



27 May 2022

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 03 May 2022 at 19:00 to transact the business noted below.

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

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. 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 - 190

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2018/0566/F	6 dwellings and associated access road at approx 90m E of	APPROVE

		96 Davagh Road, Omagh for M Conway.	
5.2.	LA09/2019/1028/F	7 Stables with attached equipment store and new storage shed at 125m SW of 48 Moneysharvin Road, Swatragh for Seamus Lagan.	APPROVE
5.3.	LA09/2019/1648/F	Retention of extended yard area for the purpose of storage of HGV vehicles and trailers at lands at 175m W of 66A Kilnacart Road Dungannon, for Mr Niall Mc Cann.	APPROVE
5.4.	LA09/2021/0543/F	Renewal of application LA09/2016/0282/F for proposed new vehicle entrance at Adjacent to 17 Cullenfad Road Dungannon, for Libby Campbell.	APPROVE
5.5.	LA09/2021/0588/O	Infill site for dwelling and garage between 34 Glenarny Road and 19 Knockaleery Road, Cookstown, for Mr Richard McAlister.	APPROVE
5.6.	LA09/2021/0995/F	Extension to existing mushroom storage & distribution facility at 118 Trewmount Road, Dungannon for K Hughes & Co Ltd.	APPROVE
5.7.	LA09/2021/1129/O	Site for dwelling and domestic garage/store S of and adjacent to 71 Ballybeg Road Dungannon, for Mr Gerard Mc Aliskey.	REFUSE
5.8.	LA09/2021/1171/RM	Dwelling and detached domestic garage at approx. 30m S of 5 Tamlaghtduff Park, Bellaghy for John & Sheila Fullerton.	APPROVE
5.9.	LA09/2021/1382/O	2 storey dwelling & domestic garage on a farm at land approx. 130m SW of 19 Glendavagh Road Aughnacloy for Dale Watters.	REFUSE
5.10.	LA09/2021/1450/F	Dwelling and garage at site 100m NW of 4 Rogully Road, Magherafelt for Pat McVey.	REFUSE
5.11.	LA09/2021/1592/O	Dwelling on a farm 30m NE of 32 Killynaul Road Caledon, for Mark Edwards.	REFUSE
5.12.	LA09/2021/1733/O	Replacement dwelling and garage at land approx. 65m NW	APPROVE

		of 68 Tullanafoile Road, Dungannon, for Mr Neville Robinson.	
5.13.	LA09/2021/1751/O	Dwelling at lands SW of 46&46a & NW of 44 Annaghmore Road, Castledawson, for Frances Taylor.	REFUSE
5.14.	LA09/2021/1805/F	Infill dwelling and garage and associated site works at lands between 54 & 56 Ballynasaggart Road, Ballygawley for Tony Hughes.	APPROVE
5.15.	LA09/2021/1807/F	Farm dwelling at 75m SW of 106 Derryfubble Road, Dungannon, for Bronagh Long.	APPROVE
5.16.	LA09/2022/0007/F	Detached ancillary granny flat in the rear garden of 30 Claremount Drive, Coalisland, for Adrian Devlin.	APPROVE
5.17.	LA09/2022/0062/O	Infill dwelling and domestic garage at site W of 35 Drummurrer Lane, Coalisland for Mr Michael Corr.	REFUSE
5.18.	LA09/2022/0068/O	Dwelling at site 50m NE of 1 Loveshill, Castledawson for Noel & Marie Lennon.	APPROVE
5.19.	LA09/2022/0153/F	Regularisation of an operational Anaerobic Digestion (AD) plant including extension to curtilage and shed (housing feedstock hopper), hopper access lane, digestate storage tank, relocated pasteurisation tanks, macerator and heat exchanger within extension and proposed extension to shed, carbon filter and amendment to previously approved digestate storage tank at lands approx 200m NE of 14 Tullywiggan Cottages, Tullywiggan Road, Cookstown, for PAR Renewables Ltd.	APPROVE
5.20.	LA09/2022/0242/F	Retention of domestic store (not in accordance with LA09/2021/0259/F) at 20 Ardchrois, Donaghmore, for Conrad McGuigan.	REFUSE

	Planning Reference	Proposal	Recommendation
6.1.	LA09/2015/0523/F	Retrospective permission for retention of car park and pedestrian access via under road tunnel in association with the Jungle NI at approx 80m SE of 60 Desertmartin Road, Moneymore for Mr Robert Carmichael.	APPROVE
6.2.	LA09/2018/1564/F	4 apartments with associated parking with access onto Woodlawn Park and on site waste water treatment plant at 10m to the rear of 60 Union Place, Dungannon, for Mr Brendan Cunningham.	APPROVE
6.3.	LA09/2018/1623/F	Retention of new access and associated turning bay at existing commercial yard (TAF and Auto Track) at lands at 200m W of 66A Kilnacart Road Dungannon for Niall McCann.	APPROVE
6.4.	LA09/2019/0712/F	General purpose agricultural buildings and associated groundworks 25m NE of 34 Castlecaulfield Road, Donaghmore, for Mr Joesph O'Neill.	REFUSE
6.5.	LA09/2020/0024/F	3 lodges for short term accommodation at 210m SW of 35 Brookend Road, Ardboe for Donal Coney.	REFUSE
6.6.	LA09/2021/0273/O	Site for dwelling and garage at land at Tullaghmore Road Roughan Road Cross Roads opposite and 30m S of 57 Tullaghmore Road Dungannon, for Joanne Badger & Jamie Allen.	APPROVE
6.7.	LA09/2021/0352/F	Stable and store at lands approx. 55m W of 303 Battleford Road, Dungannon, for Mr Patrick McKenna.	REFUSE
6.8.	LA09/2021/0739/F	Dwelling & garage/Store at 150m NE of 230 Coalisland Road, Gortin, Dungannon, for Mr Cathal Keogh.	REFUSE
6.9.	LA09/2021/1274/F	Dwelling at site between 87 and 91 Kinrush Road, Cookstown for Dwayne McKenna	APPROVE

7. Receive Update to Planning Officer Authorisation List 345 - 346

Matters for Information

- 8 Minutes of Planning Committee held on 5 April 2022 347 - 368

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

Matters for Decision

Matters for Information

9. Confidential Minutes of Planning Committee held on 5 April 2022
10. Receive Report on Presentation to Officers from NIHE on the draft Mid Western Housing Market Analysis (SHMA)
11. Enforcement Cases Opened
12. Enforcement Cases Closed



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0566/F	Target Date:
Proposal: (amended scheme) Erection of 6 no dwellings and associated access road	Location: Approx 90m East of 96 Davagh Road Omagh
Referral Route: 1no. Objections received	
Recommendation:	Approval
Applicant Name and Address: M Conway 113a Davagh Road Mountfield Omagh Tyrone	Agent Name and Address: Desmond O'Neill 17 Main Street Dromore Omagh
Executive Summary: Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
Signature(s): <div style="height: 40px; border: 1px solid black;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Substantive Response
Non Statutory	Environmental Health	Substantive Response
Non Statutory	NI Water Multi Units	Substantive Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Historic Environment Division	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	NIEA	Advice

Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits and within the designated Broughderg Dispersed Rural Community as depicted within the Cookstown Area Plan 2010. The site is located approximately 5.5km NW of the defined settlement limits of Dunnamore. The proposal site comprises a portion of a large agricultural field

located at the crossroads where Broughderg Road and Davagh Road meet. There is traffic directional signs and a fenced plaque located adjacent to the application site on the grass verge at the public road junction. The field is accessed via an agricultural gate onto Broughderg Road, however the site also has frontage along Davagh Road. The roadside boundaries of the site are defined by post and wire fencing. The topography of the site is relatively flat with the surrounding landform undulating and remote. The site is located within the Sperrin's AONB and the surrounding area is rural in character. The predominant land use in the surrounding area is agricultural fields, there is low development pressure with some dispersed dwellings. Our Lady of the Wayside Church is located in close proximity to the west and beyond this to the west, a short distance away is Broughderg Post Office.

Description of Proposal

This application seeks full planning permission for the erection of 6 dwellings and associated works located on lands approximately 90m East of 96 Davagh Road, Omagh.

The dwelling is being applied for under Planning Policy Statement 21, Policy 2 Development in Dispersed Rural Communities.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030
 Strategic Planning Policy Statement for Northern Ireland
 Cookstown Area Plan 2010
 PPS 2: Planning and Natural Heritage
 PPS 6: Planning, Archaeology and the Built Heritage
 PPS 3: Access, Movement and Parking
 PPS 21: Sustainable Development in the Countryside
 Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

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

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1no. Objection letter was received from

the owner/occupier of the property directly opposite the application site, 96 Davagh Road. The details of the objection are outlined and considered below.

- Objector states the proposal is contrary to the relevant plan and the development is not suitable in this location. He argues the proposal would adversely affect the intrinsic environmental value and character of the local landscape area; will have an adverse impact on the established character of the neighbourhood; and is heavily populated with diverse wildlife. He states the location is extremely rural and unspoilt by residential development and his family have lived in this area for over 140 years and rely on the Planning Office to protect its originality and vitality.

The proposal site is located within a designated Dispersed Rural Community (DRC) within the extant Cookstown Area Plan 2010. The relevant planning policy for development in the countryside is PPS21 which sets out a circumstance for development within a DRC. It is considered the proposal complies with this relevant policy and this is set out in greater detail below. The DRC designation recognises the strong identity in this area and the need for local housing and it is considered this small development will accommodate this and therefore protect the vitality of the area. It is recognised that the surrounding landscape is remote and therefore it is necessary to ensure appropriate design and integration into the landscape. The proposed design, density and layout are considered in greater detail below to ensure no detrimental impact on the intrinsic value of this area. It is noted the objector has referred to diverse wildlife. The agent has provided a signed Biodiversity Checklist which does not identify any impact on protected or priority species. A review of NIEA Map Viewer has been carried out and it is noted NIEA were consulted on this application and have not raised any objections.

History on Site

LA09/2017/0971/PAD - Proposed site for rural housing - Davagh Road, Mountfield – PAD Declined

I/2013/0264/F - Proposed farm dwelling - Approx. 70m North of 113 Davagh Road Broughderg Co Tyrone – Permission Granted 13/08/14

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement. The application site is located within Broughderg and Davagh Upper designated Dispersed Rural Community (DRC), the Sperrin's Area of Outstanding Natural Beauty (AONB), an Area of Constraint on Mineral Developments and an Area of Significant Archaeological Interest.

The Plan states a Dispersed Rural Community 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. Cookstown Area Plan 2010 identifies St Mary's Church and Broughderg post office as forming a locally significant focal point on Broughderg Road. It is noted the application site is located in proximity of Broughderg Post Office and is adjacent to Our Lady of the Wayside Church. The Plan states housing within the DRC will be regulated in accordance with the provisions of prevailing regional planning policy and in the light of plan guidance set out below.

“New development and individual dwellings should be located on sites that visually integrate into the landscape. Proposals should be designed in a manner that is in keeping with the vernacular traditions of the Sperrin AONB. Clusters of development should have an informal layout reflecting a clachan style and should not take the form of a suburban type layout typical of urban locations. Individual buildings, including those within clusters, should normally be simple in form, avoiding ornate front projections, and should be modest in scale whilst conforming to the following guidance:

- external finishes should be white or off-white roughcast or smooth render with dark blue/black slates or non-profiled tiles;
- window and door openings should have a pronounced vertical emphasis formed in the actual block work rather than by the use of glazing bars; and
- wide gable ends in association with low roof pitches should be avoided, with preference being given to buildings normally not more than 7.5 metres wide and with roof pitches not less than 40 degrees.”

The layout of the proposed cluster has been considered at internal group and has been agreed as acceptable. It is noted that all proposed dwellings are finished with white rough case external wall finishes and natural slate roofs with the addition of some locally sourced stone which is considered acceptable. It is noted House Types B and D have a gable end width less than 7.5m in keeping with the Plan preference, however House Types D1 and D1a have an approx. 9m gable width. All opening have a vertical emphasis which is considered appropriate. Housing within the DRC will be regulated in accordance with the provisions of prevailing regional planning policy PPS21 Policy CTY2, the criteria of which is considered below. Policy NH6 of PPS2 is applicable as the application is located within the Sperrin's AONB. Policy NH6 states that permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. It is considered the scale of each dwelling unit is modest and the design is in keeping with the rural setting. It is considered the proposal will respect the character of the rural area in accordance with the Area Plan and Policy NH6 of PPS2.

The application site is located within Beaghmore Area of Significant Archaeological Interest. Area Plan Policy Con 4 states Planning permission will not be granted for proposals for large-scale development or the erection of masts or pylons within this area unless it can be demonstrated that there will be no significant impact on the character and appearance of this distinctive historic landscape. Particular attention will be paid to the impact of proposals when viewed from the stone circles and other critical viewpoints within this area. I do not consider the proposal to be large scale, the proposed development whilst high density in comparison to development in the surrounding area, the development is modest, the scale is appropriate and it is considered can be absorbed into the historic landscape without significant impact. It is considered the distance between the proposed development stone circles will ensure no detrimental impact on this heritage asset or its setting. Given the application site is located within a designated ASAI, HED were consulted. HED (Historic Monuments) has considered these proposals and find that they will not provide any adverse impact upon setting of the ASAI as the proposed buildings are of appropriate design and will read with the adjacent existing buildings in views across the wider landscape. The potential for uncovering buried archaeological remains during site works is considered low and

archaeological mitigation is not required. In light of this response, it is considered the proposal complies with Area Plan Con 4 and PPS 6.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. The proposal falls under one of these instances, Policy CTY 2 - Development in Dispersed Rural Communities. Policy CTY 2 states 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 within a Dispersed Rural Community designated in a development plan.

As stated above, the proposal is located within Broughderg and Davagh Upper Dispersed Rural Community as designated within the extant Cookstown Area Plan 2010. The proposal represents a small cluster of 6 housing units sited adjacent to a church which is considered an acceptable focal point. It is considered the proposal site is visually linked to an identified suitable focal point and the cluster of development proposed will build upon and consolidate this focal point. The siting of the proposal in relation to the focal point is considered appropriate and will combine to form one visual entity in the landscape. The locally distinctive traditional siting patterns have been reflected and reinterpreted in the layout of new houses and this consolidates local identity. It is considered the proposed design and finishes of each dwelling unit is of a high quality, appropriate to the rural setting and have regard to local distinctiveness. It is considered the application site can accommodate the proposed 6 dwelling units with adequate provision for in-curtilage parking, access arrangements and private amenity space. Drawing 02 Rev 1 proposes substantial native species planting to the boundaries of the site which will assist integration and will be conditioned to any forthcoming approval. The topography of the site is relatively flat and it is considered the development will consolidate and accord with the existing settlement pattern. The access arrangements are considered acceptable and DFI Roads has been consulted and raised no concerns. It is noted that the proposal will be served by a private treatment plant and consent will be required by NIEA for sewage disposal outside the remit of planning. Overall it is considered the proposal accords with Policy CTY2 and is acceptable in this location.

Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside states Traditional clachans have an intimacy and scale that is not easy to replicate with contemporary homes. Typically the buildings were small, the spaces between were small and all was held together by a network of stone walls and enclosures which welded the group together. It is considered the layout and design is appropriate and the stone wall helps create a traditional clachan appearance. The design and layout accords with the rural, remote landscape and the use of landscaping will ensure visual integration into the surrounding landscape. It is considered the proposal will blend in successfully with its

immediate and wider surroundings given the modest scale of the dwelling units in accordance with Policy CTY 13. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. The proposed development will consolidate development at a local focal point and will respects the characteristics of this designated DRC. I do not consider will detrimentally alter the rural character of this area to warrant refusal. Overall, I consider the proposal accords with Policy CTY 13 and CTY 14.

Planning Policy Statement 3: Access, Movement and Parking

The proposal is for 6 dwelling units therefore is subject to Private Streets Determination. DfI Roads have been consulted and are content with the proposed access and parking arrangements subject to conditions. Having considered the access arrangements and in light of DFI Roads consultation response, I am satisfied the proposal accords with PPS3 AMP2.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered all relevant prevailing planning policy, the proposal is recommended for approval subject to the conditions outlined below.

Conditions:

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

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

2. The 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. 12 bearing the date stamp 02 November 2021

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

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
No other development hereby permitted shall be commenced until the works necessary for the improvement of the public road network have been completed in accordance with the details outlined blue on Drawing Number 12 bearing the date stamp 02 November 2021 The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

4. The visibility splays of 2.4 x 70 metres at the junction of the proposed access road with Davagh Road, shall be provided in accordance with Drawing No. 12 bearing the date stamp 02 November 2021, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. The visibility splays of 4.5 x 140 metres in the eastern direction at the junction of the Davagh Road with the Broughderg Road, shall be provided in accordance with Drawing No. 12 bearing the date stamp 02 November 2021, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in (verges/service strips) determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

If the finished ground level of the adjacent lands is greater than 150mm below the finished level of the adjoining footway or verge, a boundary fence or wall shall be provided to a minimum height of 1.1 m above the footway or verge level.

Reason: To ensure the safety of pedestrians on the public road

2. All proposed planting as indicated on approved Drawing No. 02 Rev 1 date stamped 10th June 2021 shall be carried out in the first available planting season after the commencement of development and permanently retained thereafter. Any trees or shrubs which, within a period of 5 years from the occupation of the building, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. The applicants attention is drawn to Environmental Health consultation response dated 16/08/18.
5. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992. Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the DfI Roads to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.
6. The developer, future purchasers and their successors in title should note that DfI Roads will not adopt any 'street' as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992 until such time an Article 161 agreement between the developer and NI Water for the construction of foul and storm sewers including any attenuation holding tanks and discharge pipes has been fully implemented and works upon completion approved by NI Water Service .
7. The service strips coloured green with black hatching on the approved plan have been determined as lands to be adopted by the Department for Infrastructure. It is, therefore, essential that vendors inform house purchaser of their limited rights within such strips. It is strongly recommended that the developer does not sell or lease the land from the service strips as parts of housing plots. If land for service strip is to be sold or leased to house purchasers the vendor must insert in the deeds the following clause or covenant:—"The purchaser hereby covenants with the vendor that he/she, the purchaser, and his/her successors in title will not at any time hereafter erect or construct any building wall or fence or plant any tree or shrub on the strip of land shown hatched on the approved PSD plan annexed hereto, nor do or suffer to be done therein or thereon any act, matter or thing whereby the cover of soil over or the support of the pipes, wires and/or cables laid in the said strip of land shall be altered or which may render access thereto more difficult or expensive and shall understand that the road authority and statutory undertakers have unencumbered right of access to the said strip of land."

8. Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges.

9. Separate approval must be received from DfI Roads in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.


Signature(s)

Date:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1028/F	Target Date:
Proposal: Proposed 7no Stables with attached equipment store and new storage shed.	Location: 125m SW of 48 Moneysharvin Road Swatragh
Referral Route: Objection received	
Recommendation:	Approval
Applicant Name and Address: Seamus Lagan 64 Drumbane Road Swatragh BT46 5NN	Agent Name and Address: DIAMOND ARCHITECTURE 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	No Objection
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>One letter of objection was received relating to issues around British Horse Society regulations which is beyond the scope of the planning department to comment on. Issues were also raised regarding the wildlife within the area. This was addressed by the applicant and following a re-consultation with NIEA they offered no objection.</p>		
Characteristics of the Site and Area		
<p>The site is located within the open countryside, south of the settlement limits of Swatragh, within no other designations as per the Magherafelt Area Plan 2015. The red line of the application site makes up part of a larger agricultural field, which is relatively flat. The site has some screening along the roadside, with the northern boundary defined by an existing tree line. Post and wire fencing defines the western and southern boundaries. The surrounding area is mainly</p>		

agricultural with the settlement limits of Swatragh located north of the site. The nearest dwelling is located approximately 125m to the north east of the site, at the other side of the Moneysharvan Road, which is a protected route. There is an existing access in place for the field.

Description of Proposal

Full application for 7no. stables and equipment store.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2010
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 Cookstown Area Plan 2010. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes 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. Within this it states that planning permission will be granted for non-residential development in the countryside in the following cases, which may be applicable to this application which includes Outdoor sport and recreation uses in accordance with PPS 8.

PPS 21 allows for non-residential proposals in accordance with PPS 8: Open Space, Sport and Outdoor Recreation. Within this, Policy OS 3- Outdoor recreation in the countryside which states permission will be granted for recreational uses in the countryside where all the following criteria are met:

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

I am content the proposal will have no adverse impact on the above-mentioned features. NIEA were consulted on a Biodiversity checklist and offered no objection.

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

The site is located on agricultural lands but I do not believe it could be considered the best and most versatile agricultural land. The majority of the site will still be used for grazing for the horses

which are being stabled there. The proposal will have no impact on neighbouring agricultural lands.

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

Although the proposal includes two buildings (one stable block and a storage building) I am content that given the rural location, the fact the buildings are set back from the public road and the existing trees along the roadside boundary the development can be absorbed into the landscape.

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

I am content the proposal is far enough removed from any nearby residents. Given that the proposal is for private use and not as a public facility it will not raise any concerns over noise.

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

The development is compatible with other countryside uses and as it is to be used for private stabling of the applicants own horses, public safety will not be prejudiced.

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

I am content that the building proposed are of a high standard and appropriate for the local area. Existing landscaping ensures the buildings will blend into the existing landscape.

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

Although the proposal is not for public use, the site is accessible both by car and by pedestrian means if necessary.

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

DfI Roads were consulted on the proposal and stated, "as the P1 Form indicates no traffic intensification then DFI Roads offer no objections to this proposal." This was clarified with the applicant that the proposed use is for private domestic use and that no intensification of the existing access would take place.

It is noted that within the justification and amplification of this policy, it covers Equestrian uses, recognising the keeping and riding of horses for recreational purposes is increasingly popular. It then goes further to discuss riding schools, which are normally acceptable in principle. However, the agent has made it clear that the applicant is using this solely for domestic purposes and it will not be used as a riding school or for any other business purposes.

A previous Planning Appeal's Commission decision (2010/A0099) relating to the retention of a building for stables made reference to the fact PPS 8 states that recreational uses such as riding schools will normally be considered acceptable in principle, however, it does not indicate that

small scale developments for personal/family use are unacceptable in the countryside. In determining that appeal the commissioner declared that such a use would not be appropriate in an adjoining settlement and that PPS 8 was the relevant policy to assess the application. As is the case here, I am content the proposal complies with the policy criteria of PPS 8.

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. I am content the buildings proposed at this location will not be prominent features in the landscape, as they will be screened by the existing site boundaries. I am content the design of the proposal is appropriate for the rural location and for the proposed use of the buildings for stabling horses.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously mentioned I am content the new buildings will not be a prominent feature in the landscape. The proposal will not result in an suburban style of development and it respects the traditional pattern of development expected for an equestrian use in the countryside. The proposal will not create or add to a ribbon of development and ancillary works will not damage the rural character of the area.

Policy CTY 15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. Given the location of the proposed development, which is located 400m South, and 250m South west of the settlement limits of Swatragh, with other development in between I am content the development will not mar the distinction between the settlement limit and the countryside or result in urban sprawl.

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 and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Neighbour Notification Checked	Yes/No
Summary of Recommendation: Approval, subject to conditions	
Conditions <ol style="list-style-type: none"> <li data-bbox="204 1675 1420 1747">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. <li data-bbox="204 1848 1420 1975">2. The vehicular access including visibility splays 2.4 X 60 metres and any forward sight distance, shall be provided in accordance with Drawing No 01 Rev 01 bearing the date stamp 15th September 2020 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level 	

surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The buildings hereby approved shall be used only for private domestic use and no trade or business shall operate at this location.

Reason: To ensure there is no intensification of the existing access onto a protected route.

4. The proposed shed indicated on Drawing No.02 Rev 01 date stamped 15th September 2020 shall only be used ancillary to the proposed stables hereby approved.

Reason: To ensure no other use of the land or buildings is taking place and that it is used for private domestic use only.

5. A suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the field drains present along the boundaries of the application site.

Reason: To protect the water environment.

6. The existing mature vegetation on the northern and eastern boundaries of the site shall be permanently retained.

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

7. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

Informative

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning Authority or other statutory authority.
4. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or

footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.
6. Please refer to NIEA's detailed consultation response received 28th January 2021

Signature(s)

Date:

ANNEX	
Date Valid	31st July 2019
Date First Advertised	15th August 2019
Date Last Advertised	20th October 2020
Details of Neighbour Notification (all addresses) The Owner/Occupier, 48 Moneysharvan Road Maghera Londonderry Lagan	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1028/F Proposal: 7no Stables and equipment store Address: 125m SW of 48 Moneysharvin Road, Swatragh, Decision: Decision Date:	
Summary of Consultee Responses	

Drawing Numbers and Title
Drawing No. 01 REV 01 Type: Site Location Plan Status: Submitted
Drawing No. 02 REV 01 Type: Site Layout or Block Plan Status: Submitted
Drawing No. 03 Type: Proposed Plans Status: Submitted
Drawing No. 04 Type: Proposed Plans Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



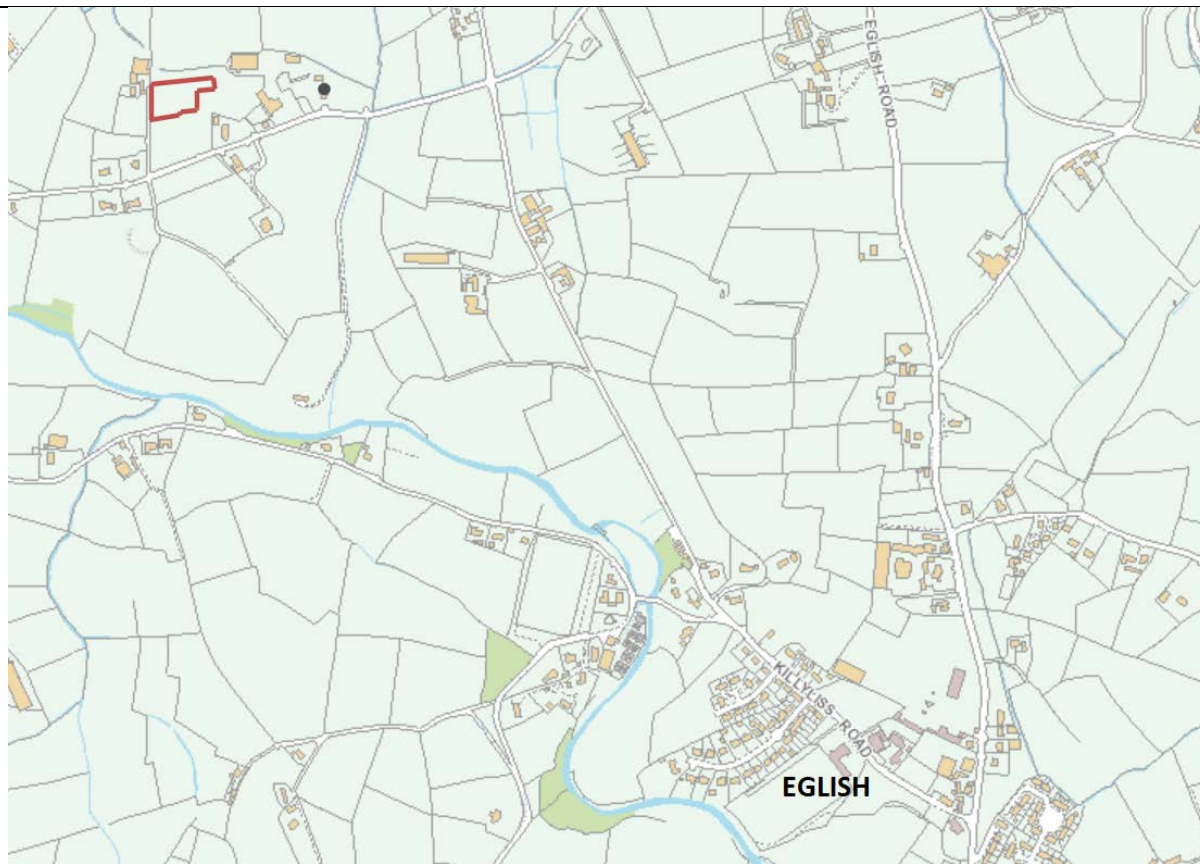
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1648/F	Target Date:
Proposal: Retention of extended yard area for the purpose of storage of HGV vehicles and trailers	Location: Lands at 175m West of 66A Kilnacart Road Dungannon
Referral Route: Objection received	
Recommendation:	Approval
Applicant Name and Address: Mr Niall Mc Cann 66A Kilnacart Road Dungannon	Agent Name and Address: CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

- Unsuitability of Kilnacart road for HGV vehicles
- Access and visibility splays
- Road safety issues
- Harmful to neighbouring living accommodation
- Other issues relating to consultations and hours of use.

Characteristics of the Site and Area

The application site is located on Kilnacart Road, Dungannon, Co. Tyrone. It is just north west of the settlement limits of Eglish and outside all other areas of constraint as designated within the Dungannon and South Tyrone Area Plan 2010. The wider area surrounding the site exhibits an undulating character.

The red line of the site contains an irregular shaped plot of land located off the Kilnacart Road, to the rear of two approved infill dwellings. The site access is via a laneway (currently subject to a retrospective planning application) splitting the aforementioned sites and opens into a rectangular shaped hard cored turning and parking area to the rear. The access laneway is laid in gravel/concrete with tree lined boundary on both sides and a set of high metal gates set back about 20 metres from the roadside with two large pillars and curved walls constructed at the entrance to the road.

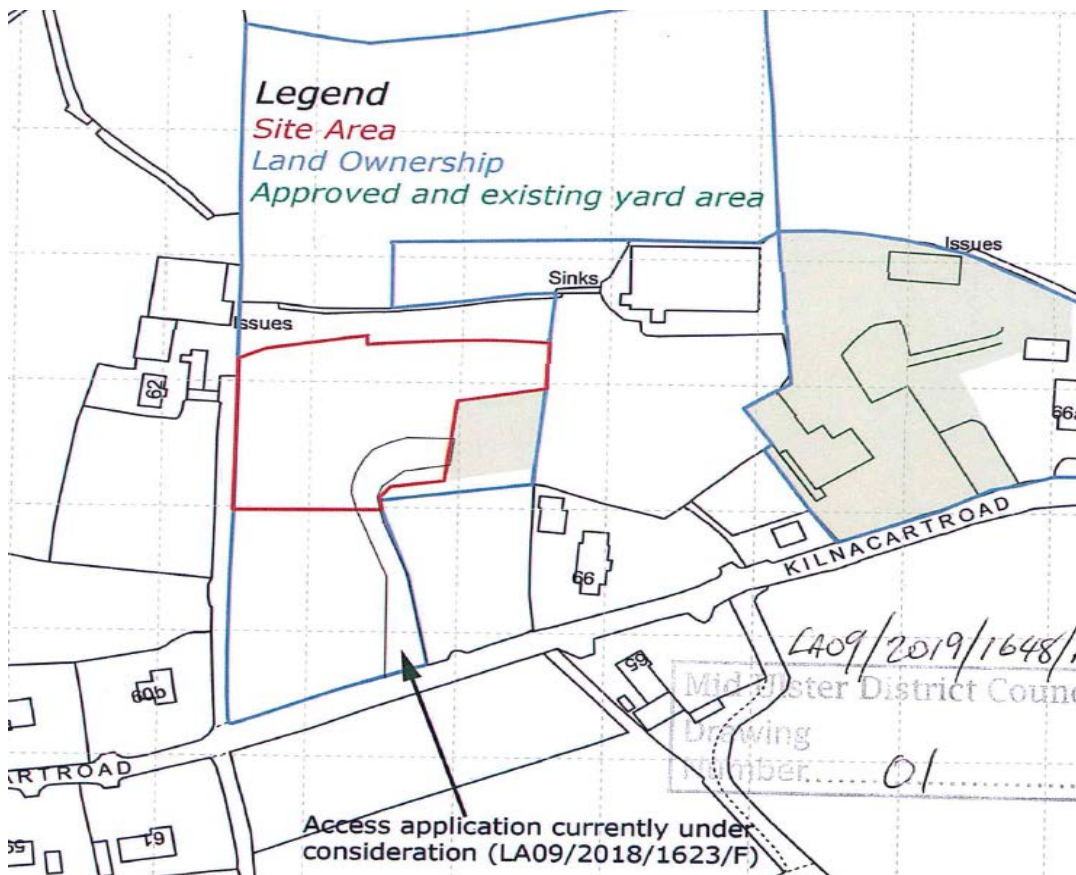
There is a recently constructed garage as part of the approved infill dwelling to the south of the turning area with its own pillared access, however neither of the two approved dwellings have been constructed. To the east of the site is the main Yard area including a number of large sheds. The rear northern boundary is defined by a native species mature hedgerow.



In terms of elevation the site rises gradually to the south Kilnacart Road side and the overall topography of the site gradually decreases in elevation towards the north.

Description of Proposal

The proposal seeks full planning permission for the retention of extended yard area for the purpose of storage of out of service HGV vehicles and trailers.



Planning Assessment of Policy and Other Material Considerations

Representations

One objection was received from a resident of number 104a Killyliss Road (approx. 1.1 miles to the east). This objector raised concerns regarding;

- Unsuitability of Kilnacart road for HGV vehicles
- Access and visibility splays
- Road safety issues
- Harmful to neighbouring living accommodation
- Other issues relating to consultations and hours of use.

Consideration of objection

- The Kilnacart road is a class B road, the existing use has been established and the proposal does not involve any intensification of use.
- The access and visibility splays are in place and with regards to this application Roads have no objection subject to conditions. In addition there is also a separate application for the access which is progressing to committee for approval alongside this application.
- Roads have assessed the application including the objection and do not feel there is any road safety concerns that cannot be dealt with by condition. As roads are the competent authority in assessing the application from a road safety perspective I have no reason to disagree with their assessment.

- The dwelling at number 62 is situated close to and adjacent to the yard, it must be noted that they have no objection. In addition the existing use is already on the site and although it involves moving closer to the dwelling it will not intensify or change the use. Environmental health were consulted and suggested restricting hours of use and limiting use to Class B4 storage and distribution. It is my opinion that these conditions necessary and appropriate in order to ensure there is no loss of amenity to the closest sensitive receptor.
- The objector has also expressed concerns that the yard was being used at all hours of the day and night, this will also be dealt with by the conditions above.

Site History

-LA09/2017/1431/F Extension to existing commercial yard for out of service vehicles, trailers and equipment. GRANTED 3/5/18

- LA09/2018/1618/F - Retention of alterations to approved garage GRANTED - 11.09.2019

-LA09/2018/1623/f Retention of new access and associated turning bay at commercial yard. - UNDER CONSIDERATION.

-LA09/2020/0700/F - Conversion of and extension to approved garage to provide dwelling in substitution for dwelling approved under LA09/2017/0587/F and erection of new garage. ? GRANTED 16.02.2021

Assessment

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

- 1.Strategic Planning Policy Statement (SPPS).
- 2.Dungannon and South Tyrone Area Plan 2010.
- 3.Planning Policy Statement (PPS) 3 - Access Movement and Parking.
- 4.PPS 21 - Sustainable Development in the Countryside.
- 5.PPS 4 - Planning and Economic Development.

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.

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.

SPPS - Strategic Planning Policy Statement for Northern Ireland

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

Area Plan

Dungannon and South Tyrone Area Plan 2010, un-zoned land located in the countryside. The policy provisions of SPPS, PPS21 and PPS4 apply.

Policy CTY 1 of PPS 21 identifies 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. One such type is non-residential development which involves industry and business uses in accordance with the provisions of PPS 4.

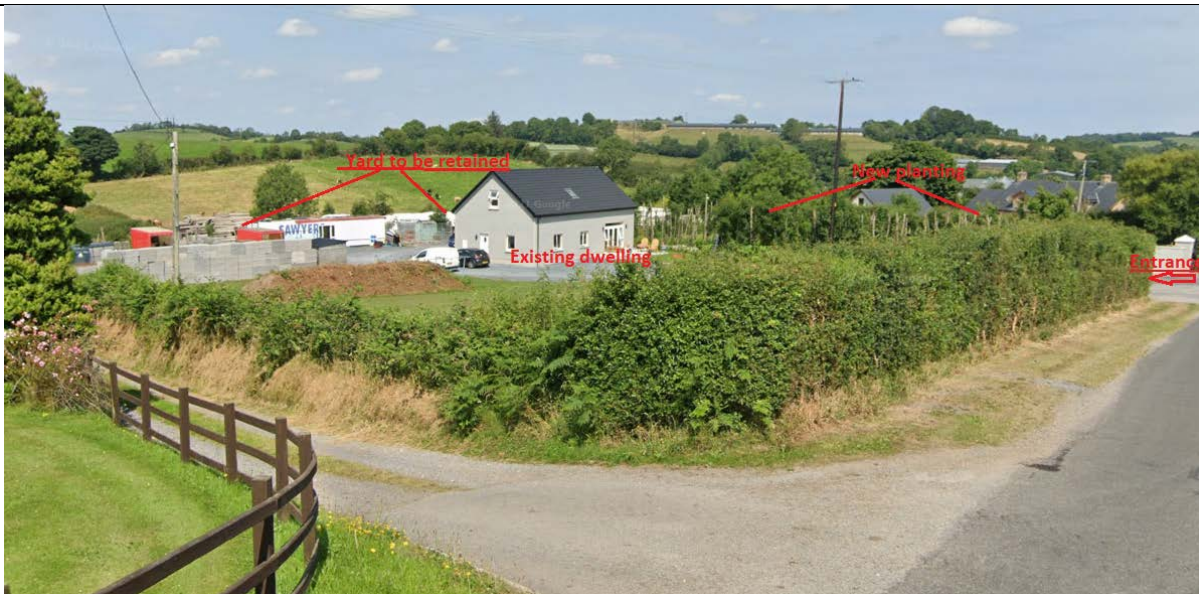
Policy PED 2 of PPS 4 is applicable in terms of assessing the acceptability of economic development in the countryside. PED 2 outlines that proposals for the expansion of an established economic development use in the countryside will be permitted in accordance with the policy contained within Policy PED 3.

PED 3 includes the criteria by which development proposal of the type and nature proposed, should comply with. With regard to the character and setting of the existing rural area PED 3 establishes that development proposals will be permitted where they do not harm the rural character or appearance of the local area and where there is no major increase in the site area. The application is for the retention of a yard extension (approx. 0.4 hectares) to an existing and established economic development use in the countryside. The yard area was previously approved for a smaller extension in the east corner, under planning application LA09/2017/1431/F. However, this overall yard has now been divided between two separate business and the current applicant only has access to the small yard area approved via the above application for extension (approx. 0.1 hectare). The applicant runs a haulage business and up until 2018 had operated from the existing yard as well as the yard to abutting to the east, however, since the area to the east has been made unavailable to the applicant they have extended the existing yard to the west without planning permission.

The scale and nature of the proposal is modest in nature when read in conjunction with the overall area, including the land the applicant controls to the far East, however, when taken in context of the actual yard for which the applicant has approval for it would represent a 4x in size. The site does lie well back from the roadside, behind two approvals one of which is built and along with the new landscaping the applicant has carried out it ensures that the proposal will not have a significant negative impact upon the local character of the area. The site equates to 0.4 ha which is approx half the size of the applicants existing area as shown in the site plan above and as such I do not consider this as a major expansion of site area. I consider that the proposal complies with the first part of the policy.

PED 3 clarifies that proposals for expansion will normally be expected to be accommodated through the re-use and extension of existing buildings on the site and where this is not possible new buildings of an appropriate size and scale will be accepted. The proposal does not include the provision of any buildings however it is noted that the proposed extension area is proportionate to the existing yard area and will integrate as part of the overall development.

In all cases of extension to existing economic development sites, the proposal will be expected to integrate effectively and as documented above the proposed landscaping around the site boundaries will allow for the proposal to integrate more effectively. I am satisfied that the proposal can be accommodated without any significant adverse impact on rural character.



In addition to the policy criteria contained within PED 2 and PED 3 of PPS 4, economic development proposals will also be expected to meet with the general criteria contained within Policy PED 9.

In terms of compatibility and surrounding land uses I am content that the proposal is compliant. The proposed use includes an extension of the existing yard area and this helps restrict the level of impact in this regard. It is noted that there are two third party dwelling in close proximity to the proposal at No. 66 Kilnacart Road. This dwelling is located approx. 40m to the south east of the application site and No.62 which is located directly west. In consideration of this it is noted that the existing yard area bounds the property at No. 66 and is therefore closer to the dwelling than the proposed site and due to the vegetation along the west boundary including a laneway, No.62 remains relatively unaffected. It must also be noted that neither of these dwellings presented any objection.

The proposal will not significantly increase the existing use on the site albeit it will move the yard area nearer to number 62. However, there are no perceived significant detrimental impact on the amenity of any nearby residential properties by way of noise or other environmental factors.

I also note the consultation response from the Councils Environmental Health Department which outlines that they are content that there will be no loss of amenity to the closest sensitive receptors. Environmental Health have highlighted that they would have no concerns should the application site be limited to class B4 storage and distribution only as well as limiting hours of operation and on that basis, I feel a condition limiting the use of the site to the storage of out of service and seasonal vehicles, trailers and equipment is both necessary and appropriate.

In consideration of all of the above coupled with the scale nature of the proposed works I am content that the third-party dwellings will not be significantly negatively impacted upon by the proposed development.

The application site is not located in a flood plain or in an area of archaeological or natural heritage significance and with this in mind I am content that the proposal will not cause a demonstrable impact in this regard. A full drainage assessment was carried out and the proposal complies with the policy requirements of PPS15.

I am also satisfied that appropriate boundary treatment works have been carried out which are of a high quality and assist with the promotion of sustainability and biodiversity. The boundary

works also assist with screening the proposed storage area from public view and providing an adequate means of integration.

PPS 3

DFI Roads were consulted on this application as the competent authority in assessing the application from a road safety perspective. DFI Roads returned comment on the file highlighting that they were content with the proposal subject to condition. On this basis I am satisfied that the proposal meets can provide a satisfactory means of access and that it complies with the policy provision contained with PPS 3 - Access, Movement and Parking.

Conclusion

On the basis of the assessment above I consider that this proposal meets with the requirements contained within prevailing planning policy and guidance and I recommend that the application is approved.

Neighbour Notification Checked

Yes

Conditions

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

Reason: This is a retrospective application.

2. Within 3 months from the date of this permission visibility splays of 2.4m x 80m shall be provided in accordance with the approved Drawing No.3B bearing the date stamp 25 NOV 2021, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

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

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

4. All activities within the area titled 'Site Area' on drawing no.1, date stamped 18 DEC 2019 shall be limited to business class use B4: Storage or Distribution.

Reason; In the interests of safeguarding nearby residential amenity and preventing an unacceptable use on site.

5. There shall be no site activity or vehicle movements within the area titled 'Site Area' on drawing no.1, date stamped 18 DEC 2019 outside the following hours:

- Monday-Friday 0800hrs-1800hrs
- Saturday- 0800hrs-1300hrs
- Sunday - no site activity or vehicle movements

Reason; In the interests of safeguarding nearby residential amenity.

Informatives

1.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

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

Provision shall be made to the satisfaction of DFI Roads Service, to ensure that surface water does not flow from the site onto the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

Signature(s)

Date:

ANNEX	
Date Valid	18th December 2019
Date First Advertised	14th January 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) Patrick Cassidy 104A Killyliss Road, Dungannon, BT70 1LE The Owner/Occupier, 62 Kilnacart Road, Dungannon, Tyrone, BT70 1PD The Owner/Occupier, 62a , Kilnacart Road, Dungannon, Tyrone, BT70 1PD	
Date of Last Neighbour Notification	3rd January 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/0535/LDP Proposal: Proposed culverting of watercourse. Address: 250m NW West of 66a Kilnacart Road, Dungannon, BT70 1PD., Decision: PG Decision Date: Ref ID: LA09/2018/1618/F Proposal: Retention of alterations to approved garage Address: Lands at 250m West of 66A Kilnacart Road, Dungannon, Decision: PG Decision Date: 11.09.2019 Ref ID: LA09/2018/1623/F Proposal: Retention of new access and associated turning bay at existing commercial yard (TAF and Auto Track) Address: Lands at 200m west of 66A Kilnacart Road, Dungannon, Decision: Decision Date: Ref ID: LA09/2019/1648/F Proposal: Retention of extended yard area for the purpose of storage of HGV vehicles and trailers Address: Lands at 175m West of 66A Kilnacart Road, Dungannon, Decision:	

Decision Date:

Ref ID: LA09/2020/0700/F

Proposal: Conversion of and extension to approved garage to provide dwelling in substitution for dwelling approved under LA09/2017/0587/F and erection of new garage.

Address: 64 Kilnacart Road, Dungannon,

Decision: PG

Decision Date: 16.02.2021

Ref ID: M/2003/1590/O

Proposal: dwelling house

Address: between 66 & 60 Kilnacart Road, Dungannon

Decision:

Decision Date: 07.06.2004

Drawing Numbers and Title

Drawing No. 3B

Type:

Status: Submitted

Drawing No. 02A

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

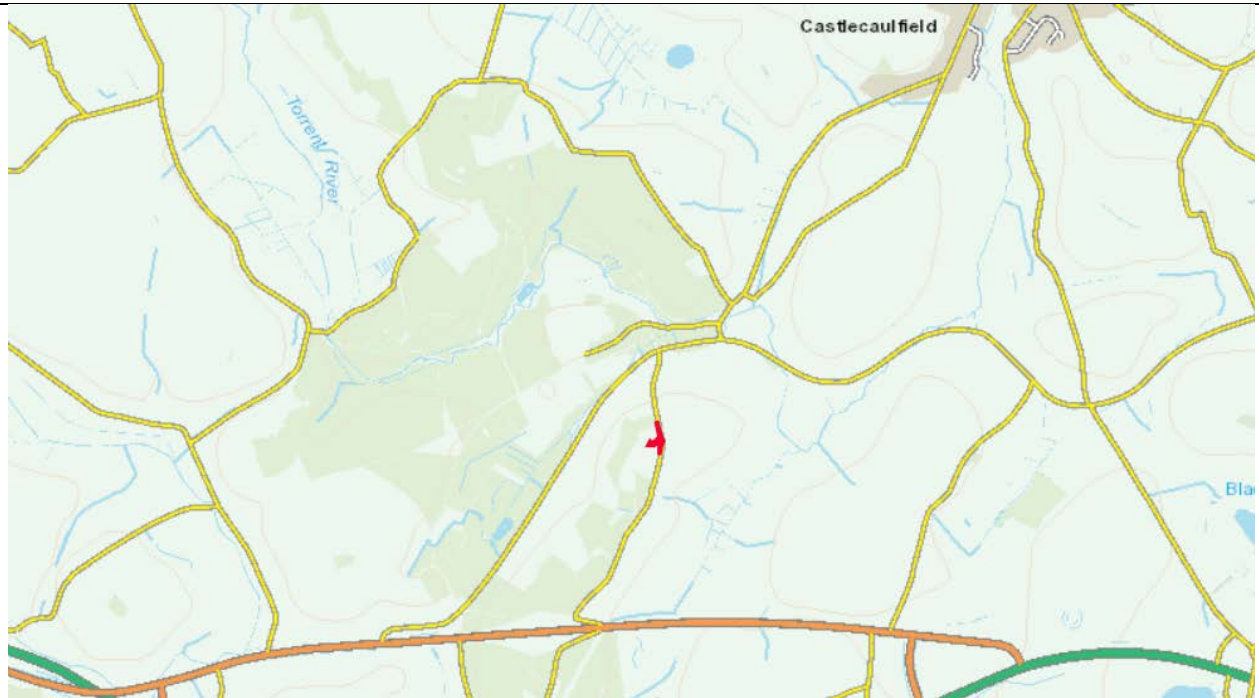
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0543/F	Target Date:
Proposal: Renewal of application LA09/2016/0282/F for proposed new vehicle entrance.	Location: Adjacent to 17 Cullenfad Road Dungannon BT70 1RU.
Referral Route: Objection	
Recommendation: Approval	
Applicant Name and Address: Libby Campbell 17 Cullenfad Road Dungannon BT70 1RU	Agent Name and Address: JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice

Representations:	
Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Description of Proposal

This is a full application for the renewal of a previous full application LA09/2016/0282/F.

LA09/2016/0282/F on the 29th April 2016 granted permission for a new vehicular entrance to supersede that approved under M/2004/0546/O and M/2007/0392/RM, respectively for a dwelling and garage to be located on lands to the rear of 17 Cullenfad Road Dungannon.

Characteristics of the Site and Area

The application site is located in the rural countryside, as defined by the Dungannon and South Tyrone Area Plan 2010, approx. 1.7km southwest of Castlecaufield and approx. 300m south of the Old Ballygawley Rd and forested grounds of Parkanaur House.

The site comprises a strip of land within the curtilage of the applicant's home, no. 17 Cullenfad Rd, a detached bungalow dwelling set on generous grounds, fronting onto the Cullenfad Rd. The strip of land runs along the north side and gable of no. 17 adjacent it's party boundary with nos. 15a and 15 Cullenfad Rd, a small single storey roadside Orange Hall with off road parking to its front and a bungalow with ancillary buildings in association with a business for the manufacture of vehicle parts, respectively. The applicant seeks to utilise this strip of land, largely garden but including paving, to provide access off the Cullenfad Rd to a site previously approved for a dwelling and garage on lands to the rear of no. 17. A picket fence approx. 1.2m high enclosing no. 17's front garden defines the roadside boundary of the current site and a mature hedge the rear boundary. Post and wire fencing defines the northern / party boundary of the current site with nos. 15a and 15 towards the front of the site (to south of the Orange Hall) and a mature hedge largely towards the rear of the site (to the south of a storage building in association with the business at no.15). The southern boundary of the site is open onto no.17's curtilage.

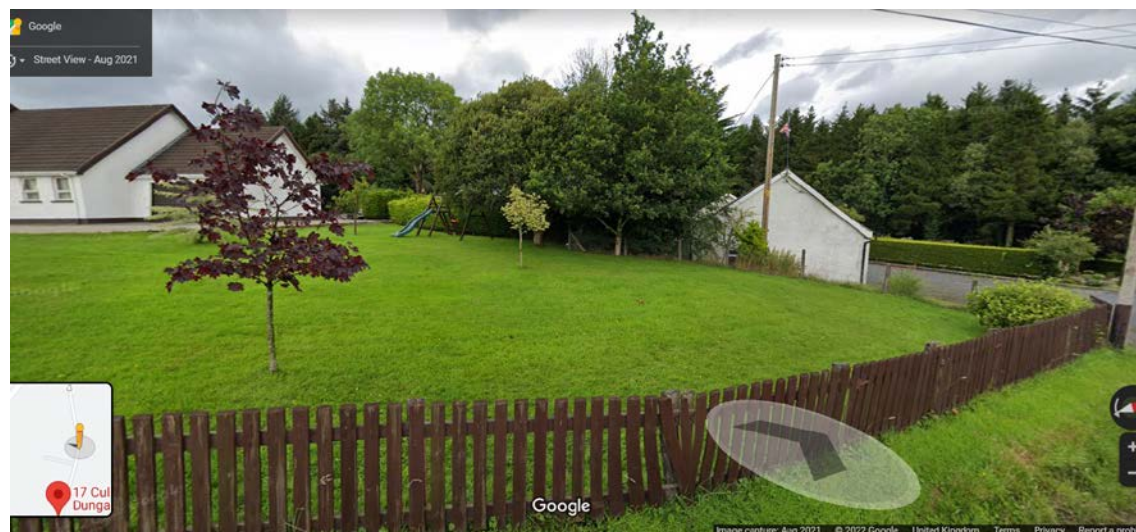


Fig 1: Access to run along party boundary of no. 17 Cullenfad Rd with nos. 15a and 15 Cullenfad Rd, an Orange Hall and bungalow with ancillary buildings / sheds.

The site to the rear of no. 17 containing the foundations of a garage, which this proposal seeks to access, is a relatively square shaped piece of land bound on all 4 sides by post and wire fencing and a mix of mature hedgerow and tree vegetation including mature coniferous trees (within adjacent forested area) along its western boundary.

Whilst the wider vicinity of the site is largely characterised by agricultural land, interspersed with single dwellings and farm holdings the immediate vicinity has come under some development pressure in recent times. The site is located within a small compact cluster of development running along both sides of the Cullenfad Rd comprising the aforementioned Orange Hall and approx. 6 dwellings with accompanying outbuildings including nos. 15 and 17 Cullenfad Rd referred to above. A forested area hugs and encloses this cluster of development to the west side of the Cullenfad Rd.

Planning Assessment of Policy and Other Material Considerations

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

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

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement (PPS) 3 Access, Movement and Parking

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

Relevant Planning History

On / Adjacent Site

As seen below there is an extensive planning history relating to the development of lands to the rear of no. 17 Cullenfad Rd for the erection of a dwelling dating back to 1999.

- M/1999/0623/O – Proposed dwelling – rear of no. 17 Cullenfad Rd – Granted 26th October 1999
- M/2004/0548/O – Proposed Dwelling – rear of no. 17 Cullenfad Rd – Granted 14th May 2004
- M/2006/1711/F – Proposed new vehicular entrance to supersede that approved under M/2004/0548/O – Adjacent 17 Cullenfad Rd – Withdrawn 7th September 2007
- M/2007/0392/RM – Proposed 1 ½ storey dwelling with associated septic tank and landscaping – to the rear of 17 Cullenfad Rd – Granted 12th September 2007

M/2004/0548/O & M/2007/0392/RM above were approved with access to be taken off the Cullenfad via a lane along the north side of no. 15 Cullenfad Rd. The entrance sought under M/2006/1711/F like that currently proposed was off Cullenfad Rd through the roadside boundary and curtilage of no. 17.

- M/2007/1435/F – Proposed new vehicular entrance to supersede that approved under M/2004/0548/O – Adj.17 Cullenfad Rd Dungannon – Granted 12th February 2008

The vehicular entrance approved under M/2007/1435/F was the same as that withdrawn under M/2006/1711/F and like that currently proposed.

- M/2009/0580/F – Erection of Dwelling & Garage - Change of House Type from that approved under M/2007/0392/RM, Utilising Access Approved under M/2007/1435/F – Rear of and Adjacent to 17 Cullenfad Rd – 24th August 2009.

M/2009/0580/F included a garage the foundations of which on the date of site inspection were in place.

- LA09/2016/0282/F - Proposed new vehicular entrance to supersede that approved under M/2004/0546/O and M/2007/0392/RM - Adjacent to 17 Cullenfad Rd Dungannon - Granted 29th April 2016

The above vehicular entrance like that approved under M/2007/1435/F and M/2009/0580/F; and like that currently proposed was off Cullenfad Rd through the roadside boundary and curtilage of no. 17.

- LA09/2020/0004/F - Proposed new vehicle entrance to existing approved site to the rear of 17 Cullenfad Rd Dungannon - 17 Cullenfad Road, Dungannon - Refused 4th May 2021.

The above application and most recent seeking to access the site to the rear of no. 17 until the current application like applications M/2004/0548/O, M/2007/0392/RM and M/2009/0580/F sought access off the Cullenfad Rd via a lane along the north side of no. 15 Cullenfad Rd. This proposal deemed contrary to PPS 3, Access, Movement and Parking, Policy AMP 2, in that it would prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2m x 45m cannot be provided in accordance with standards contained in the Department's DCAN15. This decision is currently under appeal.

Adjacent Site

- M/1986/0367 – Extension to dwelling – Granted 21st October 1986
- M/1994/0330 – Proposed new garage – Granted 15th September 1994
- M/2001/1060/F – Front living room extension to dwelling – Granted 19th July 2002
- LA09/2016/0892/LDE – Shed for the manufacture of commercial and mobility vehicle parts – Certificate of Lawfulness issued 17th October 2016
- LA09/2016/1590/F – Store for existing moulds and vehicle parts – Granted 6th September 2017

The above applications relate to the adjacent property no. 15 Cullenfad Rd Dungannon.

LA09/2016/0892/LDE relates to a garage/ workshop in the yard to the rear of no. 15. It sits immediately adjacent the current site / lane. LA09/2016/1590/F relates to a more recently approved store in association with the business. It sits in the yard to the rear of no. 15 adjacent its southern boundary with no. 17. It also sits immediately to the rear of a roadside Orange Hall located between nos. 15 and 17.

Dungannon and South Tyrone Area Plan 2010 – the site as being located within the rural countryside.

Strategic Planning Policy Statement (SPPS) for Northern Ireland – sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

It also outlines that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained Planning Policy Statement's and other relevant documents together with the provisions of the SPPS itself.

I do not consider the SPPS has provided any change in policy direction or provided clarification in relation to any of the existing policies relevant to this proposal as detailed below.

Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside – Within the extensive planning history for a dwelling and garage on the piece of land to the rear of No.17 Cullenfad Rd, there has been two accesses off the Cullenfad Rd deemed acceptable and approved.

1. The first / original being via an access and laneway along the north side of no. 15 Cullenfad Rd. Albeit this access has most recently been refused, under LA09/2020/0004/F (see 'Planning History').
2. The second and most recently approved under LA09/2016/0282/F being off the Cullenfad Rd through the roadside boundary and curtilage of the applicant's property no. 17, to the inside of its northern boundary.

The current proposal seeks to renew LA09/2016/0282/F the most recently granted access arrangements to the site to the rear of no. 17, albeit with a slight realignment of the proposed laneway.

There does not appear to have been any significant changes on site or in the immediate vicinity; changes in policy; or in the proposal from the previous approval and I would agree with the previous assessment and subsequent decision to approve. That the access and laneway located within an existing residential curtilage with a backdrop of vegetation would integrate into the landscape, without significant impact to the character of the area in accordance with the provisions of CTY13 and 14 of PPS21. I do not consider there should be any significantly detrimental impact on the amenity of neighbouring residents including the host dwelling.

Planning Policy Statement (PPS) 3 Access, Movement and Parking - Policy AMP 2 Access to Public Roads states that planning permission will only be granted for development proposals involving direct access, or the intensification of the use of an

existing access, onto a public road where, such access will not prejudice road safety or significantly inconvenience the flow of traffic. Accordingly, DfI (Roads) were consulted. Roads advised that the proposed access arrangements generally replicate those previously approved under application LA09/2016/0282 and raised no concerns subject to a few minor amendments including a typo being corrected ('Existing structure over wall ...' changed to 'Existing structure over well...') and the removal of spot levels from public road, along sightlines and access area. Subsequently, the agent submitted amended Drawing no. 01(Rev 02) to show the required amendments. DfI Roads were re-consulted and had no objections, subject to standard conditions and informatives. Accordingly, I am content subject to standard conditions and informatives the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, third party representations had been received from Mr Ivan McKeown, the owner / occupier of no. 15 Cullenfad Rd, the dwelling and manufacturing business neighbouring the site.

The site (access and lane) is located immediately south of, and running along the outside of the curtilage of no.15 Cullenfad Rd past a storage building associated with Mr McKeown's business.

Mr McKeown's key concerns about this application and use of the access and lane related to:

1. Site traffic for the new dwelling – He outlined there is no margin for error as traffic goes past no.17 at tightest point to his hedge and garage; that at this point there is also about a metre difference in ground levels between his garden and the access lane. He fears heavy construction traffic could subside into his garden bringing with it whatever happens to be on it at that time. He asks for assurance from the applicant this will not happen.
2. Ownership issues – He outlined section AA on the submitted drawing shows the applicant owns the boundary hedge that this needs clarified, as she does not own it, he does. He asks for assurance his boundary hedge will not be interfered with.
3. Water problem – He outlined water either from the garden or well at no. 17 runs down along the roadside around the corner and over the Orange Hall street and continues to the bottom of the Cullenfad Rd. This would be a good time to look at and get it repaired.

The issues raised by McKeown above have been taken into consideration in the assessment of this proposal however my opinion remains to recommend approval of this application. In relation to point 1, DfI Roads were consulted and raised no concern with the width of the access laneway, which I am content is sufficient to serve the site. Whilst I do not foresee any significantly greater risk of subsidence to no.15 from this proposal than presently exists, should issue arise it would be a civil matter between the applicant and Mr McKeown. In relation to point 2, the drawing submitted shows the hedge identified to be retained and a condition to that effect can be attached to any subsequent decision. Whilst ownership issues regarding the ownership of this hedge have been

raised I am content that any planning permission on lands, will not confer title, it will be the responsibility of the applicant to ensure he controls all lands necessary to carry out the proposed development. In relation to bullet point 3, this is a civil matter between the applicant and Mr Mckeown. It is a current issue and this application for an access is unlikely to effect this and may improve the situation.

Additional Considerations

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

Flood Maps NI identified no flooding on site.

Case Officer Recommendation

Approve

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions

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

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

2. The existing mature trees and vegetation along the entire site boundaries as detailed on Drawing No. 01(Rev.02) bearing the date stamp received 22 NOV 2021 shall be retained except where it is required to provide access and / or sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual and residential amenity.

3. The visibility splays of 2m x 60m to the north and 2m x 45 to the south and any forward sight distance shall be in place, in accordance with on Drawing No. 01(Rev.02) bearing the date stamp received 22 NOV 2021, prior to the development hereby permitted becoming operational. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

4. The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum

and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

Informatives

1. The applicant should satisfy themselves that development has commenced for a dwelling on the site to the rear. This permission should not be construed as commencement of that development.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. Department for Infrastructure (DfI) Roads comments:

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

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

All construction plant and materials shall be stored within the curtilage of the site.

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0588/O	Target Date:
Proposal: Proposed infill site for dwelling and garage	Location: Site between 34 Glenarny Road and 19 Knockaleery Road Cookstown
Referral Route: Committee – The agent is a member of staff in the Council	
Recommendation:	APPROVE
Applicant Name and Address: Mr Richard Mc Alister 19 Knockaleery Road Cookstown	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT80 9ET
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below.

Characteristics of the Site and Area

The site is located between 34 Glenarny Road and 19 Knockaleery Road, Cookstown and is located outside the designated settlement limits as defined in the Cookstown Area Plan, 2010. The site is an irregular, angular agricultural field which and the land form slopes gently from east to west, towards the Glenarny Road. The site boundaries are defined by scattered mature trees and hedgerows and post and wire fencing. Access to the site is via an existing farm access off the Glenarny Road.

The surrounding area is comprised mainly of single dwellings and their associated outbuildings/garages.

Description of Proposal

This application seeks outline planning permission for an infill site for one dwelling and domestic garage.

Planning Assessment of Policy and Other Material Considerations

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

Strategic Planning Policy Statement (SPPS)

Cookstown Area Plan, 2010

PPS21 -Sustainable Development in the Countryside

PPS 3 - Parking, Movement and Access

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 remain applicable in terms of assessing the acceptability of the proposal.

Planning History

There is no planning history relevant to the determination of this application.

Representations

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

Assessment

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

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

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

The Policy further stipulates in paragraph 5.33 that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

Policy CTY 8 stipulates 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.

This gap is considered against the existing pattern of development to determine if a maximum of two dwellings could be provided without creating ribbon development. Following discussion with the Principle planner he was content that the gap under consideration encompasses an agricultural field within an existing continuously built up frontage, and therefore sufficiently meets the policy criteria for an infill. The agricultural buildings located to the east of the application site book-end the line of development and it is felt that these have an adequate frontage to the road in this case. This is assisted further by the fact that they are located so close to the road.

It is reasonable to conclude that a dwelling situated on the proposed site would be similar in size and character to existing vernacular style and the site would be able to absorb an appropriately designed dwelling, a ridge height restriction of 6.0 metres from existing ground level will be applied.

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. It is considered that the level of vegetation surrounding this site helps to integrate the proposal into the surrounding landscape. Existing hedgerows should be retained around the application site. The proposal is for outline permission so design details will be dealt with at reserved matters stage, however it should be noted that any proposal should respect the existing vernacular configuration of the surrounding area and a condition will be applied for a ridge height of not more than 6.0 metres from existing ground level.

In terms of Policy CTY14 Planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. It is considered that the site and its surrounding environment has the capacity to absorb a dwelling and garage and therefore is compliant with the criteria set out in policy CTY1 & CTY 8 of PPS21.

DFI Roads were consulted on this application and had no objection to the proposal subject to conditions.

I am content that the application meets the policy requirements for an infill and is capable of absorbing a dwelling and garage. The site within the red line is considered to be relatively well screened with existing vegetation and development already exists around the site which will help screen the proposed dwelling.

Conclusion

On the basis of this assessment I am satisfied that the proposal complies with policy CTY13 of PPS21.

Neighbour Notification Checked

Yes

Summary of Recommendation

Approve, subject to conditions

Conditions/Reasons for Refusal:

Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

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

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

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

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

3. The dwelling hereby permitted shall have a ridge height not exceeding 6.0 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

Reason: To ensure that the proposal is in keeping with the character of the area.

4. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45metres at any point

Reason: in the interests of visual amenity

5. No development shall take place until a plan indicating floor levels has been submitted to and approved by Mid Ulster District Council

Reason: To ensure the dwelling integrates into the landform

6. A detailed scheme of structured landscaping for the site including along all site boundaries, shall be submitted at Reserved Matters stage at the same time as the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during first available planting season after the occupation of the dwelling which is hereby approved.

Reason: To ensure the dwelling integrates into the countryside and to ensure the maintenance of screening of the site.

7. The existing trees and natural vegetation around the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

8. 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.

Informatives

1.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3.A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.

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

5.A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.

6. Please refer to advice from NI water

Signature(s)

Date:

ANNEX	
Date Valid	13th April 2021
Date First Advertised	27th April 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 Knockaleery Road Cookstown Tyrone The Owner/Occupier, 17 Knockaleery Road Cookstown Tyrone The Owner/Occupier, 19 Knockaleery Road Cookstown Tyrone The Owner/Occupier, 2 Oaklands Road Cookstown Tyrone The Owner/Occupier, 2a Oaklands Road Cookstown The Owner/Occupier, 32 Glenarny Road Cookstown Tyrone The Owner/Occupier, 34 Glenarny Road Cookstown Tyrone The Owner/Occupier, 4 Oaklands Road Cookstown Tyrone	
Date of Last Neighbour Notification	5th May 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0588/O Proposal: Proposed infill site for dwelling and garage Address: Site between 34 Glenarny Road and 19 Knockaleery Road, Cookstown, Decision: Decision Date: Ref ID: I/1987/0056 Proposal: DWELLING HOUSE AND GARAGE Address: GLENARNY ROAD, COOKSTOWN Decision: Decision Date:	

Ref ID: I/1974/0048
 Proposal: 11KV AND LV/MV O/H LINES
 Address: GLENARRY, DRUMNACROSS UPPER AND DRUMNACROSS LOWER,
 COOKSTOWN
 Decision:
 Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
 Type:
 Status: Submitted

Drawing No.
 Type:
 Status: Submitted

Drawing No.
 Type:
 Status: Submitted

Drawing No.
 Type:
 Status: Submitted

Drawing No.
 Type:
 Status: Submitted

Drawing No.
 Type:
 Status: Submitted

Drawing No.
 Type:
 Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0995/F	Target Date:
Proposal: Extension to existing mushroom storage & distribution facility	Location: 118 Trewmount Road, Dungannon
Referral Route: There were 2 objections to this proposal	
Recommendation:	Approval
Applicant Name and Address: K Hughes & Co Ltd 118 Trewmount Road Dungannon BT71 7EF	Agent Name and Address: WDR & RT Taggart Russell Business Centre 40-42 Lisburn Road Belfast BT9 6AA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:	
Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues	
<p>Characteristics of the Site and Area</p> <p>This application site is a rectangular plot of land which occupies a portion of land to the rear and north of No 118 Trewmount Road. It is occupied by Hughes Mushrooms with a large building established on the site stretching back some 65 metres from the roadside.</p> <p>The area either side of this building is a concreted yard area which is utilised for the parking and manouevering of staff, customer and delivery vehicles. To the rear of this building and immediately adjacent is the application site. The northern boundary which encloses the site to the rear is mature trees and hedgerow.</p> <p>The site as was initially submitted outlined in red is undefined on the ground apart from the southern boundary which forms the rear wall of the existing building.</p> <p>At the time of the site inspection, much groundwork had commenced with a large swath of land had been dug out and work was ongoing.</p> <p>The site is located in the countryside as is designated in the Dungannon and South Tyrone Area Plan with the village of Killyman sitting 2 kilometres to the north west and the Moy 3.5 kilometres to the south. It sits along the B106 road which runs from Benburb to Coalisland. The wider site was once an old railway station with some residential properties nearby and agricultural land. Although the site is in the countryside, this particular stretch is dominated by the localised industrial presence of established businesses such as DMAC and Mc Closkeys, which all sit to the west of this site.</p> <p><u>Planning History</u></p> <p>M/2014/0115/F - Proposed extension to front of existing mushroom storage, processing, packaging and distribution workshop -11.07.2014</p> <p>M/2014/0008/F - Proposed amendment to previously approved application (M/2013/0191/F) to provide additional bay to extension of existing mushroom factory - 16.04.2014</p> <p>M/2011/0761/F - Proposed material store - 05.03.2012</p> <p>M/2007/1491/F - Proposed erection of poly tunnels for the growing of mushrooms adjacent to existing distribution business - 21.04.2008</p> <p>M/2005/1756/F - Proposed Replacement Packaging Store - 19.11.2005</p> <p>M/2013/0500/F - Proposed covered area extension to the side of existing mushroom processing and packaging workshop - 10.12.2013</p> <p>M/2013/0191/F - Proposed extension to existing processing and packaging workshop - 24.05.2013</p>	

Description of Proposal

This application seeks full planning permission for an extension to existing mushroom storage & distribution facility at Hughes' Mushrooms, 118 Trewmount Road, Dungannon.

Consultations and Representations

This application was advertised in the local press and 4 neighbours were notified, in line with the Council's statutory duty and 2 objections were received.

One of the objectors questioned as to why all the accesses to the site were not included within the red line of the application site. They raised concerns about the intensification of traffic to and from the site. Given the scale of the development, the objector questioned the small increase in staff as was stated on the P1 form and did not believe this was truly reflective when taking into consideration the scale of this extension. They also believed the proposal to be assessed as a Major application and were unhappy that development was undergoing on this site without the benefit of planning permission.

The neighbouring objector had issues with the newly constructed unauthorised access and raised concerns regarding light pollution, noise levels and the hours of operation.

Rebuking these issues, the agent has stated

- the new access is temporary and will be closed after construction on the site is complete.
- No lights are included in this proposal
- There will be no additional noise created as a result of this proposal and Environmental Health do not have issues, nor have they ever received any complaints regarding such nuisance.

DfI Roads initially requested additional information including amended drawings showing the visibility splays of 2.4 metres by 65 metres and forward sight distance of 65 metres and details of adequate parking spaces. Following the submission of amendments more clarification was sought on the accesses and the need for a vehicular tacker plotted around the proposed building.

Issues regarding the size of the application site and the extent of the land proposed for parking, the majority of which lay outside the red line of the application were discussed. It is noted that those areas required for parking and turning movements are contained in largely existing yard areas and are encompassed with lands in blue also under the control of the applicant. It was accepted following discussions with Senior management that it would be perfectly reasonable to apply a condition requiring parking and manoeuvring in blue lands. DfI Roads concluded they had no objections subject to conditions attached to any permission granted including the provision of such areas referred to above.

Mid Ulster Council's Environmental Health section were consulted and required clarification as to whether No. 118 Trewmount Road which is situated adjacent to this proposal just outside the blue line if it has any financial link to the existing/proposed development. As this proposal seeks to significantly intensify the current site, information was requested outlining what are the existing and proposed hours of operation as early morning HGV movements along with loading and unloading could potentially give rise to increased noise levels.

Information from Irwin Carr Consulting was received stating the property at 118 Trewmount Road is owned and occupied by the Director of Hughes Mushrooms. They also confirmed the hours of operation will not change from those of:

- Monday - Friday 08:00hrs-22.30hrs,
- Saturday – Sunday 08:00hrs-18:00hrs.

The Environmental Health Department are satisfied for this proposal to be approved following the inclusion of a condition regarding the procedures which must be undertaken following any report regarding a noise complaint.

Environmental Health's comments were sought on the local objections received. They responded saying their previous comments were still applicable with any amenity concerns being able to be adequately mitigated for by use of conditions. There are subsequently no grounds offered on which to refuse this application from the Env Health Department.

A Drainage Assessment was submitted during the processing of this application and DfI Rivers were consulted. They noted that the report is a preliminary drainage design and requested a pre commencement condition was included with any approval that a Final Report is submitted prior to the commencement of development. I feel this is not necessary and may have been an error as nowhere on the Drainage Assessment does it state it is "preliminary" and therefore I cannot assume it is.

DfI Rivers also note that a Schedule 6 approval to discharge storm water to the Bovean Branch Drain at a rate of 8.83 l/s has still to be granted. This information has not yet been forwarded to Mid Ulster Council.

SES were informally consulted due to the proximity of the site to the Bovean Branch Drain which is immediately adjacent to the corner of the land within the applicant's ownership at the north east. A formal consultation was not necessary as SES were content there is a substantial buffer in place between the proposed site and the minor watercourse identified which is connected to Lough Neagh and Lough Beag RAMSR site approximately 3.5 kilometres downstream and the SPA 9 kilometres downstream. Based on the nature and location of this proposal, SES are satisfied there is no viable pathway between the site and any European protected sites downstream for any impacts to occur during construction.

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.

Planning Assessment of Policy and Other Material Considerations

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

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

The Area Plan identifies a number of sites which are zoned as being suitable for industrial business use development and these are located within the larger settlement limits. It also considers the range of existing sites and new zonings provides flexibility in choice of site for developers, and highlights there may also be potential for industrial business use development of an appropriate scale within the villages. Proposals for industrial uses on unzoned land will be

assessed on their merits, having regard to published guidance and policy, particularly PPS 4 – Planning and Economic Development.

The Strategic Planning Policy Statement (SPPS) states “the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS”. Para 6.88 goes on to say that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted. Exceptions to this general principle may be justified outside a village or small settlement where there is no suitable site within the settlement. The SPPS retains the policy provisions of PPS 3 - Access, Movement and Parking, PPS 4 - Planning and Economic Development PPS21 – Sustainable Development in the Countryside.

Policy PED 3 - Expansion of an Established Economic Development Use in the Countryside in PPS 4 sets out when proposals for expansion will be allowed, where;

- the scale and nature of the proposal does not harm the rural character or appearance of the local area.
- there is no major increase in the site area of the enterprise.

Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development. Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

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

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

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

There were initial concerns raised about the scale of this proposal and whether this represented a Major increase in the site. Concerns in relation to whether the proposal should be treated as a Major application were due to the fact that the red line as initially submitted included only the outline of the proposed building and did not include any hardstanding areas for parking or the access out onto the main road. An amended site location plan dated 11/1/22 shows a means of access onto Trewmount Road and the application as a whole does still fall below the Major application threshold.

In justification for this development, the agent in the Supporting Statement accepts that this proposed extension is a large increase, my concerns have been that the proposal, albeit large in scale does not include the ancillary space required for a building of this scale. The points made earlier in this report relating to such lands being included in blue lands is however considered an acceptable means by which these areas can be secured. The agent stated the extension as proposed was necessary due to a post-Brexit market buoyancy and the fact it is to the rear of the existing factory it is screened. They have stated the lower level of the ground floor will ensure it doesn't dominate the landscape. I agree the established buildings will offer some screening to this extension, even though the land has been dug out to construct the extension, the size of it means it will still have a ridge height some 3 metres above that of the existing buildings on site. These issues were discussed with the senior planners and it was the opinion that a refusal of

the application on the basis of its scale and visual impact alone could not be sustained and that on balance, this aspect of PPS4 PED3/9 was adequately met.

All proposals for economic development must also comply with the provisions of PED 9 in this Policy. Policy PED 9 General Criteria for Economic Development states any proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

Although this application site is located in the rural countryside, the immediate area surrounding the site is well developed. The site is occupied by Hughes Mushrooms who are long established on this site from. This part of the Trewmount Road accommodates a number of businesses who have a large floorspace and employs large numbers also. DMAC at the western end of this node of economic development are also an engineering company with a number of premises in the county. Mc Closkey International are an engineering company who make large equipment for quarries worldwide.

With the exception of a small vacant field to the west of this site, economic development has been established in this immediate area spanning some 700 metres of road frontage. The immediate area although it does have a residential element, the large established industrial business cannot be ignored with a very visible presence and an established impact on the surroundings. Due to positioning of this extension to the rear of the existing building, I am not of the opinion it would significantly harm the character of the existing area.

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

As stated above, there have been 2 objections to this proposal, one resides at a property in the vicinity and the other did not supply a postal address.

As explained above, the Environmental Health section of the Council have assessed this proposal and they have no concerns. Due to the nature of the use which will be occurring in this proposed development, there should not be any issues with odour. If any eventual issues concerning noise or light pollution do arise, they can be dealt with through the Environmental Health reporting system and this can be reaffirmed by imposing conditions regarding any complaints.

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

There are no natural or built heritage issues with this proposal.

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

The site is not located within any designated flood plain and as noted above, DfI Rivers provided comments on the Drainage Assessment submitted and have no concerns

(e) it does not create a noise nuisance;

Environmental Health were consulted and did not feel this development proposal warranted the submission of a Noise Impact Assessment and are content no noise issues should arise as a result of this proposed expansion

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

The wider site already deals satisfactorily with sewage which this proposal will also utilise.

- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- (h) adequate access arrangements, parking and manoeuvring areas are provided;

As stated above, there were concerns that the provisions for vehicles were not included as part of this application site. Following discussion with DfI Roads and the Service Director, it was agreed that the area required in order to achieve adequate parking etc is available within the applicant's ownership and in this instance these areas can be conditioned as part of any permission granted.

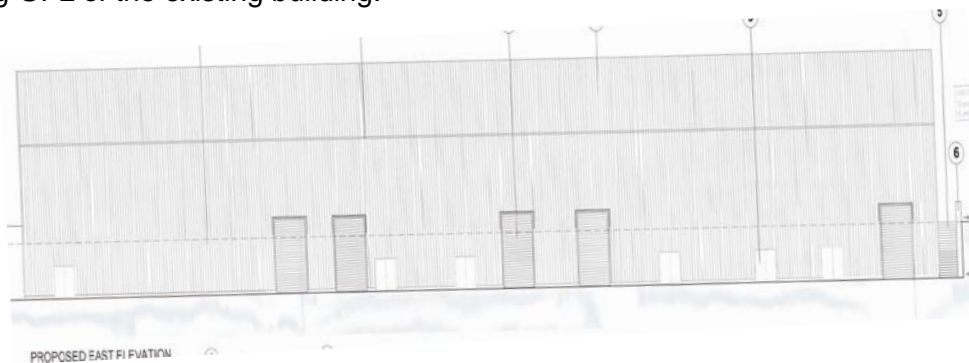
- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

This site is located along the main road network and its proximity to the M1 Motorway makes it very accessible.

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

In terms of layout and design, the proposed building will create an additional floorspace of almost 7,700 metres squared, providing a number of areas with differing functions like packaging store, box making, labels/fil store, crate store, boiler room, chill area as well as office space. The extension measures 43 metres deep and 179 metres long, with a maximum ridge height of 14.5 metres FGL. As is evident below, the rear northern elevation will see 6 sets of steel double doors for staff and 5 roller shutter doors which measure 3 metres wide and 4.7 metres high, accommodating HGVs. There are no openings proposed on the western elevation with 2 large roller shutter doors and 3 pedestrian doors along the eastern elevation.

This extension will be attached to and interconnected with the existing building on site. The entire extension is finished in profiled metal cladding and the building will sit at a level 3.5 metres below the existing GFL of the existing building.



A retaining wall is proposed adjacent to the western gable of the extension, measuring 36.5 metres in length and 4.5 metres at its maximum height from the proposed ground level. Details of the retaining walls are included on the landscape plan provided to the Council. I am content the finishes of this extension will match that of the existing and will not be out of keeping in this area.

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

The agent provided a landscaping scheme as requested which has detailed some trees to be planted along the rear northern boundary and the western boundary in particular.

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

I am content the site will be securely enclosed as it had been prior to the commencement of construction on this site.

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

The planting of trees along the western and northern boundaries of the wider site will augment the existing vegetation and provide additional screening for the extension, allowing it to better integrate into the surroundings.



Policy FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains in PPS 15 Planning and Flooding recommends a Drainage Assessment is carried out for proposals of this nature and size of development. As detailed above, DfI Rivers were consulted and they are no objections to this proposal as it is in compliance with PPS 15.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Following much discussion regarding this application and the submission of additional information, it is accepted this application complies with the policy provisions of PPS 4. The concerns from the objectors have been addressed and DfI Roads have no concerns. The scale of the extension is quite large, however as industrial works have been well established on this site and the immediate area also, I am satisfied that subject to conditions this proposal is recommended for approval.

Conditions:

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

2. The vehicular access (es), including visibility splays of 2.4 metres by 45 metres to the west and 55 metres to the east, shall be provided in accordance with Drawing No 2 Rev 3 bearing the date stamp 7th April 2022, 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.

3. Gates or security barriers at the access shall be located as a distance from the edge of the Trewmount 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.

4. No other development hereby permitted shall become operational until the existing accesses indicated on Drawing No 2 REV3 bearing the date stamp 7th April 2022 have been permanently closed and reinstated to the satisfaction of DfI Roads.

Reason: In order to minimise the number of access points onto the public road in the interests of road safety and the convenience of road users.

5. No use of the extended area of the building hereby approved shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02/3 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

6. A detailed Programme of Works and any associated traffic management proposals shall be submitted to and agreed by DfI Roads, prior to the commencement of any element of road works.

Reason: To facilitate the convenient movement of all road users and the orderly progress or work in the interests of road safety.

7. The maintenance of the storm sewer system including attenuation should be maintained as per the manufacturer's guidelines and is the responsibility of the applicant, all future owners and managers of this development.

Reason: To ensure the surface water infrastructure including individual storm sewers are designed and maintained to the standard in accordance with Sewers for Adoption NI.

8. Within 4 weeks of a written request by Mid Ulster Council following a reasonable noise complaint, the site operator shall, at his/her expense employ a suitably qualified and

competent person, to assess the level of noise emissions from the site at the complainant's property following the procedures described in: BS 4142:2014 Methods for rating and assessing industrial and commercial sound. Details of the noise monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To protect the amenity of residents.

9. Within 4 weeks of a written request by Mid Ulster Council following a reasonable complaint, the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of light emissions from the site at the complainant's property following agreed procedures. Details of the light monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To protect the amenity of residents.

10. The existing natural screening to the site shall be retained at its present height and the proposed additional landscaping as shown on plan 02/3 shall be implemented during the first available planting season following the granting of this permission. Plants dying within 5 years of planting shall be replaced.

Reason: In the interests of visual amenity.

Informatives

This Decision Notice relates to Drawing No 01 REV1 received on 10th December 2021, Drawing No 02 REV 3 received on 7th April 2022 and Drawing Nos 03, 04, 05, 06 and 07 received on 29th June 2021.

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

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

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

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

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or

polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

A Schedule 6 Consent to discharge storm water to the Bovean Branch Drain at a rate of 8.83 l/s has be obtained.

Signature(s)

Date:

ANNEX	
Date Valid	1st July 2021
Date First Advertised	13th July 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 125 Trewmount Road, Dungannon, Tyrone, BT71 7ED The Owner/Occupier, 128 Trewmount Road, Dungannon, Tyrone, BT71 7ED Eric Whiteside 128 Trewmount Road, Moy, BT71 7EF Elizabeth Cavan Email Address	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0995/F Proposal: Extension to existing mushroom storage & distribution facility Address: 118 Trewmount Road, Dungannon, Decision: Decision Date: Ref ID: M/2013/0191/F Proposal: Proposed extension to existing processing and packaging workshop Address: 118 Trewmount Road, Killyman, Dungannon, Decision: PG Decision Date: 24.05.2013 Ref ID: M/2013/0500/F Proposal: Proposed covered area extension to the side of existing mushroom processing and packaging workshop Address: 118 Trewmount Road, Killyman, Dungannon, Decision: PG Decision Date: 10.12.2013 Ref ID: M/2003/1241/O Proposal: Dwelling house Address: Adjacent to site approved adjacent to 128 Trewmount Road.	

Decision:

Decision Date: 22.11.2003

Ref ID: M/2005/2096/LDP

Proposal: Proposed resurfacing of existing HGV & car parking area, also the provision of cutting area for slicing mushrooms within the existing mushroom packaging workshop

Address: 118 Trewmount Road, Dungannon

Decision:

Decision Date:

Ref ID: M/2005/1756/F

Proposal: Proposed Replacement Packaging Store

Address: 118 Trewmount Road, Dungannon

Decision:

Decision Date: 19.11.2005

Ref ID: M/2011/0761/F

Proposal: Proposed material store

Address: To the rear of 118 Trewmount Road, Killyman, Dungannon,

Decision:

Decision Date: 05.03.2012

Ref ID: M/2014/0115/F

Proposal: Proposed extension to front of existing mushroom storage, processing, packaging and distribution workshop

Address: 118, Trewmount Road, Dungannon,

Decision: PG

Decision Date: 11.07.2014

Ref ID: M/2007/1491/F

Proposal: Proposed erection of polytunnels for the growing of mushrooms adjacent to existing distribution business

Address: To the rear of 118 Trewmount Road, Dungannon

Decision:

Decision Date: 21.04.2008

Ref ID: M/2014/0008/F

Proposal: Proposed amendment to previously approved application (M/2013/0191/F) to provide additional bay to extension of existing mushroom factory

Address: 118 Trewmount Road, Killyman, Dungannon,

Decision: PG

Decision Date: 16.04.2014

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 06
Type: Existing Plans
Status: Submitted

Drawing No. 07
Type: Existing Plans
Status: Submitted

Drawing No. 04
Type: Proposed Elevations
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

Drawing No. 05
Type: Existing Plans
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

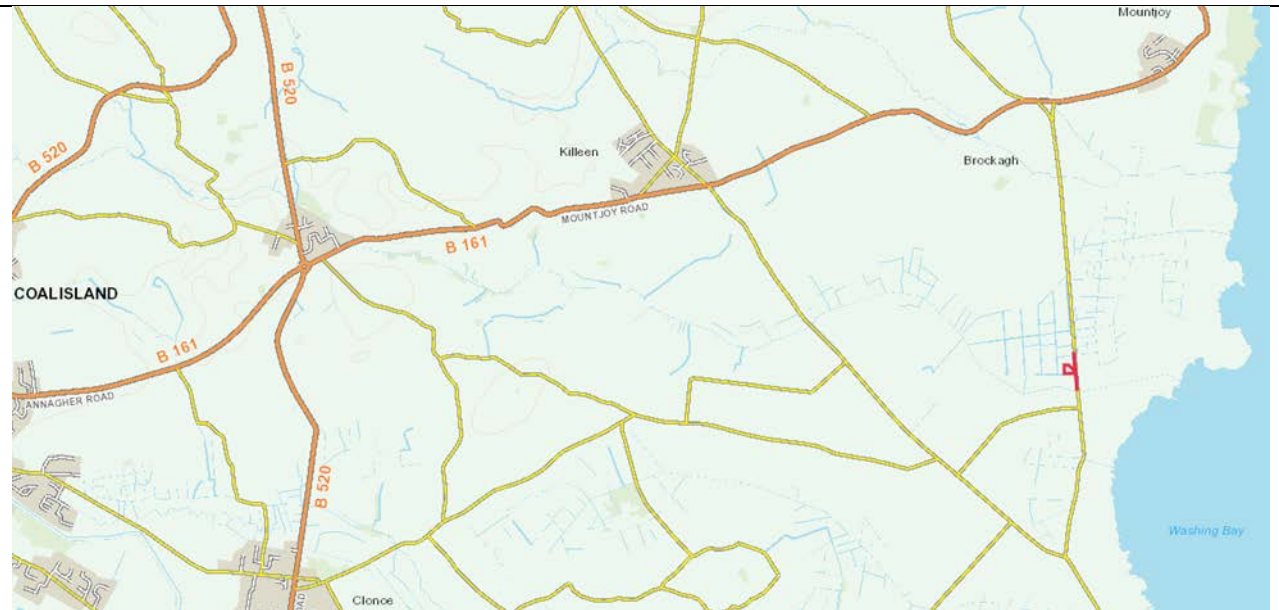
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1129/O	Target Date:
Proposal: Proposed site for dwelling and domestic garage/store	Location: South of and adjacent to 71 Ballybeg Road Dungannon
Referral Route: Refuse	
Recommendation: Refusal	
Applicant Name and Address: Mr Greard Mc Aliskey 43 Kanes Road Derrylaughan Coalisland	Agent Name and Address: CMI Planners 38a Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	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	
Description of Proposal		
This is an outline planning application for a proposed dwelling and domestic garage/store to be located on lands south of and adjacent to 71 Ballybeg Road Dungannon.		
Characteristics of the Site and Area		
The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan, approx. 5km east of Coalisland and approx. 0.6km west of Lough Neagh.		
The site sits adjacent the Ballybeg Rd and contains a modular building on a gravelled yard. The modular building, which has a rectangular floor plan measuring approx. 9m x 6m and a flat roof, is painted white, has white window frames and doors, and white guttering and downpipes.		
The site / modular building has a shared access, off the Ballybeg Road, with a large shed (71 Ballybeg Road an engineering business) located immediately to the west and a modular dwelling (71c Ballybeg Road) immediately to the north. Close-boarded fencing approx. 1.8m high bounds off a small area of curtilage to the sides and rear of the modular dwelling from the wider yard. The large shed to the west of site received approval for light industrial use. The modular dwelling to the north is immune from enforcement but is unlawful.		
The area surrounding the site is predominantly rural in nature comprising agricultural land interspersed with single dwellings, ancillary buildings and farm holdings. Land in the area, including the site, is flat and below road level.		
Views of the site are on from the Ballybeg Rd on the northern approach and passing along its roadside frontage. Views on the southern approach are screened by mature vegetation along the southern boundary of the site.		
Planning Assessment of Policy and Other Material Considerations		
Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.		

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Revised Planning Policy Statement 15: Planning and Floodrisk

Planning Policy Statement 21: Sustainable Development in the Countryside in particular:

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

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

Representations

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

Planning History

On site

- LA09/2015/1274/LDE - Mobile home used as a dwelling - Adjacent to 71a Ballybeg Rd Coalisland - Refused 7th April 2016. Whilst evidence submitted and OS maps seemed to support the fact the mobile home had been on site for more than 5 years insufficient evidence was submitted to show that the use of the building specified had begun more than 5 years prior to and including the date of the applications submission (15th December 2015) as such whilst the storage of the mobile on site was immune from enforcement its use as a dwelling was not.
- LA09/2016/0207/CA - Under this enforcement case an appeal has been heard by the PAC in relation to an Enforcement Notice issued for the unauthorised use of the modular building as a residential unit of accommodation; this Notice has taken effect with a compliance date of 7th July 2018.
- LA09/2018/0454/F - Retention of a mobile home for residential use - Approx.170m North of 5 Doon Avenue Aughamullan Dungannon - Granted 4th December 2019. This permission authorises the siting and use of the mobile for residential purposes for a period of 24.months from the date of this decision. At the end of this period the mobile shall be permanently removed from the site in the interest of visual amenity and to reduce floodrisk. Within 6 weeks of the date of this decision the vehicular access including visibility splays of 2.4m x 90.0m was to be provided in the interests of road safety and convenience of road users. The applicant was advised this temporary permission will not remove the enforcement notice from the site. The enforcement notice will cease to be effective for the period of the temporary permission

Adjacent site

- M/2004/0295/F - retention of light engineering workshop & hardstanding - 160m north of 1 Doon Avenue Aughamullen (Ballybeg Rd) Coalisland - Granted 12th April 2006
- LA09/2016/1602/F - Retrospective application for the extension to existing workshop approved under M/2004/0295 and hardcore area for turning and parking - 71 Ballybeg Road Ballbeg Dungannon - Granted 27th July 2017

The above applications relate to an engineering business located on lands within the control of the applicant immediately west of, and sharing an access off the Ballybeg Rd with, the current site.

- M/2012/0081/F - retention of mobile home - 71a Ballybeg Rd Ballybeg Coalisland - Withdrawn 6th June 2012.
- M/2012/0276/LDE - retention of mobile home - 71a Ballybeg Rd Ballybeg Coalisland - Refused 3rd September 2012. Insufficient information was provided to show operations were substantially completed for more than 5 years and immune from enforcement action. DOE Planning Service did not pursue any further enforcement action on this site and an enforcement case (M/2011/0078/CA) was closed. It is likely that the building and use is now lawful and our Enforcement Team is not pursuing any further enforcement action against the mobile home being used as a dwelling at 71a Ballybeg Rd.

The above applications relate to a modular dwelling (identified as no. 71 Ballybeg Rd) located on lands within the control of the applicant immediately north of, and sharing an access off the Ballybeg Rd with, the current site

- M/2014/0548/F - Retention of modular home – 71c Ballybeg Rd Coalisland - Refused 9th July 2015. Contrary to Policies CTY1 and CTY6 of PPS21 in not demonstrated the stated personal and domestic circumstances justify an exception to the rural policy and are no overriding reasons why essential in rural location and could not be located within a settlement. Also contrary to policy FLD 1 of PPS15 in that it is located within a floodplain and it has not been demonstrated it is of overriding regional importance or that it represents development within any of the categories meriting an exception.

The above application related a modular dwelling located on lands within the northern half of the current site. This mobile was subject to enforcement action under enforcement case M/2014/0020/CA and has been removed from the site.

- LA09/2016/0935/F - Proposed Dwelling - Approx 180m North of 5 Doon Avenue Aughamullan Dungannon - Refused 13th December 2016. Contrary to Policies CTY 1, 8 & 14 and FLD 1 of PPS 15 in that no overriding reasons why is essential in this rural location and could not be located within a settlement; would create ribbon development; create suburban development; erode character of area; located within flood plain and demonstrated proposal exception to this policy. Insufficient information also to determine existing or historical land use of site does not include activities affecting its suitability for residential use without remedial action.

The above application related to dwelling to be positioned on lands within the northern half of the current site. This dwelling was to sit behind on lands to rear of the modular dwelling subject to enforcement action under enforcement case M/2014/0020/CA and removed from the site.

Consultees

1. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted with a P1C Form submitted alongside the application. DEARA confirmed the applicant has a Cat 3 Farm Business, however the business Id was allocated on the 1st September 2020 and it does not submit a Basic Payment Scheme application.
3. Rivers Agency (Rivers) were consulted as Flood Maps NI show the site to be located within a fluvial floodplain. Below is a summary of River key issues raised under the following policies of PPS15 Planning and Flood Risk:
 - FLD1 Development in Fluvial (River) Plains - The Strategic Flood Map (NI) indicates the site lies within the 1% AEP fluvial flood plain of Lough Neagh. As Lough Neagh is a controlled system, Rivers considers the floodplain should be defined as the flood extent emanating from the highest recorded flood, in this case the January 2016 event. The level of this flood was 13.68mOD. Drawing 'A4 02 – Site Layout' indicates ground levels that would suggest that the development does not lie within the fluvial flood plain. Hence, Rivers have no specific reason to object to the proposed development from a fluvial flood risk perspective. The highest recorded lough level at the site is 13.68m OD Belfast. Due to the near location to the flood plain the developer should be advised that for design purposes all finished floor levels (including gardens, driveways and paths) should be placed at a minimum of 600mm above this level.
 - FLD2 Protection of Flood Defence and Drainage Infrastructure - Policy requires a working strip of minimum width 5m retained at all times along the designated watercourse to south of site for maintenance purposes.

I am content that all finished floor levels (including gardens, driveways and paths) could be conditioned to be placed at a minimum of 600mm above 13.68m OD Belfast. I am also content this proposal should not hinder access to the watercourse bounding the site to facilitate any future maintenance by Rivers, other statutory undertaker or the riparian landowners if required as a buffer of 5m could be conditioned to be retained clear of impediments.

4. NIEA were consulted as Natural Environment Division Map Viewer showed the site is in close proximity to Lough Neagh and Beg (Ramsar, SPA and ASSI) and within an area known to have breeding waders. NIEA responded as follows:
Designated Sites - The site is hydrologically connected to Lough Neagh ASSI Lough Neagh and Lough Beg RAMSAR site and Lough Neagh and

Lough Beg Special Protection Area, hereafter referred to as the designated sites which are of international and national importance and are protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended). With specific reference to designated sites, NED recommended Mid Ulster Council consult with the Shared Environmental Service to enable a Habitats Regulations Assessment (HRA) on Natura 2000 sites to be undertaken; and:

- i. A minimum buffer of 10m must be maintained between the location of refuelling, storage of oil, fuel, machinery, spoil, concrete mixing, washing areas and all watercourses.
- ii. Discharge from the septic tank and soakaway should be directed away from all watercourses.

Other Natural Heritage Issues - NED consider the development unlikely to impact any other natural heritage features however recommended the following measures be taken should approval be granted to minimise threats to breeding birds and maintain availability of nest sites:

- i. Removal of any hedgerow vegetation or trees for access purposes and removal or infilling of natural features such as earth banks and ditches should be avoided.
- ii. Any unavoidable hedgerow or tree removal should be carried out outside of the bird breeding season, which runs from 1st March to 31st August.
- iii. All works should remain within the access and construction footprint as shown on the original drawings.

With regards the advice above consultation was carried out with the SES to enable an appropriate assessment be carried out (see details below). Additional advice could be dealt with via conditions and informatives.

5. Shared Environmental Services were consulted as Natural Environment Division Map Viewer showed the site is in close proximity to Lough Neagh and Beg (Ramsar, SPA and ASSI) and within an area known to have breeding waders. SES having carried out an Habitats Regulations Assessment (HRA) advised that having considered the nature, scale, timing, duration and location of the project it should not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to the following mitigation measures being conditioned in any approval:

- A suitable and clearly defined buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and all identified open field drains/watercourses. Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

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 SES. It is considered reasonable that any permission would be subject to the condition specified.

Consideration

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside; and Statement 3: Access, Movement and Parking are retained.

Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 'Development in the Countryside' and include dwellings on farms in accordance with Policy CTY 10 of PPS 21 'Dwellings on Farms'.

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

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

Consultation with the Department of Agriculture, Environment and Rural Affairs (DEARA) confirmed the applicant has a Cat 3 Farm Business however the business Id was allocated on the 1st September 2020 and it does not submit a Basic Payment Scheme application. I am not content the farm business is currently active and or that it has been established for a least 6 years. Criterion (1) of CTY 10 has not been met.

Accordingly, the agent was contacted via email on the 19th November 2021 and again on the 22nd December 2021 and advised on a without prejudice basis Planning requires the following additional information in order to establish the applicants farm business has been established for at least 6 years and is currently active in accordance with Policy CTY10 of PPS21:

- Details of applicant's farming activity prior to 1st September 2020 when DEARA consultation response stated his business Id was allocated?

Under the most recent request for the information above the agent was advised it should be submitted to Mid Ulster District Council's Planning Department on a without prejudice basis by the 14th January 2022. To date no additional information to demonstrate the farm business has been established for at least 6 years and is currently active has been submitted.

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

There is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from Mr McAliskey's farm holding as identified within the P1C Form (business Id) and on the site location plan (lands in blue) within the last 10 years from the date of the application. Criterion (2) of CTY 10 has been met.

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

I am content that a dwelling on this site would cluster and visually link with the established group of buildings on the farm holding including an engineering shed and modular dwelling located just to the west and north of the site, respectively. 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. Had this proposal met with Policy CTY 10, I consider it could have integrated on site and into the surrounding landscape without causing a detrimental change to, or further eroding the rural character of the area, in accordance with policies CTY13 and 14. This would have been subject to it being of an appropriate size, scale and design with a ridge height no greater than 5m above FFL similar to the modular dwelling to its north. As this is an outline application, the details of the size, scale and design of the dwelling would have been considered further under any subsequent reserved matter application. A suitable scheme in my opinion would not have adversely impacted neighbouring amenity to any unreasonable degree in terms of overlooking or overshadowing given the nature and orientation of the existing properties and separation distances that could be retained.

Additional considerations

Historic Environment Division map viewer identified no built heritage assets of interest on site.

The proposal is under the 15.2 height thresholds in the area requiring consultation to Defence Estates relating to Met Office – Radar. Additionally, whilst the site is located within an area of constraint on wind turbines, this proposal is for a dwelling and garage.

Recommendation

Refuse

Neighbour Notification Checked	Yes
Summary of Recommendation:	Refuse
Reasons for refusal <ol style="list-style-type: none">1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.	

3. Insufficient information has been submitted to demonstrate that the farm business is currently active and has been established for at least six years.

Signature(s)

Date:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1171/RM	Target Date:
Proposal: Proposed dwelling & detached domestic garage.	Location: Approx 30m South of 5 Tamlaghtduff Park Bellaghy.
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: John & Sheila Fullerton 31 Birchwood Bellaghy	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Three objections have been received. These have been summarised as follows and have been fully considered as part of the assessment of this application.

- The design of the dwelling is not in keeping with the rural design guide in terms of the gable width and ridge height.
- Detailed planting required to be shown
- No detailed accesses arrangements or site survey for access.
- No 5m maintenance strip shown along eastern side
- Clarification of how foul sewage is dealt with
- Sufficient parking has not been provided.

Characteristics of the Site and Area

The site is located within the open countryside, 0.3km North West of the settlement limits of Bellaghy as defined by the Magherafelt Area Plan 2015. The red line of a site is currently a small piece of agricultural land, with a small watercourse running along the south eastern boundary of the site along with a strong mature tree line at the south eastern boundary. Along the roadside there is a number of mature trees which define the boundary. The north western and north eastern boundaries are undefined and the site runs into the existing garden and drive way leading to No.5 Tamlaghtduff Park, Bellaghy. The surrounding area, although located within the open countryside is a well built up area with a number of dwellings located to the north and north west of the site. Adjacent to the site on the south eastern boundary is a parish hall, with a grave yard, Parochial House and Roman Catholic Church located beyond this.

Description of Proposal

This is a Reserved Matters application for a proposed dwelling & detached domestic garage.

Planning Assessment of Policy and Other Material Considerations

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

When outline planning permission was granted re LA09/2020/0714/O the principle of development at this location was agreed, including the use of a new laneway through at the location shown. There were a number of conditions were imposed and I am content that the conditions set out have been complied with.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

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. In particular, Policy CTY 13 - Integration and Design of Buildings in the Countryside and Policy CTY 14 - Rural Character of PPS 21 are relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed.

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 objector raised concerns about the design of the dwelling particularly the ridge height and the width of the gable being over the recommended size as per the Rural Design Guide. Although it is .7m over the recommended gable width, I do not believe this will be detrimental and respects the size of the plot. The rural design guide also recommends the ridge height of a two storey dwelling be 8m and it is noted this proposal is 8.7m from finished floor level. It is important to note that the Rural Design Guide is not policy rather it is a guidance document. Given the hipped roof style development of the dwelling at 25 Ballynease Road, which is approximately 142m, South East of the site, this style and massing of development is visible in the area therefore respecting the style of development in the area. I am content that the design of the building is appropriate for the site and its locality. I am content that given the development surrounding the site is mainly two storey, this dwelling will integrate into the surrounding landscape which, although it is within the countryside, the surrounding area is well

developed and reads as an urban setting. The existing site boundary on the south east is to be retained and this will help ensure the building will integrate and not be a prominent feature. New landscaping has been proposed and detailed planting details have been provided which will aid integration. Ancillary works will integrate with their surroundings.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously stated I am content that the building will not be prominent in the landscape. I am content it will not result in a suburban style of development when viewed with existing and approved buildings; the principle of the infill development was agreed at outline stage. The proposal respects the pattern of development within the existing close proximity of the site. The ancillary works will not damage the character of the area.

Policy CTY 16 states planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. I am content sufficient space is available for the provision of a package treatment plant however; the onus is on the landowner/developer to ensure there are appropriate consents in place.

PPS 3: Access, Movement and Parking

DfI Roads were consulted as part of the application and objections raised concerns over the access arrangements and in curtilage parking. DfI Roads are satisfied that the recommended visibility splays of 2.4 x 45m are achievable for the proposal and that parking/turning for 2 vehicles is available within the site. The applicant addressed the concerns raised by an objector and submitted detailed access arrangements which were reviewed by DfI Roads who offered no objection.

Revised PPS15: Planning and Flood Risk

A condition was attached at outline stage requiring a 5m maintenance strip to be shown on the block plan, which should be kept clear at a level surface and no planting or unapproved development taking place. The agent has shown this on the site block plan and I am content this has been provided and complied with.

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 and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval subject to conditions

Conditions

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

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

2. The vehicular access including visibility splays 2.4 X 45 metres and a 45 metre forward sight distance, shall be provided in accordance with Drawing No 02 Rev 01 bearing the date stamp 28th Jan 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All landscaping comprised in the approved details of landscaping on stamped drawing No 02 Rev 01 bearing the date stamp 28th Jan 2022 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.

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.

5. The existing mature trees and vegetation along the south eastern boundary 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.

6. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

Informatives

1.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
5. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.
6. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.
7. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

Signature(s)

Date:

ANNEX	
Date Valid	13th August 2021
Date First Advertised	24th August 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Tamlaghtduff Park Bellaghy Londonderry The Owner/Occupier, 5 Tamlaghtduff Park Bellaghy Londonderry The Owner/Occupier, 7 Tamlaghtduff Park, Bellaghy, Londonderry, BT45 8JR The Owner/Occupier, 8 Tamlaghtduff Park Bellaghy Londonderry The Owner/Occupier, 9 Tamlaghtduff Park Bellaghy Londonderry Gerard McPeake Architect, 31a Main Street, Limavady, Derry, BT49 0EP G McPeake G McPeake Gerard McPeake	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/1171/RM Proposal: Proposed dwelling & detached domestic garage. Address: Approx 30m South of 5 Tamlaghtduff Park, Bellaghy., Decision: Decision Date: Ref ID: LA09/2020/0714/O Proposal: Proposed dwelling and domestic garage based on policy CTY8 Address: Approx 30m South of 5 Tamlaghtduff Park, Bellaghy, Decision: PG Decision Date: 21.04.2021 Ref ID: H/1999/0557 Proposal: DWELLING & GARAGE Address: ADJACENT TO 7 TAMLAGHTDUFF PARK BELLAGHY Decision:	

Decision Date:

Ref ID: H/1999/0369

Proposal: SITE OF DWELLING

Address: ADJ. TO 7 TAMLAGHTDUFF PARK BELLAGHY

Decision:

Decision Date:

Ref ID: H/1992/6046

Proposal: SITE OF BUNGALOW ADJACENT TO 7 TAMLAGHTDUFF PARK BELLAGHY

Address: ADJACENT TO 7 TAMLAGHTDUFF PARK BELLAGHY

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02 Rev 01

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

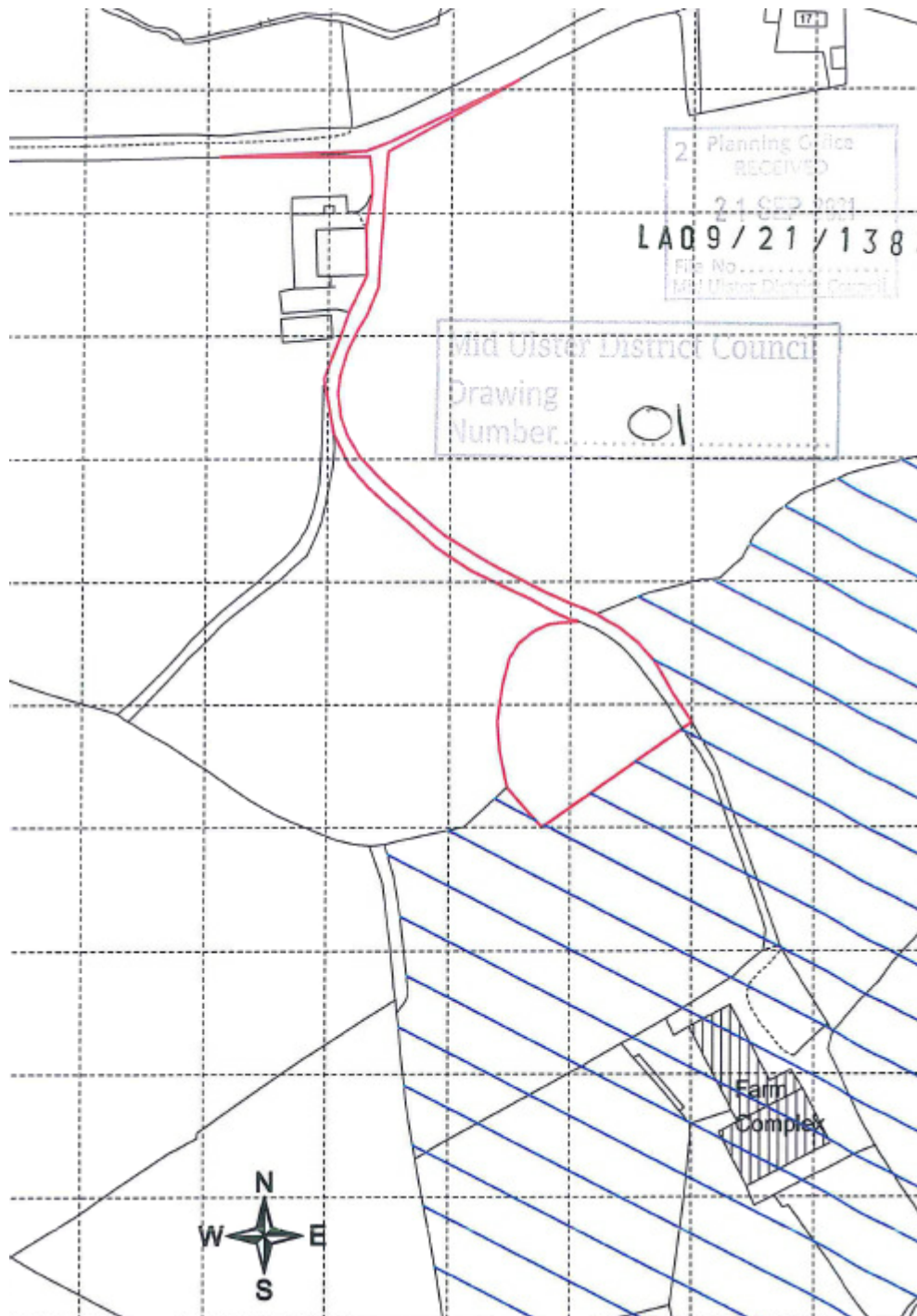


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1382/O	Target Date:
Proposal: Erection of 2 storey dwelling & domestic garage on a farm	Location: Land approx. 130m SW of 19 Glendavagh Road Aughnacloy
Referral Route: Refusal - contrary to CTY 10 and CTY 13 of PPS 21.	
Recommendation:	REFUSE
Applicant Name and Address: Dale Watters 19 Glendavagh Road Aughnacloy	Agent Name and Address: Bernard J Donnelly 30 Lismore Road Ballygawley BT70 2ND
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary

Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues <p>There were no representations received in relation to the proposal. However, there are concerns that the proposal is contrary to the policy criteria of CTY 10 and CTY 13 held within PPS 21.</p>	
Characteristics of the Site and Area <p>The site is located at lands approx. 130m SW of 19 Glendavagh Road, Aughnacloy. The red line of the site comprises of an irregular shaped portion of a larger agricultural field which is set back from the roadside. The site has existing low level hedging along most of its northern and western boundary, with the southern boundary currently undefined and the roadside boundary post and wire fencing. There is an existing farm complex shown to the south of the site and a number of agricultural fields surrounding the site outlined in blue, indicating ownership. The area surrounding the site is rural in nature, which scattered single dwellings and their associated outbuildings.</p>	
Description of Proposal <p>Outline planning permission is sought for the erection of 2 storey dwelling & domestic garage on a farm.</p>	
Planning Assessment of Policy and Other Material Considerations <p><u>Planning History</u> LA09/2016/1620/O – Land approx. 175m South West of 17 Glendavagh Road, Aughnacloy - Proposed farm dwelling and garage – PERMISSION GRANTED</p> <p>LA09/2017/1759/RM - Land approx. 175m South West of 17 Glendavagh Road, Aughnacloy - Proposed farm dwelling and garage – PERMISSION GRANTED</p> <p>LA09/2019/0555/NMC - Land approx. 175m SW of 17 Glendavagh Road, Aughnacloy - Repositioning of dwelling and garage – NON MATERIAL CHANGE GRANTED</p> <p>It should be noted that all of the above applications relate to an entirely separate farm business.</p> <p><u>Representations</u> Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were no neighbours notified under this application. At the time of writing, no third party representations have been received.</p>	

Planning Assessment of Policy and Other Material Considerations

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

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

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

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

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

- (a) the farm business is currently active and has been established for at least 6 years
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed that the business ID has been in existence for more than 6 years. DAERA have also confirmed the applicant has been claiming on the land over the last 6 years. From this information and from the site visit conducted, I am content the farm holding has been active and established for at least 6

years and that the land has been maintained in good agricultural and environmental condition.

With respect to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. Checks were carried out using the UNIFORM system and no historical applications have been found. I note the history for the recent approval, north of the application site, however this is a different farm business and is not related to the business ID or mapping which was submitted in relation to in this application.

With respect to (c), the new dwelling is not considered to be visually linked with any existing farm buildings on the site and therefore the proposal fails the policy on this criterion. The proposed site is approx. 100m at the closest point to the red line of the site and the farm complex. The topography of the site means that views of the farm buildings are not visible from the site itself and therefore there is no visual linkage. The agent has provided supporting information, justifying their proposed siting. The agent refers to paragraph 5.41 of CTY 8 in PPS 21 states that a dwelling can be approved: *'where the existing group of buildings is well screened, or where a site adjacent to the group is well landscaped, permission can be granted for a dwelling even though the degree of visual linkage between the two is either limited, or virtually non-existent due to the amount of screening vegetation.'*

We do not feel that this extract from the justification and amplification within CTY 10 relates to this specific site, as the exceptions is only if there is significant vegetation between the two. In this case, it is our view that it is more so the topography of the lands that is creating the separation. Therefore, we feel that this argument is not strong enough to support a case for the proposed siting under this application especially noting that there are a number of other alternative sites within the applicant's ownership, which would meet the policy criteria and would visually link with existing farm buildings on the farm. There are no verifiable plans that the farm business is to be expanded also. It has also been noted that if approval were to be forthcoming as a result of this application, an infill opportunity may be created directly south of the red line.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. However, we feel that the proposal fails on criterion (g) of CTY 13 where in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm. There is some degree of hedging along the northern and western boundary but it is low lying and therefore wouldn't provide a suitable degree of enclosure or integration for a dwelling at this site.

The applicant has noted that they intend to utilise the existing access from Glendavagh Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

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 with an established group of buildings on the farm (and access to the dwelling is not obtained from an existing lane. No health and safety reasons exist to justify an alternative site not visually linked with an established group of buildings on the farm and no verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

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

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.

Signature(s)**Date:**

ANNEX	
Date Valid	21st September 2021
Date First Advertised	5th October 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/1382/O Proposal: Erection of 2 storey dwelling & domestic garage on a farm Address: Land approx. 130m SW of 19 Glendavagh Road, Aughnacloy, Decision: Decision Date: Ref ID: LA09/2019/0555/NMC Proposal: Repositioning of dwelling and garage Address: Land approx. 175m SW of 17 Glendavagh Road, Aughnacloy, Decision: CG Decision Date: Ref ID: LA09/2017/1759/RM Proposal: Proposed farm dwelling and garage Address: Land approx. 175m South West of 17 Glendavagh Road, Aughnacloy, Decision: PG Decision Date: 17.05.2018 Ref ID: LA09/2016/1620/O Proposal: Proposed farm dwelling and garage Address: Land approx. 175m South West of 17 Glendavagh Road, Aughnacloy,	

Decision: PG
Decision Date: 09.03.2017

Ref ID: M/2006/1927/F
Proposal: Overhead Line on Wood Poles (05/15734)
Address: Behind No.19 Glengavagh Road, Aughnacloy
Decision:
Decision Date: 20.11.2006

Ref ID: M/1989/0339
Proposal: Farm Dwelling
Address: 80M SOUTH WEST OF 17 GLENDAVAGH ROAD GLENDAVAGH
AUGHNACLOY
Decision:
Decision Date:

Ref ID: M/1989/0639
Proposal: 11KV Rural spur
Address: CURLAGH DUNGANNON
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1450/F	Target Date:
Proposal: Proposed dwelling and garage	Location: Site ay 100m N.W. of 4 Rogully Road Magherafelt
Referral Route: Recommended refusal – contrary to PPS21 Policy CTY10	
Recommendation:	Refusal
Applicant Name and Address: Pat McVey 105 Ballyneill Road Magherafelt	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary: Proposal considered against prevailing planning policy - insufficient information has been provided to demonstrate the proposal complies with Policy CTY1 and CTY10 of PPS21. No objections received.	
Signature(s): <div style="height: 40px; border: 1px solid black;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads – Enniskillen Office	Standing Advice
Statutory	DAERA	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

The application site is located approximately 35m south of the development limits of The Loup, as such the site is located in the open countryside as per the Cookstown Area Plan 2010. The site comprises a portion of a roadside agricultural field. Access to the site is via an existing agricultural gate onto Rogully Road, with public views of the site also from Ruskey Road. The ground level falls within the site therefore the public road is at a slightly higher level. The roadside and eastern boundary are defined by post and wire fencing and dispersed vegetation. The western boundary is defined by trees and the NW boundary is currently undefined. The immediate area is dominated by agricultural land uses with dispersed dwellings, with greater development pressure north of the site within the settlement of the Loup. There are three dwellings and a commercial garage in a ribbon of development to the east of the site.

Description of Proposal

This application seeks full planning permission for a storey and a half dwelling and detached domestic garage on lands approximately 100m N.W. of 4 Rogully Road, Magherafelt.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 10 Dwelling on a Farm.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside

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

Representations

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

History on Site

LA09/2021/1531/O - Dwelling & domestic garage based on Policy CTY 10 (dwelling on a farm) - Lands 60m SW of 105 Ruskey Road, Ballymaguigan, Coagh – Under Consideration

LA09/2021/0056/F – Erection of shed as previously approved under I/2014/0259/F - Site at 100m NW of 4 Rogully Road, Moneymore – Permission Granted 17/08/21

LA09/2020/1425/F - Proposed increase to provide registered child minding and day care from 6 children to 8 children (at any one time) in existing dwelling - 2 Rogully Road, Moneymore – Permission Granted 18/02/21

LA09/2019/1294/F – Proposed double garage – 2 Rogully Road, Loup, Moneymore - Permission Granted 26/11/19

I/2014/0259/F - Retrospective permission for re-positioning of partially constructed farm shed approved under I/2013/0044/F including alternative access position – Approx. 145m NE of 5 Rogully Road, Moneymore - Permission Granted 06/10/14

I/2014/0105/F - Proposed one and a half storey infill dwelling - Land immediately to the West of no. 4 Rogully Road, Moneymore Permission Granted 21/08/14

I/2010/0133/F - New Farm Dwelling to comprise of storey and half dwelling - 140m North East of 5 Rogully Road, Moneymore – Permission Granted 16/12/10

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings. The settlement limits of The Loup are in close proximity to the North.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. The current proposal falls under one of these instances, the development of a dwelling on a farm in accordance with Policy CTY10 – Dwellings on Farms.

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
- c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed the business ID has been in existence for more than 6 years, however advised no claims have been made on the lands. The agent has provided a DAERA herd number, however this alone does not demonstrate the farm business is active. Overall, I am content the farm business has been established for the required six years however it has not been adequately demonstrated that the farm business is currently active.

With respect to (b) following a review of the farm maps provided and a planning history check it was identified that planning approvals have been granted on the farmland on the

adjacent fields labelled Field No.07 on the applicant's farm maps. Planning approval was granted for a farm dwelling under I/2010/0133/F for Mr Pat McVey on 15/12/10. Whilst this is more than ten years from the date of the application, following a land registry check it was identified this site was sold and transferred from Patrick and Christine McVey on 01/10/13 to Mr Michael McVey. As well as this, an infill dwelling was also approved on this field under I/2014/0105/F for Mr Adrian McVey on 19/08/14. Following a land registry check, it was confirmed this portion of land was sold and transferred from Patrick and Christine McVey on 28/09/18 to Mr Adrian McVey. Paragraph 5.40 states "For the purposes of this policy, 'sold-off' will mean any development opportunity disposed of from the farm holding to any other person *including a member of the family.*" I emailed the agent on 07/01/22 giving him the opportunity to provide clarification on this matter. He has advised with respect the site relating to approval I/2010/0133/F, Mr Michael McVey approached his solicitor to transfer the lands in June 2011 and he cannot explain the date of 01/10/13. The agent has provided a Newline Architects map which is titled "Transfer Map" and dated June 2011 and provided a Building Control letter that advises work commenced on the site on 11 July 2011. It is considered that works commencing on the site in July 2011 does not demonstrate the land was transferred on this date, nor does a transfer map from the architect. The Planning Department obtained a copy of the Folio and associated map from the Land Registry which clearly states the land was transferred on 01/10/13 and no information has been provided which sufficiently challenges this. With respect the site relating to I/2014/0105/F, the agent has argued that Mr Adrian McVey is part of the farm business and as such this site has not been sold off. The agent has provided a DAERA Business Change Notification letter dated 28th June 2021 which details Mr Adrian McVey has joined the farm business. It is considered a family member cannot be added to the Farm Business as a way of getting around this policy. Mid Ulster District Council interpretation of Policy CTY10 is that the individual should be a member of the farm business on the date of the selloff and it should be clearly demonstrated the active role they have and for what period of time. This was the view of the Planning Committee in a similar case Planning Application LA09/2019/1119/O. From the information above, it appears there have been two development opportunities on the farm holding sold off within 10 years of the date of this application therefore I consider the proposal fails to meet criteria b and is therefore contrary to CTY 10.

With respect to (c), there are no established buildings on the site for the proposed dwelling to cluster with or to provide visual linkage as required under CTY10. It is noted however that planning approval for an agricultural shed was granted under LA09/2021/0056/F. As there are no existing farm buildings on the farm land, it was considered at internal group that the siting of the dwelling adjacent to the approved agricultural shed, which has not yet been built, would be acceptable in this instance. It is noted the proposed access utilises the previously approved agricultural shed laneway which runs alongside the natural field boundary providing suitable integration.

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 application seeks permission for a storey and a half dwelling with approx. 7.5m ridge height. The proposed dwelling has a long rectangular form approx. 22.2m in length and 14.3m maximum depth. There are a number of projections to the front elevation including a front porch, two dormer windows coming out of the roof and two further pitched projections. The dormer windows within the roof and two large

stone feature projections, as well as the extensive glazing to the western gable, are considered inappropriate to the rural setting. Revisions to the design was not formally requested, given the principal of development is considered contrary to CTY10, however should members consider approval the design should be considered further. As well as this, the curtilage is considered excessive and would need reduced to provide a suitable degree of enclosure for the building to integrate into the landscape. In my opinion the proposed dwelling and garage, if permitted, would fail to integrate successfully into the landscape and design of the dwelling is inappropriate for the site and its locality and is therefore contrary to CTY13.

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. The proposed dwelling will read with the three dwellings and commercial garage located to the east of the site. I consider the proposal will add to this ribbon of development and create a suburban style build-up of development when viewed with existing and approved buildings. As well as this, given the proximity to the development limits of The Loup, it is considered a dwelling in this location has the capacity to mar the distinction between the countryside and the settlement. As such would erode the rural character of the area as any new dwelling would nearly read as part of the settlement as such.

CTY 15 is relevant in this application given the proximity of the site to the development limits of The Loup, wherein this is seen as an important visual break between the settlement and the countryside where a dwelling in this location would remove this. As such I hold the view that this application fails under CTY 15.

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking advises that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic; and the proposal does not conflict with Policy AMP 3 Access to Protected Routes. DfI Roads have been consulted and have no objection subject to standard conditions. I am content the proposal meets DfI Roads requirements and PPS3 Access, Movement and Parking.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal, as it does not comply with CTY1, 10, 13, 14 or 15 of Planning Policy Statement 21.

Reasons for Refusal:

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

2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside, and does not merit being considered as an exceptional case, in that it has not been demonstrated that the farm business is currently active and that development opportunities have not been sold off from the farm holding within 10 years of the date of the application.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the design of the building is inappropriate for the site and its locality and the proposal fails to provide a suitable degree of enclosure for the buildings to integrate into the landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposed buildings would, if permitted, add to a ribbon of development and result in an unacceptable build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.
5. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposed building would, if permitted, mar the distinction between the Loup and the surrounding countryside.

Signature(s)

Date:



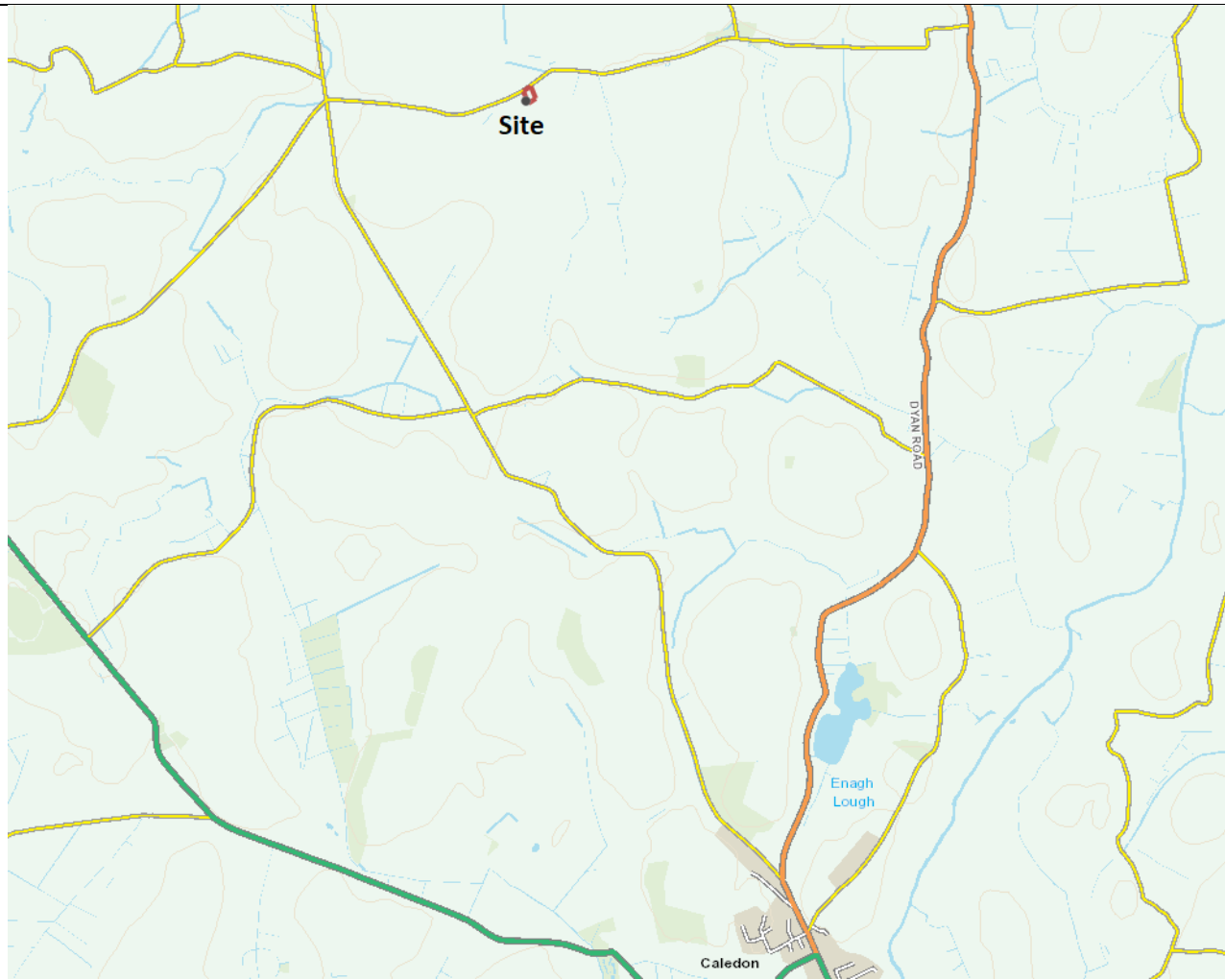
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1592/O	Target Date:
Proposal: Dwelling on a farm	Location: 30m NE of 32 Killynaul Road Caledon
Referral Route: Contrary to policy	
Recommendation:	refusal
Applicant Name and Address: Mark Edwards 34 Killgowney Manor Caledon BT68 4UT	Agent Name and Address: JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary

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

None

Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the North of the settlement of Caledon and outside all other areas of constraint as depicted by the DSTAP 2010.



The red line of the site includes a rectangular shaped cut out in the North west corner of a larger agricultural field and is located approx 30 metres east of 32 Legilly Road, Caledon. The site is bounded along the northern roadside frontage and the west boundary by a low cropped native species hedgerow, with a large mature tree in the most NW corner and the remaining east and southern boundaries remain undefined on the ground.

The land rises lightly from the roadside north to the rear south and is currently used for agricultural grazing. To the immediate west of the site there is a small bungalow and then further west of that is the main farm holding with which this proposed farm dwelling is associated. The farm holding includes a further dwelling and numerous shed/silos/barns of differing sizes. To the north east and south the site is surrounded by undulating rural countryside.



Description of Proposal

The proposal seeks full planning permission for a dwelling on a farm.

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.

Dungannon and South Tyrone Area Plan 2010
 Strategic Planning Policy Statement (SPPS)
 Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
 PPS 21: Sustainable Development in the Countryside
 CTY 1- Development in the Countryside
 CTY 10 ? Farm Dwellings
 CTY 13 - Integration and Design of Buildings in the Countryside; and
 CTY14 - Rural Character
 PPS 3 - Access, Movement and Parking;

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

Planning History

There is not considered to be any relevant planning associated with the site.

Given the rural location of application site the nature of the proposal the application shall be assessed under Planning Policy Statement 21- Sustainable Development in the Countryside and in particular with the following;

Policy CTY1 provides clarification on which types of development are acceptable in the countryside, such as a dwelling on a farm, a dwelling to meet the needs of a non agri-business, a dwelling based on personal and domestic circumstances, a replacement dwelling or if the site could be considered a small gap site within a substantial and built up frontage. In this instance the application is for a farm dwelling and therefore must be considered against Policy CTY10 of PPS21.

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

With respect to (a) it is considered that this policy criteria has been met as the applicant has provided an Agricultural Business Identification number and is in receipt of Single Farm Payments, and DAERA have confirmed that the applicant has had a Business ID for over 6 years.

With respect to (b) there are no records indicating that any dwellings or development opportunities out with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

With respect to (c) it is noted that the application site is not located directly adjacent to the main farm buildings, but rather approx..50 metres to the east, it is located next to a bungalow situated between the site and the farm buildings which does somewhat separate it from the farm holding. It must also be noted as seen below that the site will generally still be visually linked as it only separated by a low cropped hedge and the bungalow itself whilst not a part of the holding still reads with the farm holding. See below.

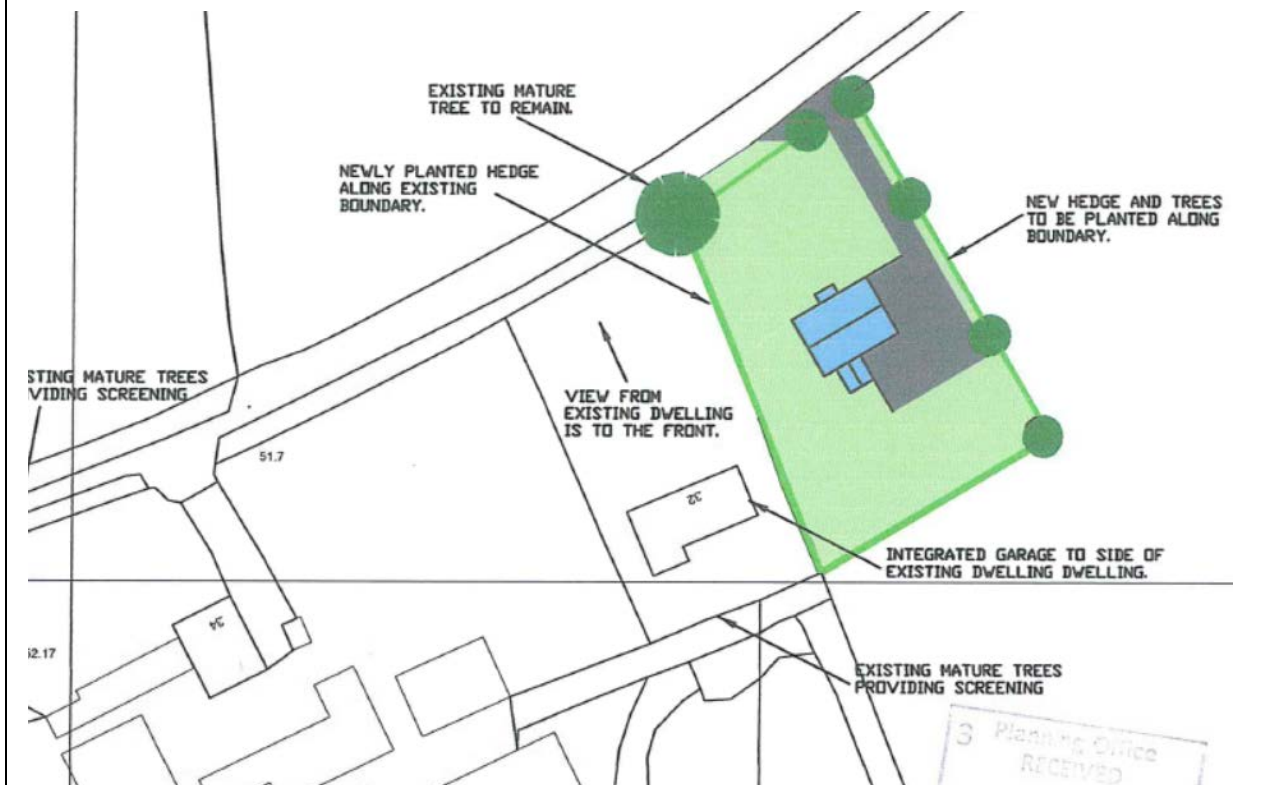


In addition there is one field nearer to the farm holding which may have been suitable, however, the applicant has stated that due to the topography of the site, it is immediately in front and on lower ground than the existing farm building (shot house) and would therefore be unsuitable in terms of health and safety as well as the potential for odour and pest nuisance.

It is considered that the proposal is in general compliance with the criteria of Policy CTY 10.

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. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. The site doesn't benefit from a high level of vegetation cover, with the only screening coming in the form of a single tree and a low cropped hedgerow to the front, the existing dwelling and farm buildings to the west and the land rising to the rear north also acts as a partial back drop. However, it is my opinion that there will be significant long distance views of the site, when travelling along the main road from the west to east. In my opinion it would take a significant landscaping plan to allow a dwelling to fit in unobtrusively regardless of the size. Therefore it is my opinion that the site is unable to provide a suitable degree of enclosure and does not have the capacity to absorb a dwelling of any size and scale without heavily relying on landscaping for integration. The loose visual association with the established group of buildings on the farm is not sufficient to provide any suitable degree of integration into the local landscape either.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The position of this site on to the North East of the existing farm dwelling, farm buildings and the small bungalow means that a new dwelling would invariably add to a ribbon of development when viewed with the existing. This will result in a suburban style build-up of development. It is considered that the site and its surrounding environs are therefore not suitable for absorbing a dwelling of any size and scale.



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.

Recommendation Refusal

Neighbour Notification Checked

Yes

Refusal Reasons

1. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building would rely primarily on the use of new landscaping for integration.

2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	3rd November 2021
Date First Advertised	16th November 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 32 Killynaul Road Caledon Tyrone	
Date of Last Neighbour Notification	25th November 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1592/O Proposal: Dwelling on a farm Address: 30m NE of 32 Killynaul Road, Caledon, Decision: Decision Date: Ref ID: M/1981/011401 Proposal: ERECTION OF DWELLING Address: KILLYNAUL ROAD, CALEDON Decision: Decision Date: Ref ID: M/1981/0114 Proposal: ERECTION OF DWELLING Address: 34 KILLYNAUL ROAD, CALEDON Decision: Decision Date: Ref ID: M/1981/0116 Proposal: ALTERATION TO ENTRANCE FOR DWELLING Address: TANNAGHLANE, CALEDON Decision: Decision Date: Ref ID: M/1981/0306 Proposal: ERECTION OF DWELLING	

Address: TANNAGHLANE, CALEDON Decision: Decision Date:
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1733/O	Target Date:
Proposal: Proposed replacement dwelling and garage.	Location: Land approx. 65m NW of 68 Tullanafoile Road Dungannon BT70 2ED.
Referral Route: Approval – Cllr Wills Robinson is applicants father.	
Recommendation:	Approval
Applicant Name and Address: Mr Neville Robinson 69 Tullanafoile Road Dungannon BT70 2ED	Agent Name and Address: Henry Marshall Brown 10 Union Street Cookstown BT80 8NN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice

Representations:

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

Summary of Issues

No issues. No representations received.

Characteristics of the Site and Area

The site is located at lands approx. 65m NW of 68 Tullanafoile Road, Dungannon. The red line of the site comprises of a rectangular portion of a larger agricultural field which fronts onto two different roads, given its location at a crossroads. There is a building shaded green which is the building proposed to be replaced and there is other existing farm buildings to the east of the red line and are outlined in blue indicating ownership. The surrounding context appears rural and is characterised predominantly by agricultural fields, farm complexes and dispersed single dwellings. The site lies within the open countryside as defined in the Dungannon and South Tyrone Area Plan 2010.

Description of Proposal

Outline planning permission is sought for Proposed replacement dwelling and garage.

Planning Assessment of Policy and Other Material ConsiderationsRepresentations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 69 Tullanafoile 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 the site.

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 notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping. It doesn't 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, one of these being a replacement dwelling in accordance with 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 single storey dwelling which appeared currently inhabited and therefore clearly has all of the external walls intact. It has all of the characteristics which help determine that the application is a dwelling, such as chimneys, window and door openings. I am content that the building in question is a genuine replacement opportunity.

The applicant/agent has indicated their preferred siting which is approx. 18m NW of the existing replacement opportunity. The agent has provided reasoning for the off site location, noting that the existing site access is located at a very tight crossroads and therefore making it difficult for vehicles to access the site. They also note that the proposed site has got improved landscaping with mature hedging and mature trees along the roadside boundaries. Whilst on site, the foliage of the mature trees was reduced given the time of year, however I am content that the images provided from the agent, taken from google street view images show how the mature trees would provide good landscaping. The final reason referred to in the justification was in relation to the amenity space within the current site. The current site is bounded to the north and east with existing farm buildings and in building a modest sized dwelling on site, the site would be restricted in providing adequate amenity space for the applicant. I am content that the off site location in this instance is acceptable given the reasons aforementioned which will provide access and amenity benefits and therefore is considered acceptable within the exceptions as set out in CTY 3 of PPS 21.

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. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the other dwellings in this vicinity. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. I feel a 5.5m ridge height would be appropriate on this site, noting the current structure to be replaced as well as taking account of the characteristics of neighbouring properties and the topography of the site too. The agent has noted that the applicant wishes to retain the existing dwelling for agricultural use if possible which has been conditioned.

The proposal intends to create a new access onto Lisdoart Road. DfI Roads were consulted and have raised no concerns, subject to conditions.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:

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

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

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

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

3. Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.4m x 60/33m* Tullanfoile Rd and 65m* Tycanny Rd and forward Sight Distance of 60/33m* Tullanfoile Rd and 65m* Tycanny Rd, shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

4. Upon occupation of the new dwelling, the dwelling to be replaced coloured green on drawing No 01 which was received on 3rd December 2021, shall no longer be used or adapted for the purpose of human habitation and may only be used for non-residential use.

Reason: To ensure that the proposed development does not result in the creation of an additional dwelling in the rural area.

5. The dwelling hereby permitted shall have a ridge height not exceeding 5.5 metres above existing ground level. It should be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

Reason: To ensure that the proposal is in keeping with the character of the area.

6. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

7. A detailed scheme of structured landscaping for the site including along all site boundaries, shall be submitted at Reserved Matters stage at the same time as the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during first available planting season after the occupation of the dwelling which is hereby approved.

Reason: To ensure the dwelling integrates into the countryside and to ensure the maintenance of screening of the site.

8. The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council in writing, and agreed, prior to the commencement of any works.

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:

ANNEX	
Date Valid	3rd December 2021
Date First Advertised	14th December 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 69 Tullanafoile Road,Dungannon,Tyrone,BT70 2ED	
Date of Last Neighbour Notification	7th January 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/1733/O Proposal: Proposed replacement dwelling and garage. Address: Land approx. 65m NW of 68 Tullanafoile Road, Dungannon BT70 2ED., Decision: Decision Date: Ref ID: M/2011/0429/F Proposal: Proposed farm dwelling and car port Address: 50m SW of 68 Tullanafoile Road, Ballygawley, Decision: Decision Date: 04.11.2011 Ref ID: LA04/2020/1672/F Proposal: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - Address: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -, Decision: Decision Date:	

Summary of Consultee Responses DfI Roads – content subject to condition.
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1751/O	Target Date:
Proposal: Erection of 1No. dwelling as part of a cluster.	Location: Lands SW of 46&46a and NW of 44 Annaghmore Road Castledawson.
Referral Route: Objections received Contrary to Policy CTY1, CTY2a, CTY13 and CTY14 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Frances Taylor 21 Annaghmore Road Castledawson Magherafelt BT45 8DU	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	1 Petition Received

Summary of Issues

A petition with 8 signatures was received objecting to the proposed development. The summary of the objection is contained below and has been considered as part of the planning assessment.

- There is no focal point which any cluster would be associated with in terms of a cross roads or community building. The orange hall is too far removed to be considered.
- The site is only bounded on one side with development.
- The site cannot be considered rounding off; rather it would extend into the existing countryside altering the character of the area.

- The development lacks established natural boundaries and does not provide a suitable degree of enclosure.
- Would lead to a ribbon of development along the Annaghmore Road.

Characteristics of the Site and Area

The site is located within the open countryside, located approximately 0.5km south of the settlement limits of the Castledawson as per the Magherafelt Area Plan 2015. The red line of the application site is located on the roadside, and appears to consist of two agricultural fields which are split by a field drain with trees and hedges running through it. The majority of the boundaries of the site are defined by existing low-level hedges with a mix of trees located throughout. An existing post and wire fence, with a relatively large grass verge between the public road and the application site, defines the roadside boundary. The surrounding area is a mix of agricultural land uses and residential dwellings located beyond.

Description of Proposal

This is an outline planning application for the erection of 1No. Dwelling as part of a cluster.

Planning Assessment of Policy and Other Material Considerations

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

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A number of examples are provided in CTY 1 detailing the different cases, which would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

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

- *The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.*

I am content there is a cluster of development with three dwellings being No.s 44, 45, 48 and 49 Annaghmore road and the vacant dwelling located opposite the site to the west. I do not believe No.s 46 & 46a are part of this cluster as when viewed on the ground appear too far removed to be considered part of the cluster.

- *The cluster appears as a visual entity in the local landscape*

Whilst travelling along the Annaghmore Road I am content the cluster mentioned above appears as a visual entity in the local landscape.

- *The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.*

The agent has identified an Orange hall located approximately 120m south west of the site which they argue the cluster is associated with. However, when carrying out a site visit the hall is not visibly linked with the application site or the cluster which is visible at this location so the hall is not an obvious focal point. There is no other community building or cross-roads that the cluster is associated with. Therefore, the proposal fails to meet this criteria.

- *The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.*

The redline of the application as mentioned includes two agricultural fields which is separated by a field drain. The agent has identified the north eastern boundary of the red line which runs adjacent to No 46 & 46a is bounded on this side. However, as previously mentioned these two dwellings are not considered as part of the cluster and this cannot be considered as being bounded on this side. Furthermore, the agent has shown on the site location plan an area in green where the proposed dwelling is to be sited in the northern field of the red line. It is noted that the western boundary can be considered to be bounded on this side. But as the site is not bounded on two sides by development within the cluster, its fails to meet this criteria.

- *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 mentioned, the site is not bounded on at least two sides so the site cannot be absorbed into the cluster and cannot be considered being rounding off; rather it extends outside of the cluster intruding into the open countryside.

- *Development would not adversely impact on residential amenity.*

As this is an outline application, no detailed design details have been provided for a dwelling, but given the size of the application site and the surrounding area, I am content a dwelling at this location would not adversely affect residential amenity.

On the basis of the above assessment, the application fails to meet the policy criteria outlined in Policy CTY2a.

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been submitted. Given the lack of natural boundaries along the roadside and the proposed siting of the dwelling it would not integrate into the local landscape and would rely primarily on new landscaping for integration.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As the proposal cannot meet the policy criteria set out in Policy CTY2a, I believe any dwelling approved here would therefore result in the erosion of the rural character of the area. A dwelling at this location would not respect the traditional pattern of settlement exhibited in the area. The red line of the site is much larger than the neighbouring dwellings, which would impact on the character of the area. A dwelling approved at this location would result in the creation of a ribbon of development along the Annaghmore Road.

PPS 3- Access, Movement and Parking:

DfI Roads were consulted on the planning application and provided conditions to be applied to any approval and that as part of any reserved matters application should show access constructed in accordance with the form RS1.

Other Material Considerations

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the existing cluster of development is not associated with a focal point such as a social / community building/facility, or is located at a cross-roads and is not bounded on at least two sides with other development within the cluster.

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would not integrate into the local landscape and would rely primarily on new landscaping for integration.

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would further erode the rural character of the area.

Signature(s)

Date:

ANNEX	
Date Valid	7th December 2021
Date First Advertised	28th December 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 32 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 44 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 46 Annaghmore Road Castledawson Londonderry Ian McNicholl 46 Annaghmore Road, Castledawson, BT45 8DU The Owner/Occupier, 46a Annaghmore Road Castledawson The Owner/Occupier, 48 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 49 Annaghmore Road Castledawson Londonderry	
Date of Last Neighbour Notification	13th January 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2004/0560/O Proposal: Site of Dwelling. Address: In Front of 35 Annaghmore Road, Castledawson. Decision: Decision Date: 10.12.2004 Ref ID: H/2003/0227/O Proposal: Site of Replacement dwelling and garage. Address: 20 Metres North of 45 Annaghmore Road, Castledawson. Decision: Decision Date: 29.07.2003 Ref ID: H/1991/0061 Proposal: UNDERGROUND SEWAGE PUMPING STATIONS (SITE A) Address: ADJACENT TO 44 ANNAGHMORE ROAD CASTLEDAWSON Decision: Decision Date: Ref ID: H/2013/0243/F	

Proposal: Construction of compact grade separated junction, located between the existing Bellshill Road and Moyola River, Southeast of Castledawson. Annaghmore Road (south) and Bellshill Road (north) to be connected by a new north/south link road (fly over), with links to Annaghmore Road (North), Bellshill Road (South) and the planned A6 dual carriageway provided from this road

Address: Townlands of Annaghmore Shanemullagh Tamnadeese at Castledawson, Co Londonderry,

Decision: PG

Decision Date: 08.12.2014

Ref ID: H/2013/0459/O

Proposal: Erection of 1 no. dwelling as part of a cluster

Address: 52m South East of 45 Annaghmore Road, Castledawson,

Decision: PR

Decision Date: 18.08.2014

Ref ID: LA09/2018/1662/F

Proposal: 2 Dwellings and detached double garage

Address: 70m North of 45 Annaghmore Road, Castledawson,

Decision: PG

Decision Date: 13.09.2019

Ref ID: H/1992/0544

Proposal: EXTENSION TO DWELLING

Address: 44 ANNAGHMORE RD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1988/0610

Proposal: 33KV OH LINE

Address: AGHAGASKIN, KILLYNEESE & ANNAGHMORE CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1981/0028

Proposal: HV O/H LINE BM 4170A

Address: ANNAGHMORE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2005/0944/F

Proposal: Bungalow and Garage

Address: Opposite 39b Annaghmore Road, Castledawson

Decision:

Decision Date: 13.02.2006

Ref ID: H/1997/0505

Proposal: 11 KV O/H LINE BD/BM/1038/96

Address: ANNAGHMORE MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2009/0510/F

Proposal: Proposed replacement dwelling and detached garage/domestic store

Address: 46 Annaghmore Road, Castledawson

Decision:
Decision Date: 28.07.2010

Ref ID: H/2011/0150/F
Proposal: Proposed sun room extension to front of existing dwelling
Address: 32 Annaghmore Road, Castledawson, Magherafelt, BT45 8DU,
Decision:
Decision Date: 10.05.2011

Ref ID: H/1982/0105
Proposal: BUNGALOW WITH GARAGE
Address: ANNAGHMORE ROAD, CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/2010/0570/F
Proposal: Construction of compact grade separated junction (fly over), facilitating access from A6 to Castledawson via new link road to rear of Bells Manor, Bells Court and Castle Oak to both Bellshill Road and Annaghmore Road and connecting to both Bellshill Road and Annaghmore Road, south of the existing bypass
Address: Townlands of Annaghmore, Shanemullagh, Tamnadeese, at Castledawson, Co. Londonderry,
Decision: WITHDR
Decision Date: 24.02.2015

Ref ID: LA09/2021/1751/O
Proposal: Erection of 1No. dwelling as part of a cluster.
Address: Lands SW of 46&46a and NW of 44 Annaghmore Road, Castledawson.,
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1805/F	Target Date:
Proposal: In fill dwelling and garage and associated site works	Location: Lands between 54 and 56 Ballynasaggart Road Ballygawley
Referral Route: Application before council for determination as we are going against Rivers Agency advise as there is an acceptable fallback position on the site.	
Recommendation: APPROVAL	
Applicant Name and Address: Tony Hughes 272 Whitebridge Road Carrickmore Omagh	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary: Site lies within a flood plain however there is an extant permission on site and the applicant could build the dwelling as approved.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Site lies within a flood plain however there is an extant permission on site and the applicant could build the dwelling as approved.

Characteristics of the Site and Area

The site is located within the rural countryside and is a 0.27ha parcel of un-zoned land located between No's 54 and 56 Ballynasaggart Road which lies approximately 2 miles NW of Ballygawley. It lies outside the development limits of any settlement defined in the Dungannon and South Tyrone Area Plan 2010.

At present on site is the concrete base of what was a shed and foundations for a dwelling which are now overgrown. The northern, eastern and southern boundaries of the site are defined by a wooden fence. A watercourse runs along the western boundary of the site which is defined by a mature treeline. The site lies level with the public road. The site lies between 2 no. two storey dwellings, with a further 2 no. two storey dwellings to the north. The site lies between one dwelling to the south and 3 dwellings to the north.

Across the public road is the Blackskull Tactical Airsoft outdoor sports shop, otherwise the area is rural in character with a generally flat topography. There is some development pressure in the area, with the predominant form of development being relatively large detached dwellings and associated outbuildings.

Description of Proposal

Full application for erection of a dwelling and domestic garage in a gap site under CTY 8 of PPS 21.

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.

Relevant histories

M/2010/0508/F - Domestic Dwelling and Garage in Proposed Gap Site - Lands 75 M South West of 55 Ballynasaggart Road, Ballygawley, Dungannon - GRANTED 11.10.2010

M/2005/1882/F - Proposed dwelling and domestic garage - 75m South West of 55 Ballynasaggart Road, Ballygawley, Dungannon - PERMISSION REFUSED 06.07.2006

Full planning permission was previously granted for this site, and work commenced on site with the digging of foundations and provision of access and sightlines.

Representations

Neighbour notification (4 neighbours notified) and press advertisement has been carried out in line with the Council's statutory duty. No objections or representations have been received to date.

Dungannon and South Tyrone Area Plan 2010

This site is outside any settlement defined in the Dungannon and South Tyrone Area Plan 2010 and is subject to no area plan designations or zonings, therefore existing planning policy must be adhered to i.e. PPS 21

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

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

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict

between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

The SPPS gives provision for development in the countryside subject to a number policy provisions, including CTY 8 of PPS 21 which deals with Ribbon Development. There has been no change in policy direction in the SPPS in respect of Ribbon Development therefore Policy CTY 8 of PPS 21 remains my primary policy consideration in this assessment.

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. DfI Roads are content that sightlines of 2.4m x 90m should be provided.

CTY1 of PPS 21 - 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.

Policy CTY 8 of PPS21 states that permission will be refused for applications which create or add to ribbon development in the countryside. An exception is however 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. A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

To the immediate north of this site are three two storey dwellings, two of which have domestic garages and all three front directly onto the public road. To the south is another detached two storey with garage that fronts the public road. For the purpose of this assessment I am content that this can be deemed a substantial and built up road frontage. When travelling in either direction along the public road a dwelling on this site will read with the existing development reiterating the sense of this site as a gap in a substantial and built up frontage. It is also my opinion that given the size of the host field and the plot sizes along this section of the road, a dwelling on this proposed site would represent an acceptable infill opportunity that respects the adjacent plot sizes. The existing dwelling to the south has a frontage of 56m, with the dwelling to the north having a frontage of 45m. The gap in between measures 31m. The gap created by the host field is not of a size that represents any sort of visual break in this particular landscape.

Ribbon development is cited as being detrimental to rural landscapes, creating a built up appearance to roads. I have already accepted that the existing development constitutes

a substantial and built up frontage as defined in CTY 8. As such, another dwelling in this location will not create build up but instead will add another dwelling into the existing cluster of development. I therefore consider that the infilling of this gap site will not be detrimental to the rural character of this area.

Policy CTY 13 - Design and Integration and Policy CTY 14 - Rural Character

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposed dwelling will be 8.4m in height, 12.9m in length (18m including the single storey side projection) and has a gable depth of 9.2m. There is a 2 storey projection with an attached carport to the rear of the dwelling. The windows are vertical in emphasis with a strong relationship of solid to void and the dwelling has a hipped roof. The finish of an off-white smooth render with contrasting base is considered acceptable. There are no long term critical views of the proposal given the existing development either side of it, and for this reason the design is considered acceptable.

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. The rising land to the rear will provide a backdrop for a dwelling here. The proposed development is accepted as creating a ribbon of development in accordance with the exception in CTY8 and as such I do not consider this will damage the rural character.

Given the fact the site lies between existing two storey dwellings, with rising land to the west a dwelling of this size will not appear overly prominent in this local landscape. The dwelling is sited in line with No. 54 and No. 56 and it respects the settlement pattern of the area. The proposed development is accepted as creating a ribbon of development in accordance with the exception in CTY8 and as such I do not consider this will damage the rural character. The proposal complies with CTY 14.

Other Material Considerations

An existing watercourse runs along the western boundary of the site. I have assessed the Flood Hazards and Flood Risk Maps for NI which indicates that the site is affected by flood plain. Consultation with DfI Rivers indicates that there is a history of flooding in the vicinity. They feel that the applicant could choose to better define the flood plain as per D4 of the policy or keep the development outside the flood plain unless it can be demonstrated that it is an exception to policy in which case a Flood Risk Assessment would be required. The applicant has resited the dwelling to lie outside the flood plain, however Rivers Agency still do not regard this as acceptable as the access is still within the flood plain and is deemed to be an unacceptable form of development in the flood plain.

As previously stated there is an extant permission on the site under M/2010/0508/F. The fall back principle requires consideration of what an applicant can do without the need for a further planning permission. Orthophotography taken in 2013 shows the access constructed and a shed on site:-



2016 orthophotography shows the foundations for the dwelling in place:-



Orthophotography images are not available for the intervening years of 2014 and 2015 to determine if the foundations were in place prior to the expiration date of 14 September 2015.

From consultation with building control, an application was made on 12 August 2015 and the site was duly inspected on 20 October 2015 whereby the foundations had been excavated. I am content on the basis of this that the previous planning permission was implemented in time and there is a legitimate fallback position that would allow that dwelling to be constructed as approved. For this reason it is not felt that the applicant needs to carry out any further river modelling in order to progress this application, as the dwelling as previously approved could still be built. As the new dwelling is shown to be sited over the existing foundations on site, and is sited in a row of existing development it should not exacerbate any flooding issues in this area. The applicant should be informed that there is a potential risk to the property and an informative to this effect should be applied to any planning permission.

I recommend the application to be approved as it complies with the relevant policy for this type of application in the countryside. The proposal will fill a small gap in an otherwise substantial and built up frontage as defined in policy, and would not result in any detriment to the overall rural character of the area. In addition, the design of the dwelling is considered acceptable.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend approval as there is a fallback position on site.

Conditions:

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

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

2. The vehicular access, including visibility splays of 2.4m * 90m and any forward sight distance shall be provided in accordance with drawing No. 02 bearing the date stamp 21 DEC 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.

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

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

4. All hard and soft landscape works as detailed on drawing No. 02 bearing the stamp dated 21 DEC 2021 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. 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.

5. One dwelling only shall be constructed within the area of the site outlined in red on the approved Drawing No. 01 bearing the date stamp received 21 DEC 2021.

Reason: To control the number of dwellings on the site.

Informatives

1. THE APPLICANT/DEVELOPER AND ANY FUTURE PURCHASERS/OCCUPANTS MUST BE AWARE OF THE FACT THIS DEVELOPMENT IS IN A FLOOD PLAIN AND THERE MAY BE A RISK TO THE OCCUPIERS SAFETY AND PROPERTY ON THIS SITE.

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

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

Provision shall be made to the satisfaction of Roads Service, to ensure that surface water does not flow from the site onto the public road.

Provision shall be made to the satisfaction of Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

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

Signature(s)

Date:

ANNEX	
Date Valid	21st December 2021
Date First Advertised	11th January 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 54 Ballynasaggart Road Dungannon Tyrone The Owner/Occupier, 55 Ballynasaggart Road,Dungannon,Tyrone,BT70 2AZ The Owner/Occupier, 56 Ballynasaggart Road Dungannon Tyrone The Owner/Occupier, 58 Ballynasaggart Road Dungannon Tyrone	
Date of Last Neighbour Notification	20th January 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/2003/0278/O Proposal: Proposed site for dwelling and domestic garage Address: 90 Metres South West of No. 55 Ballynasaggart Road, Dungannon Decision: Decision Date: 07.05.2003 Ref ID: M/2004/1251/RM Proposal: Dwelling & Domestic Garage Address: 90m South West of 55 Ballynasaggart Road, Ballygawley, Dungannon Decision: Decision Date: 16.10.2004 Ref ID: M/2009/0692/F Proposal: Retention of domestic access and laneway Address: 90M South West of 55 Ballynasaggart Road, Ballygawley, Dungannon, Co.Tyrone Decision: Decision Date: 07.03.2011 Ref ID: M/1985/0645 Proposal: SITE FOR VEHICLE STORAGE Address: GLENCHUIL, BALLYGWLEY Decision:	

Decision Date:

Ref ID: M/2005/1160/F

Proposal: Erection of domestic dwelling and garage, amended design to previously approved application M/2004/1251/RM and resiting

Address: Opposite 55 Ballynasaggart Road, Ballygawley

Decision:

Decision Date: 14.09.2005

Ref ID: M/2005/1153/F

Proposal: Erection of domestic dwelling and garage- amended design to previously approved application M/2004/1247/RM and resiting

Address: 90m South West of 55 Ballynasaggart Road, Ballygawley.

Decision:

Decision Date: 13.09.2005

Ref ID: M/2002/0963/O

Proposal: Erection of Dwelling & Domestic Garage

Address: Opposite 55 Ballynasaggart Road, Dungannon

Decision:

Decision Date: 19.02.2003

Ref ID: M/1997/0719

Proposal: Soil and Gravel Extraction

Address: ADJACENT TO 58 BALLYNASAGGART ROAD BALLYGAWLEY

Decision:

Decision Date: 17.07.1998

Ref ID: M/2010/0508/F

Proposal: Domestic Dwelling and Garage in Proposed Gap Site

Address: Lands 75 M South West of 55 Ballynasaggart Road, Ballygawley, Dungannon

Decision:

Decision Date: 11.10.2010

Ref ID: M/2005/1882/F

Proposal: Proposed dwelling and domestic garage

Address: 75m South West of 55 Ballynasaggart Road, Ballygawley, Dungannon

Decision:

Decision Date: 06.07.2006

Ref ID: LA09/2021/1805/F

Proposal: In fill dwelling and garage and associated site works

Address: Lands between 54 and 56 Ballynasaggat Road, Ballygawley,

Decision:

Decision Date:

Ref ID: LA04/2020/1672/F

Proposal: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - PLEASE IGNORE

THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -

Address: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 03/05/2022	Item Number:
Application ID: LA09/2021/1807/F	Target Date:
Proposal: Proposed farm dwelling in accordance with PPS 21	Location: 75m S.W. of 106 Derryfubble Road Dungannon
Referral Route: 1. Agent is a Mid Ulster Council Employee.	
Recommendation:	Approval
Applicant Name and Address: Bronagh Long 130 Mullybrannon Road Dungannon	Agent Name and Address: PDC Chartered Surveyors 52 Tullyreavy Road Cookstown BT70 3JJ
Executive Summary: The proposal is for a farm dwelling across the road from the existing farm holding at No. 106 Derryfubble Road. I am content the dwelling will visually link with these buildings and DAERA have confirmed there is an active and established farm for the past six years. A check has shown no sites or development opportunities have been sold off in the past ten years.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary

Representations:

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

Characteristics of the Site and Area

The site is 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 is predominantly agricultural fields, single rural dwellings and farm groupings. There is minimal development pressure along this stretch of Derryfubble Road from the construction of single dwellings. Across the road from the site are two agricultural sheds and a concrete yard with a frontage to the road. Beside the sheds is a single storey dwelling and garage with lawn area to the front.

The application site is a portion of a larger agricultural field across the road from the associated farm holding. Along the roadside boundary is a post and wire fence and along the southern boundary is hedging. The land slopes downwards slightly from east to west.

Description of Proposal

This is a full application for a proposed farm dwelling in accordance with PPS21 at 75m S.W. of 106 Derryfubble Road Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

No planning history at the application site.

Farm Holding across the road

M/2006/0793/F - Proposed Dwelling - 520m North East of 98 Derryfubble Road of Mossmore Road, Dungannon – Permission Granted 09.01.2007

M/2007/0357/F – amendment to previous approval ref no M/2006/0793/F, different house type - 520m NE of 98 Derryfubble Road, Off Mossmore Road, Dungannon - Permission Granted 15.05.2007

M/2011/0232/F – Dwelling - 520M NE of 98 Derryfubble Road, off Mossmore Road, Dungannon – Permission Granted 07.06.2011

LA09/2017/0603/F – Proposed garage – detached - 106 Derryfubble Road, Dungannon – Permission Granted 16.06.2017

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not

been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes farm dwelling opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for one farm dwelling CTY 10 is the relevant policy in the assessment.

CTY 10 – Dwelling on a Farm

DAERA confirmed the farm business ID as stated on the P1C form has been in existence for over six years and the farm is a Category 1 farm business. The proposed site is under the control of the farm business stated on the P1C form. It is stated on the P1C the owner of the farm business is Paul and Leo Daly. Leo Daly is the applicant's father and Paul Daly is the applicant's brother who is the main active farmer on the holding. Paul Daly lives at No. 106 Derryfubble Road across the road from the site and the applicant Bronagh Long is Leo Daly's daughter. It is stated on the P1C form that Bronagh Long is involved in the farm. I am content there is an active and established farm business at the site for the past six years.

2021 DAERA farm boundary maps were supplied with the application which showed four fields. I completed a history check on these fields and no sites or development opportunities have been sold off from the farm holding within the past ten years. The applicant's Leo Daly previously owned the application site and surrounding fields. The applicant and Mr Leo Daly lives at 130 Mullybrannon Road. I completed a check on dwellings and sites around this dwelling and no development opportunities have been sold off by the Daly family within the past ten years. I am content this criteria in CTY 10 has been met.

The site is a cut-out of a larger agricultural field within the farm holding across the road. As shown in figure 1 below even-though the site is across the road, the proposed dwelling will still visually link with the farm holding. I believe as there are only four fields on the holding this is the most acceptable siting for a family dwelling which will not comprise health and safety.



Figure 1 – Proposed siting of the dwelling

Overall I am content the proposal meets all the criteria in CTY 10 and the principle of development can be established.

CTY 13 – Integration and Design of Buildings in The Countryside

The application site is a portion of a larger agricultural field where the topography slopes downwards slightly from the public road. The proposal is for a modest single storey dwelling in the corner of the site and it will visually link with the farm buildings across the road. I am content the dwelling will not be a prominent feature in the landscape due to the modest scale and massing of the design and the siting in the corner. There is a lack of enclosure at the site as it is a cut-out of a larger field and there are no other buildings on either side of the site. Additional trees and hedging has been proposed around the site which will assist in the further integration into the landscape. A new access has been proposed which will run through the middle of the site which is not ideal but as it only travels for a short distance I have no concerns.

The proposal is for a single storey dwelling which is modest and has a long rectangular form. I have no concerns about the design due to the simple form and windows have a vertical emphasis. There is a bay window which is not usually a rural design feature but as the dwelling is not facing the roadside I am content. I consider a low ridge height single storey dwelling is most suited to this site due to the lack of enclosure and natural boundaries.

Overall I consider the proposal will integrate into the landscape.

CTY 14 – Rural Character

As stated earlier in the assessment I am content the proposed dwelling will not be a prominent feature in the landscape. There is minimal development pressure in the surrounding area so as the proposal is for a single dwelling that will visually link with an existing farm grouping I am content the proposal will not create a suburban style build-up of development. The proposal is for a single storey dwelling and the dwelling at No. 106 is also single storey so I am content the proposal will match the traditional pattern of settlement in the area. The proposal will not create a ribbon of development as there is no development on either side of the site. Overall I am content the proposal will not have an unacceptable impact on rural character.

PPS 3 Access, Movement and Parking

AMP 2 – Access to Public Roads

I am content the proposal does not access onto a protected route.

The applicant has proposed a new access onto Derryfubble Road so DFI Roads were consulted. They responded with no concerns subject to visibility splays of 2.4m x 45m in both directions.

Other Considerations

I checked the statutory map viewers and there are no NED, HED and flooding issues at the site.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal is recommended for approval as it meets all the criteria in CTY 10, CTY 13 and CTY 14 in PPS 21.

Conditions

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

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

2. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45m in both directions and any forward sight line, shall be provided in accordance with the approved drawing 02 date stamped 21 DEC 2021. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02 date stamped 21 DEC 2021 shall be carried out in the first planting season following the occupation of the development hereby approved. Any tree shrub or other plants identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the development integrates into the countryside.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or any other statutory authority.
4. The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

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

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

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site

- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a Transportni drainage system.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0007/F	Target Date:
Proposal: Proposed detached ancillary granny flat in rear garden	Location: 30 Claremount Drive Kileen Coalisland
Referral Route: The proposed granny flat is not attached to the existing property.	
Recommendation:	APPROVE
Applicant Name and Address: Adrian Devlin 30 Clarmount Drive Coalisland	Agent Name and Address: C Mc Ilvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary: Personal and domestic circumstances have been put forward as to why a separate building is being provided in this instance.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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Representations:

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

Summary of Issues

No objections or representations received

Characteristics of the Site and Area

The site is located at No. 30 Claremount Drive within the development limits of Killeen as identified in the Dungannon and South Tyrone Area Plan 2010. At present on site is a single storey semi-detached dwelling with smooth render finish with two wooden sheds to the rear. A building is currently under construction to the rear of the site, with blockwork to window level and beyond on the side elevations. The dwelling lies level with the public road, with a slight rise in the land to the rear in a south westerly direction. Mature hedging defines the south western, south eastern and north western boundaries to the rear. The surrounding area is primarily residential as the site lies within an established residential development in Killeen.

Description of Proposal

Full application for proposed detached ancillary granny flat in rear garden.

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.

Relevant Histories

There are no relevant histories to consider.

Representations

Four (4) no. neighbour notifications have been carried out as well as press advertisement in line with the Council's statutory duty. To date no third party representations have been received.

Dungannon and South Tyrone Area Plan 2010

The site lies within the settlement limit of Killeen defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, SETT 1 is the relevant policy which applies. I am content if the proposal complies with EXT 1 of the Addendum to PPS 7 it will also comply with SETT 1.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by the Addendum to Planning Policy Statement 7 - Residential Extensions and Alterations (The Addendum).

Planning Policy EXT 1 of PPS7 details that planning permission will be granted for a proposal to extend or alter a residential property where a number of criteria are met. Contained within this policy is the provision for ancillary accommodation, whereby it is acknowledged that there may be occasions when people wish to provide ancillary accommodation to provide additional living space for elderly relatives or to meet a variety of other personal and domestic circumstances. The applicant has provided details of why this type of accommodation is deemed necessary, and the personal and domestic circumstances in this instance have been fully considered within my assessment of the proposal.

To be considered as ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. This proposal has a living area, bedroom and shower room which will provide a limited amount of accommodation. There are no kitchen facilities within the building. The granny flat will be wholly reliant on the main house and share all services i.e. electricity, kitchen, postal address. I am satisfied that the proposed accommodation will remain ancillary to the main residential property. A condition will be applied that the extension will only be used

for ancillary residential purposes in connection with the main dwelling, and not as a separate unit of accommodation.

The proposed granny flat will be located 20m to the rear of the existing dwelling and measures 7.7m x 6.5m x 4m in height. The finishes of painted sand cement render are considered acceptable; it may be prudent to apply a condition indicating that the colour should match the existing dwelling. The scale, massing, design and external materials are sympathetic with the built form and appearance of the existing property. The proposal will not detract from the appearance and character of the surrounding area as it is subordinate to the existing property, and will be ancillary to it as they share kitchen facilities. There are no critical views of the proposal from the public road.

I have given careful consideration to the impact of this proposal on neighbouring dwellings. There are no neighbouring properties to the existing dwelling who will be affected by overlooking or overshadowing therefore the proposal will not unduly affect the privacy or amenity of neighbouring residents. No vegetation removal is required to facilitate development; consequently there is no unacceptable loss to trees or other landscape features. The strong boundaries to the site should be conditioned to be retained to ensure the proposal does not have a detrimental effect on any neighbouring properties. Sufficient space remains within the curtilage of the property for recreational and domestic purposes, and there will be no impact on parking and manoeuvring of vehicles within the site.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

I recommend approval as the proposal meets all policy requirements of EXT 1 including that required for ancillary accommodation, and is therefore considered acceptable.

Conditions:

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

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

2. The development hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as 30 Claremount Drive, Coalisland.

Reason: To prevent the creation of additional dwelling units.

3. All existing trees and hedges, as indicated on drawing No 02 date received 24 DEC 2021 and shown in green, shall be permanently retained unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interests of visual amenity and to safeguard the living conditions of residents in adjoining and nearby properties.

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:

ANNEX	
Date Valid	24th December 2021
Date First Advertised	18th January 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 28 Claremount Drive,Killen,Coalisland,BT71 5JX The Owner/Occupier, 32 Claremount Drive,Killen,Coalisland,BT71 5JX The Owner/Occupier, 38 Claremount Drive,Killen,Coalisland,BT71 5JX The Owner/Occupier, 38A Mountjoy Road,Killen,Coalisland,BT71 5DH	
Date of Last Neighbour Notification	11th February 2022
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2022/0007/F Proposal: Proposed detached ancillary granny flat in rear garden Address: 30 Claremount Drive, Kileen, Cookstown, Decision: Decision Date: Ref ID: M/1994/0582 Proposal: Erection of 4 No Semi-detached Dwellings Address: CLAREMOUNT DRIVE LISACLARE ROAD KILLEN COALISLAND Decision: Decision Date: Ref ID: M/2002/0687/F Proposal: Front porch & new garage Address: 32 Claremount Drive, Killen, Coalisland Decision: Decision Date: 19.08.2002	
Summary of Consultee Responses N/A	

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted
Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Drawing No. 03 Type: Proposed Plans Status: Submitted



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 03/05/2022	Item Number:
Application ID: LA09/2022/0062/O	Target Date:
Proposal: Infill dwelling and domestic garage as policy CTY8	Location: Site West of 35 Drummurrer Lane Coalisland
Referral Route: <ol style="list-style-type: none">1. Contrary to Policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.2. Contrary to CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development.3. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in the Countryside in that site has a limited degree of enclosure.4. Contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.	
Recommendation:	Refusal
Applicant Name and Address: Mr Michael Corr 35 Drummurrer Lane Coalisland	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Executive Summary: The proposal is for an infill dwelling but is at the end of a row of buildings and would not meet the criteria in CTY 8 for a small gap site in a row of three or more buildings. The	

proposal would not meet the case for other policies in PPS 21. The application site is a portion of a large field which has limited enclosure and lacks integration in the countryside.

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DETI - Geological Survey (NI)	Substantive Response Received

Representations:

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

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 semi-rural in character and is predominantly agricultural fields, farm groupings and single dwellings with a roadside frontage. There is a lot of development pressure along Drummurrer Lane and surrounding roads from the construction of single dwellings.

The application site is a portion of a larger field with a flat topography. There is established hedging along the roadside and western boundary and the northern boundary is undefined.

Description of Proposal

This is an outline application for an Infill dwelling and domestic garage as policy CTY8 at Site West of 35 Drummurrer Lane, Coalisland.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

No planning history at the 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 Area Plan 2010 and is not within any other designations or zonings in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill 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'.

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

Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for one infill dwelling CTY 8 is the relevant policy in the assessment.

CTY 8 – Ribbon Development

To the east and within the boundary of the site is a building as shown below in figure 1. As shown in figure 2 the building has been on site for over five years so is immune from enforcement action. To the front of the shed is a tarmacked area which has also been in place since 2016 so I am content the shed has a frontage to the road.



Figure 1 – Photo of the shed from the site visit



Figure 2 – Spatial NI orthophotography of the site

To the east of the shed shown above is a dwelling at No. 35 with a garden so I am content this is a building with a frontage to the public road. To the east of No. 35 is another dwelling

at No. 37 which also has a garden area fronting onto the road. The site is at the end of the road and faces onto two sections of Drummurr Lane. As the application site is at the end of a row of buildings I do not consider it meets the criteria in CTY 8 for a small gap site within a row.

The application site has a roadside frontage of 64m, No. 35 has a frontage of 37m and No. 37 has a frontage of 40m. There are varying frontages along this stretch of road but I am content the application site can only accommodate up to two dwellings. I am content the proposed site has a frontage which is in character with the surrounding frontages and is capable of accommodating not more than 2 dwellings. I have no concerns about the plot size as it is similar to adjoining sites.

I consider the proposal cannot be considered an exception to policy in CTY 8 as it is not a gap site as it is located at the end of a row of buildings.

The proposal would not meet the policy in CTY 3 as there is no dwelling to be placed and I do not consider the site meets the policy in CTY2a for dwelling in a cluster.

I emailed the agent on the 3rd March 2022 and the 22nd March 2022 to ask was there a farming case at the site but no response has been received.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a cut-out of a larger field with a frontage onto two sections of Drummurr Lane. The site has a flat topography and is bounded on the south and west sides by established hedging. There are two other dwellings along this row on the same side of the road and a dwelling across the road. There is a lot of development pressure from the construction of single dwellings along this road and adjoining roads so I am of the opinion a modest sized dwelling on this site would not be a prominent feature in the landscape.

I am content the site has established boundaries and the boundary to the north is undefined as the site is a cut-out of a larger field. However this site is a portion of a larger field and lacks natural enclosure as the roadside hedging is the only boundary which would enclose the site and it would need to be removed to provide visibility splays.

The dwellings along this row are single storey so I consider a single storey dwelling would be appropriate at the site.

CTY 14 – Rural Character

As stated earlier in the assessment I am content the proposal will not be a prominent feature in the landscape. There is already a lot of development in this area so I consider another dwelling will not exacerbate the situation and create a suburban style build-up of development. As this is an outline application any details about the design would be considered at the reserved matters stage. As the site is at the end of an existing row the proposal would add to a ribbon of development which is detrimental to rural character.

PPS 3 – Access, Movement and Parking

I consulted DFI Roads as a new access is proposed. In their consultation response, they stated they had no objections subject to conditions and informatives.

Other Considerations

I checked the statutory map viewers and I am satisfied there are no other ecological, historical or flooding issues at the site.

The site is within the buffer zone for abandoned mines so I consulted Geological Survey who confirmed the site is greater than 1000m from the nearest mine.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it does not meet the criteria in CTY1, CTY 8 And CTY 14 in PPS 21.

Reasons for Refusal:

1. Contrary to Policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development.
3. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in the Countryside in that site has a limited degree of enclosure.
4. Contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0068/O	Target Date:
Proposal: Proposed Dwelling as Part of a Cluster	Location: Site 50m North East of 1 Loveshill Castledawson
Referral Route: Approval - Exception to policy	
Recommendation:	
Applicant Name and Address: Noel & Marie Lennon 1 LovesHill Castledawson BT45 8DP	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary: Approve	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

Approval – To Committee - Exception to policy

Characteristics of the Site and Area

The site is located approximately 0.75km south west of the settlement limits of Castledawson and is located in the open countryside as per the Magherafelt Area Plan 2015. The site is identified as being located 50m NE of 1 Loves Hill, Castledawson. Access to the site is from the Castledawson road, behind Castledawson Park and Ride. The access is taken through the existing Mid Ulster Auctions development, which is a long established business at this location. The red line takes in a section of a field, which sits adjacent to the Glenshane road and is a flat agricultural field. The surrounding area is a mixture of agricultural lands to the north and west and commercial businesses to the south, located in and around Castledawson Park and Ride.

Relevant planning history

LA09/2020/1101/O - Proposed dwelling as part of a cluster - Site 286m NW of 1 Loves Hill, Castledawson - Permission Granted - 13.01.2021

Representations

Only one Neighbour notification was sent out however no representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed Dwelling as Part of a Cluster, the site is identified as Site 50m North East of 1 Loveshill, Castledawson.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. I note that this application has been applied for under CTY 2a. As such CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

Upon review of the submitted plans I am content that the cluster lies outside of a farm wherein there is substantial built up of development within the cluster. I am content that there are at least four or more buildings within the cluster however I note that there are only two dwellings located within the cluster as such would not fully comply with this part of the policy. However after further discussions and reviewing the surrounding history I am content that given the extent of the existing build up of development, this application should be considered an exception to policy. I am content that the cluster appears as a visual entity within the local landscape, in that I am content existing Castledawson Roundabout, the park and ride and new parkland walkway are able to act as a focal point and the site would be suitably associated with these focal points. In terms of enclosure I am content that the site is bounded on two sides with other development

within the cluster and is able to be absorbed into the cluster through rounding off where it will not alter the existing character given the level of development in the vicinity. Finally, I am content that the development would not adversely impact on residential amenity. Therefore the application is considered as an exception to policy.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore there are no exact design or siting details have been provided, however, I am content that an appropriately designed dwelling will not appear as visually prominent. Additional landscaping will be required to aid integration therefore a landscaping scheme will be required in any reserved matters application. Taken into consideration the landform, surrounding development and I feel it necessary to restrict the ridge height to be no more than 7.5m from finish floor level. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that there is already a suburban style build-up of development feel to the area and that any dwelling would become part of this. In addition, a dwelling in this location is unlikely to lead to additional dwelling through infilling, as such, would 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;

DFI Roads were consulted and responded to state that there were content subject to conditions, I am content that this has shown compliance under PPS 3.

I have no flooding, ecological or residential amenity concerns.

Neighbour Notification Checked	Yes
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Summary of Recommendation:	
Approval	
Conditions: 1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:- i. the expiration of 5 years from the date of this permission; or ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved. Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.	

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

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

3. The proposed dwelling shall have a ridge height of less than 7.5 metres above the finished floor level of the site and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.

4. 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.

5. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwelling integrates into the landform.

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 those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

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.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

4.The applicant's attention is drawn to form RS1 and the statement regarding an accurate, maximum 1:500 scale survey which must be submitted as part of the Reserved Matters application.

Signature(s)

Date:

ANNEX	
Date Valid	19th January 2022
Date First Advertised	1st February 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Loves Hill Castledawson Londonderry	
Date of Last Neighbour Notification	17th February 2022
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2022/0068/O Proposal: Proposed Dwelling as Part of a Cluster Address: Site 50m North East of 1 Loveshill, Castledawson, Decision: Decision Date: Ref ID: LA09/2021/1317/F Proposal: Proposed revised layout to existing car park and service road, to include upgrade of access onto main road and boundary fence/gates Address: Land currently car parking of industrial units, 1 Loves Hill, Magherafelt, BT45 8DP, Decision: Decision Date: Ref ID: H/2014/0255/F Proposal: Retrospective relocation of existing dwelling access Address: 1 Loves Hill, Castledawson. BT45 8DP, Decision: PG Decision Date: 30.09.2014 Ref ID: H/1988/0079 Proposal: CHANGE OF USE OF DWELLING AND OUTBUILDING TO HOTEL Address: 1 LOVESHILL TAMNADEESE CASTLEDAWSON Decision: Decision Date:	

Ref ID: H/2011/0249/F

Proposal: Erection of boathouse to rear of dwelling

Address: 6 Glenshane Road, Castledawson, BT45 8DP,

Decision:

Decision Date: 01.09.2011

Ref ID: H/1998/0438

Proposal: ALTERATIONS AND EXTENSION TO AUCTION ROOM

Address: ADJACENT TO 1 LOVES HILL CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1997/0499

Proposal: CHANGE OF USE FROM SHED TO AUCTION ROOM AND ASSOCIATED CAR PARKING

Address: LAND ADJ TO 1 LOVES HILL CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1999/0368

Proposal: REPLACEMENT AUCTION ROOMS & ASSOCIATED CAR PARKING

Address: ADJ. TO 1 LOVE HILL CASTLEDAWSON

Decision:

Decision Date: 24.05.2000

Ref ID: H/2011/0494/F

Proposal: Retrospective application for covered seated area to provide safe viewing area for customers, associated with existing auction sales business

Address: 55 metres North West of 1 Loves Hill, Castledawson,

Decision:

Decision Date: 26.04.2012

Ref ID: H/2011/0144/F

Proposal: Extension to existing hardstanding area of existing yard to commercial premises

Address: 55 m north west of 1 Loves Hill, Castledawson,

Decision:

Decision Date: 26.06.2012

Ref ID: H/2005/0293/F

Proposal: Alterations & Additions To Existing Auction Rooms, Tyre Shed & To include Vehicle Wash

Address: 1 Loves Hill, Castledawson, Magherafelt

Decision:

Decision Date: 19.07.2007

Ref ID: H/2011/0489/F

Proposal: Retrospective application for change of use from an existing industrial unit to additional office accommodation and a small plant and hand tools store for an existing auction business.

Address: Unit 2, 25 metres North West of 1 Loves Hill, Castledawson,

Decision:
Decision Date: 25.04.2012

Ref ID: H/1995/0018
Proposal: CHANGE OF USE FROM SHED TO AUCTION ROOM AND ASSOCIATED CAR-PARKING
Address: ADJACENT TO 1 LOVES HILL CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1980/0443
Proposal: EXTENSION TO EXISTING WORKSHOP
Address: KILLYNEESE, CASTLEDAWSON
Decision:
Decision Date:

Ref ID: LA09/2016/1554/A
Proposal: Proposed advertising board
Address: Lands 165m North East of 1 Loves Hill, Castledawson,
Decision: CG
Decision Date: 07.04.2017

Ref ID: LA09/2016/1088/A
Proposal: Proposed advertising board
Address: Lands 70m North East of Loves Hill, Castledawson,
Decision: CG
Decision Date: 20.10.2016

Ref ID: LA09/2018/0062/F
Proposal: Extension to petrol/filling station unit by a change of 79m2 of existing electrical wholesalers to storage and restaurant/ cafe with cafe with seating, new facade to front ,rear and both sides of building
Address: Unit A and B ,1 Loves Hill, Castledawson,
Decision: PG
Decision Date: 18.04.2018

Ref ID: LA09/2016/0304/F
Proposal: Renovations and alterations to existing dwelling
Address: 1 Loves Hill, Castledawson,
Decision: PG
Decision Date: 24.05.2016

Ref ID: LA09/2016/0042/F
Proposal: Change of use from Tyre Store to Petrol Filling Station including Forecourt and Canopy with Retail Sales, Cafe and Ancilliary areas along with Associated Parking Facilities
Address: Unit 1(b), 1 Loves Hill, Castledawson,
Decision: PG
Decision Date: 11.01.2017

Ref ID: LA09/2016/0057/F

Proposal: Extension to small plant and hand tool store and associated offices in connection with existing auction sales business
Address: Unit 2, 25m NW of 1 Loves Hill, Castledawson,
Decision: PG
Decision Date: 12.12.2016

Ref ID: H/1990/0272
Proposal: CHANGE OF USE FROM DWELLING TO HOTEL
Address: 1 LOVE'S HILL CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/2011/0521/F
Proposal: Retrospective application for a change of use of part of an existing building from a vehicle wash unit to an electrical wholesale unit.
Address: Unit 1, 10 metres South West of 1 Loves Hill, Castledawson, BT45 8DP,
Decision:
Decision Date: 21.06.2012

Ref ID: H/2002/0345/F
Proposal: Proposed Sun Lounge.
Address: 1 Loves Hill, Castledawson.
Decision:
Decision Date: 15.06.2002

Ref ID: H/1978/0316
Proposal: HV O/H LINE BM 2262
Address: KILLYNEESE AND TAMNADEESE, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1984/0196
Proposal: REPLACEMENT HOUSE WITH DOUBLE GARAGE AND OUTBUILDINGS
Address: LOVESHILL, KILLYNESE, CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1991/6077
Proposal: PROPOSED HOTEL LOVES HILL CASTLEDAWSON
Address: LOVES HILL
Decision:
Decision Date:

Ref ID: H/1997/6017
Proposal: FILLING STATION AND FORECOURT GLENSHANE ROAD
CASTLEDAWSON
Address: GLENSHANE ROAD
Decision:
Decision Date:

Ref ID: LA09/2021/0888/F

Proposal: Retention of existing shed for agricultural use, which replaced demolished agricultural shed

Address: Site 260m NW of 1 Loveshill Road, Castledawson,

Decision: AL

Decision Date:

Ref ID: LA09/2020/1101/O

Proposal: Proposed dwelling as part of a cluster.

Address: Site 286m NW of 1 Loveshill, Castledawson, BT45 8DP.,

Decision: PG

Decision Date: 18.01.2021

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0153/F	Target Date:
Proposal: Proposed regularisation of an operational Anaerobic Digestion (AD) plant including extension to curtilage and shed (housing feedstock hopper), hopper access lane, digestate storage tank, relocated pasteurisation tanks, macerator and heat exchanger within extension and proposed extension to shed, carbon filter and amendment to previously approved digestate storage tank	Location: Lands approximately 200 m north east of 14 Tullywiggan Cottages Tullywiggan Road Tullywiggan
Referral Route: Approval recommended contrary to NIEA and SES advice	
Recommendation:	Approval
Applicant Name and Address: PAR Renewables Ltd 42 Gortnaskea Road Stewartstown BT71 5NY	Agent Name and Address: Clyde Shanks 7 Exchange Place Belfast BT1 2NA
Executive Summary: Proposal considered against prevailing planning policy and all material considerations below. No third party representations received. Non Statutory Consultee Shared Environmental Services have requested formal consultation, however given the planning history and the proposed works this is not considered necessary in this instance. Statutory Consultee NIEA Natural Environment Division (NED) requested Nutrient Management Plans. It is considered this further information is outside of what this application relates however could be conditioned to be provided prior to the next land spreading season to ensure no detrimental impact to the environment. See 'Consultation Responses' within main body of report for further detail.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Statutory	Historic Environment Division	Content
Statutory	DAERA-Veterinary Service (Animal By-Products)	No Objection
Statutory	DAERA-Veterinary Service	No Comments
Non Statutory	Environmental Health	Substantive Response

Representations:

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

Characteristics of the Site and Area

The site lies in open countryside as depicted in the Cookstown Area Plan 2010. The site contains an operational Anaerobic Digestion Plant and associated buildings which was originally granted approval under I/2013/0081/F with subsequent planning approvals on the site. The site is accessed via an access gate and long laneway onto the Tullywiggan Road just south east of No.14 Tullywiggan Cottages. The site is set well back from the public road and is low lying in the landscape. This proposal is retrospective and the development subject to this application sit among existing approved buildings and structures on the site. Given the setback and topography much of the development is not obvious from the public road, with the green roof dome of the Digestate Tanks visible from the public road. When on site, there was no obvious noise or odour concerns present. The site lies south east of Tullywiggan, 0.65 miles east of Cookstown and west

of the A29. The site boundaries are defined by a post and wire fence and security fencing. The immediate surrounding area is predominantly rural in nature with lands to the north, south and east of the application site in agricultural use. There is a build of development along the Tullywiggan Road with a medium to high density of residential development, as well as Loughery College and Mid Ulster Sports Arena in close proximity.

Description of Proposal

This application seeks full planning permission to regularise alterations, reorientation and minor additional development from that which was previously approved on the site. The site is an operational Anaerobic Digestion plant at Tullywiggan Road, Cookstown. The proposal includes an

- Extension of curtilage to the west and laneway;
- Extension to the western side of the existing shed (containing hopper) which measures 31m² and extension to the eastern side measuring 180m²;
- Relocation of 3no. pasteurisation tanks within the site (previously approved under LA09/2020/0448/F);
- Relocation of macerator and heat exchanger within enclosure (previously approved under LA09/2020/0448/F);
- Relocation of 2no. Digestate Storage Tanks (previously approved under LA09/2015/0695/F and I/2013/0081/F) and small reduction in scale; and
- Addition of a carbon filter.

The application does not seek permission for any additional EWC codes.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- Planning Policy Statement 3: Access, Movement and Parking
- PPS11- Planning and Waste Management
- Planning Policy Statement 21: Sustainable Development in the Countryside
- PPS18 Renewable Energy

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

Representations

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

History on Site

LA09/2020/0448/F – Proposed extension of existing shed, addition of pasteurization plant (at the end of process) and European Waste Catalogue (EWC) codes associated with operational Anaerobic Digestion (AD) plant - Lands approximately 210 metres north east of no.14 Tullywiggan Cottages, Tullywiggan Road, Tullywiggan, Cookstown – Permission Granted 11/01/2021

LA09/2015/0696/F - Proposed regularisation of operational Anaerobic Digestion (AD) plant granted under planning permission I/2013/0081/F to include proposed additional plant (additional digestate tank and CHP) and minor alterations including part covered silage clamp, CHP gas clean-up skid enclosure and relocated tanks - Lands approximately 220 metres East of no 14. Tullywiggan Cottages Tullywiggan Road Tullywiggan Cookstown – Permission Granted 10/12/2015

I/2015/0032/F – An application under article 28 of the Planning (Northern Ireland) Order 1991 to vary condition 2 of planning permission I/2013/0081/F to include additional feedstock EWC codes for an operational 500kw anaerobic digestion and combined heat and power (CHP) plant - Lands approximately 220 metres East of no 14. Tullywiggan Cottages Tullywiggan Road Tullywiggan Cookstown – Permission Granted 14/08/2015

I/2013/0081/F – Construction of 500kw Anaerobic Digestion (AD) Plant, Combined Heat and Power (CHP) Plant and feedstock storage clamp in substitution for development approved under I/2011/0299/F - Lands approximately 220 metres East of no 14. Tullywiggan Cottages Tullywiggan Road Tullywiggan Cookstown – Permission Granted 11/09/13

I/2011/0299/F - Proposed development of a 500KW anaerobic digestion (AD) plant and combined heat and power (CHP) unit (to generate electricity and heat) new access and site ancillary works - Lands approximately 220 metres East of no 14. Tullywiggan Cottages Tullywiggan Road Tullywiggan Cookstown – Permission Granted 16/05/2012

Consultations

1. Environmental Health Mid Ulster Council were consulted and raised no objections to this proposal subject to conditions.
2. Historic Environment Division were consulted and raised no objections to this proposal advising on the basis of the information provided the proposal is satisfactory to meet SPSS and PPS6 archaeological policy requirements.
3. DAERA-Veterinary Service (Animal By-Products) advised that provided all the legislative requirements are complied with that the proposed project should not have any detrimental effect on animal or public health resulting from the improper handling of animal by products.

4. DAERA-Veterinary Service - were consulted and advised via email they have no comment to make on this application.
5. NIEA were consulted and Natural Environment Division (NED) responded advising they require Nutrient Management Plans to reflect the information modelled in the AQIA before a full assessment of the proposal in relation to the protection of designated sites and site selection features can be completed however that they had considered the impacts of the proposal on other natural heritage interests and, on the basis of the information provided, have no concerns.

The AD plant and associated works have planning permission and this application relates to minor changes at the existing AD plant. It is noted this site operates and is regulated under a NIEA licence and that Nutrient Management Plans were not requested by NIEA when considering previous applications and this application refers to the same AQIA as previously submitted. NED advised in their consultation response that the application site is within 7.5km of nationally, European and internationally designated sites, however they state there is no hydrological connection to any designated site. Informal consultation was carried out with SES who have advised a preliminary search has not found any previous consultation with SES on applications associated with this development. SES advise there are no surface watercourses mapped within 400m and it is therefore unlikely that any hydrological pathway exists from the development itself but there may be indirect effects to be considered, e.g. from land spreading. They state from a high level informal review it is not clear whether proposed development will result in changes to operational aerial emissions or land spreading that may give rise to likely significant effects therefore recommend that SES is formally consulted to ensure appropriate consideration of the proposal and its potential impact on European sites.

Both Statutory Consultee NIEA's response and Non Statutory Consultee SES informal advice have been considered with the Principal Planner and Planning Manager. It has been considered through internal discussions that formal consultation with SES is not required in this instance and a negative condition could be attached to any forthcoming approval requiring the submission of nutrient management plans prior to land spreading season which would allow the application to proceed whilst ensuring an assessment of emissions and any impact on European Sites. This is being treated as an exception given this is an operational approved plant and there is an extant planning permission therefore there is a valid fall-back position and the works proposed under this planning application will not change the operations and relate predominantly to minor amendments to siting of already approved works. Furthermore, given DAERA control the discharge under their licensing, pollution is under their control.

Key Policy Considerations/Assessment

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

Cookstown Area Plan (CAP) 2010 is the statutory local development plan for the application site. The site lies in the rural countryside outside any designated settlement limits. Anaerobic Digestion plants are seen as both waste management facilities and energy from waste (renewable) facilities. Given the existing use of the site and live planning approvals, it is considered that the principle of development is established on site.

Planning Policy Statement 21 Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where development is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 Development in the Countryside and include renewable energy projects in accordance with Planning Policy Statement 18. PPS21 adds that there are a range of other types of non-residential development that may be acceptable in principle in the countryside. Proposals for such development will continue to be considered in accordance with existing published planning policies. In this instance, I consider Planning Policy Statement 11: Planning & Waste Management also relevant.

Planning Policy Statement 18 Renewable Energy – Policy RE 1 of PPS18 Renewable Energy Development states development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- (a) public safety, human health, or residential amenity;
- (b) visual amenity and landscape character;
- (c) biodiversity, nature conservation or built heritage interests;
- (d) local natural resources, such as air quality or water quality; and
- (e) public access to the countryside.

Planning Policy Statement 11: Planning & Waste Management - Policy WM 2 of PPS 11 makes provision for the development of a waste collection or treatment facilities subject to a number of criteria.

I am content that the principle of this application has already been established on this site under the previous planning approvals listed above and there is an approved operational anaerobic digester facility on site. This application is retrospective and a supporting statement accompanying this application which details the proposed works which I have summarised as follows –

- Minor extension to site curtilage at western boundary with new fencing and laneway connecting to existing access/laneway;

- Extension to the western side of the existing shed containing hopper measuring 31m² with approx. 7.8m ridge height (approx. 1.5m higher than existing ridge height);
- Extension to the eastern side measuring 180m² with no increase in ridge height;
- Relocation of 3no. pasteurisation tanks 70m NW of the location approved under LA09/2020/0448/F;
- Addition of a carbon filter adjacent to Pasteurisation Tank No.3
- Relocation of macerator and heat exchanger 70m NW of the locations approved under LA09/2020/0448/F and erection of 39.3mw enclosure to house this equipment;
- Reduction in size of Digestate Storage Tank No.3 from 26.7m diameter to 25m diameter;
- Minor relocation and reduction in size of Digestate Storage Tank No.4 from 32.7m diameter to 25m diameter.

It is considered the relocation of structures on site and minor extension to curtilage will not change the noise, odour and pollution impacts previously assessed and deemed to be acceptable. Following an assessment of the information submitted with the application and the expert advice provided by Environmental Health, it is my opinion that the proposal should not therefore give rise to detrimental impact on public safety, human health or the amenity of nearby residential dwellings. It is noted the applicants supporting statement seeks permission to import EWC code 02 02 02 animal tissue waste using a tractor and covered trailer instead of a sealed tanker. EWC code 02 02 02 was previously approved under LA09/2020/0448/F, however Condition 5 of that approval restricted all imported feedstock, except silage, to be brought onto site within sealed tankers and off-loaded into a sealed reception tank. The proposed western extension to the existing shed houses a feedstock hopper required in order to receive material that cannot be brought in via sealed tankers. EHD have recommended should this application be approved, the same condition is attached restricting all imported feedstock, except silage, to be brought onto site within sealed tankers. I have discussed the applicants request to amend this condition so as animal tissue waste is not restricted to being brought onto site in a sealed container with EHD. EHD would not be supportive of this and have advised that the odour assessment that was previously accepted was based on waste being imported onto the site in sealed containers with no discharge of odour from these except for passing into the tanks on site. To deviate from this may give rise to increased odour at nearby receptors and it may be difficult to model a transport scenario and therefore sufficiently assess or quantify any impact and mitigates any odour issues in the locality for wastes being imported onto the site. Having discussed this with the Principal Planner, it has been agreed that the wording of this condition should remain as suggested by Environmental Health and with the exception of silage, all imported feedstock should be brought on site within sealed containers to ensure no detrimental odour impacts.

The land surrounding the site is relatively flat and agricultural. The changes proposed are predominantly a reduction in scale than that previously approved and the relocation of structures will not result in any greater visual impact. The proposed extensions are modest in size when compared with existing buildings and the structures are consolidated on site. The design and finishes integrate with the existing buildings and overall the proposal should not result in an adverse impact on visual amenity and landscape character. I am of the view that the proposed development has been

appropriately sited and that the relocated tanks, macerator and heat exchanger and carbon filter will group with the existing AD plant and integrates satisfactorily into the landscape. The proposed AD plant facility is set back from the public road. Limited views of the proposed development will be experienced when travelling north along the Tullywiggan Road towards Cookstown and along the Grange Road to the south. I am of the opinion that the proposed development takes advantage of the existing topography of the site.

The proposal should not adversely impact upon biodiversity, nature conservation and built heritage interests. The proposal is predominantly sited on an existing concrete hardstanding within the curtilage of the wider A.D. site with a minor extension to curtilage to the western boundaries. I do not consider any of the proposed changes would have any greater impact on natural heritage features of significance or built heritage assets of interest on site or in close proximity from that previously assessed under the existing planning approvals. As detailed further above, I have considered NIEA's request for Nutrient Management Plans and these will be conditioned to any forthcoming approval prior to the next land spreading season. It is noted NIEA had no objections to previous approvals on the site subject to conditions/informatives to be added to any grant of planning permission advising the applicant of their specific requirements under their agency's own legislation. This application does not seek permission for any additional EWC codes and relates solely to minor inconsistencies between that extant on site and stipulated on the previously approved plans. Therefore the proposal should not have a detrimental impact on local natural resources such as air quality and water quality. NIEA Waste Management Unit will ensure that all environmental issues will be addressed through its own licensing/permitted process, and should an unacceptable environmental impact occur NIEA will have the power to remove the impact which may involve cessation of the waste activity generating the impact.

This proposal will have no impact on public access to the countryside. The access details to the public road remain as before and there is no intensification of the access therefore it was not considered necessary to consult DFI Roads.

For the reasons outlined above, I am content this proposal adheres to requirements of PPS11: Planning & Waste Management and PPS 18: Renewable Energy and recommend approval.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered all relevant prevailing planning policy, the proposal is recommended for approval subject to the conditions below.

Conditions:

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

Reason: This is a retrospective application.

2. Vehicular movement to and from the site shall only be made between the hours of 0700 hrs and 2200 hours.

Reason: In the interest of amenity of residents living in the surrounding area.

3. The noise levels from the proposed Anaerobic Digester shall not exceed those specified in Table 1 below when measured from the boundaries of the properties identified in Table 1 below:

Table 1

Location	Co-ordinates	Noise Level LAeq
11 Bramble lane	X- 281696 Y- 375478	34
8 Bramble lane	X- 281690 Y- 375490	34
11/12 Tullywiggan Cottages	X- 281714 Y- 375415	33
14 Tullywiggan Cottages	X- 281729 Y- 375372	33
33 Grange Road	X- 282021 Y- 375574	34
25 Grange Road	X- 281950 Y- 375753	33
39 Tullywiggan Road	X- 282245 Y- 375453	27

Reason: To safeguard the residential amenity of nearby residents.

4. All imported feedstocks, except silage, shall be brought onto site within sealed tankers and off-loaded into a sealed reception tank with any displaced air vented through the Combined Heat and Power plant. There shall be no external storage of approved imported feedstocks brought onto the site except for silage.

Reason: In the interests of amenity of residents living in the surrounding area and in the interests of environmental protection.

5. Nutrient Management Plans applicable to the operation of the site and reflective of the information modelled in the submitted AQIA dated 11/04/19 including location of all landspreading; volumes of digestate to be accepted at each landbank; and total area of landspreading at each landbank must be submitted to Mid Ulster District Council prior to the next land spreading season to be agreed in writing and this condition formally discharged.

Reason: To ensure no adverse impact on designated sites.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. The applicant's attention is drawn to DARDNI - Vet Service (Animal by product) Consultation Response dated 16th March 2022.
5. The applicant's attention is drawn to NIEA Consultation Response dated 21st March 2022.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 03/05/2022	Item Number:
Application ID: LA09/2022/0242/F	Target Date:
Proposal: Retention of domestic store as built (not in accordance with LA09/2021/0259/F)	Location: 20 Ardchrois Donaghmore
Referral Route: 1. Contrary to Policy EXT 1 – Residential Extensions and Alterations in PPS 7 Addendum in that the scale, height and massing of the building is dominant when viewed from the boundary of dwellings to the rear at No. 18, No. 19 and No. 20 Torrent View.	
Recommendation:	Refusal
Applicant Name and Address: Conrad McGuigan 20 Ardchrois Donaghmore Co Tyrone	Agent Name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary: LA09/2021/0259/F granted approval for a domestic store/garage at the land to the rear and within the curtilage of No. 20 Ardchrois, Donaghmore. This application is for the retention of the building constructed which is larger and not building in the approved location. I consider the scale of the current building is unacceptable and it is now 3m closer to the boundary of dwellings to the rear at No. 18, 19 and 20 Torrent View. I consider the building is now dominant when viewed from these properties especially No.20.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site is within the settlement limit of Donaghmore as defined in the Dungannon and South Tyrone Area Plan 2010.

To the southwest and abutting the boundary of the site contains an operational petrol filling station, a 'Today's Extra' shop and its curtilage which includes hard surfaced forecourt, pumps, canopy, car wash, external customer toilets and ancillary parking. The filling station sits adjacent and fronting unto the Pomeroy Road, to the very north of the village, close to the edge of the settlement limits and just southeast of Backford Bridge.

The curtilage of the filling station is bound along its roadside frontage by a footpath; its rear and south side by low fencing; and its north side by the Torrent River which is lined by a mix of mature vegetation.

The filling station / shop is a single storey building with a relatively rectangular shaped floor plan and low pitched roof construction. A line of small business units (excluded from the red line of the site) adjoin the southern gable of the filling station. The units which combined cover a similar area to the filling station and which run at an angle to the shop comprises a hairdressers, chinese and chip shop.

A large house within the curtilage of the application site sits on lands to the immediate rear of the petrol station which is the subject of this application. This dwelling is currently accessed through the site, to the north side of the filling station. It has however recently gained planning approval to be accessed directly off a residential road to its south.

The area surrounding the site is characterised by its edge of settlement limit location. Residential housing including Ardchrois and Torrent View, two well established housing developments runs to its southeast/east and agricultural lands rise away to its north along the Tullyaran Rd. A large farm cluster sits just northwest of the site, to both sides of the Tullyaran Rd, at its access off the Pomeroy Rd. A public house 'Brewery Off Sales' exists to the opposite side of the Pomeroy Rd to the filling station with the Torrent Valley Business Park to its west again.

Description of Proposal

This is a full application for Retention of domestic store as built (not in accordance with LA09/2021/0259/F) at 20 Ardchrois, Donaghmore.

Planning Assessment of Policy and Other Material Considerations

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, 2no. third party objections were received.

Objections were received from the owners of properties at No. 19 and No. 20 Torrent View which submitted the same objection letter and the issues raised in the letter will be assessed and re-buffed. Initially both owners of No. 19 and No. 20 state they did not receive a neighbour notification letter for planning approval LA09/2021/0259/F. A letter was sent to both addresses on the 3rd March 2021 so I am content the statutory requirements for neighbour notification have been met. The same neighbours as LA09/2021/0259/F were sent neighbour letters for this application and no letters have been received back to myself by Royal Mail.

Planning History

Application Site History

LA09/2018/1683/F - Proposed new access - Approx. 30m North East of 21 Pomeroy Road Donaghmore – Permission Granted 25.02.2019

LA09/2021/0259/F - Proposed domestic store/garage - 20 Ardchrois, Donaghmore – Permission Granted 29.04.2021

LA09/2021/0124/CA – The application is the subject of an ongoing enforcement case. The objectors state in their letter that the breach was notified on the 21st June 2021 and works

were allowed to progress. This is a separate matter and is considered as part of the enforcement case and cannot be commented on in this assessment.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

As the site is within the settlement limit of Donaghmore SETT 1 is the relevant policy within the Plan. The site is not within any other designation or zonings within the Plan.

I do not consider the building to be retained is sensitive to the size, character and function of the settlement of Donaghmore. The building is larger than the approved height of 5.8m and is only 1m from the boundary with neighbouring dwellings and is not in the approved siting. The scale and height of the building is unacceptable for a domestic building and out of character for the settlement.

The proposal was approved at a separation distance of 4m from the boundary and the applicant was to provide additional landscaping along the boundary. The revised siting does not respect the constraints of the site.

The building to be retained is higher than the 5.8m and is closer to the boundary than approved with neighbouring dwellings at No.18, 19 and 20. The building will be dominant when viewed from their gardens so will create unacceptable neighbour amenity.

The site is not within the vicinity of any recognised conservation interests.

I am content there are satisfactory arrangements for access and parking at the site as it is located on a large plot. The applicant has stated the building is for domestic uses and has not proposed any additional toilets or kitchen so no sewage disposal is needed.

I am content no additional infrastructure is needed by the developer.

I consider the proposal to retain the existing building does not meet all the criteria in SETT 1.

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

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

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

Scale, Massing, Design and Appearance

The proposal is for the retention of a store/domestic garage on land within the curtilage of No.20 Ardchrois in Donaghmore. A building was approved on the same site through planning approval LA09/2021/0259/F and the proposed garage was 12m in depth and 17.9m in width with a ridge height of 5.8m. In this report it was acknowledged this was a large garage with an industrial appearance but it was considered acceptable in the context of the wider area. The proposed garage was within the curtilage of a large area of land to the rear of No. 20. No. 20 is a three storey dwelling to the south east of the garage which is large in scale and massing. The area to the rear was gravelled and accessed to the rear of Backford filling station in Donaghmore. The site would not become overdeveloped and there was sufficient space left for parking. The approved garage had a separation distance of 4m from the boundary with the dwellings to the rear. In the initial approval additional planting was proposed to the rear to block any negative visual amenity from the garage.

The agent has submitted plans and elevations which match the garage that was approved but this does not match what is currently built on site as shown in figure 1 below.



Figure 1 – Photo from the site visit of shed as built on site.

It appears the garage is higher than the approved 5.8m and has a much higher roller shutter door than what was approved. In terms of scale, height and massing the building currently on site does not have the appearance of a domestic building. At the time of the site visit I was unable to gain access to the inside of the building to check the proposed use. I spoke to the agent on the phone and they confirmed the use was definitely for the applicant's own domestic use.

The objectors at No. 19 and No. 20 state the proposed garage is the equivalent of 10 single garages and twice the height. They contend the proposal is not domestic in scale and is not for a use ancillary to a dwelling. In terms of the domestic use the objectors quote

references from the case officer's report from planning approval LA09/2021/0259/F confirming the building is large in scale and 'would recommend a condition that the building is only used for domestic purposes to limit the use'. The objectors from No. 19 and No. 20 state the description of the proposal as a domestic store/garage is very misleading and a more accurate description would be a two storey shed. The applicant submitted the application for both LA09/2021/0259/F and this application on a PHD from which is for domestic buildings and paid the £291 fee for a domestic building. It is shown on the plans for this application that the building will be used for domestic purposes and it was conditioned in the previous approval for domestic uses. The applicant may intend to use the building for non-domestic uses but at the present moment it is not being used for commercial use so I have to take it on the principle that the building will be domestic.

Overall I consider the scale, height and massing of the building to be retained is unacceptable as it is a higher ridge height than what was currently approved.

Neighbour Amenity

Privacy

There are no windows on any of sides of the garage so I have no concerns about loss of privacy.

Dominance

The approved garage was 5.8m in height and as shown in figure 2 below there was a separation distance of 4m in the approved plans. To mitigate against any negative impacts on visual amenity and dominance when viewed from the dwellings to the rear of the garage it was proposed to have additional planting.



Figure 2 – Snapshot from the approved block plan



Figure 3 – Photo from the site visit showing the separation distance on site.

As shown in figure 3 above the building is sitting at approximately 1m from the boundary with the dwellings to the rear. The dwellings at 18, 19 and 20 Torrent View are also at a slightly lower ground level to the site. In terms of the current location of the building I consider this is unacceptable and is too close to the boundary fence. The building will be a dominant feature when viewed from the rear gardens of the adjacent dwellings.



Figure 4 - Photo from the site visit showing the building has been moved further into the corner of the site.

As shown in figure 4 above the building has been moved into the corner of the site in comparison with the approved siting as shown in figure 1. The building is now completely facing the rear garden of No. 20. The objectors state that proposed landscaping can now not be carried out which I am in agreement with and the applicant's have not met condition 3 of their planning approval.

Condition 3 of planning approval LA09/2021/0259/F stated

“All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing No 02Rev1 bearing the stamp dated 25 MAR 2021 and the appropriate British Standard or other recognised Codes of Practise. The works shall be

carried out prior to the occupation of any part of the building hereby approved. Any trees or hedging that die within 5 years of planting shall be replaced with a new planting of a similar size and species". The applicant has not completed the conditioned landscaping and will be unable to do this as the building has been moved closer to the boundary fence.

I consider the building in its current location will be a dominant feature when viewed from the rear gardens of No. 18-20 Torrent View as shown below in photographs submitted by the objectors.



Figure 5 – Photos sent in by objectors

Overshadowing

It was previously stated in the report for LA09/2021/0184/F that the proposed garage would create some overshadowing to the rear gardens of the dwellings at No.18-20. Figure 6 below shows an overshadowing test based on the approved height of the building at 5.8m and it does show overshadowing to the rear garden of No. 20 in the late afternoon. This matches what was previously acknowledged in the assessment in LA09/2021/0184/F. However paragraph A33 in APPS 7 does state that overshadowing to a garden area on its

own will rarely constitute grounds to justify a refusal of permission. This test is based on the height of the garage at 5.8m so there may well be greater overshadowing with the building currently on site. In consider there is the potential for the building on site to create overshadowing to the whole rear garden of No. 20 including the first 3-4m of the rear garden.

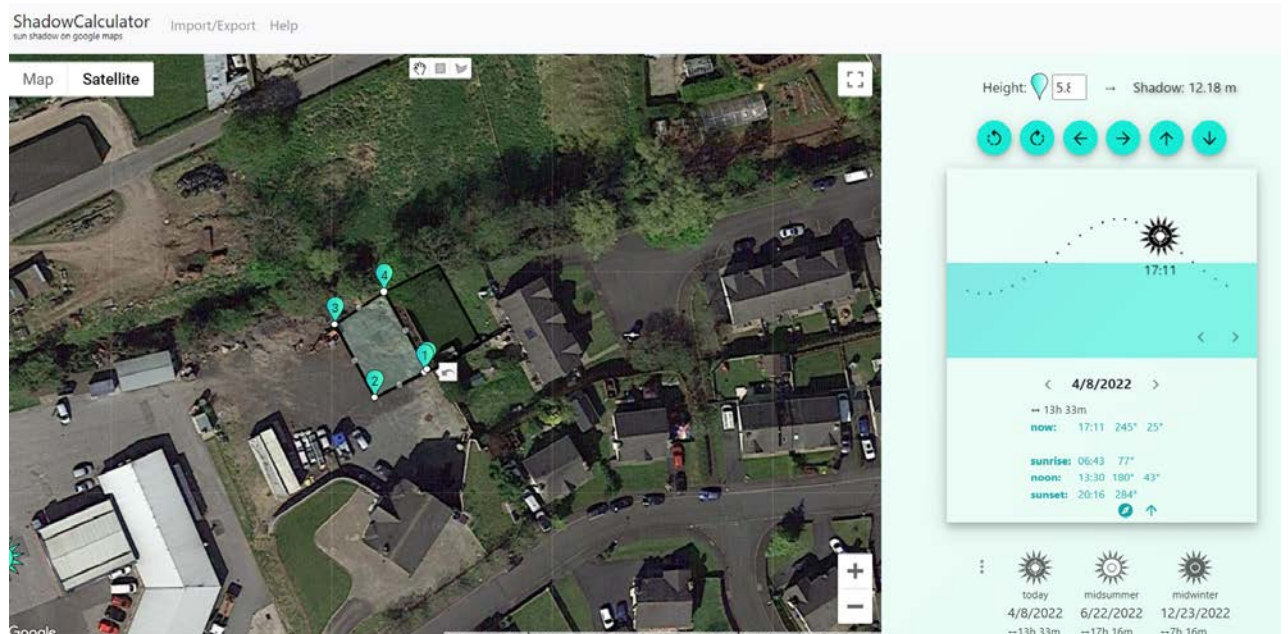


Figure 6 – Overshadowing with building in its current location

Figures 7-8 shows the location of the building and height as currently approved. I have shown the path of the sun at lunchtime and late evening. As stated in the report in the current approval there will be some overshadowing to the rear gardens in the properties at No.18-20 but this was not considered unacceptable as it was not in the main 3-4m of the rear garden space.

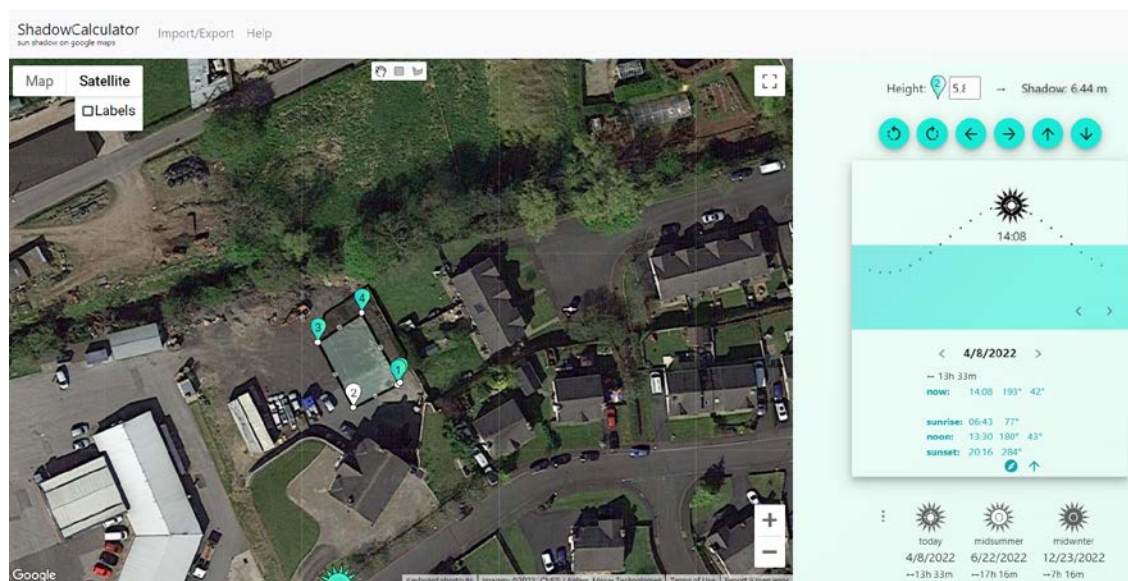


Figure 7 – Overshadowing with building in the approved location based on the sun's path for early afternoon

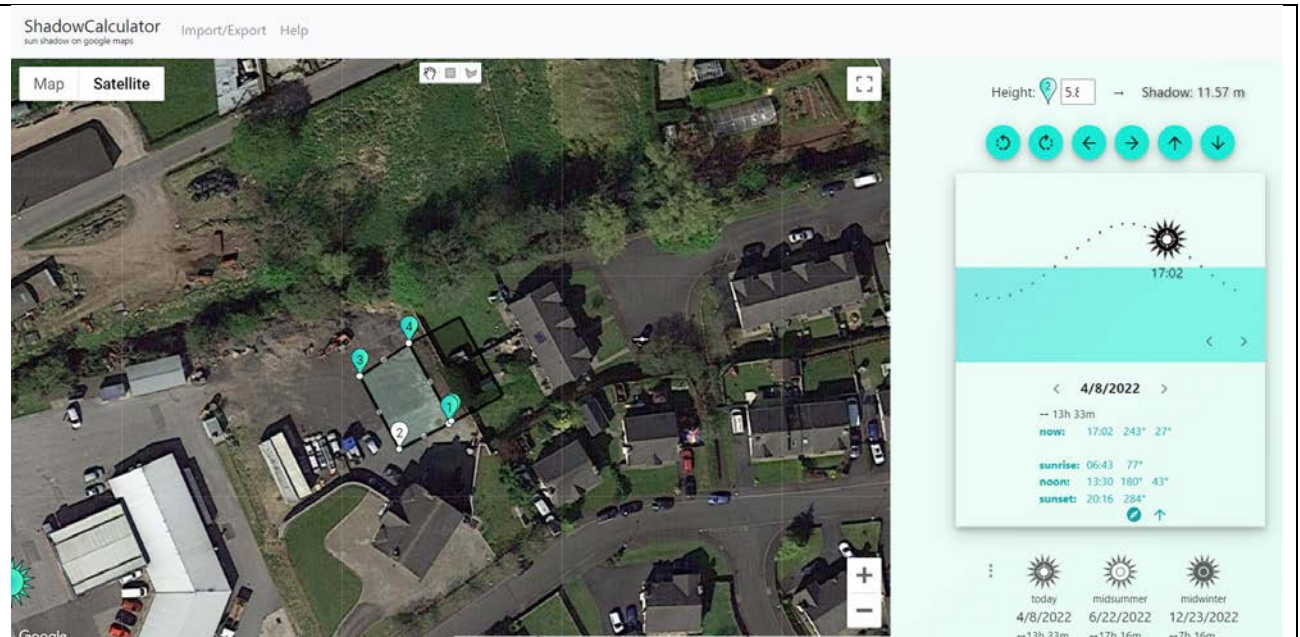


Figure 8 - Overshadowing with building in the approved location based on the sun's path for late afternoon.

The objectors at No. 19 and No. 20 state the shed is located to the southwest boundary of the three dwellings at Torrent View which is the critical side for sunlight. As shown above the garage in its approved location did not create unacceptable overshadowing but as the building is now solely in the corner of the site I am of the opinion it will have an impact on sunlight in the evening for No. 20. But I do not consider the building will create overshadowing and loss of light to any windows at No. 18, 19 and No. 20 Torrent View. Therefore I feel overshadowing cannot be included as a reason for refusal in this application.

Impact on Trees and Environmental Quality of this Area

There are no trees being removed as part of this proposal. In planning approval LA09/2021/0184/F additional planting of trees and hedging was proposed which would have added to the environmental quality of the proposal but these works have not been completed.

Amenity Space, Parking and Manoeuvring

The dwelling at No. 20 is located on a large plot and the garage is on land to the rear of the dwelling. I am content there is sufficient amenity space for the dwelling and for the parking of at least two cars.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it does not meet all the criteria in PPS 7 Addendum Residential Extensions and Alterations and SETT 1 in the Dungannon and South Tyrone Area Plan 2010.

Reasons for Refusal:

1. Contrary to Policy EXT 1 – Residential Extensions and Alterations in PPS 7 Addendum in that the scale, height and massing of the building is dominant when viewed from the boundary of dwellings to the rear at No. 18, No. 19 and No. 20 Torrent View.

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: Melvin Bowman	
Application ID: LA09/2015/0523/F	Target Date:
Proposal: Retrospective permission for retention of car park and pedestrian access via under road tunnel in association with the Jungle NI	Location: Approximately 80m South East of 60 Desertmartin Road, Moneymore
Applicant Name and Address: Mr Robert Carmichael C/o.agent	Agent name and Address: TC Town Planning Town & Country Planning Consultants 84 Ashgrove Park Magherafelt BT45 6DN
Summary of Issues: PPS3 Protected Route policy exception. Requirement for legal agreement between DFI / applicant.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located approximately 3 km north of the village of Moneymore in the open countryside as defined by the Magherafelt Area Plan 2015. The site is adjacent to and connected with an existing farm complex and associated outdoor activity centre, known as 'The Jungle'. The proposed site is located on the eastern side of the Desertmartin Road (A29), a protected route. The site is accessed directly from the Desertmartin Road. A hardstanding has been created on the site and is being used as a car park. To the north of this is a footpath leading to a tunnel under the	

road providing access to the facility. This tunnel was designed for the use of moving cattle around the farm. There is a small stream located to the north of the car park.

Views of the site are achievable when travelling along the A29 in both directions, however the existing roadside vegetation softens the landscape to some extent. The surrounding area is characterised by a mixture of single dwellings and farm complexes. An existing lime quarry is located approximately 600 metres to the east of the site. The surrounding land generally slopes upwards from the main road in a westerly direction, with land to the east of the road flatter.

Description of Proposal

The proposal is for 'Retrospective permission for retention of car park and pedestrian access via under road tunnel in association with the Jungle NI'. The proposed car park is laid out differently to what is currently in place, with a more formal layout proposed.



Deferred Consideration:

This application was presented before the Planning Committee with a recommendation to refuse on 6 June 2017 where it was agreed by members to have a site meeting so that they could look at the situation for themselves on the ground. The site meeting took place on 15 June 2017.

Following the site meeting we have received a number of reports from the agent in support of the planning application. These have been considered both by myself and by DfI Roads. The applicant wants to be able to use the underpass that links the car park to The Jungle as a permanent means of pedestrian access and has suggested taking control of the underpass from DfI Roads. This underpass was built for the purposes of moving livestock and it had been argued by the applicant that humans also need to use the underpass when moving livestock.

An amended suite of plans was received dated Nov 2018 within which the proposal has now been amended to relocate the current unauthorised access to the existing car park further south along the frontage towards Moneymore, with two other existing access (the current unauthorised access and an access to the farm yard opposite) to be permanently closed off, the logic being that the provision of this new access will be compensated for by the closing of these two and making the proposal more acceptable as an exception to Policy PPS3 relating to Protected routes outside settlements and reducing the likelihood that pedestrians will be persuaded to cross the busy main road. Underpinning this approach has been the need to secure a legal agreement between DFI and the applicant for the use of the underpass to facilitate visitors to use this to access the main jungle complex. It has been a consistent position of the Council that no decision on this application would be positively made until such times as this agreement has been signed and agreed. I can confirm that this agreement has now been legally completed between the parties.

Members may recall that the PAC approved a Certificate of Lawfulness relating to use of the underpass. That decision dated the 8th Nov 2019 (2019/E0008) relating to the Non-determination of a CLUD (Certificate of Lawful use / Development) at the Jungle NI, Desertmartin Road, Moneymore.

The appeal site comprised an underpass below the main A29 road which links two parts of what the Commissioner refers to as a substantial farm holding. The underpass was constructed in or around 2000 to facilitate the safe movement of livestock.

Key to the Commissioners decision in this appeal was the notion of the extent of the 'planning unit'. Both parties to the appeal were provided the opportunity to comment on this matter. The Councils view was that the planning unit for the Jungle was entirely on the western side of the road (focussed around the existing farmyard etc). The commissioner, following his site visit, and in considering the evidence has concluded both the eastern and western parts of the holding comprise a single unit of occupation. He found that it was not persuasive that farmlands on the eastern side of the road is in a different planning unit to those farm buildings and yard on the western side. It was therefore reasonable to conclude that the entire holding comprises one planning unit with a mixed agricultural and recreation / training use.

In concluding the above position, it follows that it would not have been a breach of planning control for authorised outdoor recreational or training activities based on the holding to be carried out anywhere. The Commissioner goes on to observe chain saw courses, the maize field used with Halloween events and evidence provided about quad bike courses and llama trekking which it is referred to 'have extended into the eastern part of the holding'. Any use of the underpass to facilitate such activities would therefore have been lawful.

Notably, At Par. 20 of his decision the Commissioner is quite clear that the current unauthorised car park (subject to a current planning application) does not form part of his decision relating to the use of the underpass.

In allowing the appeal the description has also been modified to state the following:

'Use for pedestrian access ancillary to agricultural and recreational or training uses lawfully carried out on the land shown outlined in blue on the attached plan annotated PAC1 (excluding the fields marked A,D,E and F). For the avoidance of doubt, this did not include use in association with car parking on the eastern side of the A29 Desertmartin Road.

Whilst being mindful of this decision, members should pay regard to the wider intensification and any associated increased risk associated with the use of the underpass now being sought by this application.

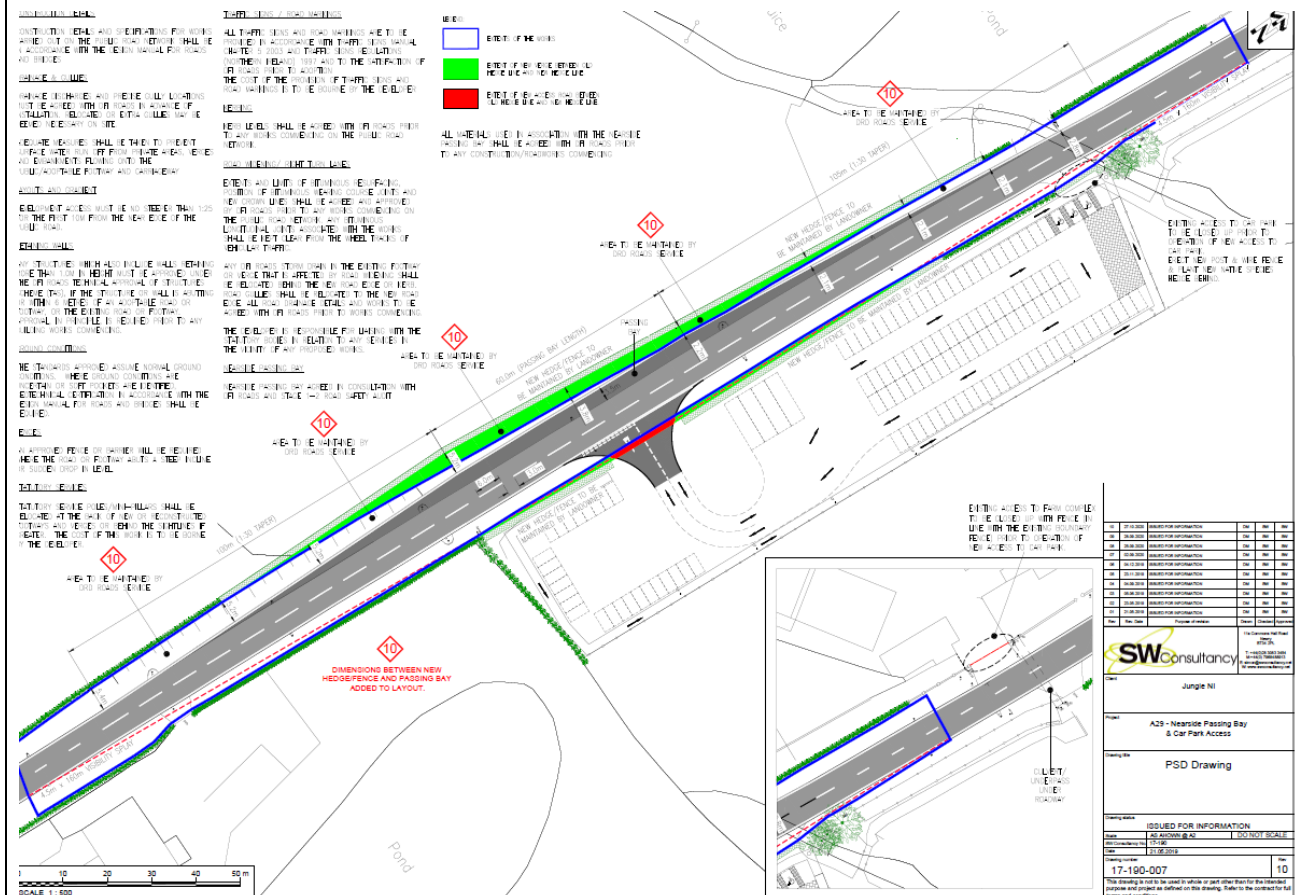
For the purposes of reinforcing the Policy tests, Policy PPS3 states that for protected routes outside settlements that

Annex 1 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking Policy AMP 3 Access to Protected Routes (Consequential Revision) Other Protected Routes –

Outside Settlement Limits Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in the following cases:

- (a) A Replacement Dwelling – where the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto the Protected Route.
- (b) A Farm Dwelling – where a farm dwelling would meet the criteria set out in Policy CTY 10 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.
- (c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development set out in Policy CTY 7 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.
- (d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

Access arrangements must be in accordance with the Department's published guidance. The remainder of Policy AMP 3 as set out in the October 2006 Clarification, including the justification and amplification, remains unaltered.



(agreed Private Streets Determination)

The design and layout of the car park has been amended to ensure the rural character is also not impacted upon on to a damaging extent, thus satisfying. To this extent the following policy test is met:

Policy AMP 9 Design of Car Parking

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.

Given that this is a rural car park, Policy AMP9 goes onto state:

(Rural Car Parks)

5.67 The amount and arrangement of car parking in rural locations can have a significant impact on the natural environment, particularly in sensitive locations. The development of larger schemes in the countryside, such as those to serve tourist facilities or rural golf courses, need particular care in respect of their scale and design. Overflow parking to cater for increased demand for special events should not generally be a hardened surface and use should be made of concrete grass pavers with pockets of soil which encourage the growth of grass, general vegetation or shrubs to hide the concrete.

5.68 The design, layout and landscaping of rural car parks should seek to retain the open nature and visual amenity of the countryside. In addition matters such as floodlighting, will require careful design in order to minimise their impact on visual amenity.

The Jungle itself represents a significant visitor and tourist draw for Mid-Ulster and this has already earlier been recognised. It also serves to provide local employment. The need for a car park clearly exists to allow the business to continue to expand in response to increasing demands.

I have considered all the available information and given that DfI Roads have now moved to a position to look positively on the application in light of the amendments, and have now signed and agreed a legal agreement with the applicant relating to use of the underpass, that whilst this decision is still somewhat an exception to the strict requirements of Policy AMP3 of PPS3, the closing up of an access to the farm yard, along with the provision of major improvements including a satisfactory passing bay arrangement, that an approval with suitable controlling conditions can be recommended.

Conditions:

The layout and associated road improvement Works are subject to a Private Streets Determination. The following conditions / informatives should be included in any planning approval

Drawings to be referenced in any approval

PSD	Dwg No 09/4	date stamped 15th December 2020
Cross Sections	Dwg No 08/1	date stamped 8th October 2020
Location Plan	Dwg No 01	date stamped 9th July 2015
Construction Details	Dwg No 04/4	date stamped 8th December 2020

CONDITIONS

1. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Council/Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 09/4 bearing the date stamp 15th December 2020.

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.

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

The works necessary for the improvement of the public road shall be completed in accordance with the details outlined blue on Drawing Number 09/4 bearing the date stamp 15th December 2020 within 6 months from the date of this decision. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

3. The vehicular access, including visibility splays of 4.5m x 160m at the junction of the proposed access road, and any forward sight distance, shall be provided in accordance with Drawing No.09/4 bearing the date stamp 15th December 2020 within 6 months from the date of this decision. 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. 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.

5. The existing farm access indicated on Drawing No 09/4 bearing the date stamp 15th December shall be been permanently closed in accordance with the fence detail on drawing No.... and the (carriageway / verge) properly reinstated to DFI Roads satisfaction within 2 weeks of the date of the completion of the works required under Conditions 2 and 3 and before any use of the new access hereby approved.

REASON: In order to minimize the number of access points on to the public road in the interests of road safety and the convenience of road users.

6. The existing unauthorised access to the carpark shall be permanently closed with a new post and wire fence with native species planting provided behind and the (carriageway/verge)

properly reinstated to DFI Roads satisfaction within 2 weeks of the completion of those works required by Conditions 2 and 3 and prior to any use of the new access hereby approved.

REASON: In order to minimize the number of access points on to the public road

7. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary.

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

8. No use of the car park shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 09/4 bearing date stamp 15th December 2020 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

9. A Road Safety Audit Stage 3 shall be carried out upon completion of the Nearside Passing Bay on the Desertmartin Road and subsequently a Stage 4 Road Safety Audit as required in accordance with the Design Manual for Roads and Bridges, Standard GG119. Any recommendations/remedial works shall be carried out in agreement with DFI Roads Authority.

REASON: In the interest of road safety.

10. A detailed programme of works and any associated traffic management proposals shall be submitted to and agreed by DFI Roads, prior to the commencement of any element of road works.

REASON: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety

11. Prior to any hard surface being applied to the car park a Drainage Assessment shall be submitted to the Council to be agreed with Rivers Agency.

Reason: To ensure an adequate means of storm water run-off is provided.

12. Prior to commencement of any element of road works a detailed drainage plan shall be submitted to council planning and agreed by DFI Roads.

REASON: In the interest of road safety.

13. An updated visitor's management plan shall be submitted to Council in writing for agreement by DFI Roads prior to any use of the new access to the car park. This should set out how visitors are directed to the underpass in a safe manner and how this will be managed by the applicant.

Reason: In the interests of visitor safety and the long term management of the site.

Signature(s): M.Bowman
Date: 7th April 2022



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2015/0523/F	Target Date:
Proposal: Retrospective permission for retention of car park and pedestrian access via under road tunnel in association with the Jungle NI	Location: Approximately 80m South East of 60 Desertmartin Road, Moneymore
Applicant Name and Address: Mr Robert Carmichael C/o.agent	Agent name and Address: TC Town Planning Town & Country Planning Consultants 84 Ashgrove Park Magherafelt BT45 6DN
Summary of Issues:	
Summary of Consultee Responses:	
Characteristics of the Site and Area: <p>The site is located approximately 3 km north of the village of Moneymore in the open countryside as defined by the Magherafelt Area Plan 2015. The site is adjacent to and connected with an existing farm complex and associated outdoor activity centre, known as 'The Jungle'. The proposed site is located on the eastern side of the Desertmartin Road (A29), a protected route. The site is accessed directly from the Desertmartin Road. A hardstanding has been created on the site and is being used as a car park. To the north of this is a footpath leading to a tunnel under the road providing access to the facility. This tunnel was designed for the use of moving cattle around the farm. There is a small stream located to the north of the car park.</p> <p>Views of the site are achievable when travelling along the A29 in both directions, however the existing roadside vegetation softens the landscape to some extent. The surrounding area is characterised by a mixture of single dwellings and farm complexes. An existing lime quarry is located approximately 600 metres to the east of the site. The surrounding land generally slopes upwards from the main road in a westerly direction, with land to the east of the road flatter.</p>	

Description of Proposal

The proposal is for 'Retrospective permission for retention of car park and pedestrian access via under road tunnel in association with the Jungle NI'. The proposed car park is laid out differently to what is currently in place, with a more formal layout proposed. The proposal includes 9 coach parking spaces, 4 disabled access spaces and 40 standard spaces.

Deferred Consideration:

This application was presented before the Planning Committee with a recommendation to refuse on 6 June 2017 where it was agreed by members to have a site meeting so that they could look at the situation for themselves on the ground. The site meeting took place on 15 June 2017.

Following the site meeting we have received a number of reports from the agent in support of the planning application. These have been considered both by myself and by DfI Roads. The applicant wants to be able to use the underpass that links the car park to The Jungle as a permanent means of pedestrian access and has suggested taking control of the underpass from DfI Roads. This underpass was built for the purposes of moving livestock and it has been argued by the applicant that humans also need to use the underpass when moving livestock. This proposition has been put to DfI Roads and in their latest response dated 9 February 2018 they have stated the following:

"DfI roads has given this matter some thought and have concluded that it would be inappropriate to release this structure into private ownership. The structure is an integral part of the A29, Desertmartin Road, which is part of the strategic road network in Northern Ireland. The A29 carries approximately 5671 vehicles per day and it is important that the Department maintains control over all aspects of the road infrastructure to ensure continuity and remove the risk of disruption to traffic progression and road safety should any part of the network require maintenance. It must also be recognised that the SPPS gives weight to the regional importance of the strategic road network and the protection to be afforded to it therefore DfI Roads opinion remains unchanged in that this planning application should be refused and the refusal reasons...be presented to the planning committee for their consideration".

In November 2017 the agent submitted an additional supporting statement together with additional information from other consultants. A Traffic and Parking Review makes the following conclusions:

- This new access provides considerable improvements for all road users compared with the existing situation;
- On balance safety has been enhanced for all road users (safety for pedestrians internally within the site, for motorists being able to safely enter the car park, safety for parking vehicles as visitors do not need to park on the A29 at the busiest times);
- PPS 3 and DCAN 15 are not rule books, and their standards are not set in stone. Failure to apply the standards does not automatically lead to danger;
- There are considerable improvements as a result of the new segregated car park for both patrons and traffic movement which is a material consideration.

The agent states there is an exceptional circumstance to be considered in this case, namely their assertion the existing access onto the protected route will be closed up and relocating an established and acceptable access to the other side of the road. However the existing approved access will not be permanently closed up. There is still a requirement for at least agricultural vehicles to access this site. No details have been provided of goods vehicles using the unauthorised access and car park on the P1 form and it is assumed that goods and other vehicles will access the site through the existing access for the purposes of deliveries etc. The agent also states that access will be required at the approved access point for persons with impaired mobility.

In my opinion it is false and misleading to say that one access will be closed up (save for disability access) and another opened up onto the protected route for the reasons I have outlined.

The agent has submitted a Bill of Quantities that has been prepared for the provision of a right hand turning lane into the unauthorised car park which comes with a total quoted cost of £424,000. A Bill of Quantities has also been submitted for a left bypass lane which comes with a total quoted cost of £198,000. The applicant has previously stated in an office meeting the cost of providing both these would not be economically viable for the business.

The Enforcement team served a notice on the landowner to permanently cease the use of the land as an unauthorised car park and the removal of other ancillary works to service the unauthorised car park and it also sought the reinstatement of the land to its previous condition. The notice was appealed by Robert Carmichael who is the applicant for this planning application. The agent has made a number of assumptions from the Commissioner's report that infer the Commissioner is not convinced the application can be refused. The agent refers to the *"level of experience and library of knowledge"* possessed by the presiding Commissioner. However it is my duty to assess all the information available on this planning application and make my own recommendation to the Planning Committee who will then make a decision based on all relevant Development Plans, Planning Policies and material considerations and to give due weight before making a decision on the application.

I feel the following are the relevant points to consider in this application:

- Contrary to the assertion the applicant is *"willing to forgo"* the established access for the sake of the current application and access off the protected route into the car park, the applicant is in actual fact seeking to retain the use of the existing access (as detailed above). Should the application be approved this will result in the creation of an additional access onto the protected route;
- SW Consultancy has supplied a "Trips Generated" report and states The Jungle office opens Mon-Sat. However this is misleading as the website clearly states the activities operate 7 days per week. The application is for 44 car spaces and 9 bus spaces but the P1 form details an additional 20 cars using the unauthorised car park. The agent in a submission received with the application stated there were 36,000 visitors to The Jungle in 2014 but in an office meeting with the applicant Mr Carmichael confirmed there were 58,000 visitors in 2016 (I have not been able to verify the quoted numbers). The "Trips Generated" report submitted as part of a report by SW Consultancy is based on the outdated figure of 2014. The agent asserts the traffic reports prove there is no need for a right hand turn lane but there is a need for the retention of the existing car park. However this is based on outdated visitor figures with the report completed in October 2017. The volume of traffic is not the only consideration when assessing if a right hand turn lane is required off a priority road.
- DfI Roads consider it would be inappropriate to release the underpass into private ownership (as detailed above). This would then result in visitors to The Jungle having to cross a road that is a protected route. In the information submitted Hoy Dorman provided details of a traffic survey that was carried out in Jun 2016. The average speed was measure at 57.23 mph and the 85th percentile speed was measured as 64.6 mph. This would prejudice the safety and convenience of road users as they would have to cross and re-cross the protected route thus increasing accident potential.
- The agent has stated that policy must be applied objectively and not simply be a tick box exercise and to approve the application does not set aside policy but addresses the overall spirit by providing betterment. However DfI Roads are not prepared to release the underpass into private ownership. The Design Manual for Roads and Bridges requires the minimum height for a pedestrian underpass to be 2.3m but the underpass here is 1.8m.

Whilst the agent has put forward an argument as to why planning permission should be granted, I have considered all the available information and given that DfI Roads consider it inappropriate to

release the underpass into private ownership there are serious safety concerns with the car park located on the opposite side of the road and I therefore recommend a refusal of the application.

Reasons for Refusal:

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2 and AMP3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
2. The proposal is contrary to Planning Policy Statement 21 Annex 1, consequential amendment to Policy AMP 3 of PPS3 Access, Movement and Parking, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of pedestrians attracted to the site since it proposed to utilise a cattle underpass, which is maintained by TNI, to move pedestrians under the protected route. The structure was not designed to transport people and does not meet the minimum design standards, for pedestrians, as set out in The Design Manual for Roads and Bridges.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would encourage pedestrians to cross and re-cross the protected route thus increasing accident potential.

Signature(s):

Date





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/0523/F	Target Date:
Proposal: Retrospective permission for retention of car park and pedestrian access via under road tunnel in association with the Jungle NI	Location: Approximately 80m South East of 60 Desertmartin Road Moneymore
Referral Route: Refusal recommended: contrary to PPS 21 & PPS3	
Recommendation:	Refuse
Applicant Name and Address: Mr Robert Carmichael C/o.agent	Agent Name and Address: TC Town Planning Town & Country Planning Consultants 84 Ashgrove Park Magherafelt BT45 6DN
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

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	
<p>The site is located approximately 3 km north of the village of Moneymore in the open countryside as defined by the Magherafelt Area Plan 2015. The site is adjacent to and connected with an existing farm complex and associated outdoor activity centre, known as 'The Jungle'. The proposed site is located on the eastern side of the Desertmartin road (A29), a protected route. The site is accessed directly from the Desertmartin Road. A hardstanding has been created on the site and is being used as a car park. To the north of this is a footpath leading to a tunnel under the road providing access to the facility. This tunnel was designed initially for the use of moving cattle around the farm. There is a small stream located to the north of the car park. Views of the site are achievable when travelling along the A29 in both directions, however the existing roadside vegetation softens the landscape to some extent. The surrounding area is characterised by a mixture of single dwellings and farm complexes. An existing lime quarry is located approximately 600 metres to the east of the site. The surrounding land generally slopes upwards from the main road in a westerly direction, with land to the east of the road flatter.</p>	
Description of Proposal	
<p>The proposal is for 'Retrospective permission for retention of car park and pedestrian access via under road tunnel in association with the Jungle NI'. The proposed car park is laid out differently to what is currently in place, with a more formal layout proposed. The proposal includes 9 coach parking spaces, 4 disabled access spaces and 40 standard spaces.</p>	
Planning Assessment of Policy and Other Material Considerations	
<p>I have assessed this proposal under the following:</p> <p>SPSS Magherafelt Area Plan 2015 Planning Policy Statement 1 - General Principles Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 21 - Sustainable development in the countryside</p> <p>The proposal is to access onto the Desertmartin Road which is a protected route as defined in the Magherafelt Area Plan 2015.</p> <p>Site History - H/2004/1367/F - Approval granted for 2 poultry houses and entrance room H/2007/0545/F - Approval granted for retention of farm diversification project for paintball games to ancillary facilities H/2009/0490/F - Approval granted for indoor paintball centre H/2010/0027/LDP - Approval for ancillary tree top facility H/2010/0368/F - Approval granted for retention of games zone area for zorbing and paintball and proposed extension to paintball games zone area. Retention of office/reception area and ancillary facilities for established paintball business. H/2010/0519/F - Approval granted for minor alterations to previously approved</p>	

indoor paint ball centre to include change of use to office/reception, meeting room, male and female toilets, changing rooms and showers, canteen kitchen and store facilities for established paint ball business and increase in ridge height.

H/2012/0401/F - Approval granted for proposed log cabin for reception/office use in conjunction with 'The Jungle' activity centre.

It should be noted that there is an ongoing enforcement case with regards this proposal and this submission is following this enforcement.

In line with legislation this proposal was advertised in the local press during August 2015 - no representations have been received to date.

Neighbours: Owners/occupiers of No 60 Desertmartin Road were notified of this proposal on 03.08.2015 - no objections have been received to date.

Consultees: - Transportni were asked to comment and responded on 07.10.2015 recommending the proposal for refusal as 'this is a Transportni maintained structure for the sole purpose of livestock transfer/agricultural purposes and not suitable for members of the public to use because of the confined spaces implications. Following further clarification of nos. of visitors etc Transportni commented further on 09.03.2016 again recommending the proposal for refusal. Further discussions were held and subsequent reconsultation, Transportni responded to this on 19.01.2017 still recommending the proposal for refusal.

Water Management Unit were asked to comment and responded on 17.08.2015 with no objections.

Waste Management unit were also asked to comment and responded on 17.08.2015 with no objections.

Rivers Agency were asked to comment and responded on 10.08.2015 requesting a drainage assessment due to the size and nature of the proposal (Change of use involving hard surfacing exceeding 1000 sqm.). This has not been requested as a recommendation of refusal was being recommended so didn't want to put the applicant to unnecessary expense.

In line with CTY 1 of PPS21 all proposal for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance. It is my opinion that having considered all the information available that this proposal does not comply with this point of planning policy statement 21. The sheer size of the car park does not lend itself to integrate sympathetically with the surrounding land uses, Transportni have advised that road safety is an issue, drainage has not been dealt with and the access arrangements are not in accordance with published guidance.

In addition Annex 1 of PPS21 clearly states in part (d) Other Categories of Development - approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot be reasonably be taken from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route. However currently there is no existing vehicular access, a field gate is not an access (paragraph 5.13 of PPS3 AMP2) and so this is further reason for a refusal to be recommended.

Extensive discussions have been held between the applicant, Transportni and ourselves to try and fully assess this proposal and potentially find a solution that adheres to policy and is acceptable to all parties. However this resolution was not achievable and Transportni are still of the opinion that the development does not comply with policy AMP 3 of PPS3 (access to protected routes). The development would not be deemed as an exception under the policy. The car park is on the opposite side of the road from 'The Jungle' and the proposed access is via an underpass below the road that is already in place. The underpass is managed by Transportni

and is only to be used for agricultural purposes. Transportni will not give permission for the use as a pedestrian access as the minimum standards are not adhered to (heights, ventilation etc.) Consequently, pedestrians would have to cross a protected route which would impact on road and pedestrian safety.

It is Transportni's opinion that the site history of H/2004/1367/f for poultry houses is no longer relevant as it was never implemented and since then Planning Policy Statement 21 has replaced Planning Policy Statement 14 as the relevant policy with which this proposal must be assessed. Discussions with TNI have taken place with regards the use of the cattle underpass for the movement of pedestrians however they have commented that they could not sanction this use as the underpass is a structure which was designed for the safe movement of livestock from one area of the farm to another. It is 1.8m high while the minimum height for a pedestrian underpass is 2.3m as set out in the Design Manual for Roads and Bridges volume 6 section 3 Part 1 TD 36/93.

It should be noted that the applicant has a large amount of land under his ownership and there may be the potential for alternative siting on the opposite side of the road to the rear of existing grouping of buildings and thus resulting in the favourable closure of the unauthorised car park.

In the consideration of this proposal AMP 9 of PPS3 should also be mentioned. Within this policy it states that there is a high expectation for a high standard of design, layout and landscaping to accompany all proposals for car parking and planning permission will only be granted for a proposal where all of the following criteria are met:

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

Relating this to this particular proposal it is my professional opinion that this scale of car parking on the opposite side of the road from the existing business does not respect the existing character but would rather be an expanse of 'dead space'. No floodlighting has been indicated on the submitted plans but it would seem likely that for a car park of this scale that some sort of floodlighting would be added and this in itself would have a negative impact on the visual amenity. On this side of the road the landscape character would be one of an agricultural nature and the proposed large car parking would not be visual integrated into the landscape. Finally no provision has been made for the direct and safe movement of pedestrians and cyclists within the site and as such the proposal fails to meet the standards of AMP 9 of PPS3.

Having considered all of the above I feel that the only recommendation that can be made is that of a refusal as the proposal is contrary to PPS 21 CTY 1 & PPS3.

Members are asked to note that if this application was refused then there is an existing enforcement notice in place (H/2015/0004/CA) requiring that the land in question be:

- permanently cease use of the land for the unauthorised use of car parking;
- remove all hardcore from the land;
- remove the floodlights from the land;
- permanently remove the structures which can be used for the display of advertisements; and
- re-instate the land to its previous condition by re-soiling with 150mm of top soil and re-seeding in grass.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended : contrary to CTY 1 of PPS21 & AMP 2, 3 & 7 of PPS3

Reasons for Refusal:

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2 and AMP3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
2. The proposal is contrary to Planning Policy Statement 21 Annex 1, consequential amendment to Policy AMP 3 of PPS3 Access, Movement and Parking, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of pedestrians attracted to the site since it proposed to utilise a cattle underpass, which is maintained by TNI, to move pedestrians under the protected route. The structure was not designed to transport people and does not meet the minimum design standards, for pedestrians, as set out in The Design Manual for Roads and Bridges.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would encourage pedestrians to cross and re-cross the protected route thus increasing accident potential.
5. 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.

Signature(s)**Date:**

ANNEX	
Date Valid	9th July 2015
Date First Advertised	10th August 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 55 Desertmartin Road Quilly Moneymore The Owner/Occupier, 60 Desertmartin Road, Quilly, Moneymore, Londonderry, BT45 7RB,	
Date of Last Neighbour Notification	3rd August 2015
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/1973/0154 Proposal: SAND AND GRAVEL EXTRACTION Address: QUILLY, MONEYMORE Decision: Decision Date:	
Ref ID: H/2004/1367/F Proposal: 2 No. Poultry Houses and Entrance Room. Address: Approximately 120m East of 60 Desertmartin Road, Moneymore. Decision: Decision Date: 05.09.2006	
Ref ID: H/2010/0519/F Proposal: Minor alterations to previously approved indoor paint ball centre Ref.H/2009/0490/F to include change of use to office/reception, meeting room, male and female toilets, changing rooms and showers, canteen, kitchen and store facilities for established paint ball business and increase in ridge height Address: 110 Metres South West of 60 Desertmartin Road, Tobermore, Decision: Decision Date: 05.05.2011	
Ref ID: H/2009/0490/F	

Proposal: Indoor paint ball centre with 16 car parking spaces provided
 Address: 110m South West of 60 Desertmartin Road, Tobermore
 Decision:
 Decision Date: 17.11.2009

Ref ID: H/2007/0545/F
 Proposal: Retention of farm diversification project for paintball games and ancillary facilities.
 Address: Approximately 500m West and 150m East/South-East of 60 Desertmartin Road, Moneymore, Magherafelt
 Decision:
 Decision Date: 06.08.2009

Ref ID: H/2010/0027/LDP
 Proposal: Ancillary tree top activity
 Address: Approx 550m west of 60 Desertmartin Road, Moneymore, Magherafelt
 Decision:
 Decision Date:

Ref ID: H/2012/0401/F
 Proposal: Proposed Log Cabin for Reception/Office Use in Conjunction with "The Jungle" Activity Centre
 Address: Approx 560m SW of 60 Desertmartin Road, Moneymore (Existing Jungle Activity Centre),
 Decision: PG
 Decision Date: 18.02.2013

Ref ID: H/2010/0368/F
 Proposal: Retention of games zone area for zorbing & paintball & proposed extension to paintball games zone area. Retention of office/reception area & ancillary facilities for established paintball business.
 Address: Land to the east & south of The Jungle, 60 Desertmartin Road, Moneymore
 Decision:
 Decision Date: 14.10.2010

Ref ID: H/2009/0545/F
 Proposal: Installation of a wind turbine (15m high)
 Address: Aprrox 184m from Main Desertmartin Road in North West corner of field at 60 Desertmartin Road, Moneymore
 Decision:
 Decision Date: 25.11.2009

Ref ID: LA09/2015/0523/F
 Proposal: Retrospective permission for retention of car park and pedestrian access via under road tunnel in association with the Jungle NI

Address: Approximately 80m South East of 60 Desertmartin Road, Moneymore, Decision: Decision Date:
Summary of Consultee Responses
Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. DOC1
Type: Technical Specification
Status: Submitted

Drawing No. 03
Type: Levels and Cross Sections
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2018/1564/F	Target Date: <add date>
Proposal: 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)	Location: 10m to the rear of 60 Union Place Dungannon
Applicant Name and Address: Mr Brendan Cunningham 95 Tandragee Road Pomeroy	Agent name and Address: Prestige Homes 1 Lismore Road Ballygawley BT70 2ND
Summary of Issues:	
Summary of Consultee Responses: NI Water – NIEA – Environmental Health – DFI Roads -	
Characteristics of the Site and Area: This site is located within Dungannon Town Centre (as indicated in the Dungannon and South Tyrone Area Plan 2010) on an area of land that is zoned as a protected housing area. An irregular shaped plot consisting of two rear gardens to the rear of No.s 54-60 Union Place. At present access is via a narrow tarmac pedestrian laneway which runs between Union Place and Woodlawn Park. There is a domestic garage in poor state of repair to the SE corner and land slopes steeply downhill to the north, from Union Place to Woodlawn Park.	

No. 62 Union Place to the north of the application site is a detached 2 storey dwelling on a large site which is at a lower level than the application site. To the south is a terrace of 4 no. 2 storey dwellings which are at a higher level than the site. East of the site are commercial premises. To the NE and NW of the site are rows of terraced dwellings which are stepped down in an east to west direction (Woodlawn Park). Also beyond the application site to the north are detached single storey dwellings.

Description of Proposal

This is a full planning application for 4 apartments, 2No. 2 bedroom and 2No. 1 bedroom with associated parking and on site waste water treatment facility.

Deferred Consideration:

This application was before the Committee in June 2019 where it was deferred for a member's site visit which was undertaken on 27 June 2019. Following the members site visit the applicant was invited to revise the scheme to take account of the concerns raised by objectors and also to address an issue with disposal of waste water from the site, as NI Water have advised they cannot accommodate the discharge from this development at present due to capacity issues at Dungannon WWTW.

Revised plans were submitted that narrowed the overall building from 12.5m to 9.0m, lengthened it from 18m to over 23m and moving it on the site so the building is now 5m from the boundary with the garden to No 56, having previously been 2m at the closest point. There is approx. 130sqm of amenity space proposed at the rear and side of the proposed development, bin storage area and 5 car parking spaces. The rear amenity space is proposed to be enclosed to the south by a retain wall, topped by a close board fence as it is proposed to dig the development into the site by approx. 2m at the deepest point to the south of the site.

A package Sewage Treatment Plant (pSTP) is proposed along the north boundary of the site, with No 62 Union Place, this dwelling also access off Woodlawn Park. These amendments and additional reports have been advertised in the local press and neighbours have been notified about them. An additional 8 letters of objection were received in relation to the amended plans.

Additional Objections Received (comments on these *in italics*)

Aidan Quinn

No response to the previous objection submitted:

- *the issues raised by previous objections have been set out and considered in the report to the Planning Committee, the Planning Department do not write out to all correspondents to communicate the considerations of the objections, this is done by reporting to the Planning Committee and allowing others to address the Committee, in line with the Protocol for the Operation of the Planning Committee.*

Out of keeping with the existing pattern of development and will impact on the safe use of Woodlawn Park:

- *PPS7 Addendum – Safeguarding the Character of Established Residential Areas clearly differentiates between development in town centres and other areas within*

settlement limits as it specifically excludes these areas from having to accord with the additional tests and space standards for new development. It is not clear how the proposal will negatively impact on the safety of the gardens in Woodlawn Park, fences and retaining structures are proposed to be erected around the site.

Access onto Logans Lane, provision for pedestrians and the number of cars that will use it:

- *access to No 62 Union Place, a large detached property, already uses Logans Lane onto Woodlawn Park, it has a lane marked out with a wooden fence separating the pedestrians from the lane, the application indicates the pedestrian access to Union Place will be maintained open at all times. The proposed development provides 5 car parking spaces, this is 0.5 spaces short of the requirement for 2 no 2 bedroom apartments and 2 no 1 bedroom apartments as set out in the published parking standards (1.25 spaces for each 1 bedroom apartment and 1.5 spaces for each 2 bedroom apartment)*

Water from Logan's Lane and car lights will impact on Mr Quinn's dwelling:

- *no details have been provided of Mr Quinns properties location, however there are properties opposite the bottom of 'Logans Lane' Logans Lane is currently in place between Union Place and Woodlawn Park and the proposal seeks to keep this open. DFI Rivers Flood Maps do not indicate there is any surface water flooding at this location and PPS15 sets out a threshold of 1000sqm of new hard surfaces to require the submission of a Drainage Assessment, as presumably this is a figure that could result in significant run off from rainwater. The proposed development site is approx. 475sqm in area: 130sqm of this is proposed as relatively flat grass areas in place of the current sloped grass, consequently this is likely to reduce run off rates from these areas; approx. 120 sqm of the site is the footprint of the building and water from the roofs will be directed into the public storm sewer which leave the remainder as approx. 225sqm for parking which is likely to be new hard surfaces. This is well below the threshold and unlikely to significantly affect the amount of run off over and above what is currently on Logan's Lane.*
- *The properties at the bottom of 'Logans Lane' are enclosed by a thick hedge which would, in my opinion screen car lights.*

Apartments are out of character with the area

- *the area is a mix of house types and commercial development, 6no. 2 bedroom apartments are located on the opposite side of road from 54 - 60 Union Place at the top end of 'Logans Lane', this is a town centre location where apartment development can be expected and the Addendum to PPS7 – Safeguarding Established Residential Areas recognises that and it does not impose the additional restrictions set out in LC1.*

Noise, nuisance and loss of privacy

- *the noise and odour associated with the pSTP has been considered in a report to EHO, the residential use proposed is unlikely to raise any new or significant issues that are not already present*
- *the design of the development addresses these issues and carefully orientates windows and locates them so as not to result in undue overlooking of the neighbouring properties, the rear garden is below the gardens of the neighbours for some part and has screen fencing to preserve amenity.*

Does the applicant have legal title to the lane to construct a driveway:

- *it has been identified on the application form that a right of way exists within the site, this is the path that leads between Union Place and Woodlawn Park, the applicant has indicated they own all the lands and this has not been disputed. The lane is used to access the dwelling at 62 Union Place from Woodlawn Park and there is access to the garage to the rear of the dwelling at 60 Union Place at the top end of the lane. Members will be aware that planning permission does not transfer title of a property or land, it is a matter for the developer to satisfy themselves that they have total control of all the lands necessary to carry out the development and any future purchasers solicitors to check ownership*

Road safety

- *DFI Roads have been consulted and advised the access onto Woodlawn meets the minimum standard.*

Improve sight lines onto Quarry Lane

- *DFI Roads advise the intensification of the use of the substandard accesses onto Quarry Lane falls below the 10% threshold in the Institution of Highways and Transportation (IHT) Guidelines and as such could not insist that this development upgrades these accesses.*

Oonagh Given on behalf of residents of 56 Union Place

Refer to previous letter of objection dated 5 February 2019 and email of 5 June 2019

PAC Decision 2018/A0093 and 1997/A001 are relevant to this application and set out the context:

- *2018/A0093 is for dwelling and garage located within proposed Bangor West Area of Townscape Character (designated in BMAP which was not properly adopted), this is not within a defined Town Centre and is therefore a different policy context*
- *1997/A001 is for a detached granny flat, shed and double garage in the garden of 29 Ferndene Park Dundonald, I agree that even though it predates PPS7 the principle are the same, however it is not within a Town Centre and as such is subject to a different policy context*
- *PPS Addendum – Safeguarding the Character of Established Residential Areas is the policy context and it is clearly set out in Annex E – Exceptions, that within town centres there is desirability to promote increased density housing in appropriate locations, this site is located in the town centre for Dungannon, it has a frontage onto a private right of way and easy access to the main shopping area and services for the town*

The application should be considered against PPS7 Addendum, Policy LC1:

- *as highlighted above PPS7 Addendum Annex E – Exceptions removes the need to consider policy LC1 in designated town centres*

Parking and access, property at No60 not part of the application, the proposal will result in intensification of use of the access over 5% onto Quarry Lane:

- *No60 is not part of the proposal, the proposed development provides 5 car parking spaces, this is 0.5 spaces short of the requirement for 2 no 2 bedroom apartments*

and 2 no 1 bedroom apartments as set out in the published parking standards (1.25 spaces for each 1 bedroom apartment and 1.5 spaces for each 2 bedroom apartment)

- DFI Roads have been consulted and advised the access onto Woodlawn meets the minimum standard.
- DFI Roads advise the intensification of the use of the substandard accesses onto Quarry Lane falls below the 10% threshold in the Institution of Highways and Transportation (IHT) Guidelines and as such could not insist that this development upgrades these accesses. This is different to the guidance in DCAN15, intensification is over 5% increase in use of an access onto the public road, in this case the public road is Woodlawn Park and this should not be considered in relation to the knock on effect on other road junctions.

Assessment against policy QD1 of PPS7 and Creating Places Guidance has not been properly considered and did not appear to form part of the previous consideration by the Department:

- the original case officer has provided analysis of the proposed scheme against the criteria in QD1 of PPS7, additional comments have been added below to address specific issues that have been raised in later objections
- the access stairs to the north is located 10m from the gardens of the objectors, with another garden in between, this area is already overlooked by the properties in Union Place
- the access stairs to the south could result in some overlooking of the gardens to Union Place as it is 5m from their garden, this is a 1.5sqm platform to provide entrance to the apartment, it may have one or 2 people standing at a time, which I do not consider would be off such an unacceptable impact.
- I do not consider the south access stairs would have an undesirable affect on No 62 as there is a hedge between them and outbuildings which would reduce the impact.
- the proposal has moved further away from the gardens and has created additional private amenity space to the rear for the residents, the privacy of this can be controlled by the residents and there is direct surveillance from the ground floor apartments which I consider addresses any security issues

Comments on amended scheme:

This will increase the overlooking of private amenity space for no 56, increased overshadowing and loss of amenity for No60 (no 62 Woodlawn is the detached dwelling to the north) and create a danger for anyone stepping into road from stairs on southern elevation

- this proposal is further away from the garden for No 56 and conditions can be added to provide obscure glazing and prevent the windows from opening to protect privacy
- there will be some overshadowing of No 62 as the proposal will be approx. 10m from the rear wall of the property, however due to its orientation, the topography of the land with higher ground to the south, the low monopitched roof and narrow building, this overshadowing will be limited to morning time and early afternoon, it is unlikely to have any great impacts in mid summer and due to the low angle of the sun in winter time there will already be limited direct sunlight.

- *The access to Union Place is for pedestrian use only and there are no proposals to use this for vehicular traffic.*

Creating Places sets out minimum distances of 15m for new development from existing garden areas and separation distances of greater than 20m to minimise overlooking

- Creating Places sets out that it is guidance and that it does not expect developments to meet every aspect of the guidance (para 17)
- 20m separation distances are back to back and front to front separation that is desirable in new developments to prevent direct overlooking from upstairs windows, in this case the proposal does not have windows on directly opposing elevations to any of the development around it
- the gardens areas for the existing properties at 56 and 58 Union Place are already overlooked by windows in the existing properties in Union Place, as well as the private areas immediately to the rear of these properties which are at higher levels than the gardens. The windows in the kitchen and bedroom of apartment 3 (upstairs apartment closest to Union Place) will be 5m from the boundary and facing towards a 2.7m high retaining wall with a 1.8m high screen fence on top, totalling 4.5m above the proposed ground level. The window openings are 4.2m to 5.3m above the proposed ground level and I consider this reduce the overlooking of the gardens to an acceptable degree, given that the top parts of the gardens are already overlooked by the existing houses. Obscure glazing in the 3 windows in the hallway and toilet for apartment 4, will also limit overlooking.

High level windows will not minimise overlooking as previously stated in the case officer report:

- *I agree with what is being said here and propose these windows are obscure glazing*

DCAN8 sets out for backland development plot depths of 80m will generally be unacceptable

- *DCAN 8 is for advise purposes and while I accept this is the guidance, there are other policies that promote density in new developments in town centre locations*

Odour assessment for package Sewage Treatment Plant (pSTP) has not included the dwelling at 56 or its garden as being Noise and Odour Sensitive Receptor and these have not been assessed. The garden for 56 is a sensitive location and this should be protected, requests EHO view on this:

- *The report indicates there is unlikely to be adverse impacts on neighbours due to odour or noise and EHO have not disputed these figures. EHO advise a minimum separation distance of 7 metres from the plant and any **dwelling** is recommended. Members are advised the objectors garden is 14 metres from the proposed plant, the proposed apartments will be located approx. 4m from the plant and are the closest sensitive receptors, therefore it is in their interests to ensure the plant operates properly.*

Parking spaces in no 62 Union Place are not for this development, parking should be provided to the full standard and access to the pSTP for servicing should be protected:

- *the applicant has not identified any ownership or control over the dwelling at 62 Union Place, the proposed development provides 5 car parking spaces clear off the private lane, this is 0.5 spaces less than the Parking Standards require for this*

development, however due to its town centre location, I do not consider this is necessary as the site can be serviced by other modes of transport. Access to service the plant (tanker for emptying and service van for maintenance) can be obtained from the private lane and I do not consider there is anything that would suggest this will not be possible, especially as it is in the interests of the occupants of the apartment block.

The sight lines onto Union Place are not adequate to accommodate this development:

- *the development is proposed to be accessed off Woodlawn Park and Quarry Lane, there is an existing garage at the rear of No 60 and the lane does provide access to it.*

Dimensions of the site are not as stated in the concept plan, this is not housing but apartments, it is not appropriate for families as not amenity space and the Council is not prejudiced by the previous decision and may determine the application afresh:

- *the site area is noted as approx. 475sqm and the proposal is being assessed against this*
- *private communal amenity space of 130sqm is being provided for the development*
- *the previous decision to approve a similar development is a material planning consideration, members may wish to rely upon this previous permission or may wish to set this aside provided there are good reasons to do so and may form a different opinion*

Mark Steenson – 58 Union Place

Design changes only relate to changes to the windows and do not change view that site is to small with limited access:

- *the amendments include narrowing the building and elongating it to allow further separation from the gardens of the properties in Union Place*
- *the site was previously accepted for this type of development given its town centre location*

Taking account of the above analysis of the objections received to the proposal, I would advise the members there may be some loss of amenity to the residents of the existing development due to this proposal. Members may take account of the original approval and may also take their own view contrary to that. However this proposal is in a town centre location where there is clear direction to promote increased density housing. There is also an understanding that development in towns and town centres will have some degree of overlooking and overshadowing. In light of this and the previous approval on the site, it is my recommendation this application is approved with the attached conditions.

Conditions:

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

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

2. Prior to the occupation of any of the apartments hereby approved, the developer shall construct, layout and plant all landscaped and open space areas as indicated on the approved plan drawing no. 01Rev2 date received 24 AUG 2020.

All hard and soft landscaping works shown on the approved plans shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice.

Reason: To ensure the provision, establishment and maintenance of a the private amenity space for the residents of this development and in the interest of residential amenity..

3. Prior to the occupation of any of the apartments hereby approved all boundary treatments shall be in place in accordance with details indicated on drawing No. 01Rev2 date stamp received 24 AUG 2020 unless otherwise agreed in writing by Mid Ulster Council.

Reason: In the interest of safeguarding private amenity.

4. Prior to the commencement of any other development hereby permitted, the vehicular access, including visibility splays of 2.0m x 33.0m where it meets Woodlawn Park and widening of the access to 4.8m for the first 10.0m back from where the access meets Woodlawn Park shall be provided in accordance with Drawing No 01Rev2 date stamp 24 AUG 2020. 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.

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

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

6. Prior to the commencement of any development hereby approved the developer shall provide a bollard or other means of ensuring that vehicular traffic from the development shall not access the site from Union Place and that pedestrian access is maintained at alle times to Union Place.

Reason: In the interests of road safety and pedestrian safety.

7. Prior to the occupation of any of the development hereby approved the developer shall provide the Council with either:
- written confirmation that an on site sewage treatment plant has been installed and commissioned in accordance with the approved details and to NIEA satisfaction or
- written confirmation from NI Water that a connection has been made for waste water from the site into the public network.

Reason: To prevent pollution from waste water disposal.

7. Prior to the occupation of any of the development hereby approved the windows marked x, y and z (hallway and toilet for apartment 4) on drawing No 02 Rev1 bearing the stamp dated AUG 2019 shall be permanently fitted with obscure glazing and shall be permanently fitted with devices to restrict opening.

Reason: In the interest of residential amenity.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3. DfI Roads advise;
The applicant must apply to the DfI Roads Service for a licence indemnifying DfI against any claims arising from the implementation of the proposal.

The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. DfI has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

Responsibility for the access way and parking areas rests solely with the developer.

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

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

All construction plant and materials shall be stored within the curtilage of the site.

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



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1564/F	Target Date:
Proposal: Proposal for 4 apartments 2No. 2 bedroom and 2No. 1 bedroom with associated parking (previously approved under M/2008/0412/F) (Biodiversity)	Location: 10m to the rear of 60 Union Place Dungannon
Referral Route: Objections	
Recommendation:	Approve
Applicant Name and Address: Mr Brendan Cunningham 95 Tandragee Road Pomeroy	Agent Name and Address: Prestige Homes 1 Lismore Road Ballygawley BT70 2ND

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

See main body of report for consideration of objections.

Description of proposal

This is a full planning application for 4 apartments, 2No. 2 bedroom and 2No. 1 bedroom with associated parking (previously approved under M/2008/0412/F).

Characteristics of Site and Area

This site is located within Dungannon Town Centre (as indicated in the Dungannon and South Tyrone Area Plan 2010) on an area of land that is zoned as a protected housing area. An irregular shaped plot consisting of two rear gardens to the rear of No.s 54-60 Union Place. At present access is via a narrow tarmac pedestrian laneway which runs between Union Place and Woodlawn Park. There is a domestic garage in poor state of repair to the SE corner and land slopes steeply downhill to the north, from Union Place to Woodlawn Park.

No. 62 Union Place to the north of the application site is a detached 2 storey dwelling on a large site which is at a lower level than the application site. To the south is a terrace of 4 no. 2 storey dwellings which are at a higher level than the site. East of the site are commercial premises. To the NE and NW of the site are rows of terraced dwellings which are stepped down in an east to west direction (Woodlawn Park). Also beyond the application site to the north are detached single storey dwellings.

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.

Area Plan

Dungannon and South Tyrone Area Plan 2010: within town centre limits on an area of land that is zoned as a protected housing area. This zoning is to protect existing housing from pressure from non-residential uses.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 – General Principles Planning Policy and Policy HOU2 Quality Residential Development are applicable to this application. This proposal is in keeping with both of these policies. As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

Relevant Planning Policy

Regional Development Strategy for Northern Ireland 2035 (RDS)

Strategic Planning Policy Statement

PPS 3 - Access, Movement and Parking

PPS 7 - Quality Residential Environments

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

Design and Guidance

Creating Places- Achieving Quality in Residential Developments

Improving the Quality of Housing Layouts in Northern Ireland
DCAN 8 - Housing in Existing Urban Areas

Planning History

M/2008/0412/F- 4 No apartments, 2 No 2 bed and 2 No 1 bed with associated parking, granted 18.08.2009.

3rd party objections

A number of objections have been made in relation this proposal from neighbouring properties and raise the following issues (summarised);

- that M/2008/0412/F has expired and any weight attached to it has diminished;
- Since the previous permission new policy has been introduced, Addendum to PPS7- safeguarding the character of established residential areas;
- at no point in the sequence for choosing housing lands under the development plan process are domestic gardens identified as suitable for housing;
- that the proposal is contrary to parts (a), (b) and (c) of policy LC1 in that density is significantly higher, the established pattern of development is not respected, and, the apartment sizes are not in accordance with the standards set out in Annex A of the addendum;
- that the proposal will result in intensification of a sub-standard access and is contrary to policy AMP2 of PPS3 Access, Movement and parking;
- proposal is contrary to Creating Places (para 7.16, 7.21-7.23)) in that the proposed private amenity space will be overlooked and overshadowed by the terrace at Union Place;
- proposal contrary to criteria (a) to (h) of QD1 of PPS7.
- design contrary to (a) and (g) of QD1 of PPS7 as not in keeping with existing building materials and design;
- no new landscaping is provided and trees will be lost to make way for the development (contrary to parts (a) and (c) of QD1);
- the design does not deter crime or promote personal safety and does not comply with criteria (i);
- that the proposal will have a detrimental impact on existing property value;
- lead to parking problems;
- lead to criminal damage, littering, unsocial behaviour, loitering etc.;
- adverse effect on residential amenity by reason of loss of privacy contrary to Article 8 of the European Convention on Human Rights;
- unacceptable over-development of the area, involving loss of garden, inappropriate scale, massing and design;
- laneway insufficient for additional traffic;
- adverse impacts on wildlife (e.g. squirrels, badgers, hedgehogs and a variety of birds);
- loss of views from neighbouring properties would adversely affect the residential amenity of the area;
- generate additional traffic and associated noise.

Reference is also made to PAC decision 2016/A0051 (planning ref: LA10/2016/0072/F).

Consideration

Permission was granted for this exact proposal under planning application M/2008/0412/F. As one objector correctly pointed out, this permission has now expired.

M/2008/0412/F was found to be in accordance with the policy criteria of QD1 of PPS7. However, since this permission an addendum to PPS7 has been introduced (2010) called Safeguarding the Character of Established Residential Area which is to be considered alongside PPS7 Quality Residential Environments policy QD1 where applicable. The Strategic Planning Policy Statement has not made any changes to policies contained within PPS7.

PPS7 Policy QD1 - Quality in New Residential Development states all proposals for residential development will be expected to conform to all of the following criteria:

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

The principle of 4 apartments on this site has been established under M/2008/0412/F and the layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas remains the same as the original permission. While the previous permission has lapsed, determining weight can still be afforded to this decision as the policy context has not changed, and policy QD1 is still applicable until such times as the new area plan is formally adopted. In my view, even though the previous decision was made by the Department, that the same planning principles and policy apply.

The building is 2 storey and is 'L' shaped on plan, with a square block projecting forward of a rectangular block to the west. Both interconnecting blocks have a mono pitched roof. While most residential properties in the area have symmetrical pitched roofs, it is my view that this proposal does to look out of place as it is screened by existing development on Woodlawn and in Union Place and the height, scale and massing is similar to surrounding 2 storey properties. There is no special character of development in this area, and the site is not within a conservation area or Area of Townscape character therefore there are no strict rules in terms of property design and/or materials used. Plus, the site does not command an important vantage point in the landscape or street scape therefore in such a context there is more scope for alternative design and/or materials within this town centre urban environment, subject to surrounding amenities and land uses being protected and respected.

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

There are no archaeological, built heritage, or landscape features in the immediate vicinity of this site to be considered for protection and integration into this development. Concern was raised by objectors that the proposal would result in tree loss, hedgerows and would have a detrimental impact on bio-diversity on this site. I requested further information from the agent to address these concerns and on receipt of this information I consulted NIEA. On 30.04.2019 NIEA provided a response and raised no concern or objection to tree and/or hedge loss given that the area in question was overgrown shrub area with low biodiversity value. Given the size and scale of development within this existing urban environment it is my view that impacts on biodiversity will be negligible.

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.

Due to the size and scale of development, there is no requirement for provision of public open space.

In terms of private amenity; the proposed private amenity space is located to the west and north of the development and is calculated at approximately 100 square metres. Creating places suggest that in the case of apartment development on small urban infill sites should range from a minimum of 10 sq m to around 30 sq m. As there are 2 one bedroom apartments (2 x 20 sq m) and 2 two bed apartments (2 x 30 sq m) it is my view there is ample amenity space provided for this town centre development. On top of this there is also bin storage provided to the side of the development which does not encroach on the private communal space.

There is no provision of landscaping, however there is landscaping opposite the site which helps to soften the development, and it was found acceptable under the previous permission to proceed without landscaping provision.

It is noted that this development also uses up existing private rear amenity space to No. 58 and 60 Union Place. The remaining private amenity is measured at approximately 63 sq m and 60 sq m respectively. Creating places has a guide of 70 sq m of private rear amenity for dwellings, however this is just a guide and houses with smaller areas will be more appropriate for houses with 1 or 2 bedrooms. While it is not known how many bedrooms these dwellings have, given their town centre location and proximity to areas of open space, it is my view that these private amenity spaces are acceptable for these dwellings in this instance.

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

There is no requirement to provide local neighbourhood facilities as part of this application for 4 residential units, as there is adequate provision within walking distance from this town centre location.

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

There is access to an existing footpath and road network which supports a variety patterns of movement, meeting the need of all who use it.

f) adequate and appropriate provision is made for parking;

There is adequate in-curtilage space for parking provided for this development. DfI Roads were consulted on this proposal and no objection has been raised over parking provision.

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

The proposed materials were assessed to be acceptable under M/2008/0412/F and planning policy has not changed from this point. While the design, form, materials and detailing are not the same as surrounding housing development, it is my view that the proposal is acceptable for its context and will not have a detrimental impact on the residential character of this area given the site and context.

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;

It was determined under M/2008/0412/F that this exact proposal was acceptable in terms of impacts on neighbouring amenity.

Dwellings in Union Place will back onto the development and will be at a higher level.

The separation distance between properties on Union Place and the proposed development is approximately 9 metres, however this will be to the gable wall of the new apartments. The southern gable of the proposed apartment block defines the rear garden boundary of No. 60 and part of the boundary to No. 58. Given that the apartment block has a FFL of approx. 2 metres below the garden level of both 58 and 60, in essence you are left with a 4m high rear boundary wall to No. 60 and part of 58. While this arrangement is not usually considered acceptable in terms of quality design it is my view that it is on the limits of acceptability for the following reasons;

- The garden level is 2 m above ffl of the apartment FFL;

- the orientation of these gardens means that they will not suffer loss of sunlight from the development;

- the south side of these gardens are on higher ground as they slope down towards the proposed development;

therefore the entire garden space is usable and the existing development will not suffer from overshadowing.

The apartments will back onto the rear garden of N. 56, and there is a separation distance of just over 2 metres between the two. Levels are approximately similar. While this separation between a 2 storey building and the private amenity of an adjacent dwelling is considered not to be acceptable given that the rear garden area of No. 56 is very generous for this urban area (approx 155 sq m) and that only a small corner to the garden area will be blocked out by morning sun for a short period, with the remaining amenity not being impacted, it is my view that this relationship is acceptable in this case. In terms of overall daylight provision for the proposed development, I am satisfied that the apartment units will receive enough light to allow for a pleasant internal living environment.

Properties to the north will not be impacted due to separation between properties. No. 62 to the north will have limited impacts on existing amenity space as there is a domestic building to the rear of No. 62 that will shield/screen any impacts of overshadowing/overlooking/over dominance from the proposed development.

A 1.8m high close boarded fence to the western and southern boundaries will also protect existing and proposed amenity space and this can be conditioned prior to the occupation of any unit hereby permitted.

The windows on ground level will not overlook adjacent private amenity space. The first floor windows to the eastern elevation look towards land to the east which is disused shrub land and will not overlook any amenity. There is a high level window to the first floor of the southern elevation which provides natural light to the kitchen area of a 1 bed apartment. The bottom of this window is 1.5m above floor level within this apartment therefore does not lend itself to overlooking, therefore is my view is acceptable.

There are 2 windows with potential overlooking of private amenity space at first floor level on the western elevation. One of these windows serves a landing area to a first floor 2 bed apartment, and the bottom of this window is 1.5m above internal floor level of this apartment which does not lend itself to overlooking as it will be just above eye level. Another window in this elevation serves a bedroom. While adjacent amenity space will be clearly visible from this window, it will overlook only part of the rear amenity of No. 56, with the remainder of amenity remaining private.

It is my view that objector's concern in relation to these amenity have been addressed and are not determining in this instance.

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

Objectors raise concern that this development will increase anti-social behaviour along this alleyway. I contend that anti-social behaviour will decrease with this proposal. A lot of shrub land will be cleared along with a disused garage, and the new development will provide surveillance over this area of laneway. Plus, vehicles will now be using part of this access way which will be widened thus increasing exposure to this area and walkway. In my opinion people will feel safer walking along this area than the current situation.

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

However, Annex E to this Addendum states that in recognition of the desirability of promoting increased density housing in appropriate locations, Policy LC 1 will not apply to;

- designated city centres, and designated town centres within large towns.

As this proposal is located within the designated town centre of Dungannon, policy LC 1 is not applicable to this proposal. In saying that I feel that the density is not significantly greater than what currently exists, that the proposal increases the diversity of housing types in the area to cater for people with varying needs, and, is broadly in keeping with the character of the area, while achieving greater densities within town centres without creating town cramming.

It is noted that the apartment sizes fall just below Space Standards contained within Annex A to the addendum and this was raised by an objector. However given that this proposal is in a town centre location, these space standards are not applicable in this instance. The objectors concern in this regard are not determining in this instance.

The objector makes reference to a planning appeal. This appeal relates to a different site, within a different town, different context and is outside of a town centre boundary. Therefore, I do not see both sites as directly comparable and limited weight can be applied from this judgement to this particular case. Each case will be assessed individually on the basis of its own merits.

PPS 3 Access, Movement and Parking sets out the policies for vehicular and pedestrian access, transport assessment, protection of transport routes and parking. Objectors have raised concerns about access arrangements in terms of road safety. DfI Roads were consulted on this proposal and have not raised any such concerns, and with all things considered are recommending approval subject to conditions.

Other Considerations

This site is not subject to flooding. No concern was raised by Environmental Health over land contamination. NIW raise no concern over sewage capacity, plus with a previous permission on site this would have been taken into consideration in NIW capacity calculations as committed development. NIW also indicate that the proposal is under Article 161 agreement.

One objector raised concern that development of this site would decrease their property value. Property values are not a material consideration in determining planning applications, rather attention is paid to impact on amenity and adjoining land uses.

One objector states that their human rights not being respected by this proposal; The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

These human rights are inbuilt in the planning process in that issues relating to amenity are explicitly considered, everyone has the right to express a view and that view is taken into account in determining an application. If there is dissatisfaction, there is ability to defer to the Courts.

Neighbour Notification Checked	Yes
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Summary of Recommendation:	
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That permission is granted subject to the following conditions.

Conditions

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

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

2. Prior to the occupation of 50% of the apartments hereby approved, the developer shall construct, layout and plant all landscaped and open space areas (including garden area) as indicated on the approved plan drawing no. 01 date received 14th November 2018.

All hard and soft landscaping works shown on the approved plans shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice.

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 in accordance with PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation.

3. No dwelling unit/apartment hereby approved shall be occupied until the Planning Authority agrees in writing that an acceptable Management and Maintenance Agreement has been signed and put in place with an appropriate management company for all areas of open space and landscaping as identified in condition no.02 .

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Department's Planning Policy Statement 7 (PPS7)-Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.

4. Prior to the occupation of any unit of accommodation hereby approved all boundary treatments shall be in place in accordance with details indicated on drawing No. 02 date stamp received 14th November 2018 unless otherwise agreed in writing by Mid Ulster Council.

Reason: In the interest of safeguarding private amenity.

5. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 01 date stamp 14 November 2018 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.

6. The existing private access shall be widened to 4.8 metres for the first 10.0 metres.

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	27th November 2018
Date First Advertised	13th December 2018
Date Last Advertised	20th December 2018
Details of Neighbour Notification (all addresses) Oonagh Given 10 Caman Park, Strathroy, Omagh, BT79 7XA The Owner/Occupier, 18 Woodlawn Park Dungannon Tyrone The Owner/Occupier, 18a Woodlawn Park, Dungannon, Tyrone, BT70 1AH The Owner/Occupier, 54 Union Place Dungannon Tyrone P P Donnelly 54 Union Place, Dungannon, Tyrone, Northern Ireland, BT70 1DL The Owner/Occupier, 56 Union Place Dungannon Tyrone Ann McNaney 56, Union Place, Dungannon, Tyrone, Northern Ireland, BT70 1DL The Owner/Occupier, 58 Union Place Dungannon Tyrone Mark Steenson 58 Union Place, Dungannon, Tyrone, BT70 1DL The Owner/Occupier, 60 Union Place, Dungannon, Tyrone, BT70 1DL The Owner/Occupier, 62 Union Place Dungannon Tyrone The Owner/Occupier, 64 Union Place Dungannon Tyrone The Owner/Occupier, 64a Union Place, Dungannon, Tyrone, BT70 1DL	
Date of Last Neighbour Notification	5th December 2018
Date of EIA Determination	NA site only 0.3 ha



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: LA09/2018/1623/F	Target Date: <add date>
Proposal: Retention of new access and associated turning bay at existing commercial yard (TAF and Auto Track)	Location: Lands at 200m west of 66A Kilnacart Road Dungannon
Applicant Name and Address: Mr Niall Mc Cann 66A Kilnacart Road Dungannon	Agent name and Address: CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
Summary of Issues: Objections received raise issues of; overdevelopment of site non compliance with enforcement notice Env impact, dust, silt and debris noise and light pollution Road safety due to heavy lorries from the applicant	
Summary of Consultee Responses: EHO – no objections provided times for use are restricted DFI Roads – no road safety concerns have been identified, objections have been considered	
Characteristics of the Site and Area: The red line of the site contains an access laneway off the Kilnacart Road between two approved infill dwellings and then opens into a rectangular shaped hard cored turning and parking area to the rear. The access laneway is laid in gravel with tree lined boundary on both sides and a set of high metal gates set back about 20 metres from the roadside. The garage that was approved for	

one of the dwellings has been approved for conversion to a dwelling and the original foundations of the approved dwelling have been removed.

The application site sits between No's 60a and 60 to the west and No. 66 to the east. There are no properties directly opposite or facing onto the site, outline planning permission has been granted opposite for 2 dwellings and the details for these houses are under consideration. No. 59, 61 and 65 are located nearby, also on the opposite side of the road. In terms of topography, the site falls away gradually from the roadside to the north and the land also falls to the east.

The wider area surrounding the site exhibits an undulating character. The application site is located on Kilnacart Road, Dungannon, Co. Tyrone. The site is located within the open countryside as designated within the Dungannon and South Tyrone Area Plan 2010.

Description of Proposal

This proposal seeks the retention of new access and associated turning bay to serve the approved yard to the rear.

Deferred Consideration:

This application was before the Planning Committee in August 2019 where it was deferred to allow the applicant to submit additional information for consideration in relation to the need for the new entrance. Additional inspections at the time identified the yard area was enlarged and a new application was submitted for that area, it is dealt with under application, which is also on the schedule for this meeting. Members are advised the access has been created to serve an approved yard and an extension to that yard which is subject of application, LA09/2019/1648/F being recommended for approval. The applicant has provided evidence to demonstrate that access to the existing yard is no longer available to him and he need this new access to operate his established business.

The issues raised in respect of this application by objectors centred on the appearance of the access, noise and other nuisance from the use of this access (dust and fumes) and the road safety implications of an additional access at this position. Previously the application was to serve a small yard extension at the NE of the site, however the access is now to serve a larger yard area at the rear of 2 sites for dwellings that were approved on an infill basis along this side of the Kilnacart Road. Members are asked to note that opposite the site, 2 additional sites have been passed for infill dwellings, these are currently awaiting determination in relation to how waste water from the development will be dealt with. This area has experienced recent development pressures, in line with the current planning policies and has a built up appearance. (Fig 1)



Fig 1 – aerial view of the site and surroundings

This access is between a site for a dwelling and an approved dwelling, it is been defined by a tree lined concrete laneway with wing walls and piers at the roadside either side of the access. (Fig 2)



Fig 2 – access viewed from directly in front on Kilnacart Road

The laneway is now well established in the landscape here, whilst it has been concreted, it is not dissimilar to other lanes nearby. To the west a lane provides access to a dwelling and farm at the west boundary of the new yard and a laneway across the road, provides access to farmlands. I consider the lane is in keeping with the character of the area, which as identified has taken on a developed character in recent times.

EHO were consulted in respect of noise nuisance from heavy vehicles using this access. EHO have assessed the trips that have been identified on the Transport Assessment Form (TAF) submitted with the application, which identifies there are 11 HGV trips to or from the site on Mondays and Fridays, with the peak time being 7 – 8am on Monday and 7 – 8pm on Fridays, there are 4 HGV movements daily on Tuesday, Wednesday and Thursday. Taking this into account EHO have advised they have no objections provided the movements of HGVs to and from the site do not extend outside the hours of 7am – 8pm Monday to Friday, 8am – 1pm on Saturdays and at no time on Sundays. I consider this can be controlled by a condition and I feel this is necessary to protect the amenity of the neighbouring properties in Kilnacart Road.

DFI Roads have been consulted with the TAF and auto tracking that shows how vehicles can access and egress the site safely. The TAF has noted the numbers of vehicles using the road will not change as these have been displaced from using the other access to the east, lower down the road. DFI Roads have not raised any concerns about the access here and have asked the sight lines are kept clear and that no mud or debris is allowed to be deposited on the road.

My personal experience on the road is that this access is safer than the access lower down the hill, as vehicles can enter and leave this access in forward gear whereas, due to the location of the buildings in the yard, it can be a regular occurrence to meet vehicles reversing into the access to the east.

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

As the development has been further assessed by EHO and DFI Roads, who have not raised any issues of concern and the access is for an expansion of a yard that has been considered acceptable, I recommend this application is approved.

Conditions:

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

Reason: This is a retrospective application.

2. The access hereby approved shall not be used for LGVs, HGVs or other large machinery outside the hours of:
0700hrs to 2000hrs on Monday to Friday
0800hrs – 1300hrs on Saturdays and
At no time on Sundays

Reason: In the interests of residential amenity

3. The vehicular access, including visibility splays of 2.4m x 80.0m in both directions and any forward sight distance, shall be provided in accordance with Drawing No.3A bearing the date stamp 25 November 2021, within 3 months of the date of this decision. 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 landscaping along the sides of the access laneway, as identified in yellow on drawing No 2C bearing the stamp dated 8 AUG 2019 shall be permanently retained at a height no less than 3 metres above the level of the lane. Any trees that die or are dying within 5 years of the date of this permission shall be replaced in the same position with a tree of a similar size and species.

Reason: In the interests of visual amenity.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1623/F	Target Date:
Proposal: Retention of new access and associated turning bay at existing commercial yard.	Location: Lands at 200m west of 66A Kilnacart Road Dungannon
Referral Route:	Objections received
Recommendation:	Refusal
Applicant Name and Address: Mr Niall Mc Cann 66A Kilnacart Road Dungannon	Agent Name and Address: CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received

Number of Petitions of Objection and signatures	No Petitions Received
<p>Summary of Issues</p> <p>One third party objection received from kilnacart residents group.</p> <p>Issues included; overdevelopment of site non compliance with enforcement notice Env impact, dust, silt and debris noise and light pollution Road safety</p>	
<p>Characteristics of the Site and Area</p> <p>The red line of the site contains an access laneway off the Kilnacart Road between two approved infill dwellings and then opens into a rectangular shaped hard cored turning and parking area to the rear. The access laneway is laid in gravel with tree lined boundary on both sides and a set of high metal gates set back about 20 metres from the roadside. There is a recently constructed garage as part of the approved infill dwelling to the south of the turning area, however neither of the two approved dwellings have been constructed.</p> <p>The application site sits between No's 60a and 60 to the west and No. 66 to the east. There are no properties directly opposite or facing onto the site, however No. 59, 61 and 65 are located nearby on the opposite side of the road. In terms of elevation the site rises to the south side where it meets the Kilnacart Road and the overall topography of the site gradually decreases in elevation towards the north.</p> <p>The wider area surrounding the site exhibits an undulating character. The application site is located on Kilnacart Road, Dungannon, Co. Tyrone. The site is located within the open countryside as designated within the Dungannon and South Tyrone Area Plan 2010.</p>	
<p>Description of Proposal</p> <p>This proposal seeks the retention of new access and associated turning bay at existing commercial yard.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The following policy documents provide the primary policy context for the determination of this application;</p> <ol style="list-style-type: none"> 1. Strategic Planning Policy Statement (SPPS). 2. Dungannon and South Tyrone Area Plan 2010. 3. Planning Policy Statement (PPS) 3 - Access Movement and Parking. 4. PPS 21 - Sustainable Development in the Countryside. 5. PPS 4 - Planning and Economic Development. 	

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, one third party objection has been received, see consideration below.

The objection received was from kilnacart residents group.

Issues raised included;

-overdevelopment of site - This issue was levelled at the Kilnacart road as a whole, and in particular the previous approval for the commercial yard, however, this application is solely dealing with the access road and the new turning bay.

-non compliance with enforcement notice - This issue has been reported to the enforcement team.

-Env impact, dust, silt and debris - Environmental health are the guiding body in this field, they were consulted on this and had no issues.

-noise and light pollution - Environmental health are the guiding body in this field, they were consulted on this and had no issues.

Road safety - Transport NI are the guiding body on such issues, they were consulted and replied with no concerns subject to conditions.

Assessment

The Strategic Planning Policy Statement (SPPS) for Northern Ireland - Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 21, PPS 4 and PPS 3 has been retained under transitional arrangements.

Whilst the SPPS identifies that growing a sustainable economy is a key priority, it also stresses the importance of achieving this in an environmentally sensitive manner and sustaining a vibrant rural area by respecting neighbouring amenities and being of an appropriate scale and nature to the area.

Policy CTY 1 of PPS 21 identifies 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. One such type is non residential development which involves industry and business uses in accordance with the provisions of PPS 4.

Policy PED2 of PPS4 allows economic development in the countryside where it meets with other specified criteria in policies PED3 and the general criteria in PED9 is relevant to the consideration of all economic development proposals.

PED 3 includes the criteria by which development proposal of the type and nature proposed, should comply with. With regard to the character and setting of the existing rural area PED 3 establishes that development proposals will be permitted where they do not harm the rural character or appearance of the local area and where there is no major increase in the site area.

The application is for the retention of a new access off the Kilnacart Road and a yard extension to an existing and established economic development use in the countryside to allow for vehicle turning and parking.

The scale and in particular the nature of the proposal along with the lack of landscaping both in place and proposed would in my opinion negatively impact upon the local character of the area. Whilst the site area is not massively increasing, the access between the two approved sites is very open and exposed, with a large set of industrial type gates set back from the road. There is also a row of tree trunks planted along the sides which in my opinion rather than aid integration would add to the visual impact of the development. Therefore, I consider that the proposal does not comply with the first part of the policy.

PED 3 clarifies that proposals for expansion will normally be expected to be accommodated through the re-use and extension of existing buildings on the site and where this is not possible new buildings of an appropriate size and scale will be accepted. The proposal does not include the erection of any buildings, however it is noted that the proposed extension area and access is at the opposite end to the bulk of the existing business and existing access and will struggle to integrate as part of the overall development.

On this note, it is important to note that in my opinion the site is creeping west which would lead to concerns over its proximity to third party dwellings and in particular number 62 Kilnacart Road and no measures to aid its impact on these dwellings has been proposed.

In all cases of extension to existing economic development sites, the proposal will be expected to integrate effectively and as documented above the lack of both existing and proposed landscaping around the site boundaries will not allow for the proposal to integrate effectively. I am not satisfied that the proposal can be accommodated without any significant adverse impact on rural character.

In addition to the policy criteria contained within PED 2 and PED 3 of PPS 4, economic development proposals will also be expected to meet with the general criteria contained within Policy PED 9.

PED 9.

A proposal of this nature will be required to meet all the criteria set out in PED 9.

In terms of compatibility and surrounding land uses I am not content that the proposal is compliant. Whilst the proposed use includes an extension of the existing yard area, it is over double the size of the existing approved yard within the applicant's ownership, this in addition to the new industrial style access would not be compatible to this area of the Kilnacart road.

With neighbouring third party dwellings to the NW and SE as well as approvals for two dwellings to the south the proposal will in my opinion have a high level of impact on the amenities of the nearby residents. The continuous movement of large vehicles will have a detrimental impact on the surrounding properties.

The boundary treatment and means of enclosure which have been provided are not appropriate, neither would they adequately screen the proposal from public view.

Finally, in my opinion satisfactory measures to aid integration in the landscape have not been provided. Providing landscaping will not in my opinion lessen the potential for other nuisance such as noise and general disturbances from vehicle movements.

In consideration of all of the points above coupled with the scale nature of the proposed works I am not content that no third-party dwellings will be significantly negatively impacted upon by the proposed development and the proposal is therefore not compliant with the above policy.

The application site is not located in a flood plain or in an area of archaeological or natural heritage significance and with this in mind I am content that the proposal will not cause a demonstrable impact in this regard.

PPS 3

DFI Roads were consulted on this application as the competent authority in assessing the application from a road safety perspective. DFI Roads returned comment on the file highlighting that they were content with the proposal subject to condition. On this basis I am satisfied that the proposal meets can provide a satisfactory means of access and that it complies with the policy provision contained with PPS 3 - Access, Movement and Parking.

Environmental health were also consulted and responded with no objections subject to conditions. They also clearly stated

"The proposal is to retain the access to the permitted commercial yard permitted under LA09/2017/1431/F and to permit a turning area for large vehicles.

This department has reviewed the decision notice issued for approval of LA09/2017/1431/F dated 3rd May 2018 and note:

Condition 6, 'This extension to the yard shall solely be used for storage of vehicles and trailers ancillary with the adjoining lorry yard and should not be used for the service, maintenance, or washing of Lorries or any other use.'

To this end, Environmental Health has no objection to the proposed, however, should the land use of the area covered by LA09/2017/1431/F change, or should the site intensify in any way, an impact assessment will be required to consider the 2 No. committed developments (both approved under LA09/2017/0587/F).

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

The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan.

In light of this the Draft Plan cannot be given any determining weight at this time.

Conclusion

On the basis of the assessment above I consider that this proposal fails to meet with the requirements contained within prevailing planning policy and guidance and I recommend that the application is REFUSED.

Neighbour Notification Checked

Yes

Reasons for Refusal:

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

2. The proposal is contrary to Planning Policy Statement 4, Industrial Development, Policy PED 2 and 3, in that the development would, if permitted, have an adverse impact on the environment by virtue of the increase in the site area of the enterprise and its lack of visual integration into the rural landscape.

3.The proposal is contrary to Planning Policy Statement 4, Industrial Development, Policy PED 9, in that the development would, if permitted, be incompatible with adjacent land uses, harming the living conditions of the existing residents, particularly in number 62 Kilnacart Road.

Signature(s)

Date:

ANNEX	
Date Valid	10th December 2018
Date First Advertised	3rd January 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 60 Kilnacart Road Dungannon Tyrone The Owner/Occupier, 60b ,Kilnacart Road,Dungannon,Tyrone,BT70 1PD The Owner/Occupier, 62a ,Kilnacart Road,Dungannon,Tyrone,BT70 1PD The Owner/Occupier, 65 Kilnacart Road Dungannon Tyrone The Owner/Occupier, 66 Kilnacart Road Dungannon Tyrone The Owner/Occupier, 66 Kilnacart Road,Dungannon,Tyrone,BT70 1PD The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/1623/F Proposal: Retention of new access and associated turning bay at existing commercial yard. Address: Lands at 200m west of 66A Kilnacart Road, Dungannon, Decision: Decision Date: Ref ID: LA09/2017/0587/F Proposal: Proposed infill for two dwellings Address: Land between 60 and 66 Kilnacart Road Dungannon, Decision: PG Decision Date: 09.11.2017 Ref ID: M/1977/0119 Proposal: 11KV O/H LINES, MV O/H SERVICES Address: DUNAMONY, DUNGANNON Decision: Decision Date:	

Ref ID: M/2003/1590/O
 Proposal: dwelling house
 Address: between 66 & 60 Kilnacart Road, Dungannon
 Decision:
 Decision Date: 07.06.2004

Ref ID: M/2005/1578/Q
 Proposal: Proposed Portal Frane Shed
 Address: Kilnacart Road, Dungannon
 Decision:
 Decision Date:

Summary of Consultee Responses

DFI Roads were also consulted and responded with no objections subject to conditions.
 Environmental health were also consulted and responded with no objections subject to conditions.

Drawing Numbers and Title

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

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

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/0712/F	Target Date: <add date>
Proposal: Construction of new general purpose agricultural buildings and associated groundworks	Location: 25m to the North East of 34 Castlecaulfield Road Donaghmore
Applicant Name and Address: Mr Joesph O'Neill 34 Castlecaulfield Road Donaghmore BT70 3HF	Agent name and Address: Ward Design The Gravel 10 Main Street Castledawson BT458AB
Summary of Issues: The development site is in close proximity to a number of archaeological sites. HED have requested an archaeological dig to be carried out to allow full assessment of the site. This has not been carried out despite a number of requests.	
Summary of Consultee Responses: DEARA – business id allocated 15/05/2015 following merger of 2 active and established buisnesses DFI Roads – Additional lands required on opposite side of road for 60m fsd HED – Archaeological Programme of Works agreed for archaeological assessment of the site, the programme of works must be carried out and a report submitted for consideration.	
Characteristics of the Site and Area: The site comprises a rectangular shaped portion of a larger agricultural field and associated access through the existing yard located 25 metres to the NE of number 34 Castlecaulfield Road, Donaghmore. The red line of the site includes the lower portion of a steeply sloping agricultural field adjacent to a large two storey dwelling at number 24. The site is accessed via the existing yard dividing two large sheds and looping around the rear of the existing dwelling. The North of the site is undefined on the ground but the steeply sloping bank acts as a backdrop. To the east the site is undefined, to the west the site is bounded by a post and wire fence separating it from	

the dwelling at number 24 and to the south along the roadside there is a low cropped native species hedgerow and a number of mature trees. The yard and some buildings to the south west of the site were being used in connection with an existing car wash and valeting business, with the remainder of the yard and buildings to the west still retained in agricultural use.

There is direct access to the site from Castlecaufield Road and the site is located in open countryside, just on the outskirts of Donaghmore as defined in the Dungannon and South Tyrone Area Plan 2010. The roadside boundary of the site is open to the public road with no specific entrance/exit area.

Description of Proposal

The proposal seeks full planning permission for the construction of new general purpose agricultural buildings and associated works.

Deferred Consideration:

Members will be aware from the committee meeting on 1 March 2022, this application was deferred to allow one final opportunity for the applicant to provide the information that Historic Environment Division have requested to allow them to fully consider this development on this site.

A letter was issued on 3rd March 2022 requesting the additional information within 14 days, this was acknowledged by Mr Ward, the agent dealing with the application. Mr Ward advised he would notify the applicants and seek consent to obtain the additional information. Members will note from the previous report this information has been requested on a number of occasions since the HED comment on 10 April 2020 and this was the final opportunity to submit to allow the application to progress. Nothing further has been received and no further correspondence has been received to indicate this information will be forthcoming.

In light of the above and the previous requests, it is my recommendation this application is refused.

Reasons for Refusal:

1. The proposal is contrary to Policy BH3 – Archaeological Assessment and Evaluation of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Article 3(6) of the Planning (General Development Procedure) Order (NI) 2015 in that insufficient information has been submitted to enable the Council to fully consider the impacts from the proposed development on archaeological remains.

Signature(s):

Date



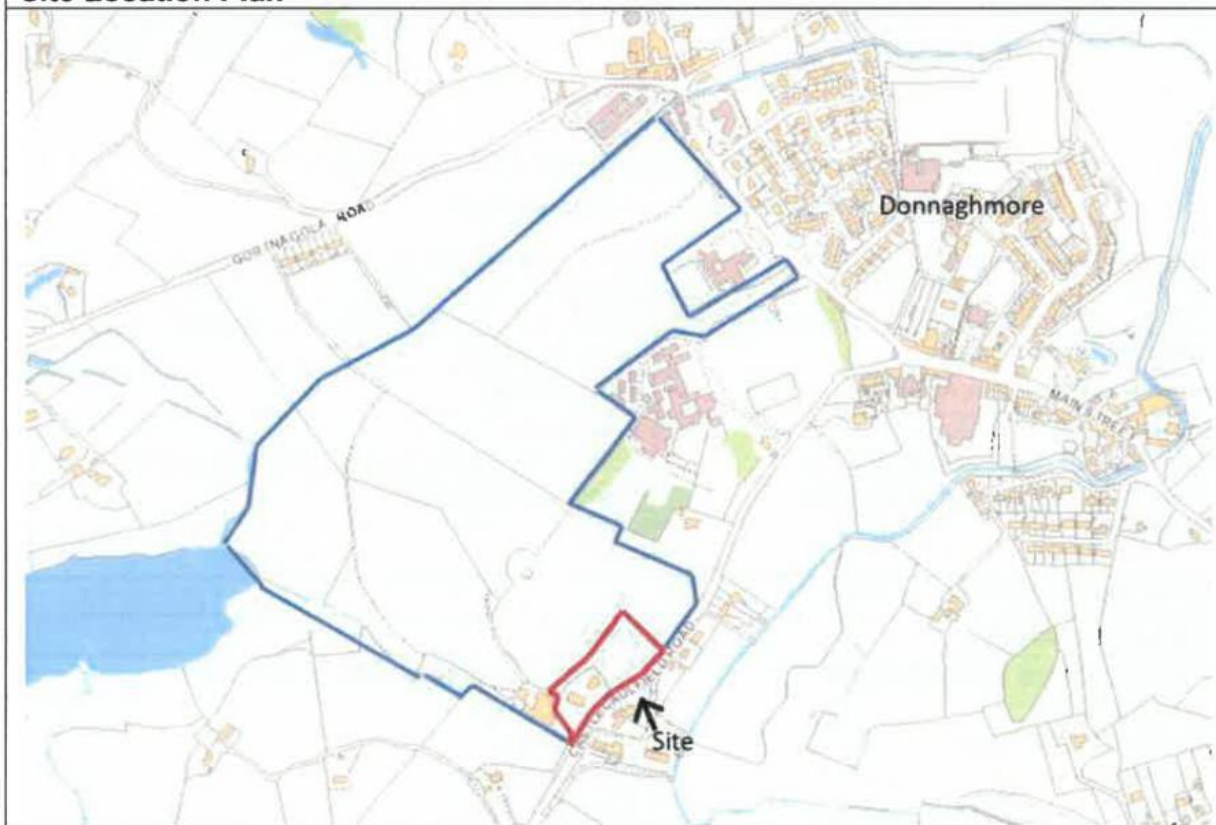
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0712/F	Target Date:
Proposal: Construction of new general purpose agricultural buildings and associated groundworks	Location: 25m to the North East of 34 Castlecaulfield Road Donaghmore
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Joesph O'Neill 34 Castlecaulfield Road Donaghmore BT70 3HF	Agent Name and Address: Ward Design The Gravel 10 Main Street Castledawson BT458AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Advice
Statutory	Historic Environment Division (HED)	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

None

Characteristics of the Site and Area

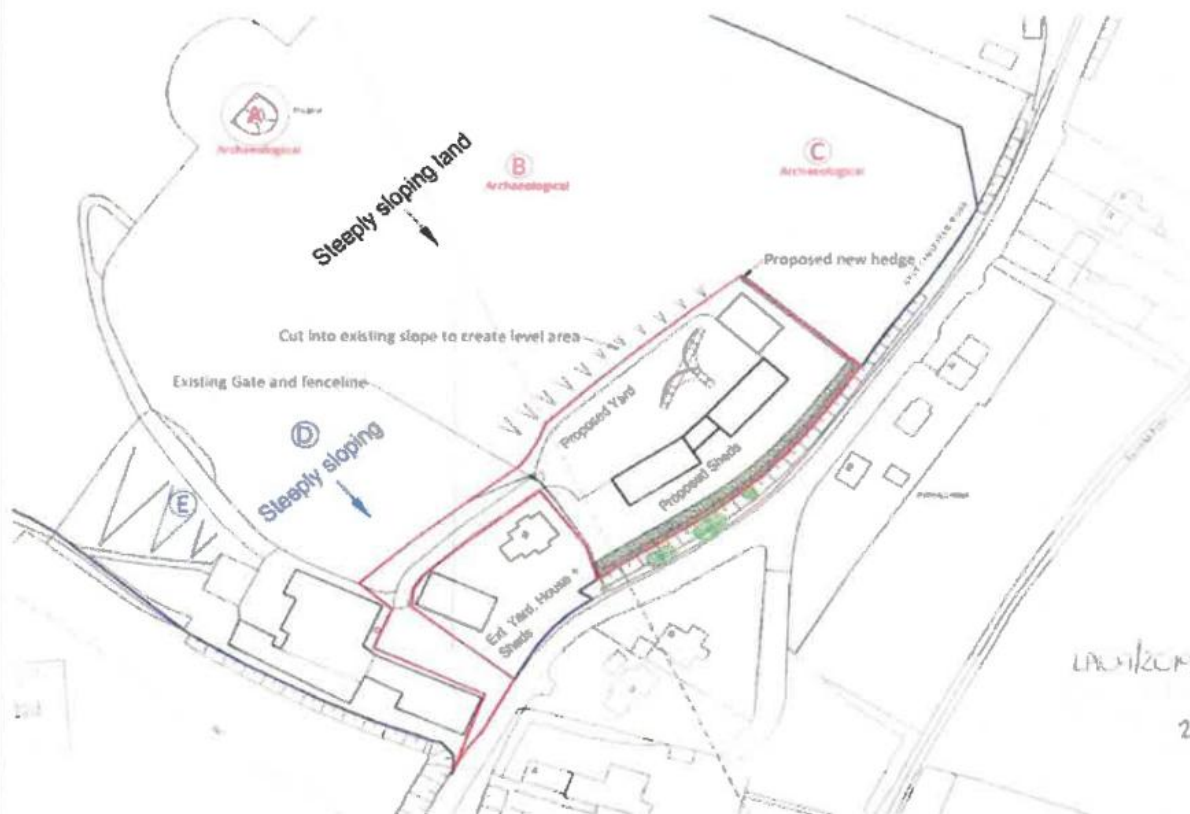
The site comprises a rectangular shaped portion of a larger agricultural field and associated access through the existing yard located 25 metres to the NE of number 34 Castlecaulfield Road, Donaghmore. The red line of the site includes the lower portion of a steeply sloping agricultural field adjacent to a large two storey dwelling at number 24. The site is accessed via the existing yard dividing two large sheds and looping around the rear of the existing dwelling. The North of the site is undefined on the ground but the steeply sloping bank acts as a backdrop. To the east the site is undefined, to the west the site is bounded by a post and wire fence separating it from the dwelling at number 24 and to the south along the roadside there is a low cropped native species hedgerow and a number of mature trees. The yard and some buildings to the south west of the site were being used in connection with an existing car wash and valeting business, with the remainder of the yard and buildings to the west still retained in agricultural use.

There is direct access to the site from Castlecaulfield Road and the site is located in open countryside, just on the outskirts of Donaghmore as defined in the Dungannon and South Tyrone Area Plan 2010. The roadside boundary of the site is open to the public road with no specific entrance/exit area.



Description of Proposal

The proposal seeks full planning permission for the construction of new general purpose agricultural buildings and associated works.



Planning Assessment of Policy and Other Material Considerations

Assessment

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.

Other Policy Considerations

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Planning Policy Statement 6 (PPS6) Planning, Archaeology and Built heritage.

- Policy BH3 Archaeological Assessment and Evaluation.

Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

3rd Party Objections

No objections have been received.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The SPPS retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

In paragraph 2.3 of the SPPS it states 'The basic question is not whether owners and occupiers of neighbouring properties would experience financial loss from a particular development, but whether the proposal would unacceptably affect the amenities and the existing use of land and buildings that ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals will be measured. The proposed agricultural shed will be located 35m from the nearest third party dwelling at number 45 Castlecaulfield Road. It will be used for the storage of farm machinery, equipment and vehicles, it is my opinion that due to the separation distance from the nearest dwelling it will not have a significant impact on the amenity of number 45.

The SPPS gives provision for Agriculture and Forestry Development subject to a number policy provisions. It does not present any change in policy direction with regards to this type of development in the Countryside. As such, existing rural policy will be applied (ie) CTY 12 of PPS 21.

PPS 21 - Sustainable Development in the Countryside



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

One of these types of development is agricultural and forestry development in accordance with Policy CTY 12. Provisions of SPPS do not impact on this policy. Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:

- a) It is necessary for the efficient use of the agricultural holding.
The applicant has an existing farm which includes the site and adjoining lands. Details of this farm business accompany the application and DAERA have confirmed that the business ID has been in existence for and claimed SFP since 2015 at which point two previous active business IDs were merged, both of which claimed SFP in their own right. There is sufficient information to show that the farm is both established and currently active.
This proposal for 4 no. agricultural building, to provide storage for farm machinery and equipment. The principal farm holding including the yard, buildings and dwelling are located immediately adjacent to the site.
- b) It is appropriate to the location in terms of character and scale.
The surrounding area is rural in character. This sheds are all typical of agricultural buildings which are found in this rural area, however, the appearance of 4 sheds side by side is rather large in scale, the applicant has attempted to elevate this issue by breaking up the mass with a smaller shed in the middle of the two larger ones. Given the nature of this building, and the size and scale of the existing farm holding it is considered appropriate to the location. The materials and finishes are typical of this type of building and are acceptable in the rural area.
- c) It visually integrates into the local landscape and additional landscaping is provided as necessary.
The shed is set back approx. 25m from the public road, accessed via a laneway which dissects the existing yard. The site benefits from mature boundary of vegetation to the south which will somewhat screen views of the shed from the public road and with appropriate planting to reinforce this boundary and add planting to the NE, the visual impact will be reduced. The topography of the site with the steep hill to the rear will also lessen the impact. In my view, given the design, size and scale of the building and existing vegetation this proposal will integrate into the landscape.
- d) It will not have an adverse impact on the natural or built heritage.
The shed will be used for storage and it does not have an underground tank for slurry collection so there should be no issues around ammonia emissions. I therefore have no concerns around its impact on natural heritage.

A desktop search has identified the presence of 3 potential historical sites to the rear of the site and therefore HED were consulted to assess the impact on the built heritage.

HED Monuments requested an archaeological evaluation as per BH3 is submitted to permit a reasoned and informed planning decision.

The applicant submitted an archaeological programme of works and upon further consultation with HED, they have reviewed the submitted programme of works and are not in a position to agree the POW until amendments to the methodology are made. As such, the methodology should be amended for a site evaluation scenario rather than mitigation / excavation. A provision should be included to allow for the resolution of the evaluation on site with the HED planning casework officer if any remains are uncovered. They have stated that these points must be addressed before they will agree the programme of works.

The applicant submitted a revised archaeological programme of works and upon review HED were satisfied that this document allayed previous concerns and they agreed with the mitigation strategy, and were content for this to proceed to archaeological licensing.

HED advised that this is only the first step in compliance with the request for further information in the form of an archaeological evaluation. This will not be fully satisfied until the programme of works has been implemented on site by a licensed archaeologist, and a final report detailing the results of the archaeological investigation has been submitted to HED (Historic Monuments).

The applicant is reluctant to bear the expense of the assessment, however, commissioned the assessment, a mitigation strategy and a proposed excavation methodology. However, HED have asked for further works including the physical evaluation and report on same which despite numerous requests, the applicant has failed to submit. The applicant has suggested approval by way of negative condition, however, the council and HED are not content with this proposal and require the physical evaluation to be carried out before any such approval.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.

The shed will be located 35m from the closest third party dwelling, at number 45. At this distance I would have concern about the impact on residential amenity by way of noise. In addition the applicant has designed the proposal in such ways as to create a cloister which would help to attenuate any noise.

In the case where a new building is proposed the following points should be met:

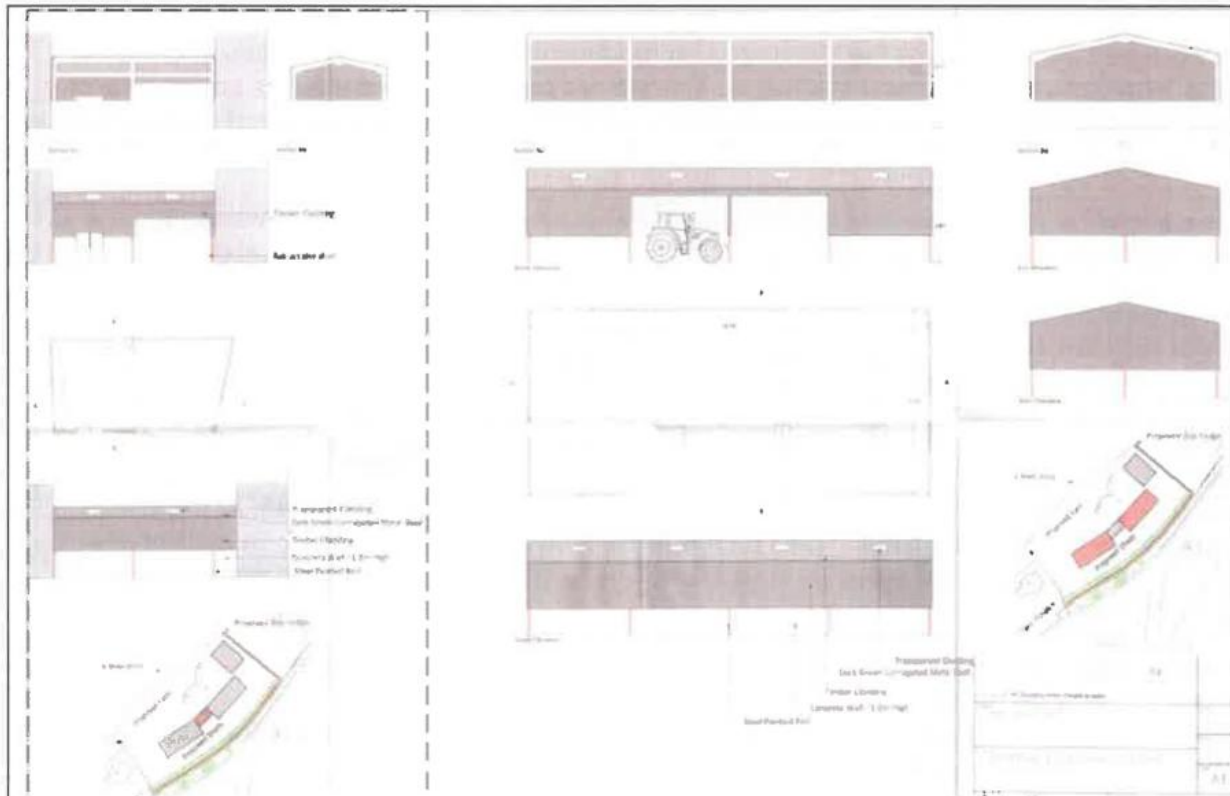
- There are no suitable existing buildings;

No suitable buildings are available on the holding. As previously discussed, the farm holding including a number of buildings are all currently in use.

- The design and materials are sympathetic to the locality;

The sheds whilst significant in size are also of a simple design and buildings of this style are characteristic of the rural area.

- It is sited beside existing farm buildings.



Policy CTY 13 allows for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

As detailed in my assessment above, these points have been covered.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The shed is agricultural in nature and will not cause a detrimental change to the rural character of this area. This shed also benefits from the backdrop of the steep bank to the rear, the existing buildings to the side as well as proposed landscaping to the front and remaining side.

DFI Roads were also consulted and after a number of amendments to FSDs were content to approve subject to condition;

The vehicular access, including visibility splays of (2.4m * 60.0m) and (60.0m) forward sight distance shall be provided in accordance with Drawing No 8 B bearing the date stamp 7 January 2020, 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.

Planning Policy Statement 6 (PPS6) Planning, Archaeology and Built heritage.

- Policy BH3 Archaeological Assessment and Evaluation.

This policy is applicable in this instance and it states that where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Department will normally require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where

such information is requested but not made available the Department will normally refuse planning permission.

In this case as detailed above the applicant has not provided all the information HED has requested and therefore is contrary to PPS6 BH3.

Other Considerations

This site is not subject to flooding and there are no land contamination issues with the site.

Having weighed up the above policy and material considerations I am of the opinion that this application should be recommended for REFUSAL on the grounds of lack of information and contrary to PPS 6 Policy BH3.

Neighbour Notification Checked

Yes

Reasons for Refusal:

The proposal is contrary to Policy BH3 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Article 7(4) of the Planning (General Development) Order (NI) 1993 in that insufficient information has been submitted to enable determination of the planning application as the archaeological assessment/evaluation requested by the Council has not been made available.

Signature(s)

Date:

ANNEX	
Date Valid	24th May 2019
Date First Advertised	6th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 18a ,Castlecaulfield Road,Dungannon,Tyrone,BT70 3PQ The Owner/Occupier, 33 Castlecaulfield Road Dungannon Tyrone The Owner/Occupier, 34 Castlecaulfield Road,Dungannon,Tyrone,BT70 3HF The Owner/Occupier, 35 Castlecaulfield Road Dungannon Tyrone The Owner/Occupier, 39 Castlecaulfield Road,Dungannon,Tyrone,BT70 3HF The Owner/Occupier, 39a ,Castlecaulfield Road,Dungannon,Tyrone,BT70 3HF The Owner/Occupier, 45 Castlecaulfield Road Dungannon Tyrone The Owner/Occupier, 45a Castlecaulfield Road, Dungannon, Tyrone, BT70 3HF The Owner/Occupier, 47 Castlecaulfield Road,Dungannon,Tyrone,BT70 3HF	
Date of Last Neighbour Notification	4th June 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/0712/F Proposal: Construction of new general purpose agricultural buildings and associated groundworks Address: 25m to the North East of 34 Castlecaulfield Road, Donaghmore, Decision: Decision Date: Ref ID: M/2004/0140/O Proposal: Replacement 2 Storey Dwelling Address: 34 Castlecaulfield Road, Donaghmore, Dungannon Decision: Decision Date: 23.06.2004	

Ref ID: M/1973/0089

Proposal: EXTENSION AND IMPROVEMENTS TO FARMHOUSE

Address: MULLYGRUEN, DONAGHMORE, DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2015/0788/F

Proposal: Retention of change of use of a Redundant Agricultural Building and Partial External Yard Area to Facilitate a Car and Agricultural Vehicle Wash Facility

Address: Lands Adjacent to and SW of 34 Castlecaulfield Road, Donaghmore,

Decision: PG

Decision Date: 09.05.2017

Drawing Numbers and Title

Drawing No. 06

Type: Cross Sections

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 07

Type: Cross Sections

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: LA09/2020/0024/F	Target Date: <add date>
Proposal: Proposed 3No. lodges for short term accommodation to facilitate access to adjacent lough shore nature area	Location: 210m South West of 35 Brookend Road Ardboe
Applicant Name and Address: Donal Coney 35 Brookend Road Ardboe BT71 5BR	Agent Name and Address: Donal Coney 35 Brookend Road Ardboe BT71 5BR
Summary of Issues: No existing tourism development or farm diversification to associate with.	
Summary of Consultee Responses: DFI Roads - safe access will require sight lines of 2.4m x 60.0m at the public road, these are achievable SES – additional information required to consider impacts on SPA/RAMSAR NIEA - additional information required to consider impacts on SPA/RAMSAR	
Characteristics of the Site and Area: This site is located in the open countryside approximately 3km SW of Ardboe as the crow flies, with the shores of Lough Neagh located approximately 750m to the east of the site. SE of the site there is woodland between the site and the shores of Lough Neagh. The proposed site is located within a rural area characterised by agricultural fields and dispersed dwellings, however in the immediate locality there is a medium degree of development pressure. The site is located along a private laneway, set back approximately 260m in the corner of an existing agricultural field. Adjacent to the access laneway is 2 single storey dwellings, No. 37 and 39 Brookend Road. To the rear of these dwellings there is an area of hardstanding and a large shed which spears industrial in design and was granted planning	

permission for the storage and repair of boats. The access laneway, which also serves the large shed, is bounded at both sides by mature hawthorn hedgerows. Planning permission (LA09/2020/0347/O) was recently granted for a dwelling and garage to the rear of the storage shed which proposes to also use the existing access. The south west boundary of the site is defined by mature trees with the remaining boundaries not clearly defined.

Description of Proposal

This is a full planning application for 3 no. lodges for short-term accommodation to facilitate access to adjacent Lough Shore Nature Area.

Deferred Consideration:

This application was last before the Planning Committee in November 2021 with a recommendation to refuse, prior to that meeting an amended scheme was submitted, the application was deferred to allow assessment of the amended scheme.

The amended scheme now proposes 2 bedroom lodges which will be 6.7m wide, 13.8m deep with pitched roofs and 5.5m ridge height. They will be orientated with the gables on the short walls, facing towards Lough Neagh. The gables will have a stone finish with a full height window facing the lough, red cedar to the side walls and slate roofs. The 3 lodges will be located in a flat semicircle with informal parking spaces between them. In my opinion this design and layout is much more in keeping with tourist accommodation and does not promote fulltime living.

The proposal has been assessed against PPS16 – Tourism Policies, the applicant has indicated he is a farmer who lets out his land to another farmer and has paid a contractor to cut and maintain his hedges for 20 years. In light of this the application will also be assessed against Policy CTY11 – Farm Diversification.

The headline to CTY11 requires the applicant to demonstrate that and proposal it is to be run in conjunction with the agricultural operations on the farm. In this case the applicant has advised they have let the land to another farmer and they employ a contractor to cut the hedges. They have not indicated there carry out any other agricultural activities and as such I do not consider the applicant has demonstrated the proposal will be run in conjunction with agricultural activities on the farm.

CTY11 has a number of other criteria that should be applied:

- a) the farm business is currently active and established,
Members will be aware that consideration of the agricultural business relates to submission of information to show there is an investment in the kind and a return from the investment and that it is agricultural related. In this case the applicant owns the land, he has advised that he lets it out to another farmer, but has not indicated for how long this arrangement has been in place, he has provided a letter from a contractor to advise the hedges have been cut and maintained by the contractor for 20 years. I do not doubt this would meet the threshold for an active and established farm, from my site visit I noted there were cattle in the field, which I consider demonstrates currently active farming. I consider this is met.
- b) character and scale is appropriate to the location:

these 3 buildings sited with the extensive treed area to the west and along part of the frontage of the site, down this lane and well away from the main public views, would, in my opinion blend in sympathetically with the surroundings. Additional landscaping on the boundaries will also assist the development to be further integrated into the surroundings over time. I consider this criteria is met.

- c) not adversely impact natural or built heritage:
there are no identified built heritage assets in the locality that would be impacted. The site is beside Lough Neagh, no information has been provided in respect of the waste water or storm water from the site and how it is to be treated. NIEA and SES have requested additional information to allow them to advise on the impacts from the development and carry out a Habitats Regulations Assessment. No further information has been submitted in respect of this and I have not requested this. I do not consider this criteria has been met.
- d) not detrimentally impact on amenity of nearby residential dwellings:
the nearest neighbours are located approx. 90m to the north east of the site, these include no 35 Brookend Road, this is the applicants own house. The proposal has the potential for noise as it would be short term holiday lets, however I consider this can be managed and monitored by the applicants to ensure it does not adversely impact the other neighbours. I consider this criteria can be controlled by the applicant and is in their interests

Policy CTY11 is primarily aimed at the conversion of existing farm buildings, it does allow new building in some cases and sets out additional criteria for them. The applicant has not shown any existing farm buildings or explained why these cannot be converted or adapted. I consider there is a need to provide this information to 'justify' any new buildings. As such I do not consider this has been demonstrated

As there has been no justification for a new building. I do not consider the final part of the policy, which requires the new buildings to be integrated with an existing group of buildings, has been engaged. Members should note the new buildings are not sited to be integrated with an existing group of buildings and as such would not meet this criteria anyway.

I do not consider the proposed development meets with the policy for farm diversification as set out in CTY11.

Additional information was provided to show the walking paths to the south west of the application site and bird watching from Brookend Nature Reserve to the south east. Members will be aware from the previous considerations of this proposal that Policy TSM5 – Self Catering Accommodation in the Countryside as contained in PPS16 – Tourism, allows 3 or more new units at or close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right. It is noted the Nature Reserve is close by and it would, in my view, be counterintuitive to site the development inside the nature reserve, however no further information has been provided to show this is significant visitor attraction. I do not consider this development meets the requirements of TSM5.

As the proposal has not been demonstrated to meet the policies in CTY11 or TSM5, issues in relation to the SES and NIEA considerations and details of waste water and

storm water treatment has not been sought as this would have added expense to the applicant for a scheme that, in principle, has not met any of the planning policies.

Members are advised that taking account of this report as well as the 2 previous reports, I recommend this application is refused for the reasons stated below.

Conditions/Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated the proposed development will be run in conjunction with agricultural operations on the farm, there has been no justification for these new buildings and they are not sited to be satisfactorily integrated with an existing group of buildings.
3. The proposal is contrary to the Strategic Planning Policy Statement and Policy TSM5 of Planning Policy Statement 16 Tourism in that it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right.
4. The proposal is contrary to Policy CTY11 of PPS21, TSM 7 of PPS16 Tourism and PPS2 Planning and Nature Conservation in that insufficient information has been provided to demonstrate that the proposal will not have a detrimental impact on natural heritage features of importance, including Lough Neagh SPA/Ramsar/ASSI.

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: LA09/2020/0024/F	Target Date: <add date>
Proposal: Proposed 3No. lodges for short term accommodation to facilitate access to adjacent lough shore nature area	Location: 210m South West of 35 Brookend Road Ardboe
Applicant Name and Address: Donal Coney 35 Brookend Road Ardboe BT71 5BR	Agent Name and Address: Donal Coney 35 Brookend Road Ardboe BT71 5BR
Summary of Issues: Design and appearance of development, it has the appearance of a small housing development, no existing tourism development or farm diversification to associate with.	
Summary of Consultee Responses: DFI Roads - safe access will require sight lines of 2.4m x 60.0m at the public road, these are achievable SES – additional information required to consider impacts on SPA/RAMSAR NIEA - additional information required to consider impacts on SPA/RAMSAR	
Characteristics of the Site and Area: This site is located in the open countryside approximately 3km SW of Ardboe as the crow flies, with the shores of Lough Neagh located approximately 750m to the east of the site. SE of the site there is woodland between the site and the shores of Lough Neagh. The proposed site is located within a rural area characterised by agricultural fields and dispersed dwellings, however in the immediate locality there is a medium degree of development pressure. The site is located along a private laneway, set back approximately 260m in the corner of an existing agricultural field. Adjacent to the access laneway is 2 single storey dwellings, No. 37 and 39 Brookend Road. To the rear of these dwellings there is an area of	

hardstanding and a large shed which spears industrial in design and was granted planning permission for the storage and repair of boats. The access laneway, which also serves the large shed, is bounded at both sides by mature hawthorn hedgerows. Planning permission (LA09/2020/0347/O) was recently granted for a dwelling and garage to the rear of the storage shed which proposes to also use the existing access.

The south west boundary of the site is defined by mature trees with the remaining boundaries not clearly defined.

Description of Proposal

This is a full planning application for 3 no. lodges for short-term accommodation to facilitate access to adjacent Lough Shore Nature Area.

Deferred Consideration:

This application was before the Planning Committee in September 2020 and it was agreed to defer for a meeting with the Planning Manager. A meeting was held virtually on 10 September and the agent was asked to provide additional information to establish the principle of this development prior to any further discussions about the layout and design.

The agent advised the site is associated with Brookend Nature Reserve, they referred to a precedent in application LA09/2019/0806/F and asked that the same considerations be given to this application and advised the applicant would be willing to amend the design and condition the use of the buildings.

Planning application *LA09/2017/0806/F* was approved for 5 self catering cottages at Mill Road Cookstown, that application was considered as a farm diversification scheme and was accepted as within the spirit of policy CTY11 as the proposal is for multiple buildings whereas the policy refers to a new building. Members will be aware that farm diversification must be on an active and established farm. The applicant has indicated they own this 2ha field and when I visited the site there were cattle in the field. On this basis additional information was requested on 24 June 2021 to allow consideration of the farming case. To date no information has been submitted for consideration.

The applicant has identified Brookend Nature Reserve as being close by and one of a number of local amenities. They have been asked to provide some information in relation to or explain their involvement with the nature reserve but have not provided any further information to date. DEARA website sets out 37 Nature Reserves in Northern Ireland, it identifies Brookend Nature Reserve as being open all year round and being remote with little to no facilities. There is no designated parking facilities and car parking is at the end of a rough lane. No information has been presented to show how these properties are associated with the Nature Reserve or any information to illustrate the Nature Reserve is an existing tourist amenity which is or will be a significant visitor attraction in its own right. From the information that has been present and the written description of the Nature Reserve, it appears the site is designated for its habitat and the wide array of ecology it harbors. The site is wetland habitat fen and flood plain grazing, NIEA and SES have both requested additional information to allow further consideration of the impacts of this development on recognised features of importance within the SPA and RAMSAR site. The proposed development could therefore have an adverse impact on the Nature Reserve.

The applicant has been afforded the opportunity to submit additional information in support of this case and has failed to do so. In light of this and I recommend this application is refused for the reasons stated.

Conditions/Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy TSM5 of Planning Policy Statement 16 Tourism in that it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right.
3. The proposal is contrary to Policy TSM5 of Planning Policy Statement 16 Tourism in that the design and layout could provide permanent residential accommodation in the countryside and as such would have a detrimental impact on the rural character of the area and represent an unsustainable form of development in the countryside.
4. The proposal is contrary to Policy TSM 7 of PPS16 Tourism and PPS2 Planning and Nature Conservation in that insufficient information has been provided to demonstrate that the proposal will not have a detrimental impact on natural heritage features of importance, including Lough Neagh SPA/Ramsar/ASSI.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0024/F	Target Date: 22/04/20
Proposal: Proposed 3No. lodges for short term accommodation to facilitate access to adjacent lough shore nature area	Location: 210m South West of 35 Brookend Road Ardboe
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Donal Coney 35 Brookend Road Ardboe BT71 5BR	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice
Non-Statutory	SES	Substantive Response

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 site is located in the open countryside approximately 3km SW of Ardboe as the crow flies, with the shores of Lough Neagh located approximately 750m to the east of the site. SE of the site there is woodland between the site and the shores of Lough Neagh. The proposed site is located within a rural area characterised by agricultural fields and dispersed dwellings, however in the immediate locality there is a medium degree of development pressure.

The site is located along a private laneway, set back approximately 260m in the corner of an existing agricultural field. Adjacent to the access laneway is 2 single storey dwellings, No. 37 and 39 Brookend Road. To the rear of these dwellings there is an area of hardstanding and a large shed which spears industrial in design and was granted planning permission for the storage and repair of boats. The access laneway, which also serves the large shed, is bounded at both sides by mature hawthorn hedgerows. Planning permission (LA09/2020/0347/O) was recently granted for a dwelling and garage to the rear of the storage shed which proposes to also use the existing access. The south west boundary of the site is defined by mature trees with the remaining boundaries not clearly defined.

Description of Proposal

This is a full planning application for 3 no. lodges for short-term accommodation to facilitate access to adjacent Lough Shore Nature Area.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030
 Strategic Planning Policy Statement for Northern Ireland
 Cookstown Area Plan 2010
 Planning Policy Statement 2: Natural Heritage
 Planning Policy Statement 3: Access, Movement and Parking
 Planning Policy Statement 21: Sustainable Development in the Countryside
 Planning Policy Statement 16: Tourism

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

Representations

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

History on Site

LA09/2019/0573/F - Proposed 2No lodges for short term accommodation to facilitate access to adjacent Lough Shore Nature Area - 210m South West of No 35 Brookend Road, Ardboe – Withdrawn

LA09/2020/0347/O - Proposed dwelling and garage - 120m South West of 39 Brookend Road, Ardboe – Permission Granted 19/08/20

I/2013/0142/F - Proposed building to accommodate Lough Neagh Fishing Boat General Domestic Store (Amended description - P1 and plans) - Lands to the rear of Nos 37 and 39 Brookend Road, Ardboe – Granted 24.01.2014

LA09/2016/0386/F - Single storey side extension to existing dwelling to provide bedroom and en-suite - 37 Brookend Road, Ardboe, Dungannon – Granted 23.05.2016

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site is located outside any settlement limits in proximity to the shores of Lough Neagh. There are designated nature reserves located to the SW and SE of the site. There are no specific plan policies pertaining to this proposal, the

regional planning policy statements will apply until such times as a Local Development Plan is adopted.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21 including tourism development in accordance with the TOU policies contained within PSRNI. These TOU policies have since been superseded by PPS16 - Tourism therefore this proposal will be considered under the relevant policy within PPS16. SPPS does not make any changes to these policy considerations.

Tourism makes a vital contribution to the Northern Ireland economy, it can play an important role in helping to support the viability of many local suppliers, services and facilities. However, tourism accommodation located in the countryside needs to be located at appropriate locations and managed in a sustainable manner in order to protect the rural landscape and environment in line with the area plan and other material considerations. This proposal is for self-catering accommodation in the countryside therefore the provisions of PPS16 TSM5 apply.

TSM5 states that permission will be granted for self-catering units of tourist accommodation should the proposal meet any one of three circumstances. In my view the proposal does not meet any of the circumstances set out in policy as;

- a) it is not located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;
- b) although the proposal is a cluster of 3 units, it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity with a significant visitor attraction requiring these units;
- c) it is not for the restoration of an existing clachan or close.

Paragraph 7.25 of Policy TSM5 J&A states *"Where units are proposed in association with a tourist amenity, Policy requires that the tourist amenity must be a significant visitor attraction in its own right."* The applicant has failed to specify the tourism facility in which the proposal will cater or provide evidence of visitor numbers or the provision of existing facilities linked to and enabling usage of the attraction. It is acknowledged that Lough Neagh is located in close proximity to the application site, however there is insufficient information to demonstrate the numbers of tourists that these cottages would attract or the existing facilities in place that would attract or accommodate them. At present there is no designated walks around the Lough at this location, nor is there any indication that there is existing facilities and/or equipment such as jetties, boats etc in place to cater for tourism. Policy TSM5 J&A states *"Policy provides for sustainable opportunities for self-catering tourist accommodation in the countryside particularly in areas where tourism amenities and accommodation have become established or likely to be provided as a result of tourism initiatives such as the Signature Projects"*. No such signature project exists close to this site and the area does not benefit from established tourism amenities and accommodation.

Paragraph 7.28 of Policy TSM5 J&A states “Permanent residential use of self-catering units will also be deterred through design. Such units will be required to demonstrate an informal site layout with communal open space only. Informal road layout without designated car parking will also be required.” In my view the proposed self-catering units are contrary to Policy TSM5 in that the design and layout could easily be used for permanent residential accommodation. Each has its own defined curtilage, individual parking, own kitchen, living room, bathroom and 3 bedrooms. I have relayed these concerns to the applicant and I received an indicative plan via email with slight amendments to the proposed layout. The amendments do not extend to the floor plans or elevations of the self-catering units rather encompass minor changes to the layout, removing the designated parking and slightly amending the orientation of the units. I do not consider these indicative amendments would deter permanent residential use as designated parking could still be achieved within the curtilage of each unit. Nevertheless, these amended plans to date have not been received in hard copy and to scale.

Policy TSM7 of PPS 16 applies to all types of tourism development and is considered as follows;

- a) I am satisfied that a movement pattern is provided which would support walking, cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way. While access to public transport is not convenient, the settlement of Ardboe is within 2 miles of the site where access to public transport is available.
- b) The design of the buildings appear as dwellings rather than holiday/short term accommodation. However, the site is located adjacent to Lough Neagh which is an ASSI/SAC/RAMSAR site. Shared Environmental Services (SES) require a Preliminary Ecological Appraisal, as well as additional information on the disposal of surface water and sewage, during construction and operation. SES also advise that a Habitat Regulation Assessment is required and that NIEA should be re-consulted once all information is received as there may be impacts on natural heritage interests which are not related to SPA/Ramsar. I requested amendments to the site plan to show the location of the septic tank and soakaways to address the surface water and sewage concerns on 22/07/20 however to date these have not been received. At present it is not possible to full assess impacts on sustainability and biodiversity. The applicant has advised that they have been waiting on an environmental consultant to undertake the requested appraisal which has been delayed given the ongoing COVID 19 pandemic. As I do not consider the proposed development is acceptable in principle and therefore recommending refusal, I do not consider it appropriate that the applicant goes to this expense, however should be permission be granted this will need to be addressed.
- c) The proposed boundary treatment includes a mix of post and wire fencing and natural landscaping. Drawing No.01 date stamped 7th January 2020 includes a detailed planting schedule which is considered acceptable. The proposal is set back significantly from the public road with a backdrop of mature woodland therefore I consider there is adequate enclosure and screening. However, given

the proposal is for self-catering units, it is considered communal shared space would have been more appropriate than separated curtilages.

- d) The P1 form states that surface water will be directed to a soakaway. SES require the site layout plan to include the location of the soakaways which was requested 22/07/20 however to date these have not been received. This will need to be addressed should permission be granted.
- e) In my view the proposal is designed to deter crime and promote personal safety, the site is accessed via a private laneway, set back from the public road behind the applicants dwelling.
- f) This proposal does not involve public art therefore this criterion is not applicable.
- g) The immediate surrounding land use is predominantly agricultural land and woodland. The proposed tourism units are set back from the Brookend Road with limited public views. The scale, size and massing of the units are considered modest and will not detract from the landscape quality. However the granting of 3no. residential units, albeit for short term self-catering use, could result in a build-up of development detrimental to the rural character of that area.
- h) It is considered there is sufficient separation distance from neighbouring properties to ensure no detrimental impact on residential amenity.
- i) I do not considered the proposal will have a detrimental impact on features of built heritage. However, further additional information is required by the applicant to demonstrate that features of natural heritage will not be impacted by the proposal.
- j) Additional information is required to demonstrate that sufficient measures are put in place to deal with sewage effluent from the proposal. As mains sewage connection is not available in this location, the sewage will have to be dealt with by septic tank. I requested amendments to the site plan to show the location of the septic tank on 22/07/20 however to date this has not been received.
- k) Access arrangements are in accordance with PPS3 Access, Movement and Parking and DfI Roads have no objections to this proposal subject to splays of 2.4m by 60m in both directions along with other conditions.
- l) It is considered the proposed access to the public road, subject to conditions suggested by DfI Roads, will not prejudice road safety.
- m) DfI Roads raise no objection over extra traffic onto the public road and it is my view the existing road network can accommodate any additional traffic associated with the proposed development.
- n) There is no access to a protected route proposed.
- o) The proposal will not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset.

In terms of policy CTY13 of PPS21, it is my view that the proposal will integrate into the landscape as it is set back from the public road with limited public views and is of a size, scale and location that will not significantly impact the visual character or landscape quality of the area. I consider the proposal will not have a detrimental impact on the rural character of the area and therefore complies with Policy CTY14.

Policy NH1 of PPS2 Planning and Nature Conservation sets out planning permission will only be granted for a development proposal which either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on a European Site or Ramsar Site. NIEA were consulted on this application and responded with standing advice given no accompanying ecological information had been submitted. As mentioned above, insufficient information has been provided to demonstrate that there will be no detrimental impact to the conservation objectives of nearby Lough Neagh which is a European Protected Site/Natura 2000.

It should be noted that a previous application (LA09/2019/0573/F) for 2No lodges for short-term accommodation to facilitate access to adjacent Lough Shore Nature Area was withdrawn on 11/03/20. The case officer for this Planning Application also considered that the proposal was contrary to Policy TSM5 and TSM7 of PPS16 and recommended refusal. Planning Application LA09/2019/0573/F was presented to the Planning Committee on 1st September 2019 with a recommendation to refuse however was subsequently deferred on the basis additional information would be submitted in support of the application and to address SES Natural Environment concerns. No additional information was received and the application was withdrawn 6 months later following the submission of this Planning Application – LA09/2020/0024/F.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

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

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy TSM5 of Planning Policy Statement 16 Tourism in that it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right.
3. The proposal is contrary to Policy TSM5 of Planning Policy Statement 16 Tourism in that the design and layout could provide permanent residential accommodation in the countryside and as such would have a detrimental impact on the rural character of the area and represent an unsustainable form of development in the countryside.

4. The proposal is contrary to Policy TSM 7 of PPS16 Tourism and PPS2 Planning and Nature Conservation in that insufficient information has been provided to demonstrate that the proposal will not have a detrimental impact on natural heritage features of importance, including Lough Neagh SPA/Ramsar/ASSI.

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: LA09/2021/0273/O	Target Date: <add date>
Proposal: Site for dwelling and garage	Location: Land at Tullaghmore Road Roughan Road Cross Roads opposite and 30m south of 57 Tullaghmore Road Dungannon BT71 4EW
Applicant Name and Address: Joanne Badger & Jamie Allen 59 Roughan Road Dungannon BT71 4EW	Agent name and Address:
Summary of Issues: The site does not fit with the clustering policy in CTY2a or cluster or visually link with existing building on a farm as required by CTY10. The site can be considered against the exception within CTY10 and an appropriately designed dwelling will meet the integration and rural character tests required by CTY13 and CTY14. Objections have been received to the proposal and highlight that it is does not meet the policies.	
Summary of Consultee Responses: DFI Roads	
Characteristics of the Site and Area: The application site is located at lands located approx. 30m South of 57 Tullaghmore Road, Dungannon. The site is located at a crossroad which joins Roughan Road and Tullaghmore Road. The site is quite flat throughout and has existing hedging along most of its boundaries at present. There is existing dwellings and their associated outbuildings to the north of the site and to the south of the site is Roughan Lough.	

Description of Proposal

Outline planning permission is sought for dwelling and garage.

Deferred Consideration:

This application was before the members as a refusal in September 2021 where it was deferred for a meeting with the Planning Manager to discuss further. A meeting was held on 14 October 2021 and the potential for a dwelling on a farm was discussed as well as potential locations for any dwelling, if it were to be acceptable in principle.

Follow the meeting additional information was submitted in respect of the applicants parents farming activities and this information was submitted to DAERA for verification. Mr & Mrs Badger had a substantial holding of 14.09ha here until 2009 when part of the land was sold off and there still remains 2.65ha. They diversified into bed and breakfast accommodation in the farm dwelling and retain some of the farm buildings. A letter has been submitted from N Brodison, the farmer who bought the land and takes the remaining land for his farming activities. Mr Brodison advised he has taken the ground for around 20 years and pays an annual fee for this. A letter has been provided from D & R Moffett Ltd that indicates they carry out maintenance works on the farm lands for Mr & Mrs Badger and they are paid an annual fee for this service

Mr Badger was allocated a farm business ID on 19/11/1991 and DAERA have confirmed this is the case, therefore this is an established farm business for the purposes of CTY10 . The applicant has also provided invoices from D & R Moffett Ltd for hedge cutting in 2019 and 2020 as well as copies of their farm select insurance policies for years 20-21 and 21-22. Taking into account this information it shows the applicants are investing in the land's and as such, I am of the view this business is currently active in accordance with the requirements of criteria a in CTY10.

I have checked the farm land that has been identified and can advise there have not been any development opportunities sold off from the holding in the past 10 years and no planning permission has been granted for any dwellings on the land in the past 10 years. I consider criteria b has been met.

Criteria c requires any dwellings to be sited to cluster with or visually link with existing buildings on the farm. The applicants mother and father have a dwelling and buildings on the opposite side of the road to the south west of the application site. The applicants parents own the land along the shore of Roughan Lough, opposite these buildings and a dwelling located to the south would meet with the requirement to visually link with these buildings. In my opinion, any buildings there would take away from the public views of the lough and would be prominent in the landscape as it lacks any features to provide integration. (See Fig 1 & 2)



Fig 1 – view from south of farmhouse and buildings with alternative site on loughshore opposite



Fig 2 – view from north of farmhouse and buildings with alternative site on loughshore opposite

Criteria c has an exception with in that allows a new dwelling to be sited away from the existing buildings on the farm. This is engaged where there are demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing group. Neither of these are applicable here, so the exception does not assist the applicant here.

The site was assessed against CTY2a and it was considered the proposal did not meet one of the 6 stated criteria, in that it does not have development on 2 sides and was not satisfactorily integrated into the existing cluster. Having revisited the proposed site from all approaches, I agree that the site does not meet all the criteria. I do however consider that a single storey dwelling of similar proportions to the dwelling at No57 Tullaghmore Road, would satisfactorily integrate into the site. The field has existing well established hedges on 3 sides, these can be conditioned to be retained and allowed to grow up to screen the site further. Access would have to be from the east corner of the site onto Tullaghmore Road which would ensure the existing hedge to the north is also retained for the most part. A dwelling tucked into the north west corner will, in my opinion not have any significant visual impact on the locality and will read with the other development to the north. (See figs 3, 4 & 5)



Fig 3 site from south



Fig 4 site from west



Fig 5 – site behind hedge when viewed from east

Members are advised that I do not consider the proposal meets all of the criteria in CTY2a and I do not consider the proposal meets the exception in CTY10. That said, due to the established farming case and the site specific conditions here which I consider could limit the visual impacts of a suitable dwelling on the character or the area, I consider an exception to policy could be made in this case. Members are advised that to ensure this dwelling does not result in any detrimental impact on the rural character I am of the view conditions are required to:

- limit the size of the dwelling to 5.5m ridge height,
- site the dwelling and its curtilage in the north west corner of the field,
- access the dwelling from the North East corner (off Tullagmore Road),
- allow the existing vegetation to the west, north and east boundaries of the site to be retained, augmented and grow to at least 4 metres in height and
- provide some new landscaping to the south boundary of the site.

It is my opinion that an exception to policy may be made for this development for the reasons already set out and that planning permission could be granted for this dwelling with the conditions attached below.

Conditions:

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

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

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved

matters"), shall be obtained from Mid Ulster District Council, in writing, before any development is commenced.

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

3. The dwelling hereby approved shall have a ridge height not exceeding 5.5m above the existing ground level of the site.

Reason: In the interests of visual amenity.

4. The dwelling hereby approved shall be sited in the area identified in yellow on drawing No 01, bearing the stamp dated 25 FEB 2022.

Reason: To respect the rural character of the area.

5. Prior to commencement of any development hereby approved, the vehicular access shall be provided off Tullaghmore Road to the east part of the site, including visibility splays of 2.4m x 160.0m in both directions and forward sight distance of 160.0m, in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

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 showing the existing vegetation to be retained along the west, north and east boundaries of the site (except for access purposes), measures for their protection during the course of development and to allow them to grow to at least 4 metres in height and be retained at that height; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the site. 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: To ensure the dwelling integrates into the countryside and to ensure the maintenance of screening of the site.

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Signature(s):

Date

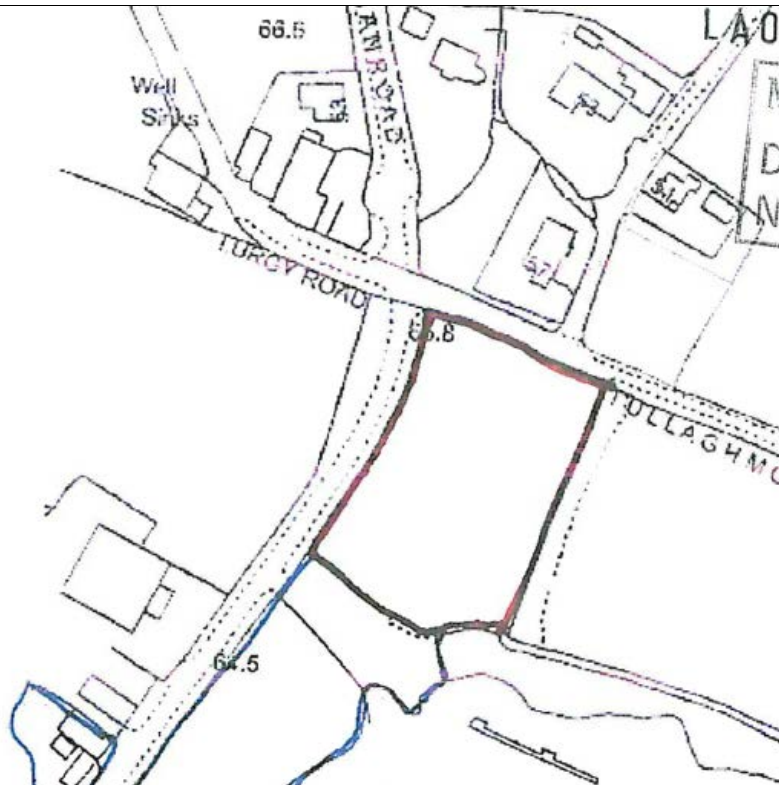


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0273/O	Target Date:
Proposal: Site for dwelling and garage	Location: Land at Tullaghmore Road Roughan Road Cross Roads opposite and 30m south of 57 Tullaghmore Road Dungannon BT71 4EW
Referral Route: Refusal – contrary to CTY 1 and CTY 2a of PPS 21. Objection also received.	
Recommendation:	Refusal
Applicant Name and Address: Joanne Badger & Jamie Allen 59 Roughan Road Dungannon BT71 4EW	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice

Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

There was one objection received by a local representative on behalf 7 households which are directly attached to Tullaghmore Road. The issues within this objection will be discussed in detail later in this report, however the main concerns raised were:

- Contrary to policies within PPS 21
- Visual Impact
- Lack of natural screening
- Right of Way
- Traffic Issues
- Consent to discharge
- Protection of Wildlife

There was also a supporting statement provided by a planning agent acting on behalf of the applicant and from the applicant themselves to support their case.

Characteristics of the Site and Area

The application site is located at lands located approx. 30m South of 57 Tullaghmore Road, Dungannon. The site is located at a crossroad which joins Roughan Road and Tullaghmore Road. The site is quite flat throughout and has existing hedging along most of its boundaries at present. There is existing dwellings and their associated outbuildings to the north of the site and to the south of the site is Roughan Lough.

Description of Proposal

Outline planning permission is sought for dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Planning History

There is not considered to be any relevant planning history associated with the site.

Planning Assessment of Policy and Other Material Considerations

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

The Cookstown Area Plan 2010 identify the site as being outside any defined settlement limits, located South West of Stewartstown Settlement Limits within the green belt. There are no other zonings or designations within the Plan.

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

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

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A

range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being new dwellings in existing clusters in accordance with CTY 2a.

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided that a number of criteria are met. The cluster of development lies outside of a farm and consists of four or more buildings to the north. I am content that there is at least three dwellings within this cluster. The cluster is read together and appears as a visual entity in the local landscape. The third criterion of CTY 2a requires the cluster to be associated with a focal point such as a social/community building/facility, or is located at a cross roads. The site is located at a crossroads and therefore it can be concluded that the first 3 criterion within CTY 2a have been met.

It is our view that the proposal fails on the 4th and 5th criterion and therefore is contrary to CTY 2a. Although the proposal has existing hedging along its boundaries, the issue is that the proposal is not bounded on at least two side with development within the cluster. The existing development is only located to the north of the site. A supporting statement which accompanied the application notes that “the southern boundary is bounded by the established jetty structures and carpark” which they feel represents development in line with Section 23 of The Planning Act. They continue their argument by referring to the historical buildings on the site which can be seen on google maps (2012), shown below in figure 1. However, it is noted that this building has since been removed and that at present there only is a container on the site, shown below on figure 2.



Figure 1 – Google Maps 2012 (image from agents supporting statement)



Figure 2 – Existing container on site (Photo taken 16/04/21)

It is also our view that the proposed site visually intrude into the open countryside and would also not be able to be absorbed into the existing cluster and would if approval was to be forthcoming. The proposal fails on criterion 5 of CTY 2a. I am satisfied that the proposed site would not have significant adverse impact on neighbouring amenity, this would be further considered at RM stage if approval was to be forthcoming. The sixth criterion of CTY 2a has been met. Policy CTY 2a states that all criteria must be met, therefore the proposal is contrary to the policy and as such refusal is recommended.

It may be worth noting that alternative sites were discussed with the applicant, particularly in relation to the possibility of a dwelling on a farm under CTY 10 as it appears lands to the SW of the site were under their control. The applicant has noted that neither themselves or their family operate a farm business and therefore would not be possible. They note that the farmyard and adjoining land at 59 Roughan Road is owned by a neighbour at the crossroads.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed site has some degree of enclosure given the existing hedging which surrounds the site and therefore would not be relying solely on new landscaping. A potential dwelling within the red line raises some concern as it would be the first dwelling located along the outer edge of the Lough and thus may have a negative impact on the overall rural character of this area as it would may result in a suburban style build-up of development and therefore is contrary to CTY 14. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 57 Tullaghmore Road. At the time of writing, one representations was received. The objection received was from local representative Linda Dillon on behalf 7 households which are directly attached to Tullaghmore Road. The issues within this objection include:

- Contrary to policies within PPS 21 – CTY 2a, CTY 13 and CTY 14
- Visual Impact
- Lack of natural screening
- Right of Way
- Traffic Issues
- Consent to discharge
- Protection of Wildlife

The assessment of the site against the policies within PPS 21 has already been discussed within the report. We would agree that the proposal fails to meet the criteria required within PPS 21. The objection refers specifically to the criterion held within CTY 2a and reinforces our view that the proposal would visually intrude into the open countryside. There is concerns from the objector that if allowed, this application would open a floodgate for future applications surrounding Roughan Lough however our view would be that each application would be assessed on its own merits.

Concerns surrounding the right of way from the public to Roughan Lough is mentioned several times within the objection. This is not considered a material planning consideration as any potential forthcoming approval would not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands. The applicant has noted on the P1 form that the lands are all within the ownership of their parents. In terms of traffic issues, DfI Roads are the competent authority in dealing with the concerns relating to access to and from the proposed site. They have raised no concerns in relation to the proposal, subject to condition. The consent to discharge would be granted by NIEA.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of

enclosure and the dwelling would if permitted significantly alter the existing character of the cluster and would visually intrude into the open countryside.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.

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

Signature(s)

Date:

ANNEX	
Date Valid	25th February 2021
Date First Advertised	9th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 57 Tullaghmore Road, Dungannon, BT71 4EW Linda Dillon Email	
Date of Last Neighbour Notification	20th July 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0273/O Proposal: Site for dwelling and garage Address: Land at Tullaghmore Road, Roughan Road Cross Roads, opposite and 30m south of 57 Tullaghmore Road, Dungannon, BT71 4EW, Decision: Decision Date: Ref ID: LA09/2015/0389/F Proposal: Extension to existing bed and breakfast run from dwelling, to form new self contained holiday unit Address: 59 Roughan Road, Newmills, Dungannon, Decision: PG Decision Date: 20.10.2015 Ref ID: I/1993/0344 Proposal: Proposed Ski Club Rooms and Demolition of existing unapproved structure Address: ROUGHAN ROAD NEWMILLS DUNGANNON Decision: Decision Date: Ref ID: I/1992/0147	

<p>Proposal: Temporary changing rooms Address: APPROX. 120M NORTH EAST OF 59 ROUGHAN ROAD NEWMILLS DUNGANNON Decision: Decision Date:</p> <p>Ref ID: I/1981/0169 Proposal: SITE FOR DWELLING Address: TULLAGHMORE, NEWMILLS, DUNGANNON Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>Dfl Roads – content.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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: LA09/2021/0352/F	Target Date: <add date>
Proposal: Proposed stable and store.	Location: Lands approx. 55m West of 303 Battleford Road Dungannon Co Tyrone BT71 7NP.
Applicant Name and Address: Mr Patrick McKenna 79a Drumflugh Road Benburb Dungannon BT71 7QF	Agent name and Address: CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
Summary of Issues: The proposed development would lead to a tendency for ribbon development.	
Summary of Consultee Responses: DFI Roads – recommend approval with conditions to ensure access is acceptable	
Characteristics of the Site and Area: The site is located to the West of number 303 Battleford road, which is situated within the open countryside a short distance to the South of the settlement limits of Eglishe and outside all other areas of constraint as depicted in the DSTAP. The red line of the site includes a small square field 55 metres west of number 303 Battleford road. The field lies slightly below road level and is surrounded on 3 sides, the east, west and south by mature hedging including a scattering of trees and along the north by a timber D Rail fence, which runs parallel to the existing concrete driveway.	

There are two existing dwellings located along this private lane to the rear of the site and a dwelling and a number of farm buildings across the Battleford road to the west of the site. The applicant also owns a small square field to the East of the bounding dwelling.

Description of Proposal

The proposal seeks full planning permission for a stable and store.

Deferred Consideration:

This application was before the Planning Committee in October 2021 with a recommendation to refuse and it was deferred for a meeting with the Planning Manager. A virtual meeting took place on 14 October 2021, at the meeting an alternative siting was explored and unfortunately due to technical difficulties the agent left the meeting early. The agent was contacted and has had the opportunity to provide additional information for consideration in respect of the policy context for this type of development in the countryside.

In support of the application, the applicant has relied on Policy OS3 in Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation and has provided a number of Planning Appeal Decisions and planning decisions from other Planning Authorities on the matter.

- 2010/E055 & 2010/A0099
Mr Raymond Hamilton - Appeals against Enforcement Notices, UA erection of building and retention of building for use as stables, Tamlaghtmore Road, Cookstown. Commissioner accepted OS3 is the relevant policy for equestrian use in the countryside.
- 2012/A0057
Mrs Jennifer Douglas – Appeal against decision to refuse planning permission for new stable with hardstanding and paddock area. Commissioner relied on Policy OS3 not CTY12.
- 2015/A0054
Mr D & Mrs C Henry – Appeal against decision to refuse planning permission for Agricultural shed and small stable block. In this appeal the relevant policy was CTY12 and in this consideration the Commissioner took account of the impacts on the neighbouring properties due to odours from a stable block, likelihood of vermin due to feedstuff being stored with the proposal and additional traffic and noise due to visiting the stables more. There is some comparison here with that appeal and the applicants are saying they need to keep the stables away from the existing neighbouring dwelling. As discussed there is an alternative that could meet these objectives but the applicant has not chosen to pursue the alternative.
- 2017/E0047 & 2017/E0048
Mr C Coyle – Appeals against Enforcement Notices relating to change of use from agricultural land to stables: and erection of buildings, pool, hardstanding and access road. Bigwood Road, Ardmore, Londonderry. Commissioner accepted Policy OS3 I applicable for outdoor recreational use for stables.

- LA01/2017/0686/F
Desie and Carol Henry – Planning Application for New stables comprising stable block, tack and feed block, lunge pen, midden and associated access works and landscaping. Relates to new buildings up an existing laneway , no other development close by. This was granted under Policy OS3.

- LA01/2017/0492/O
Michael O'Kane - Erection of horse stables under Planning Policy Statement 8 (PPS8), open space, sport and outdoor recreation. Relates to new building up laneway with a dwelling not associated with the proposal on the opposite side of the lane. This was granted under Policy OS3.

- LA01/2018/0926/F
John O'Kane - Retrospective Erection of Equestrian building to include tack room and stables for two horses and horsebox storage under Planning Policy Statement PPS 8 Open Space, Sport and Outdoor Recreation. Policy OS3 Outdoor Recreation in the Countryside, Paragraph 5.33 Equestrian Uses. Relates to the retention of a building at the end of a private lane well away from any views. This was granted under Policy OS3.

From the above decisions it is apparent that CTY1 permits development for outdoor sport and recreational uses in accordance with the policies contained in PPS8. In taking decisions on applications for equestrian uses in the countryside, where this relates to keeping or riding horses, this is acceptable in principle in accordance with Policy OS3 of PPS8 and provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings.

OS3 sets out 8 criteria that should be considered:

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

This proposal is approx. 240 metres from Battleford Bridge (a Listed Building) and the route of the Ulster Canal. Due to this distance and the small scale nature of the building, the proposal is unlikely to adversely affect these.

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

The field is poor grazing land with an abundance of rushes in it. I do not consider it is best, most versatile agric. Lands. The surrounding fields are used for grazing of livestock which this proposed development is, in my opinion, compatible with

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

The proposed development will result in a tendency to ribbon development, it will be seen on approach from the west, with the existing dwelling and garage to the west along the private lane. The proposal will leave a gap in the field, but will be clearly seen with the existing 2 buildings to the east (dwelling and gable fronted garage) which are in the view line of traffic travelling towards Armagh as it rounds this corner. Any development as proposed in the east side of the field will be clearly seen with the existing development

and this will result in a tendency to ribboning, where the development, while not immediately adjacent to the existing development to create or extend a ribbon of development, it does tend to give the appearance of ribbon development.



Fig 1 – Proposed building in yellow, existing dwelling and garage in blue and suggested alternative site in red

(iv) there is no unacceptable impact on the amenities of people living nearby;
The applicant has advised they have located to proposed development 50 metres from the neighbouring property to the east, as they had consulted with them prior to submitting the proposal and had given them assurances about this distance. The proposal is approx. 30m metres from a dwelling on the opposite side of the Battleford Road, which is a busy road. Given these separation distances, the orientation of the opening facing towards the east and the scale of the proposed development, that it would give rise to any significant impacts on the amenity of the neighbouring properties.

(v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;
This proposal for a small domestic stable for keeping horses and feedstuff is unlikely to prejudice road safety given the access is off an existing lane which has good sight lines to the road which DFI Roads have raised no concerns over.

(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
The building proposed is 10.0m x 5.0m and approx. 4.7m in height with smooth render walls and corrugated iron roof, there are 2 openings on one elevation, for a single stable door and double doors. This is a modest sized building which is not out of character for this area. The location of the building beside the existing buildings here causes some concerns in relation to creating a tendency to ribbon development along this laneway.

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and
This is for private domestic use in the countryside, it is a level site and there is a parking and turning area proposed. Given the location in the countryside away from the applicants dwelling, it is likely this will be accessed by private transport means, however there is also the potential for the development to be accessed by walking and cycling along the rural roads. I do not consider there is a conflict with this criteria.

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

This private stable is accessed off an existing lane off the Battleford Road, which is a well trafficked road connecting towards Armagh City.

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policy OS3 of Planning Policy Statement 8 – Open Space, Sport and Outdoor recreation in that the proposal would, if permitted, result in a tendency to ribboning of development along this private lane, off the Battleford Road, and would, if permitted, adversely impact on the visual amenity of the area.

Signature(s):

Date



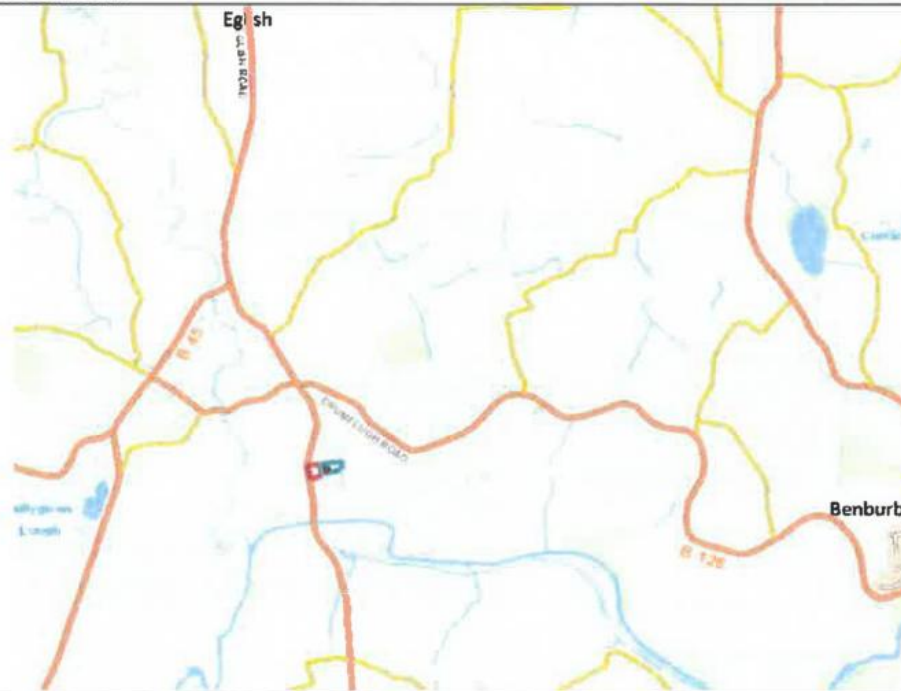
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0352/F	Target Date:
Proposal: Proposed stable and store.	Location: Lands approx. 55m West of 303 Battleford Road Dungannon Co Tyrone BT71 7NP.
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Patrick McKenna 79a Drumflugh Road Benburb Dungannon BT71 7QF	Agent Name and Address: CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice

Representations:

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

Summary of Issues

No objections were received.

Characteristics of the Site and Area

The site is located to the West of number 303 Battleford road, which is situated within the open countryside a short distance to the South of the settlement limits of Eglis and outside all other areas of constraint as depicted in the DSTAP.

The red line of the site includes a small square field 55 metres west of number 303 Battleford road. The field lies slightly below road level and is surrounded on 3 sides, the east, west and south by mature hedging including a scattering of trees and along the north by a timber D Rail fence, which runs parallel to the existing concrete driveway.



There are two existing dwellings located along this private lane to the rear of the site and a dwelling and a number of farm buildings across the Battleford road to the west of the site. The applicant also owns a small square field to the East of the bounding dwelling.



Description of Proposal

The proposal seeks full planning permission for a stable and store.



Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

There is no relevant planning history on this site.

Mid Ulster Development Plan 2030 - Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The proposal is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other designations in the Plan.

As the site is located away from the applicants existing home it is not assessed under the Addendum to PPS7 Residential Extensions and Alterations. The application is seeking planning consent for the erection of a standalone stable and store and I do not consider there are any

specific policy provisions for this type of development, as such the proposal must be assessed in accordance with the SSPS, PPS 21 - CTY 1 and PPS 3.

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

The SPPS is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The SPPS retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

PPS21- sustainable development in the countryside

The overarching policy for development in the countryside is PPS21. There are certain instances where development is considered acceptable in the countryside subject to certain criteria.

These are listed in CTY1 Development in the Countryside.

In this case the applicant is seeking planning permission for a small stable and store to house his own private horses in the winter months, no farming case or Equestrian use has been submitted.

Policy CTY 1 of PPS21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Departments published guidance.

There is no provisions within PPS 21 CTY 1 for the erection of a stable or store at a standalone site in the countryside. The applicant has suggested that they need the stable to house the horses in the winter months, however, this site in total is less than 1 acre and it would be unreasonable to suggest that a store is required. The applicant lives a few miles away at 79a Drumflugh Road, at a site with existing housing facilities for horses as well as a sand arena, see below, and has provided no relevant case as to why there is a need for a stables at this particular location.

Therefore the proposal is contrary to PPS 21 CTY 1.



PPS21 Policy CTY 8 - Ribbon Development is also applicable in this case.

This policy starts off by stating that "planning permission will be refused for a building which creates or adds to a ribbon of development." Members will be aware that the policy is applicable to footpaths and private lanes.

In this instance it is my opinion that a stable at this particular site will add to a ribbon of development along this lane and as such be detrimental to the character, appearance and amenity of this area. In my opinion the proposed stable and associated new access would add to a built up appearance of this area when viewed from the Battleford Road, on approach from the west as it would be seen with the existing two dwellings and garage. Therefore, I consider the proposal is contrary to PPS 21 CTY 8.

The applicant also makes reference to PPS 8 - Open space and outdoor recreation in his supporting statement, suggesting that this stable is an outdoor recreational use and as such should be permitted under the provisions of PPS21. The submission indicates that PPS8 allows for a non-residential use for outdoor recreational use so long as it has no adverse effect on the impact of importance to nature conservation, archaeology or built heritage, no permanent loss to agricultural ground, no impact on the character of the area, no impact on public safety or no impact on nearby residential amenity.

It is my opinion that this stables does not represent an outdoor recreational use on its own, the applicant has not suggest this is for a riding school, or equestrian centre etc and therefore I do not consider this policy is not applicable.

Recommendation Refusal

CTY 1 & CTY8

Neighbour Notification Checked	Yes
Refusal Reasons <ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location. 2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to ribbon development along this private lane, off the Battleford.Road, and would, if permitted, adversely impact on the amenities of neighbouring residents. 	
Signature(s) Date:	

ANNEX	
Date Valid	5th March 2021
Date First Advertised	16th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 303 Battleford Road Dungannon Tyrone The Owner/Occupier, 305 Battleford Road, Benburb, Dungannon, Tyrone, BT71 7NP The Owner/Occupier, 308 Battleford Road Benburb Tyrone	
Date of Last Neighbour Notification	23rd March 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0352/F Proposal: Proposed stable and store. Address: Lands approx. 55m West of 303 Battleford Road, Dungannon, Co Tyrone BT71 7NP., Decision Date: Ref ID: M/2002/1059/O Proposal: Proposed dwelling and garage Address: Opposite 308 Battleford Road, Dungannon, Co. Tyrone Decision Date: 15.11.2002 Ref ID: M/2003/0248/RM Proposal: Proposed dwelling and garage Address: Opposite 305 Battleford Road, Dungannon Decision Date: 15.04.2003 Ref ID: M/2006/0565/F Proposal: Dwelling house Address: 100m East of 308 Battleford Road, Dungannon Decision Date: 30.08.2007 Ref ID: M/2005/0053/O Proposal: Bungalow and Garage Address: 100m East of 308 Battleford Road, Carrowbeg, Eglish	

Decision Date: 19.04.2005

Ref ID: M/2004/1105/O

Proposal: Dwelling House

Address: 100m East of 308 Battleford Road, Dungannon - amended plans

Decision Date: 26.10.2004

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
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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: LA09/2021/0739/F	Target Date: <add date>
Proposal: Proposed dwelling & Garage/Store.	Location: 150m NE of 230 Coalisland Road Gortin Dungannon BT71 6EP
Applicant Name and Address: Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	Agent name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Summary of Issues: The proposed development sits outside the settlement limits for Edendork and outline planning permission was granted as an exception with a siting restriction to ensure the development was considered as rounding off. This proposed development sits outside the area that was identified and does not result in rounding off.	
Summary of Consultee Responses: No new consultees were carried out under this application as were consultations were carried out under the previous application and this proposal does not alter those responses.	
Characteristics of the Site and Area: The site abuts the northern boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and large yard area, while to the northeast are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site is predominantly residential with single detached dwellings and there is a new housing development to the southwest with six dwellings. To the south and abutting the access lane is a Listed Building at 230 Coalisland Road. The application site is a rectangular shaped plot with a topography that rises slightly from south to north. The site is set back from the public road by approximately 92m and is accessed via an	

existing lane that runs alongside the listed building at No.230. There are established trees along all boundaries of the site.

Description of Proposal

This is a full application for a proposed dwelling & Garage/Store at 150m NE of 230 Coalisland Road, Gortin, Dungannon.

Deferred Consideration:

This application was before the Committee In September 2021 with a recommendation to refuse, it was deferred for a meeting with the Planning Manger, which took place virtually on 18 September 2021. At the meeting it was explained outline planning permission was granted as an exception to planning policy and this was due to a specific set of with any new development located tight to the existing development as rounding off.

Since the meeting, amended plans have been submitted, these were in response to objections and show the levels of the proposed development as well as the proposed garage being reduced in scale and size to something that appears to be domestic in scale and appearance, not the large industrial type shed that was previously submitted. The revised plans do not result in the development being located within the area that was identified at the outline planning permission stage. The agent has indicated there are overhead power lines that will prevent the applicant from developing in the area that was considered acceptable and also indicates the proposed dwelling will not be visible from any area of public view.

Members are reminded that outline planning permission was granted on 10 July 2020 under reference LA09/2019/0767/O given the existing development in Edendork and the approved and commenced development for Gradeall International (M/2003/1631/F), off the Farlough Road. This resulted in the south part of the site being contained on 3 sides by development and was assessed as rounding off.

The proposed development will extend the proposed development further into the existing field and does not have the containment on 3 sides that allowed the previous application to be granted. This is not a visual assessment of the site from the surrounding areas, it relates to the definition of boundary of the sentient limits, which is usually carried out through the development plan process and asses what are appropriate features to define the limits. The applicant has identified the existing overhead power lines as being an impediment to the development of the site, however these can be moved to accommodate development and as such should not be relied on as immovable features that constrain the development of the site. There has been no further persuasive arguments put forward to set out how the proposed development meets any of the planning polices or why it should be considered as an exception to any planning policy.



Fig 1 – area coloured orange identified as acceptable in LA09/20219/0767/O

Objections were received to the proposed development, these had raised issues with the previous approval on the site and the scale and size of the proposed garage at the rear of their properties as well as noise and nuisance as they have a particular sensitivity to noise. The previous approval was granted with a site specific condition as previously assessed and accepted on the rounding off basis. The proposed garage was initially 8.5m x 13.0m with a 6m ridge height, finished with brown cladding to the roof and upper walls, smooth render blockwork walls and a 4.0m roller door in one gable. This did have the appearance of an industrial type development. It is now proposed as 10.8m x 6.8m with a 5.5m ridge height and has the appearance of a double garage with walls and roof to match the proposed dwelling. While it has been noted the objectors have concerns about the use of the garage, this is proposed as a domestic garage and that is what must be assessed. Any noise or nuisances associated with anything that is not domestic in scale will be subject to investigations by the Councils Enforcement Team and Environmental Health Officers.

In light of the above, the previous report from September 2021 and the planning history of the site, I do not consider the applicant has demonstrated that this development meets with any of the planning policies for development in the countryside and if approved would result in unacceptable urban sprawl. It is my recommendation this proposal is refused.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of PPS21 in that it has not been demonstrate this development meets with any of the polices for a house in the countryside or there are any overriding reasons why it is essential in the countryside or could not be located within a settlement.
2. The proposal is contrary to Policy CTY15 of PPS21 as the development would not constitute rounding off of the settlement limits and would mar the distinction between the settlement of Edendork and the surrounding countryside.

Signature(s):**Date**



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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 07/09/2021	Item Number:
Application ID: LA09/2021/0739/F	Target Date:
Proposal: Proposed dwelling & Garage/Store	Location: 150m NE of 230 Coalisland Road Gortin Dungannon BT71 6EP
Referral Route: 1. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Edendork and the surrounding countryside. 2. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would add to urban sprawl.	
Recommendation:	Refusal
Applicant Name and Address: Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: The application site is in the countryside and on the boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. Condition 4 of planning approval LA09/2019/0767/O is a siting condition where the curtilage of the site should be within a hatched area nearest the existing dwellings within the settlement. This siting condition was to prevent urban sprawl and round off the existing development. In this application the applicant has shown the curtilage outside the hatched area and further north within the red line. It is stated this is because there are overhead electricity power lines	

passing over the hatched area but I do not consider this is a reason to move the curtilage outside the hatched area.

Signature(s):

Case Officer Report

Site Location Plan



Consultations: None Required

Consultation Type	Consultee	Response
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Representations:

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

Characteristics of the Site and Area

The site abuts the northern boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and large yard area, while to the northeast are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site is predominantly residential with single detached dwellings and there is a new housing development to the southwest with six dwellings. To the south and abutting the access lane is a Listed Building at 230 Coalisland Road.

The application site is a rectangular shaped plot with a topography that rises slightly from south to north. The site is set back from the public road by approximately 92m and is accessed via an existing lane that runs alongside the listed building at No.230. There are established trees along all boundaries of the site.

Description of Proposal

This is a full application for a proposed dwelling & Garage/Store at 150m NE of 230 Coalisland Road, Gortin, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

LA09/2019/0767/O - Proposed dwelling and garage (Amended Access Position) - Approx 150m NE of 230 Coalisland Road, Gortin, Dungannon – Permission Granted 10th July 2020

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

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

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.

LA09/2019/0767/O granted outline approval at the application site on 10th July 2020. As this is a full application and has been submitted within 5 years from the date of the outline I am content there is a live approval at the site.

Policy CTY 2a – New Dwellings in Existing Clusters

As stated in the Preamble in PPS 21 the countryside is defined as land lying outside of settlements as defined in development plans. The application site is located on the northern boundary of the settlement limit of Edendork and as such, any development to the south of the site inside Edendork cannot be considered in the assessment of CTY 2a.

Policy CTY 15 – Setting of Settlements

The application site is abutting the northern boundary of the settlement limit of Edendork. There is a housing development of 6 houses and several detached dwellings immediately south of the site within the settlement limit. The site is an agricultural field and fields abut all other boundaries of the site.

LA09/2019/0767/O granted approval at the application site under the principle that the development would round off existing development to the south. Condition 4 of planning approval LA09/2019/0767/O stated the dwelling and its curtilage should be sited within the blue hatched area as shown in figure 1 below. In the drawings submitted with this application the applicant has sited the dwelling and garage further north towards the red line and outside the hatched area. The application site is on the boundary of the settlement limit and the hatched area was conditioned as it was felt that this area would round off the existing dwellings. I consider the siting on the drawings submitted is unacceptable as it is outside the conditioned hatched area. The proposed siting further north within the red line will not round off the existing development within the Edendork settlement limit and lead to further development on the settlement boundary. Therefore I would recommend refusal of this proposal as it would add to urban sprawl.

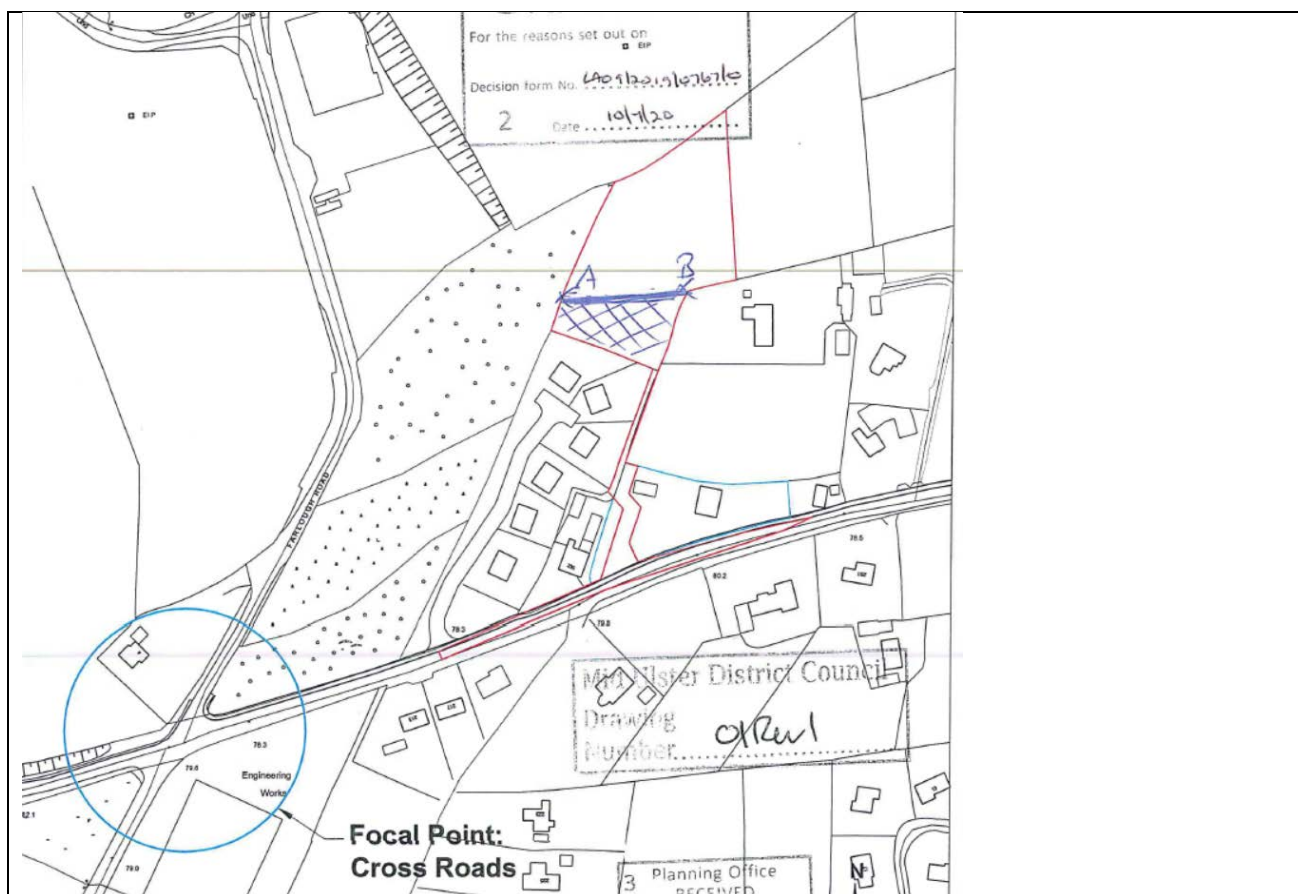


Figure 1 – Screenshot of the stamped approved site location plan from LA09/2019/0767/O

CTY 13 – Integration and Design of Buildings

I am content the dwelling will not be a prominent feature in the landscape. The site is set back from the public road by approximately 100m and is accessed via an existing laneway. There are no critical views in either direction from the public road due to established trees and hedgerow along the roadside frontage.

There are established trees and hedgerow along all boundaries of the site so I am content the proposal will integrate into the landscape. I am content new planting will not be primarily relied on for the purposes of integration.

The proposed dwelling is 6.8m to finished floor level and one and half storey. The dwelling has a long rectangular form and built in dormers on the front elevation. The windows have a vertical emphasis and the chimneys project from the ridge line of the dwelling. There is a small porch on the front elevation of the dwelling. I am content the scale and massing of the dwelling is acceptable and the design is in keeping with a rural dwelling.



Figure 2 – Screenshot of the proposed dwelling

The proposed garage is sited in the northern corner of the application site and as stated earlier in the assessment this is outside the conditioned hatched area in the outline planning approval. The garage has a rectangular form and a ridge height of 6m to finished floor level. The garage has external finishes of dark brown roof panels, grey blockwork walls and dark brown roller shutter doors. The garage has the appearance of an agricultural building but as the proposal is outside the settlement limit I have no concerns and the building is set back from the main road.

As shown on the block plan the applicant has proposed new landscaping and the retention of existing trees, therefore I have no concerns and I consider there is a suitable degree of enclosure to integrate into the landscape.

The proposal will use an existing laneway and the new access will extend along the east boundary. As the access will run for a short distance I am content the access will not have an unacceptable impact on the character of the site.

I am content the design of the proposed garage and dwelling is acceptable.

CTY 14 – Rural Character

I am content the proposal will not be unduly prominent in the landscape. I am of the opinion the revised siting further north will not round off the existing development and exacerbate urban sprawl. Therefore the proposal will be detrimental to the rural character of the surrounding area.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it will create urban sprawl.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Edendork and the surrounding countryside.

2. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would add to urban sprawl.

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: LA09/2019/0767/O	Target Date: <add date>
Proposal: Proposed dwelling and garage (Amended Access Position)	Location: Approx 150m NE of 230 Coalisland Road Gortin Dungannon Tyrone BT71 6EP
Applicant Name and Address: Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	Agent Name and Address: CMI Planners 38 Airfiled Road Toomebridge Antrim BT41 3SG
Summary of Issues: This application is for a dwelling in the countryside just outside the settlement limits of Edendork. The proposal does not meet with any of the policies for a dwelling in the countryside. The site is bounded by existing and approved development which would justify a dwelling here as rounding off the existing development.	
Summary of Consultee Responses: Historic Environment Division (HED) were consulted with a revised plan showing ghe access moved, They are content with the proposal. NI Water were consulted and have no objections. DFI Roads were consulted with a revised access position and have no objections subject to a 1:500 scale plan submitted at Reserved Matters stage in accordance with the RS1. Geological Survey of Northern Ireland (GSNI) were consulted and stated the proposed site is not in the vicinity of any know abandoned mine workings	

Characteristics of the Site and Area:

The site abuts the northern boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and large yard area, while to the northeast are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site is predominantly residential with single detached dwellings and there is a new housing development to the southwest with six dwellings. To the south and abutting the access lane is a Listed Building at 230 Coalisland Road.

The application site is a rectangular shaped plot with a topography that rises slightly from south to north. The site is set back from the public road by approximately 92m and is accessed via an existing lane that runs alongside the rear of the new houses and through the garden of no232 and beside the existing laneway that runs adjacent to Rosedale, the listed building at No.230. There are established trees along all boundaries of the site

Description of Proposal

This is an outline application for a proposed dwelling and garage. The proposal has been amended to locate the access off the Coalisland Road further to the east, away from the existing Listed Building and in the garden of the detached dwelling at No 232 Coalisland Road.

Deferred Consideration:

This application was before the Planning Committee in October 2019 and following a request to defer it was agreed to defer to allow a meeting with the Planning Manager. A meeting took place on 10 October 2019. At the meeting the agent presented information indicating there was an extant planning permission for an industrial development outside the settlement limits and accessed off Farlough Road, to the north west of the site. The agent indicated a dwelling located in the southern part of the proposed site would not have any impacts on the setting of Edendork. This was accepted in the consideration of application LA09/2015/1275/O, Mayogall Road, Guladuff. In relation to the proposed access the agent advised they would look at this and an amended scheme was submitted which proposed the access in the garden of No 230 Edendork Road, this moved the access away from Rosedale, a listed building and allows additional sight lines to be provided. This amended scheme was subject to additional neighbour notification, advertisement in the local press and consultation with Historic Environment Division and DFI Roads. 3 additional letters of objection were received and these raised the following issues:

- contrary to Dungannon and South Tyrone Area Plan, outside the defined settlement limits, ample space within the limits for development
- no justification for a dwelling in the countryside, contrary to PPS21 policies CTY1, CTY8, CTY14
- contrary to CTY15, on the edge of the settlement limit
- loss of amenity due to loss of privacy, noise and disturbance during construction and following occupation
- bats fly around the site, bats and roosts protected by law, full environmental impact assessment needed
- the proposal will result in urban sprawl

Members will be aware Mid Ulster Development Plan 2030 Draft Plan Strategy is scheduled to go through a further consultation period which commenced on 25th March

2020. Due to the COVID19 Pandemic there is currently no end date or timetable for public events in relation to this re-consultation. During the initial consultation period a number of objections to Policies contained in the Plan were received. In light of this the Draft Plan cannot be given any determining weight at this time.

The objections that have been raised are very valid points and the members could refuse this application on the basis that it is in the rural area outside of the settlement limits for Edendork and it does not meet CTY1 of PPS21. However members will be aware planning policy is one of the material considerations that must be taken into account when assessing an application. Other material facts that must be weighed into an decision include the harm to the setting of the settlement, the planning history of the area and the planning concept of rounding off.

Planning permission M/2003/1631/F (Appendix 1) for proposed redevelopment of existing factory to include for new factory/office block and plant room and associated works was granted to Gradeall International to the north east of the site (Appendix 1 - Map 1) on 8th November 2005. This permission allowed new buildings to be erected and also the site to be expanded. Aerial photography dated 31 August 2010 (Appendix 1 - Photo 3) shows foundations in place, in the general location of the approved development. I consider these foundations are development in the course of the erection of the approved building and it is clear they have been put in place within the 5 year time commencement period specified on the planning permission. In light of this I am content that development has commenced on that site and can be carried out in accordance with the approved plans. The application site is bounded by existing development within the defined settlement limits of Edendork to the south and east and by the approved development and yard to the west. There are no public views of the proposed site as it is screened from areas of public vantage by existing trees to the west and houses to the south. There are views of the site from the private gardens of 2 properties in the new housing development to the south and no 250A Coalisand Road, to the east. I do not consider, given there are limited public vantage points, that a dwelling in this location would result in undesirable urban sprawl or adversely impact the setting of Edendork. I consider a dwelling set in the south part of the site would still be within the urban footprint of Edendork and would result in rounding off at that location.

The objectors have raised issue with impact on their amenity if a dwelling were to be located here. They have objected that a dwelling here would result in loss of privacy, cause disruption due to noise during construction and from any occupants and adversely affect view. Members are aware there is no right to a private view and as such this is not a significant factor in the determination of this application. The application site sits slightly below the level of the house at 250A Coalisland Road and the houses in Farlough Manor. There is a high thick hedge between the application site and the grounds of 250A Colaisland Road and a thick laurel hedge behind the properties at Farlough Manor.

Hedge to 250A Coalisland Road Boundary (Photo 1)



Hedge to Farlough Manor Boundary (Photo 2)



These hedges can be subject to a condition that requires they are retained to protect the amenity of the adjacent dwellings. 250A sits on a fairly large plot and is approx. 30 metres from the boundary with the application site. The houses in Farlough Manor are approx. 13m from the boundary with the application site. The exact position of a dwelling on this site and its orientation has not been submitted for consideration. Creating Places provides guidance on the separation distances between dwellings to amenity is protected. I am content that a siting condition that restricts the curtilage of the proposed property to 50m west-east and 40m north-south a dwelling would allow a dwelling to be sited in the south part of this application site that would be adequately separated from the adjacent properties and ensure the amenity of the adjacent properties is protected. If permission is granted here in principle, the siting, design and levels are Matters that can be Reserved for further consideration.

An objection states a property was purchased at 6 Farlough Manor (a new development to the south of the application site) and a dwelling was built at 250A Coalisland Road (to the east of the application site) as they felt no further development would be allowed behind the house as the land is outside the settlement limits. Information on the Council's website had given an indication that no further land is needed for housing in Edendork. It is stated that to allow this development would be a significant departure from the development plan. I do not consider one dwelling added to the settlement of Edendork would represent a significant departure to the plan, indeed the Department allowed similar small scale expansions to the settlement limit on the south side of the settlement under application

M/2006/0374/F and along Killymeal Road under application M/2014/0308/F. Members are aware the Area Plan for the Mid Ulster Council Area is currently under review, there is a lot of information that has been published which will be taken into account in the review. That said under the review there is always the potential for settlement limits to be extended out or pulled back in and as such there is no guarantee that lands will not be acceptable for development in the future. Members are also aware that planning policies exist which allow development in the rural area, therefore no one should make assumptions about where development should and should not be located and these are decisions that may be taken through consideration of planning applications.

The objector states the field as nature conservation interests and states the area has bats, red kite, buzzards and red squirrel. The objector further states they are sure there are many other species of wildlife. I do not dispute that there is such biodiversity in the area, however the application site and particularly the area to the south, is currently used for grazing horses and is an agricultural field. Conditions requiring the retention of hedges will ensure the retention of features that bats tend to use when foraging and a condition relating to low level lighting will ensure that any development will be bat friendly. The approval of a dwelling in this location, on an agricultural field immediately adjacent to an existing housing development and is unlikely, in my opinion, to have any significant impact on the existing biodiversity. I consider an appropriate landscaping scheme with native species hedges along the site boundary could enhance biodiversity in the area.

The objector quotes Article 1 of Protocol 1 of the European Convention on Human Rights which covers the protection of property and the peaceful enjoyment of possessions. The Human Rights Act 1998 and the Convention refer to both Article 1 of the First Protocol, which provides for the protection of property and peaceful enjoyment of possessions and Article 8 of the Convention, which provides a right to respect for private and family life are engaged by this breach of planning. However, these are qualified rights and the legislation clearly envisages that a balance be struck between the interests of individuals and those of society as a whole. The approval of a dwelling in this location, taking into account design guidance which protects from overlooking and overshadowing should therefore ensure the enjoyment of the property is not impacted to a significant degree. I therefore do not see this is a justified reason to refuse development on this site.

The application has been amended to provide a new access to Coalisland Road, by relocating it to the east, instead of using the existing lane beside Rosedale. This places the access through the garden of the property at 232 Coalisland Road. The relocation of the access will ensure a safe access can be provided in accordance with DFI Roads standards of 2.4m x 90.0m without having an adverse impact on the setting of the Listed Building, as confirmed by HED response received 30 January 2020 and Roads response dated 13 February 2020. The proposed access will require the removal of some trees at the roadside, these trees are not protected by any designations or tree preservation orders and as such they do not have any statutory protection. Some of the trees are mature beech and scots pines and it is desirable to retain these in the interests of visual amenity. I consider it is appropriate to attach a condition requiring the retention of the trees, except where it is necessary for the access.

Taking account of all of the above, I consider a dwelling with a curtilage restricted to the south part of the site, bounded by new native species landscaping and retaining the existing vegetation would not unduly impact on the public interests and may be approved.

Conditions:

1. Approval of the details of the siting, design and external appearance of the buildings, site levels, 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.

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

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

3. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure resident's privacy is not adversely affected.

4. The proposed dwelling shall be sited in and its curtilage, except for the access, shall not extend outside the area shaded hatched blue on drawing No 01 Rev1 bearing the stamp dated 26 NOV 2019. The remainder of the field identified within the red line shall be retained for agricultural purposes.

Reason: To prevent urban sprawl.

5. Prior to the commencement of any development hereby approved the vehicular access, including visibility splays of 2.4m x 90.0m and forward sight distance of 90.0m as indicated on the attached RS1 form shall be provided in accordance with details to be 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 levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. The existing natural screenings of the area indicated with the blue hatching on drawing No 01Rev1 bearing the stamp dated 26 NOV 2019 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of biodiversity.

7. All hard and soft landscape works shall be carried out in accordance with the plans as may be approved at Reserved Matters stage and the appropriate British Standard or other recognised Codes of Practice. The works shall include

- a native species hedge to be planted between points A and B as annotated and
 - along both sides of the proposed access lane
- as shown on drawing No 01 Rev 1 bearing the stamp dated 26NOV2019. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or plant dying within 5 years of planting shall be replaced in the same position with a similar size, species and type.

REASON: In the interests of visual amenity and biodiversity.

Signature(s)

Date:

Drawing No 01 Rev 1 to be approved



APPENDIX 1

MAP1



Application site in yellow

Industrial Development adjacent in red

M/2003/1631/F - Proposed re-development of existing factory to include for new factory/office block and plant room and associated site works, Gradeall International, Farlough Road, Newmills, Dungannon PP Granted 08.11.2005

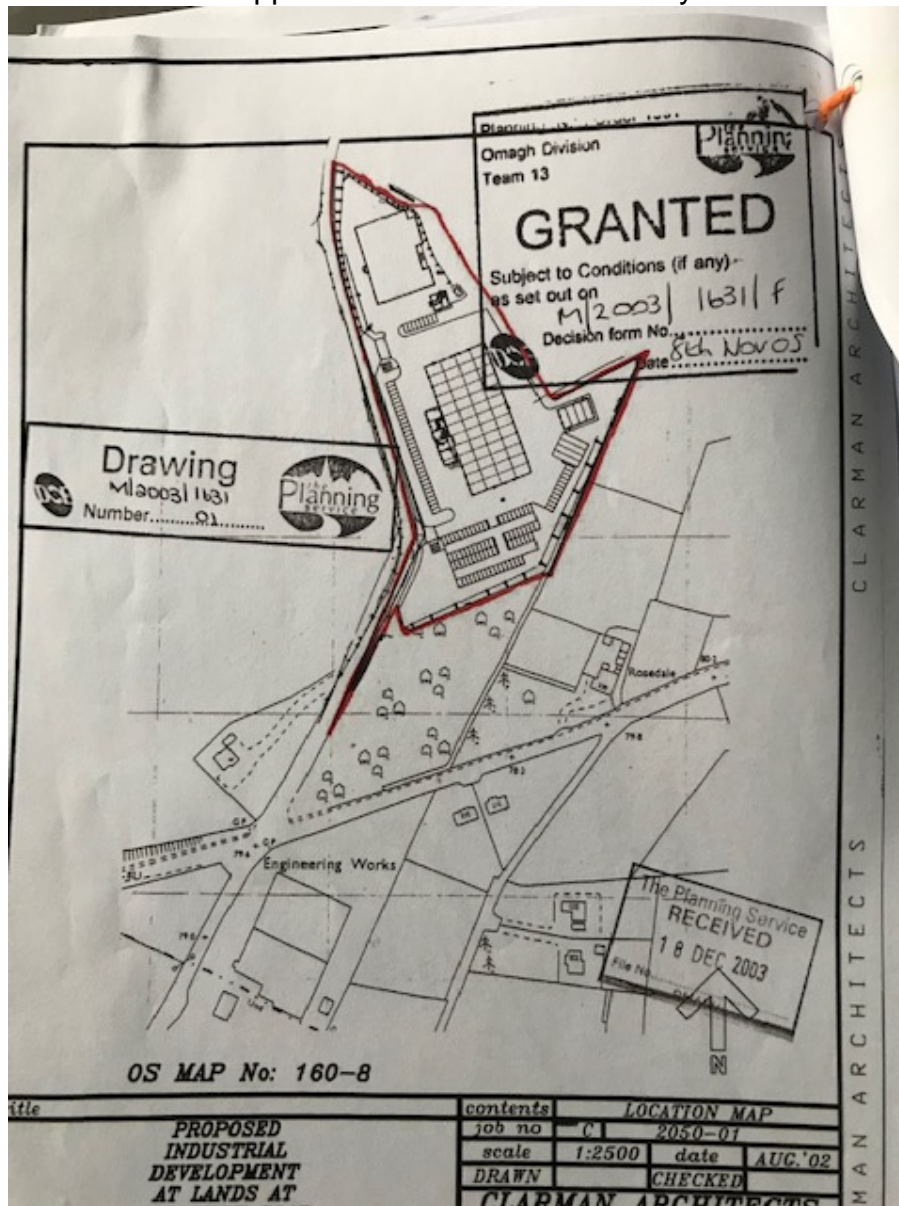
House across road with white outline

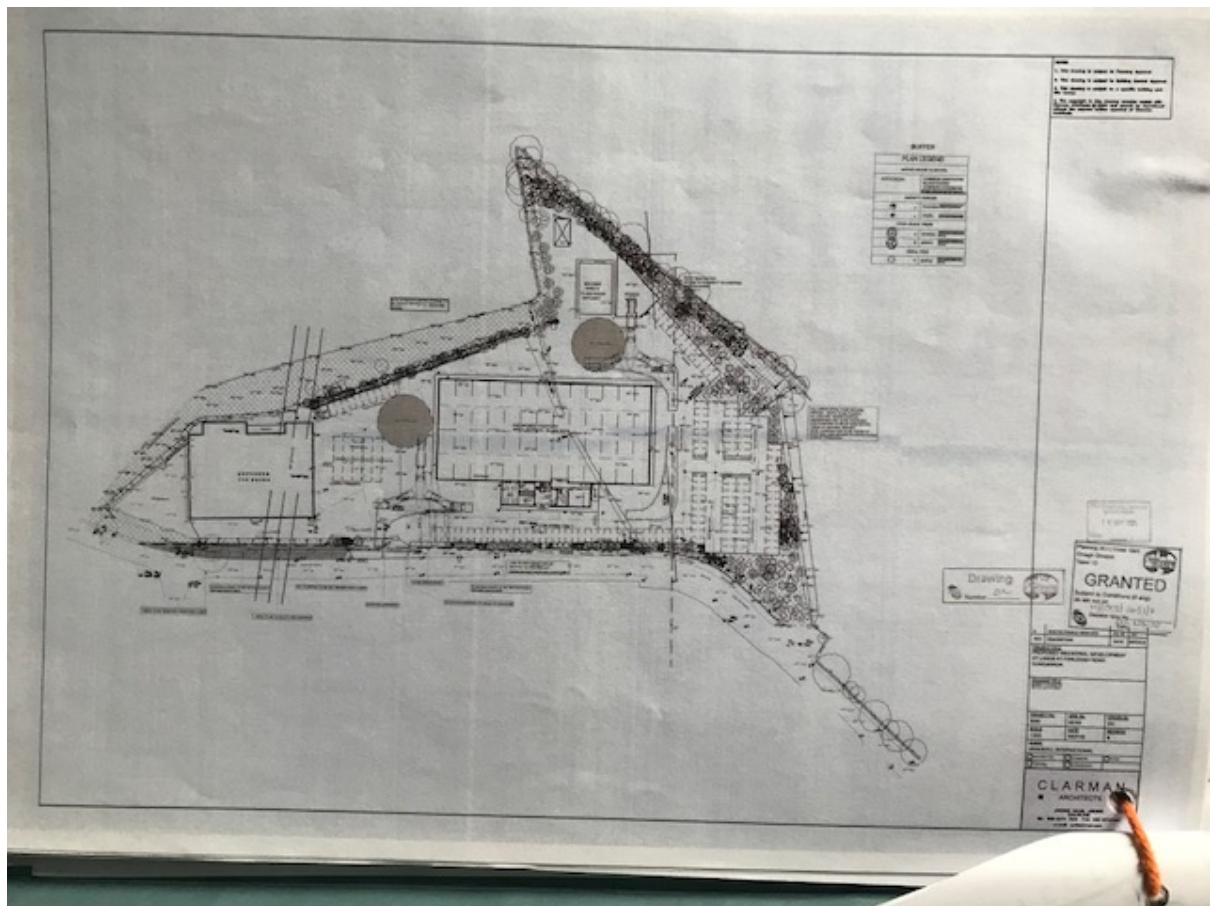
M/2006/0374/F – Proposed Dwelling & Garage, 80 M West of 225 Coalisland Road, Dungannon for Mr John Quinn PP Granted 23/03/2007

M/2007/1048/F - Proposed dwelling and garage with related site works. This application is for an alternative design and layout to that previously approved under file reference M/06/0374/F, 80m West of 225 Coalisland Road, Dungannon for Mr John Quinn PP Granted 22/01/2008

Photo 3 Aerial Photo August 2010









Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1274/F	Target Date: <add date>
Proposal: Proposed dwelling with 6.5m Ridge height	Location: Site between 87 and 91 Kinrush Road Cookstown
Applicant Name and Address: Dwayne Mc Kenna 87 Kinrush Road Cookstown	Agent name and Address: PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT8 9ET
Summary of Issues: Planning permission had been granted for infill development to allow 2 houses in a gap site, the applicant proposed a smaller site that would have meant the gap could accommodate more than 2 dwellings. Amendments have been received that show only 2 houses can be accommodated in the gap and this respects the character of the area. The agent for this application works for Mid Ulster District Council.	
Summary of Consultee Responses: DFI Roads – safe access to have sight lines of 2.4m x 75.0m and fsd of 75m as per drawings	
Characteristics of the Site and Area: The site which sits adjacent the Kinrush Rd is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 0.8km and 1.3km west of Ardboe and Lough Neagh respectively. The site is a relatively flat rectangular shaped plot cut from the roadside frontage of a much larger agricultural field. The host field's frontage is located within a line of existing roadside development consisting of 3 dwellings with ancillary outbuildings / garages extending along the east side of Kinrush Rd, a minor rural road. The properties in the aforementioned line, all accessed directly off the Kinrush Rd, include: no. 87 Kinrush Rd, a bungalow dwelling and applicant's home; no. 91 Kinrush Rd, a 1 ½ storey dormer (extending from wall plate into roof) dwelling; and no. 93 Kinrush Rd, another bungalow dwelling. The host field's frontage is located within the line of development	

between no. 87 Kinrush Rd, located immediately to its south and nos. 91 and 93 Kinrush Rd located in that order to its north. No. 87 Kinrush Rd is orientated gable end onto Kinrush Rd fronting north onto the site. Nos. 91 and 93 Kinrush Rd front onto Kinrush Rd. Post and wire fencing primarily bounds the site with a mature hedge along the roadside.

Critical views of this site are limited until passing along the roadside frontage of the host field due to its location to the outside of a slight bend in the road and within an existing line of development, which alongside existing vegetation within the wider vicinity, helps screen it.

The immediate area surrounding the site is rural in nature. It is characterised primarily by flat agricultural land interspersed with single detached dwellings and farm holdings.

Description of Proposal

This is a full application for a proposed dwelling with 6.5m ridge height on lands located between 87 & 91 Kinrush Road Coagh Cookstown. This application has been submitted following an outline application on part of this site, LA09/2021/0057/O.

Deferred Consideration:

This application was before the Planning Committee in November 2021 with a recommendation to refuse and it was deferred for a meeting with the Planning Manager. A virtual meeting was held on 18 November 2021 and amended plans were submitted on 19 November 2021.

Members will be aware, from the previous report, outline planning permission has been granted a dwelling on this site. The planning permission was granted as this was considered as a gap that could accommodate up to a maximum of 2 dwellings as an infill opportunity under policy CTY3 of PPS21. The submission showed a new dwelling with a road frontage of 17m which did not respect the character and plot sizes and could, if approved, have resulted in 3 dwellings in the gap.

Amended plan have been submitted that show the proposed dwelling and its curtilage in accordance with the previous approval on the site. This now shows the proposed site with a frontage of 35m within a gap with an overall frontage of 70m, between the development to the north and the south. I consider this proposal now respects the exception in Policy CTY3 for infill development of gap sites as it would, in my opinion, allow a maximum of 2 dwellings within the gap, taking account of the character and plot sizes of the area. The proposed dwelling is a bungalow with rooms in the roof and a ridge height of 6.5m, this is similar in style and appearance to other dwellings to the north of the site and in my opinion respects the requirements of CTY3.

Neighbour notification was carried out to advise of the amended plans and one letter for 96 Kinrush Road was returned by Royal Mail as undeliverable. There is a statutory duty to neighbour notify and letter was delivered by hand to 96 Kinrush Road on 5 April 2022.

This proposal now meets with policy CTY4 of PPS21 and as such I recommend it is approved in substitution for the previous approval on the site and a condition attached to ensure this.

Conditions:

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

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

2. Prior to the commencement of any development hereby permitted visibility splays of 2.4m x 75.0m and a forward sight distance of 75.0m shall be provided as shown on drawing no 02/1 bearing the stamp dated 19 NOV 2021. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All hard and soft landscape works shall be carried out in accordance with the details as set out on drawing 02/1 bearing the stamp dated 19 NOV 2021 and the appropriate British Standard or other recognised Codes of Practice. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or plant dying within 5 years of planting shall be replaced in the same position with a similar size, species and type.

REASON: In the interests of visual amenity and biodiversity.

4. One dwelling only shall be erected within the site identified in red on drawing No 01/1 bearing the stamp dated 19 NOV 2021.

Reason: This permission is granted in substitution of planning permission granted under ref LA09/2021/0057/O and is not for an additional dwelling on this site.

Signature(s):**Date**



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District Council

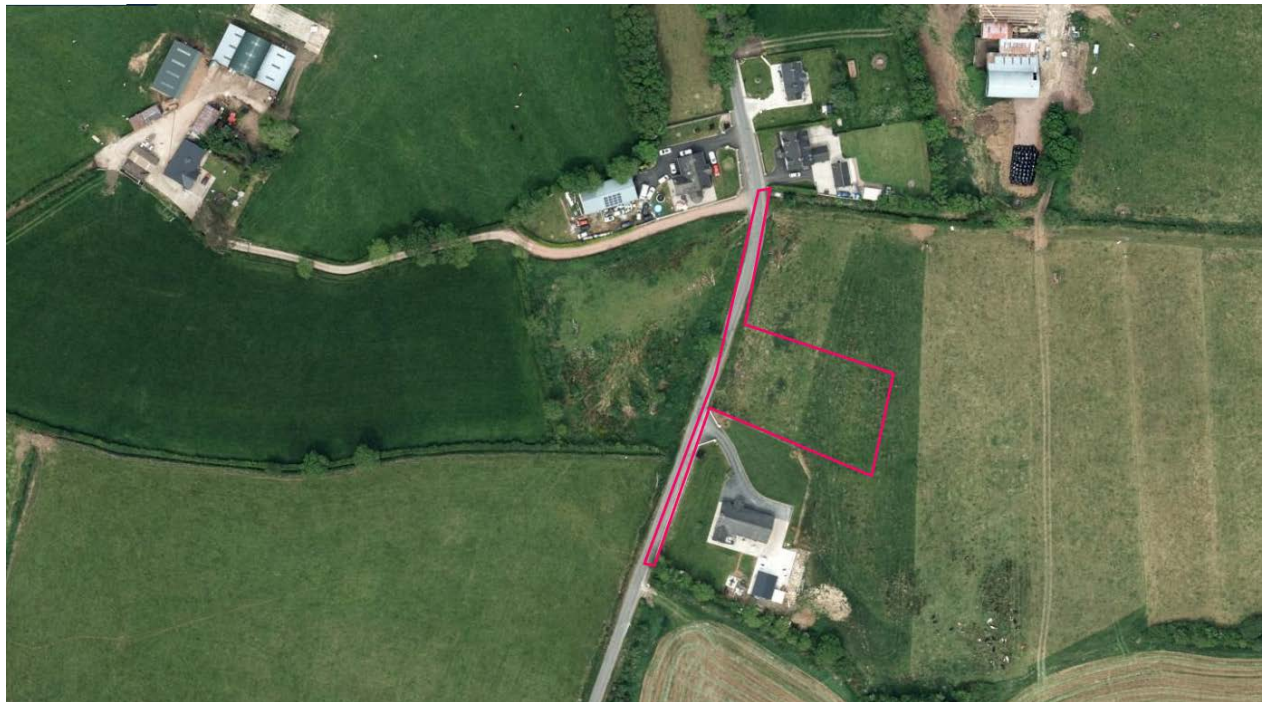
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1274/F	Target Date:
Proposal: Proposed dwelling with 6.5m Ridge height	Location: Site between 87 and 91 Kinrush Road Cookstown
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Dwayne Mc Kenna 87 Kinrush Road Cookstown	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT8 9ET
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Outstanding
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		
<p>The site which sits adjacent the Kinrush Rd is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 0.8km and 1.3km west of Ardboe and Lough Neagh respectively.</p> <p>The site is a relatively flat rectangular shaped plot cut from the roadside frontage of a much larger agricultural field. The host field's frontage is located within a line of existing roadside development consisting of 3 dwellings with ancillary outbuildings / garages extending along the east side of Kinrush Rd, a minor rural road. The properties in the aforementioned line, all accessed directly off the Kinrush Rd, include: no. 87 Kinrush Rd, a bungalow dwelling and applicant's home; no. 91 Kinrush Rd, a 1 ½ storey dormer (extending from wall plate into roof) dwelling; and no. 93 Kinrush Rd, another bungalow dwelling. The host field's frontage is located within the line of development between no. 87 Kinrush Rd, located immediately to its south and nos. 91 and 93 Kinrush Rd located in that order to its north. No. 87 Kinrush Rd is orientated gable end onto Kinrush Rd fronting north onto the site. Nos. 91 and 93 Kinrush Rd front onto Kinrush Rd. Post and wire fencing primarily bounds the site with a mature hedge along the roadside.</p> <p>Critical views of this site are limited until passing along the roadside frontage of the host field due to its location to the outside of a slight bend in the road and within an existing line of development, which alongside existing vegetation within the wider vicinity, helps screen it.</p> <p>The immediate area surrounding the site is rural in nature. It is characterised primarily by flat agricultural land interspersed with single detached dwellings and farm holdings.</p>		
Description of Proposal		
<p>This is a full application for a proposed dwelling with 6.5m ridge height on lands located between 87 & 91 Kinrush Road Coagh Cookstown. This application has been submitted following an outline application on part of this site, LA09/2021/0057/O.</p> <p>On the 22nd June 2021, LA09/2021/0057/O granted permission for a dwelling and garage on part of this site under the provisions of Policy CTY8 of PPS 21 - the development of a small gap site, subject to a number of conditions.</p> <p>In addition to the red line of the current site being larger and located further south than the previously approved site (See Fig 1, below) creating a considerably wider gap between no. 87 and 91 Kinrush Rd that could accommodate in excess of 2 dwellings, it does not adhere to a:</p> <ul style="list-style-type: none"> • 6m ridge height condition; or 		

- condition that no development or raising of existing ground levels shall take place within the area identified at risk of surface water flooding (See Figs 2 & 3, below).



Fig 1: Site location plan showing current site outlined in red and site previously approved under outline planning application LA09/2021/0057/O hatched grey.

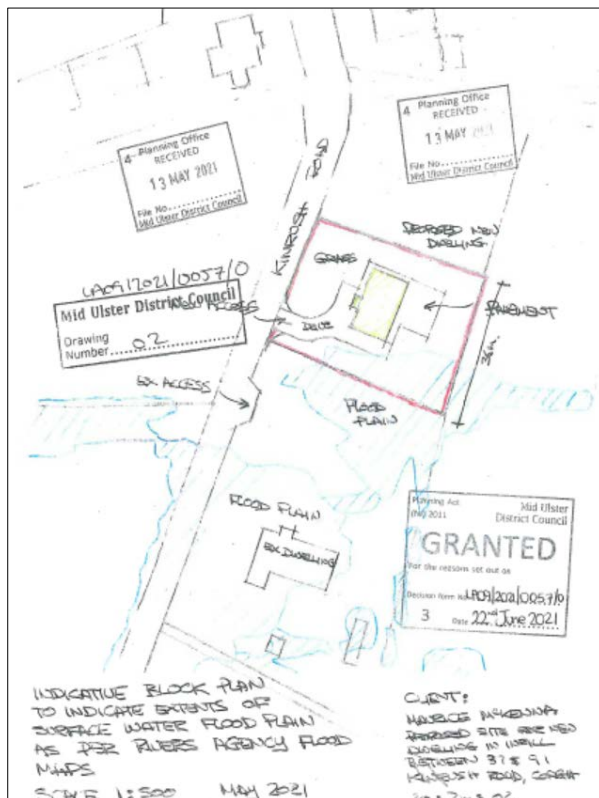


Fig 2: Indicative block plan submitted under LA09/2021/0057/O

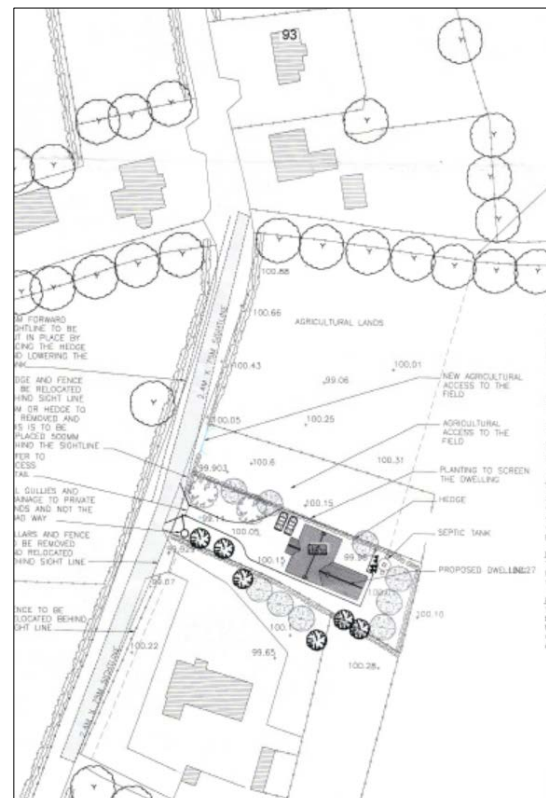


Fig3: Currently proposed block plan

As seen in Figs 1, 2 & 3 above, in addition to the site itself being located further south than the previously approved site the dwelling proposed is to be sited in its south side further increasing the gap between nos. 87 and 91 Kinrush Rd; and locating within the area identified at risk of surface water flooding.

Based on the plot size and location within of the dwelling currently proposed 4 / 5 dwellings could be squeezed between nos. 87 and 91 Kinush Rd.

Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 15 (Revised): Planning and Flood Risk

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Relevant Planning History

On site

LA09/2021/0057/O - Infill site for dwelling & garage - Site between 87 & 91 Kinrush Rd Coagh Cookstown - Granted 22nd June 2021

Adjacent Site

- I/2005/0858/O - Proposed dwelling house & garage - 130m S of 93 Kinrush Rd Cookstown – Granted 16th February 2006
- I/2006/0682/RM - Proposed dwelling house & garage - 130m S of 93 Kinrush Rd Cookstown - Granted 15th December 2006

The above applications relate to lands immediately south of the current site containing no. 87 Kinrush Rd, a bungalow dwelling and applicant's home.

Consultees

1. DFI Roads were consulted in relation to access arrangements, movement and parking and are yet to respond.
2. Rivers Agency were consulted on the previous application on site as NI Flood Maps indicated surface water flooding within the site. River's Agency responded under PPS15 (Revised): Planning and Flood Risk, Policy FLD3 Development and

Surface Water – that a Drainage Assessment (D.A) is not required by the policy but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

Whilst Rivers had not requested a D.A the agent was advised Policy requires one for any development proposal, except minor development, where: The proposed development is located in an area where there is evidence of a history of surface water flooding; or surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage. Such development will be permitted where it is demonstrated through the D.A that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

The agent subsequently submitted an indicative 1:500 scale block plan of the site (see Fig 2, further above in 'Description of Proposal') to show that the site could adequately contain a modest sized dwelling including hard standing areas, access driveway and gardens without unduly affecting the Flood Plain as per Rivers Agency Flood Maps. He outlined the block plan accurately shows the extent of the Surface Water Flood Plain encroaches unto a minimal portion of the proposed site. He also advised the applicant who has lived in the adjacent dwelling for the past 14 years has never encountered any flooding in the area.

Given the additional information received; and that all development close to the site was within the applicants control as such no third parties would be impacted I was content that in this instance a D.A was not required. However attached a condition to the subsequent approval that there be no development or changing in levels in the area of identified flooding, hatched blue, on the indicative block plan submitted; and an informative advising the applicant that any development is at own risk as no modelling has been carried out to define the flood risk area.

Re-consultation with Rivers Agency was not considered necessary as it is clear from NI Flood Maps that the current scheme (see Fig 3, further above in 'Description of Proposal') sits within the area of identified surface water flooding, hatched blue, on the previously submitted indicative block plan (see Fig 2, further above in 'Description of Proposal'). Accordingly, a D.A would be required.

Consideration

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21: Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21 -

Development in the Countryside and include the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

As detailed earlier in the 'Description of Proposal' this is a full application for a proposed dwelling with 6.5m ridge height on lands located between 87 & 91 Kinrush Road Coagh Cookstown. This application has been submitted following an outline application on site, LA09/2021/0057/O.

On the 22nd June 2021 outline application LA09/2021/0057/O granted permission for a dwelling and garage on part of this site under the provisions of Policy CTY8 of PPS 21 - the development of a small gap site (see Fig 1, further above) subject to a number of conditions.

In addition to the red line of the current site being larger and located further south than the previously approved site creating a considerably wider gap between no. 87 and 91 Kinrush Rd that could accommodate in excess of 2 dwellings, it does not adhere to a:

- 6m ridge height condition; or
- condition that no development or raising of existing ground levels shall take place within the area identified at risk of surface water flooding (See Figs 2 & 3, further above).

As seen in Figs 1, 2 & 3 above, in addition to the site itself being located further south than the previously approved site the dwelling proposed is to be sited in its south side further increasing the gap between nos. 87 and 91 Kinrush Rd; and locating within the area identified at risk of surface water flooding.

Policy CTY8 of PPS21 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The previous application LA09/2021/0057/O was granted permission as it was considered in principle acceptable under CTY8 in that the gap between nos. 87 & 91 Kinrush Rd could only accommodate up to a maximum of 2 houses respecting the existing development pattern I do not consider the current application does.

Based on the plot size and location within of the dwelling currently proposed 4 / 5 dwellings could be squeezed between nos. 87 and 91 Kinush Rd (see Fig 3, further above). Even if the dwelling was centrally located within the current site, including it, 3 dwellings could potentially be located between nos. 87 and 91 Kinush Rd.

I consider the proposal is contrary to Policy CTY8 of PPS 21 in that it would result in the creation of ribbon development along Kinrush Road. Contrary to Policy CTY 14 of PPS 21 in that it would result in a suburban style build-up of development when viewed with existing buildings result in a detrimental change to the rural character of the countryside. And, contrary to Policy FLD 3 of PPS 15 in that insufficient information has been submitted to demonstrate the proposal will not cause flood risk to the proposed development and from the development elsewhere.

I note whilst a Drainage Assessment is required to demonstrate the proposal will not cause flood risk to the proposed development and from the development elsewhere it is not been sought as the principle of this development has not been established.

Additional considerations

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

The proposal will be conditioned to be under the 10.7m height threshold in the area requiring consultation to Defence Estates relating to Met Office – Radar. Additionally, whilst the site is located within an area of constraint on wind turbines, this proposal is for a dwelling and garage.

Recommendation: Refuse

Neighbour Notification Checked:	Yes
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Summary of Recommendation:	Refuse
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Reasons for Refusal:

1. The proposal is contrary to Policy CTY 1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Kinrush Road.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.
3. The proposal is contrary to Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate the proposal will not cause flood risk to the proposed development and from the development elsewhere.

Signature(s)

Date:

Report on	Updated Planning Officer Authorisation list.
Reporting Officer	M.Bowman
Contact Officer	Dr Chris Boomer

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 seek Members' approval for Mr David Stewart and Mrs Grace Heron to be authorised to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.
2.0	Background
2.1	Upon the transition of Planning Powers to the Council in April 2015 Member's previously agreed to authorise key officers, namely SPTO / Team leads, to sign decisions on the Council's behalf, in line with the agreed Schemes of Delegation.
3.0	Main Report
3.1	<p>As of 1 April 2022 both Mr Stewart and Mrs Heron have been temporarily promoted to a Senior Officer working within the Development Plan / Enforcement Teams. As such they will be required to be authorised as above.</p> <p>It should be noted that signing decisions is not the same as taking decision. All decisions will be undertaken either by:</p> <p>(i) Planning Committee Or (ii) Planning Manager under the scheme of delegation.</p> <p>Where a decision is made under the scheme of delegation it will be the Planning Managers responsibility to ensure decisions are made in accordance with the policies of the Council and that the right checks and balances are in place</p>
4.0	Other Considerations n/a
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: this will allow for efficient use of Officer time</p> <p>Human: internal team restructuring.</p>

4.2	<u>Equality and Good Relations Implications</u> <u>None</u>
4.3	<u>Risk Management Implications</u> None
5.0	Recommendation(s)
5.1	That both are nominated as an authorised officer.
6.0	Documents Attached & References
	N/A

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 April 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present	Councillor Black, Chair	
	Councillors Bell*, Brown, Clarke*, Colvin*, Corry, Cuthbertson, Glasgow, Martin*, Mallaghan, McFlynn, McKinney, D McPeake*, S McPeake, Quinn*, Robinson	
Officers in Attendance	Dr Boomer, Service Director of Planning Mr Bowman, Head of Development Management Ms Doyle, Senior Planning Officer Mr Marrion, Senior Planning Officer Mr McClean, Senior Planning Officer** Mr McCreesh, Chief Executive** Ms McIlveen, Legal Adviser Mrs Forde, Member Support Officer	
Others in Attendance	Councillor Gildernew***	
	LA09/2021/0451/F	Ms Donnelly***
	LA09/2020/1476/O	Mr Cassidy ***
	LA09/2021/1272/F	Ms Gourley

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.00 pm

P042/22 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

P043/22 Apologies

None.

P044/22 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

Councillor Robinson declared an interest in following applications:

- LA09/2021/0685/F : Whey protein concentrate (WPC) processing, storage and dispatch project at existing cheese processing factory including 2 chiller units, 5No. 100000L silos 2No. 150000L silos within a 3m high bund area and associated equipment and site works including acoustic fencing and lands at 141 Moneymore Road, Dunman Bridge, Cookstown for Dale Farm Ltd
- LA09/2021/1533/F: Retention of additional balance tank and associated site works at an existing effluent treatment plant at existing cheese processing factory (amended description) at lands at 141 Moneymore Road, Dunman Bridge, Cookstown for Dale Farm Ltd
- LA09/2021/1731/F: Extension to the existing cheese plant & alterations to roof profile of existing building at Dunmanbridge, 141 Moneymore Road, Cookstown for Dale Farm Ltd

Councillor Corry declared an interest in LA09/2020/1476/O - Dwelling and garage between 21 and 23 Iniscarn Road, Moneymore for FJS Contracts Ltd

Councillor S McPeake declared an interest in LA09/2021/0031/F - Retrospective application for the storage of steel and assembly of steel sheds along with part storage of farm agricultural equipment at 70m SE of 32A Mayogall Road, Gulladuff for Mr Daman Brown.

P045/22 Chair's Business

The Service Director of Planning drew Members attention to the addendum emailed and distributed to all Members. He drew Members attention to detail regarding the current circumstance of sewage works capacity in relation to settlements in Mid Ulster. He advised that the document was for information and should assist in providing a clearer picture of the situation.

The Service Director of Planning reminded Members that it had been previously agreed to visit the Goldmine site outside of the district and advised that the date was now scheduled for Tuesday 10 May 2022 for which a diary appointment would be forwarded. He requested that Members register their interest to attend in order that appropriate PPE would be available.

The Service Director of Planning advised he had a further item for Members attention to be considered in confidential business.

The Service Director of Planning advised that a demonstration for the new computer system was scheduled for Thursday 19 May 2022 at 6pm.

The Service Director of Planning drew attention to the Ministers announcement last week to grant planning approval for the proposed effluent site but not until the planning agreement was in place which would deal with reservoirs and loughs raised in estate case. He advised that the Department to date has not published the

commissioner's report and reminded Members that Council whilst not opposed to the site had concern that it may impact development plan. He concluded that he would not provide further comment until the commissioner's report is viewed.

The Service Director of Planning drew attention to the Planning Performance April to December 2021 statistics and made comment that the past year had not been the best due to circumstances beyond control. He highlighted that Mid Ulster was the busiest in terms of applications and had the highest percentage of positive outcomes. He drew attention to the fact that Council was 4th on the chart for hitting targets but given the pressures it was quite remarkable. In relation to major applications he said that Mid Ulster was processing more than all Councils bar Belfast.

The Service Director of Planning drew attention to the Public Accounts Committee Report into Planning and drew attention to agenda item 12 Receive report on findings of the NI Audit Report – Review of the Planning System in Northern Ireland and said although itemised for information he would seek to move into decision for comment.

The Service Director of Planning drew attention to correspondence emailed detailing the Department's Notice of Opinion to Approve regarding a Planning Application under Section 54 of the Planning Act (Northern Ireland) 2011 at -

Location: Lands approximately 3km west of Swatragh accessed off the Corlacky Road in the townlands of Corlacky Knockoneill Half Gayne and Tirkane Co. Derry/Londonderry.

Proposal: Application under Section 54 of the Planning Act (Northern Ireland) 2011 to develop land without compliance with condition 25 of the Planning

Approval Reference: LA09/2016/0232/F for an 11 turbine wind farm and associated infrastructure. Condition 25 states that the height of the turbines to the tip of the blades shall not exceed 149.9m, their hub height shall not exceed 100m and their rotor diameter shall not exceed 99.8m. This application seeks to vary condition 25 to state that the height of the turbines to the tip of the blades shall not exceed 149.9m, their hub height shall not exceed 100m and their rotor diameter shall not exceed 117m. Minor movements to two of the turbines and associated infrastructure within their micro-siting areas are also proposed.

The Service Director of Planning reminded Members that there had been a site meeting a number of years ago in relation to same, that Mid Ulster had no grounds to request a refusal but would have an opportunity to seek a hearing should they wish to do so. He further advised there was no concerns, no third party objectors and environmental health had signed off the application.

Councillor S McPeake recalled the visit and said it was unusual for a proposed windfarm to have no objections but concurred with the recommendation not to object.

The Service Director of Planning 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 5.2 – LA09/2020/0850/F - Agri food processing unit within a portal framed building, weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance at 140m NE of 21 Sandholes Road, Cookstown for Wesley Hamilton.

Agenda Item 5.5 – LA09/2021/0031/F - Retrospective application for the storage of steel and assembly of steel sheds along with part storage of farm agricultural equipment at 70m SE of 32A Mayogall Road, Gulladuff for Mr Daman Brown.

Agenda Item 5.11 – LA09/2021/0871/O - Site for a dwelling and domestic garage at 110m NW of 140 Gulladuff Road, Bellaghy for Mr Paul McErlan.

Agenda Item 5.12 – LA09/2021/1011/O - Dwelling and garage at 110m NE of 65 Roughan Road, Stewartstown, for Andrew Richardson.

Agenda Item 5.14 – LA09/2021/1104/F - Apartment 5 added to existing scheme with new window and door openings to yard elevation and side elevation at 34 High Street, Draperstown, for Cloane Construction.

Agenda Item 5.15 – LA09/2021/1228/O - Site for dwelling on a farm to rear of 45 Kinturk Road Coagh Cookstown for Mr Brian O'Hara.

Agenda Item 5.16 – LA09/2021/1319/F - Site of residential and mixed use development at 29 - 35 High Street, Draperstown for H V Property Developments Ltd.

Agenda Item 5.18 - LA09/2021/1531/O - Dwelling & domestic garage at lands 60m SW of 105 Ruskey Road, The Loup, for Columbo McVey.

Agenda Item 5.20 – LA09/2021/1540/F - Retrospective application for part use of a domestic storage shed for the sale of general builders merchandise at approx. 13m NW of 5 Jacksons Drive, Gulladuff, for C & C Supplies.

Agenda Item 5.21 – LA09/2021/1566/O - Farm dwelling & garage at approx. 65m N of 19 Moneygaragh Road, Rock, Dungannon for Mrs Patricia Toner.

Agenda Item 5.22 - LA09/2021/1641/F - Replacement dwelling at approx 30m N of 6 Ruskey Road, Coagh, Cookstown for Mr Jim McIntyre.

Agenda Item 5.24 - LA09/2021/1700/O Dwelling and garage at land off Pomeroy Road approx. 285m NE of 47 Kilmardle Road, Dungannon for Mr Robert Quinn.

Agenda Item 5.27 - LA09/2021/1768/DCA - Demolition of No's 29, 31 & 33 High Street Draperstown to allow for the re-development of the site for 2 offices & 3 apartments (LA09/2021/1319/F) at 29 - 35 High Street, Draperstown for H V Property Developments Ltd.

Agenda Item 5.28 - LA09/2021/1808/O - Site of dwelling & domestic garage at Rear of 39 Gortahurk Road, Desertmartin, for Eoighan McGuigan.

Agenda Item 5.29 - LA09/2021/1809/O - Site for dwelling house and domestic garage adjacent and Western boundary of 182 Glen Road, Maghera for Miss Niamh Cavanagh.

Proposed by Councillor Colvin
Seconded by Councillor Corry and

Resolved That the planning applications listed above be deferred for an office meeting.

The Service Director of Planning further advised that a late request to speak had been received for LA09/2021/0451/F - Change of use of existing horse stable building to dog re-homing centre, retention of 2 modular buildings and provision of 1 dwelling house, at lands approximately 170m NE of 40 Ballynahaye Road, Ballynahaye, Ballygawley for Tyrone Husky Rescue. It was agreed to grant the speaking rights and then make decision on application.

Matters for Decision

P046/22 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2020/0615/O Housing development at lands S of Annagher Road, Coalisland (opposite Coalisland Na Fianna Club House and 156 Annagher Road Coalisland) for Harry McClure

Members considered previously circulated report on planning application LA09/2020/0615/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Mallaghan

Resolved That planning application LA09/2020/0615/O be approved subject to conditions as per the officer's report.

LA09/2020/0850/F Agri food processing unit within a portal framed building, weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance at 140m NE of 21 Sandholes Road, Cookstown for Wesley Hamilton

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2020/1196/F Extension to existing compost manufacturing facility
at 10A Ferry Road, Coalisland for Evergreen
Horticulture**

Members considered previously circulated report on planning application LA09/2020/1196/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1196/F be approved subject to conditions as per the officer's report.

LA09/2020/1557/F Erection of 13 dwellings (11 Detached and 2 Semi detached) with garages and associated site works (revised plans) at lands to the rear and immediately W of numbers 18 and 20 Mullaghteige Road Bush Dungannon, for BOA Island Properties Ltd

Members considered previously circulated report on planning application LA09/2020/1557/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2020/1557/F be approved subject to conditions as per the officer's report.

LA09/2021/0031/F Retrospective application for the storage of steel and assembly of steel sheds along with part storage of farm agricultural equipment at 70m SE of 32A Mayogall Road, Gulladuff for Mr Daman Brown

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0185/O Replacement dwelling SE of 31a Corvanaghan Road, Cookstown for Oliver Mc Kenna

Members considered previously circulated report on planning application LA09/2021/0185/O which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2021/0185/O be approved subject to conditions as per the officer's report.

LA09/2021/0451/F Change of use of existing horse stable building to dog re-homing centre, retention of 2 modular buildings and provision of 1 dwelling house, at lands approximately 170m NE of 40 Ballynahaye Road, Ballynahaye, Ballygawley for Tyrone Husky Rescue

Mr Marrion (SPO) presented a report on planning application LA09/2021/0451/F advising that it was recommended for refusal. It was noted on the addendum to planning agenda that additional letters of objection had been received. Members noted the reasons outlined in the report as to why the application should be refused such as noise nuisance, increased traffic levels, loss of sleep. They also noted that the application did not meet criteria for a number of relevant planning policies as listed in the case officer report and that a request for deferral had been received earlier in the day.

The Chair advised the committee that a request to speak on the application had been received and invited Ms Donnelly to address the committee.

Ms Donnelly advised she was a resident of Ballynahaye and had lived there all her life. Ms Donnelly stated that she did not believe the location was suitable for the proposed development. Ms Donnelly stated her family run a farm and own land which is adjacent to the proposed site, it was advised that farmland surrounding the site cannot be used as the livestock are fearful and unsettled from the dog noise. Ms Donnelly stated that the animals are at risk of breaking out and causing injury to themselves or other road users. It was advised there has also been an adverse effect on lambing. Ms Donnelly stated that the farm has lost the use of their land and income as a result. Ms Donnelly advised that a neighbour owns horses which are agitated from the dog noise and as a result he cannot have horse riding lessons in his arena. Ms Donnelly referred to a previous incident when the neighbour was horseriding on the road past the proposed site and when dogs came running up to the boundary fence barking his horse reared and jumped a fence which is extremely dangerous. Ms Donnelly also referred to the loss of habitat in the area such as buzzards as a result of the dogs being in the area. Ms Donnelly advised that the noise from the barking is awful and goes on morning, noon and night. It was advised that there are 9-10 dogs at the site since 25 March. Ms Donnelly advised that the barking is disrupting the sleep of her and her family and neighbours in the area. Ms Donnelly advised that there is no one with the dogs during the night and she would have concern at a statement within the planning application which advised it was vital for someone to be there 24 hours a day. Ms Donnelly advised that this was not happening and that people and livestock are at risk if a dog escapes. Ms Donnelly stated there is already a detrimental impact and she would be very concerned regarding the application and the long term effects of it.

In response to Councillor Clarke's query it was confirmed that the application number ended in 0451 and that there had been a typographical error on the presentation.

In response to Councillor Cuthbertson's query regarding the additional objection letters Mr Marrion confirmed that all were on the planning portal but no new issues had been raised.

Councillor Cuthbertson said it would be keen for a site visit as up to ten dogs had been mentioned but there were areas in towns where there were more than ten dogs housed.

Proposed by Councillor Cuthbertson

That the application be deferred for a site meeting.

Councillor Mallaghan said whilst site meetings often provide additional information there appeared to be quite a number of reasons why planning permission should not

be granted and that the committee had heard from an objector and posed the question what more could be brought forward at this point to change what has been heard from both officers and objectors.

The Service Director of Planning said it was a unique application in that there was no case for a house and you could visit a site when the dogs were having either a noisy or quieter day. He asked what Environmental Health had ascertained. In response Mr Marrion said they had requested further information regarding location of noise equipment and had queries regarding the noise within buildings. He concluded that there were not content with the information currently available.

The Service Director of Planning said a deferral had been requested and whilst he was not opposed to an office meeting he was uncomfortable with potential nuisance. He said that if the application is refused the applicant had the right of planning appeal.

Councillor Glasgow stated that the information provided by Environmental Health could not be ignored as the objector had alluded to the impacts on the lambing season. He said that husky dogs could be noisy particularly as they have been stressed. He concluded that on considered the case officers report he would propose the recommendation.

The Chair, Councillor Black sought clarity on outstanding information to which Mr Marrion confirmed that it was a consultation response which is down to the planning department to provide reassurances.

Councillor S McPeake concurred with Councillor Glasgow and said the proposal does not fit with a rural impact assessment and the points raised by the objector were very valid especially in relation to the impact on animals such as sheep and horses. Councillor S McPeake seconded Councillor Glasgow's proposal.

Councillor Robinson said he had read the case officer report and said that up to 18 dogs had the potential to create serious noise and given the livestock issues raised he would be concerned especially in relation to sheep. He too concurred with the officer's recommendation.

The Chair, Councillor Black concurred that policy does not support the application.

Ms McIlveen, legal advisor, stated that she agreed with the report that there did not appear to be a valid exception to enable the application to be approved.

The Chair, Councillor Black thanked Ms McIlveen for the clarity.

Councillor Cuthbertson said he had made the original proposal and drew attention to the ten items deferred earlier in the meeting and said if this was similar the committee should tread carefully.

The Service Director of Planning said that all applicants in this situation seek a deferral but key factors is that it is not a dwelling, it is causing harm to neighbours and a deferral would prolong the nuisance.

Councillor Cuthbertson said he was aware of a location a short distance from Dungannon where the charity had operated and he had not been aware of any complaints at that time made to environmental health.

The Chair, councillor Black said the committee had to make the decision on the evidence provided.

Councillor Cuthbertson said his proposal had no seconder but he did not withdraw same.

The Chair, Councillor Black concluded that the majority agreed to refuse the application.

Proposed by Councillor Glasgow
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2021/0451/F be refused on grounds stated in the officer's report.

LA09/2021/0665/O Dwelling & domestic garage at 80m E of 4 Valemount, Derryvale Road, Coalisland, for Mr Jeremy Morgan

Members attention was drawn to the addendum and it was noted that the application had been withdrawn.

LA09/2021/0684/O Site for a dwelling and double domestic garage on a farm at 108m SW of 19 Annaghquin Road Cookstown, for Raymond and Linda Potter

Members considered previously circulated report on planning application LA09/2021/0684/O which had a recommendation for approval.

Proposed by Councillor Glasgow
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/0684/O be approved subject to conditions as per the officer's report.

LA09/2021/0685/F Whey protein concentrate (WPC) processing, storage and dispatch project at existing cheese processing factory including 2 chiller units, 5No. 100000L silos 2No. 150000L silos within a 3m high bund area and associated equipment and site works including acoustic fencing and lands at 141 Moneymore Road, Dunman Bridge, Cookstown for Dale Farm Ltd

Members considered previously circulated report on planning application LA09/2021/0685/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0685/F be approved subject to conditions as per the officer's report.

LA09/2021/0871/O **Site for a dwelling and domestic garage at 110m NW of 140 Gulladuff Road, Bellaghy for Mr Paul Mc Erlean**

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**

Agreed that application be deferred for an office meeting earlier in meeting.

5.13 LA09/2021/1066/F **Cattle house and machinery shed at 148m NW of Junction of Hillside Road & Gorteade Road, Swatragh for Mr PJ Lagan**

Ms Doyle (SPO) presented a report on planning application LA09/2021/1066/F advising that it was recommended for refusal. Ms Doyle highlighted the reasons for refusal as detailed within the report and Members noted that despite requests for additional information the applicant had not submitted same and neither had sufficient information been submitted to enable Council to undertake a Habitats Regulation Assessment.

Proposed by Councillor Brown
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1066/F be refused on grounds stated in the officer's report.

LA09/2021/1104/F **Apartment 5 added to existing scheme with new window and door openings to yard elevation and side elevation at 34 High Street, Draperstown, for Cloane Construction**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1228/O **Site for dwelling on a farm to rear of 45 Kinturk Road, Coagh, Cookstown for Mr Brian O'Hara**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1319/F **Site of residential and mixed use development at 29 - 35 High Street, Draperstown for H V Property Developments Ltd**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1376/O Site for a Dwelling and Domestic Garage (Amended Plans) at 50m N of 81 Desertmartin Road, Moneymore for Philip Hughes

Members considered previously circulated report on planning application LA09/2021/1376/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2021/1376/O be approved subject to conditions as per the officer's report.

LA09/2021/1531/O Dwelling & domestic garage at lands 60m SW of 105 Ruskey Road, The Loup, for Columbo McVey

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1533/F Retention of additional balance tank and associated site works at an existing effluent treatment plant at existing cheese processing factory (amended description) at lands at 141 Moneymore Road, Dunman Bridge, Cookstown for Dale Farm Ltd

Members considered previously circulated report on planning application LA09/2021/1533/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1533/F be approved subject to conditions as per the officer's report.

LA09/2021/1540/F Retrospective application for part use of a domestic storage shed for the sale of general builders merchandise at approx. 13m NW of 5 Jacksons Drive, Gulladuff for C & C Supplies

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1566/O Farm dwelling & garage at approx. 65m N of 19 Moneygaragh Road, Rock, Dungannon for Mrs Patricia Toner

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1641/F Replacement dwelling at approx. 30m N of 6 Ruskey Road, Coagh, Cookstown for Mr Jim McIntyre

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1692/O

**Renewal of Outline Planning Permission
LA09/2018/1095 for infill dwelling and garage at lands
between 14 and 24 Rossmore Road, Dungannon for
Ashley Fleming**

Members considered previously circulated report on planning application
LA09/2021/1692/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/1692/O be approved subject to
conditions as per the officer's report.

LA09/2021/1700/O

**Dwelling and garage at land off Pomeroy Road
approx. 285m NE of 47 Kilmardle Road, Dungannon
for Mr Robert Quinn**

Members noted that an email had been received requesting that the application be
deferred.

Resolved That planning application LA09/2021/1700/O be deferred for an office
meeting.

LA09/2021/1729/F

**Dwelling & Garage (Infill site) at approx. 40m S of 44A
Sherrigrim Road, Stewartstown for Mr A Kelso**

Members noted that an email had been received requesting that the application be
deferred.

Resolved That planning application LA09/2021/1729/F be deferred for an office
meeting

LA09/2021/1731/F

**Extension to the existing cheese plant & alterations
to roof profile of existing building at Dunmanbridge,
141 Moneymore Road, Cookstown for Dale Farm Ltd**

Members considered previously circulated report on planning application
LA09/2021/1731/F which had a recommendation for approval.

In response to Councillor McFlynn's query regarding objectors to all of the Dale Farm
applications the Service Director of Planning provided clarity.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1731/F be approved subject to
conditions as per the officer's report.

LA09/2021/1768/DCA **Demolition of No's 29, 31 & 33 High Street, Draperstown to allow for the re-development of the site for 2 offices & 3 apartments (LA09/2021/1319/F) at 29 - 35 High Street, Draperstown for H V Property Developments Ltd**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1808/O **Site of dwelling & domestic garage at Rear of 39 Gortahurk Road, Desertmartin for Eoighan McGuigan**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1809/O **Site for dwelling house and domestic garage adjacent and Western boundary of 182 Glen Road, Maghera for Miss Niamh Cavanagh**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0139/F **Single storey extension to the rear and side of dwelling with internal alterations at 12 Manor Close, Magherafelt for Sean & Sarah McNamee**

Members considered previously circulated report on planning application LA09/2022/0139/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2022/0139/F be approved subject to conditions as per the officer's report.

LA09/2022/0171/F **Replacement extension to the rear of 116 Church Street, Cookstown for Martin O'Hare**

Members considered previously circulated report on planning application LA09/2022/0171/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Corry and

Resolved That planning application LA09/2022/0171/F be approved subject to conditions as per the officer's report.

Receive Deferred Applications

LA09/2020/1476/O **Dwelling and garage between 21 and 23 Iniscarn Road, Moneymore for FJS Contracts Ltd**

Ms Doyle (SPO) presented a report on planning application LA09/2020/1476/O advising that it was recommended for refusal highlighting the reasons outlined in the case officer report.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy stated that infill policy requires two specific elements to be met, firstly that the gap site must be within a substantial and built up frontage consisting of at least three buildings. Secondly, the gap site must be small and only able to accommodate a maximum of two buildings. Mr Cassidy stated that planners accept the gap is small and the only debate is in regard to whether no.23 has a frontage to the road. Mr Cassidy stated that a building has a frontage to the road if the plot on which it stands abuts or shares a boundary with the road and that policy states that buildings similar to this case and sited back from the road can still be part of the common frontage if they have a boundary which touches the road. Mr Cassidy stated that no.23 is a bungalow set back approximately 70 metres from the road, there is a tarmacked driveway from the house to the road. At the entrance to the road there are concrete pillars which are approximately 1400mm high, each pillar has a concrete capping stone on top and between the pillars there is a painted concrete wall approximately 800mm high and on top of the wall there are ornate railings. Mr Cassidy advised that there are electric gates between the pillars and set behind the walls and railings is a formal lawn on both sides with the frontage along the road being approximately 30m wide. Mr Cassidy stated that when travelling along the road, the appearance and awareness of no.23 is evident and has a frontage by way of its formal garden, driveway and associated features. Mr Cassidy stated that no.23 is visually linked to the neighbouring roadside development at no.21 and taking into account the overall size, shape and position of the site he did not believe the development would give rise to a visual break on the Iniscarn Road but rather it presents a gap in the existing development along the road. Mr Cassidy stated that considering the frontage of no.23 bookends a line of three or more buildings which constitutes a substantial and built up frontage and fulfils the required policy. Mr Cassidy stated with this in mind he would request Members to reconsider the recommendation.

The Service Director of Planning said this had been similar to a previous application where there had been a pillar for intercom at the front of the site but the building was set back a substantive distance. He reminded Members that what was relevant was the frontage to the road not the buildings set back from it.

In response to query by the Service Director of Planning Ms Doyle confirmed that there was a slight rise in the field and it was highlighted that the map showed the driveway which as not frontage.

Councillor S McPeake said that from the photograph in the papers it had been difficult to get a clear view due to trees and said that some situations are unique.

Proposed by Councillor S McPeake
Seconded by Councillor Mallaghan

That a site meeting be arranged.

Ms McIlveen, Legal adviser, said a site meeting would be desirable given the points highlighted.

The Service Director of Planning said that it is a matter of judgement as it was policy not regulation and he would concur a site meeting would be best to progress a site meeting.

The Chair, Councillor Black stated the dwelling did appear to be quite sheltered and he was unsure if it would 'bookend'.

Councillor Colvin said he could not ultimately see three houses in a row and said maybe he was missing something but would seek clarification on the policy in order that the committee did not have to participate in recurring site meetings.

The Chair, Councillor Black said he would concur with a site meeting for which there was a proposal.

Proposed by Councillor S McPeake
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/1476/O be deferred for a site visit.

LA09/2021/0319/F **Change of house type from a detached (M/2004/0778/F) to a pair of semi-detached on site 2, Opposite 114 Killyliss Road, Eglish, Dungannon for T G Developers**

Members considered previously circulated report on planning application LA09/2021/0319/F which had a recommendation for approval.

Proposed by Councillor Glasgow
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2021/0319/F be approved subject to conditions as per the officer's report.

LA09/2021/1272/F **Dwelling with single detached garage at lands S of 101a Cavankeeran Road, Pomeroy for Mrs Arlene Phelan**

Ms Doyle (SPO) presented a report on planning application LA09/2021/1272/F advising that it was recommended for refusal. She advised that an amended design had been submitted and upon consideration of same she withdrew reason for refusal 'contrary to Policy CTY 12 of PPS 21 Sustainable Development...'. Ms Doyle drew Members attention to the other reasons cited for refusal which still stood.

The Chair advised the committee that a request to speak on the application had been received and invited Ms Gourley to address the committee.

Ms Gourley stated she would like to respond to some of the points raised by Ms Doyle. Ms Gourley advised that the site is located at the end of a minor road, which is more like a lane, and sits lower than a public road. It was advised that other than traffic accessing the houses past the site, the level of passing traffic would be extremely low. Ms Gourley advised that the harm to the rural landscape is minimal. In terms of plot size, Ms Gourley stated she would agree with Ms Doyle that the test is not just a rudimentary measurement of the site frontage but that she would add that the assessment should not be limited to the dwellings on either side of the site and that policy CTY8 refers to respecting the existing settlement pattern along the road frontage and does not imply that a site should replicate a neighbours plot. Ms Gourley stated that plot sizes should not be measured from a map with a scale rule

but rather from and on the ground measurement given that existing vegetation and hedging can restrict the space available within the site to build on. Ms Gourley stated that on paper the site may appear to have a large frontage and Ms Doyle had mentioned 80-90m, in reality it is 80m in terms of the space that can be built on. Ms Gourley stated she submitted a concept plan last Friday and made reference to the plan. Ms Gourley stated that the application site has a frontage of 80m with mature hedging on the northern boundary being excluded as it cannot be built on. It was advised that the applicant's parent's home to the south of the site sits on a bend in the road and has a site frontage of approximately 82m. No.89a which is set behind the applicant's parent's house has a site frontage of approximately 78m. Ms Gourley stated she appreciated that there is a small holding with two detached bungalows to the north of the site but she advised that these houses have been constructed within the confines of a farm yard and have a shared single access and it is the width of the combined plot of 60m which is relevant to the assessment and not the plots of each bungalow individually. Ms Gourley stated that when travelling along the road, there is a wide range of plot and house sizes and highlighted that the application site measures 80m at the road and 60m at the rear is not unusual in the area. Ms Gourley stated that the applicant's parents are both elderly and live to the south of the proposed site and have varying medical conditions. Ms Gourley stated that the applicant works as a self employed hairdresser and is flexible in the hours she can work. It was advised that whilst there are other siblings who live close by they both work long hours, some distance away. Ms Gourley stated that the applicant currently lives in Cookstown and intends to move to the Cavanakeeran Road to help with the care of her parents as their needs increase. Ms Gourley asked Members to rethink the recommendation to refuse and consider approving the application given a) the plot size is in keeping with the varying plots along the road, b) the degree of public interest is minimal given it is at the end of a dead end road and c) the applicants family circumstances and desire to live beside her parents in order to care for them as they grow older.

Councillor Mallaghan said he had spoken briefly regarding the application on previous occasion and said he knew the area quite well, it was a small lane on which four families and their children had houses. He said that the over houses are quite small and then as family Members had built the houses had been bigger and that plot sizes were variable. He stated that the site referred to in the report which had been sold was between family Members. He highlighted that there was meadows to either side which would alleviate material considerations in relation to future farming and concluded the application should be approved.

Proposed by Councillor Mallaghan to approve.

The Chair, Councillor Black alluded to a site visit.

Councillor Mallaghan reiterated his proposal to approve.

Councillor McKinney said he would be of the same mindset and stated it is exceptional circumstance at a dead end road and seconded Councillor Mallaghan's proposal

In response to the query from the Service Director for Planning Ms Doyle confirmed that the site was large and drew attention to road frontages detailed on the map and highlighted the parental home in relation to same.

The Service Director of Planning said the committee had to make a logical interpretation of the policy but could make an exception. Highlighting caution regarding consideration in relation to the gap site and character of the area he suggested a site visit may be appropriate.

In response to Councillor Martin's queries in relation to all relevant policies and the provision of care to parents the Service Director of Planning said in this instance no special circumstance had been highlighted.

Ms McIlveen Legal Advisor said she would endorse the view to carry out a site visit.

The Chair, Councillor Black for clarity highlighted the proposal to grant the application which had been seconded. He said whilst he did not agree with any opinion debated he was conscious of the Directors comments.

Councillor Mallaghan said he would take cognisance of the Service Director of Planning's comments and withdrew his proposal.

It was proposed by Councillor Mallaghan, seconded by Councillor McKinney that a site meeting be convened.

The Chair, Councillor Black concurred.

Proposed by Councillor Mallaghan
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1272/F be deferred to site meeting

Matters for Information

P047/22 Minutes of Planning Committee held on 1 March 2022

Members noted minutes of Planning Committee held on 1 March 2022.

Live broadcast ended at 8.23 pm

Cllr Cuthbertson withdrew from meeting.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Robinson
Seconded by Councillor Brown 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 P048/22 to P055/22.

Matters for Decision

- P048/22 Receive Response to The Private Access on the A6
Toome By-Pass (Stopping-Up) Order (Northern Ireland)
2022
- P049/22 Receive Report on Approach to Building Preservation
Notices
- P050/22 Receive Enforcement Report

Matters for Information

- P051/22 Confidential Minutes of Planning Committee held on 1
February 2022
- P052/22 Report on findings of the Northern Ireland Audit Report –
Review of the Planning System in Northern Ireland
- P053/22 Report on Caledon Regeneration Partnership Invitation
- P054/22 Enforcement Cases Opened
- P055/22 Enforcement Cases Closed

P056/22 Duration of Meeting

The meeting was called for 7.00 pm and concluded at 9.21 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.
- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any

proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 5 April 2022

Additional information has been received on the following items since the agenda was issued.

Chairs Business –

- Performance update
- Public Accounts Committee Report in Planning in NI
- Receive Notice of Opinion from DFI Planning:

Location: Lands approximately 3km west of Swatragh accessed off the Corlacky Road in the townlands of Corlacky Knockoneill Half Gayne and Tirkane Co. Derry/Londonderry

Proposal: Application under Section 54 of the Planning Act (Northern Ireland) 2011 to develop land without compliance with condition 25 of the Planning Approval Reference: LA09/2016/0232/F for an 11 turbine wind farm and associated infrastructure. Condition 25 states that the height of the turbines to the tip of the blades shall not exceed 149.9m, their hub height shall not exceed 100m and their rotor diameter shall not exceed 99.8m. This application seeks to vary condition 25 to state that the height of the turbines to the tip of the blades shall not exceed 149.9m, their hub height shall not exceed 100m and their rotor diameter shall not exceed 117m. Minor movements to two of the turbines and associated infrastructure within their micro-siting areas are also proposed.

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.7	Additional letters of objection received	Members to note
5.8	Application withdrawn	Members to note

