 are both from Davagh Road south-east of the crossroads. Looking towards the appeal site in a north-westerly direction from Davagh Road, the appeal proposal would sit on much higher ground above both of these viewpoints. From VP4, there is a dwelling and an outbuilding visible that would be in front of the appeal site. This would interrupt views of the proposed development. For that reason, the proposed dwelling would not read as a prominent feature in the landscape from this viewpoint.
22. From VP5, the built form of the church and the rooftop of the dwelling (No. 96) are visible, and they both sit on the ridgeline of the hill. The land steadily rises to the north. This rising landform provides a certain degree of backdrop for the proposed development. Despite this and notwithstanding the scale and height of the proposed dwellings, the proposed development would break the skyline on a site that lacks enclosure and it would be obtrusive on the landscape from this viewpoint. Given the exposed nature of the site and being sited close to the ridgeline, the appeal proposal would read as a prominent feature in the Sperrins AONB from VP5. Taken in the round, the proposed six dwellings would read as prominent and would offend criterion (a) of Policy CTY13.
23. Given that the site slopes down from the Broughderg Road, the topography together with the trees in the far distance would to a certain degree assist with integration of the proposed dwellings into the landscape. However, the site would not provide a suitable degree of enclosure for the buildings to satisfactorily integrate into the landscape due to the exposed nature of the appeal site and that the site lacks long established natural boundaries. For that reason, the appeal proposal would offend criterion (b) of Policy CTY13 of PPS21.
24. The appeal proposal would not blend with the landform, existing trees, buildings, and slopes when viewed from VP2 and VP5. In addition, the drawing numbered 02 Rev 1 proposes to plant a native species hedgerow to the site boundaries. From VP2 and VP5, it would have to rely primarily on this new landscaping for integration. I therefore find that the appeal proposal would offend criteria (a), (b) and (f) of Policy CTY13 of PPS21 insofar as stated.
25. Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area subject to certain criteria. The Council contend that the appeal proposal would offend criteria (a) and (c) of the policy. Criterion (c) of Policy CTY14 requires that the appeal proposal would respect the traditional pattern of settlement exhibited in that area. The proposed development together with the church, the monument at the crossroads and the dwelling (No. 96) would form one visual entity in the landscape. This would consolidate development and respect the traditional pattern of settlement exhibited in this part of the Sperrins AONB. Accordingly, the appeal proposal would not offend criterion (c) of Policy CTY14.
26. Criterion (a) requires that the proposed buildings are not unduly prominent in the landscape. Given my earlier conclusions that there is a lack of well-established natural boundary treatment and that the proposed dwellings would break skyline from

certain viewpoints, the appeal proposal would be unduly prominent in the Sperrins AONB. The appeal proposal would therefore offend criterion (a) of Policy CTY14.

27. A third party expressed concern that the appeal proposal would negatively impact on the view across to the stone circle. The stone circle is a scheduled monument within the Sperrins ASAI. The Historic Environment Division (HED) (Historic Monuments) confirmed in its consultation response to the Council that the proposal satisfies PPS6 archaeological requirements due to the scale and siting of the appeal proposal. The Council consider that the appeal proposal would not be large scale. They are also satisfied that the distance between the proposed dwellings and the stone circles would ensure that there would be no detrimental impact on them, and I agree.
28. HED is of the view that the appeal proposal would not have an adverse impact upon the setting of the ASAI because the proposed buildings would be of an appropriate design and would read with the adjacent existing buildings in views across the wider landscape. The topography rises between the appeal site and the stone circle. Given the landform, HED's comments and that no substantive evidence on the matter was presented by the third party, I am not persuaded that the appeal proposal would offend Policy CON4 of the CAP.
29. A third party alleges that the area is heavily populated with diverse wildlife. While the Appellant's NI Biodiversity Checklist indicates that no known protected or priority species are present within or adjacent to the appeal site, NIEA's consultation response states that they have records of breeding waders occurring within or adjacent to the appeal site and that they are classified as NI Priority Species. Nevertheless, the Council expressed no concerns regarding the impact of the appeal proposal on breeding waders. No bird survey is in the evidence before me, and it is unclear if the person that undertook the Biodiversity Checklist is a qualified ecologist. Notwithstanding the Council's final position on this matter, given these factors and the NIEA's consultation response, I am not satisfied that the appeal proposal would not have an unacceptable adverse impact on priority species. I will revert to this again later in this decision.
30. The Appellant and some of the third parties argue that there is a housing need for the development and that it would bring community benefits to the DRC. She also sets out social value outcomes that she alleges would be delivered from the development. While this may be the case, those benefits would not outweigh my visual integration and rural character concerns set out above. They also complain of procedural concerns regarding the Council's handling of the planning application. However, I cannot comment on such matters given that that would be outside the remit of this appeal. The Council refers to appeal decisions 2004/A650, 2004/A652 and 2005/A971. However, they all relate to policies that are no longer relevant and that are in a different Council area. Given these factors and that Broughderg and Davagh Upper DRC is not a defined settlement, none of those appeal decisions are comparable.
31. Despite the appeal proposal meeting the provisions of the CAP and Policy CTY2 of PPS21, insofar as it would be located at a focal point within a designated DRC, for the reasons outlined above, the appeal proposal would offend Policies CTY13 and CTY14 of PPS21 insofar as stated. It would also not comply with Policy SETT3 of the CAP in terms of visual integration. The adverse visual impacts of the proposed development within this AONB location would outweigh the degree of compliance

with Policy SETT3 of the CAP and Policy CTY2 of PPS21, and this is determining. With respect to the matter regarding the priority species, given my conclusions regarding the non-acceptability of the appeal proposal, in this particular instance, that matter is not determining. The appeal proposal would offend Policy CTY1 of PPS21 in that the development would not integrate sympathetically with its surroundings. The Council's reason for refusal is upheld.

32. For the above reasons, the appeal shall fail.

This decision relates to: -

- **Drawing 01:** Site Location Plan to scale 1:2500, date stamped received by the Council on 26th April 2018
- **Drawing 02 Rev1:** Site Plan to scale 1:500, date stamped received by the Council on 26th February 2020
- **Drawing 05:** Proposed Dwelling Type D to scale 1:100 and 1:500, date stamped received by the Council on 26th April 2018
- **Drawing 07:** Proposed Dwelling Type B to scale 1:100 and 1:500, date stamped received by the Council on 26th April 2018
- **Drawing 09:** Wall Details to scale 1:50 and 1:100, date stamped received by the Council on 26th April 2018
- **Drawing 10:** Dwelling Type D1a to scale 1:100, date stamped received by the Council on 26th February 2020
- **Drawing 11:** Dwelling Type D1 to scale 1:100 date stamped received by the Council on 26th February 2020
- **Drawing 12:** Road Layout – PSD drawing, date stamped received by the Council on 2nd November 2021

COMMISSIONER STEVENSON

List of Appearances

Planning Authority:- Ms K McKinless, Mid Ulster District Council
Ms K Doyle, Mid Ulster District Council

Appellant: - Ms M Conway
Mr C Conway
Mr M Conway
Mr D O'Neill

Third Parties:- Ms L Dillon, Sinn Fein
Mr F Molloy, Sinn Fein

List of Documents

Planning Authority: - "A1" Statement of Case
Mid Ulster District Council

Appellant: - "B1" Statement of Case
Mr M Conway on behalf of the Appellant

Third Parties: - "C1" Statement of Case
Mr F Molloy MP

"D1" Statement of Case
Ms L Dillon MLA

"E1" Statement of Case
Mr J J Quinn