



01 December 2020

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, 01 December 2020 at 19:00 to transact the business noted below.

In accordance with the spirit of the recent COVID restriction, Members are strongly encouraged to join virtually as the preferred option. Should you need to attend in person then provision will be made at the Council Offices, Magherafelt. Please notify Democratic Services in advance if this is the case.

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

Yours faithfully

Adrian McCreesh
Acting Chief Executive

AGENDA

OPEN BUSINESS

1. Apologies
2. Declarations of Interest
3. Chair's Business

Matters for Decision

Development Management Decisions

4. Receive Planning Applications

7 - 278

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2017/1579/O	Housing development with sewage treatment plant and associated works at lands immediately SW of 44 Dungannon Road, Moy, for T G Troughton.	APPROVE
4.2.	LA09/2018/0954/F	Housing development of 24 dwellings and associated site	APPROVE

		works at land adjacent to 11 Bawnmore, Mullaghboy Road, Bellaghy, for Marald Prime Developments.	
4.3.	LA09/2018/1694/F	Repower existing wind turbine (permitted under H/2009/0501/F) to increase turbine blade lengths to 27 m and increase hub height to 60m at approx 750m NW of Drumard Road/Cullion Road junction, Straw Mountain, Draperstown, for PJT Power.	APPROVE
4.4.	LA09/2019/0135/F	Retention of livestock holding unit/agricultural building at Terrywinny Lane approx. 400m S of 28 Legnacash Road Cookstown, for Norman McConnell.	APPROVE
4.5.	LA09/2019/0232/F	8 Semi detached dwellings at lands to the rear of 65-69 Oldtown Street, Cookstown for Mr Malcolm Thom.	APPROVE
4.6.	LA09/2019/0533/F	Change of use and alteration of historic railway station building to form 2 apartments; demolition of existing dwelling and construction of 10 residential units including associated parking, landscaping and access at Station Road, Moneymore, for Michael Nugent Ltd.	APPROVE
4.7.	LA09/2019/1165/F	Retention of house and erection of 3 no detached dwellings (reduction from 5 no. dwellings - M/2010/0522/F) & change adopted road to private road adjacent & 25m S of 54B Old Eglish Road Dungannon, for Patrick Keogh.	APPROVE
4.8.	LA09/2019/1375/O	Dwelling and garage on a farm at 60m SW of 35 Ardagh Road, Coagh, for Francis Donnelly.	REFUSE
4.9.	LA09/2020/0156/F	New access to dwelling at 50m S of 30 Loughdoo Road, Pomeroy, for Karl Heron.	APPROVE
4.10.	LA09/2020/0307/O	Erection of replacement dwelling within the curtilage of existing site at 12 Drumbolg Road,	APPROVE

		Upperlands, Maghera for Mr A Campbell.	
4.11.	LA09/2020/0399/O	Dwelling and domestic garage at 60m NW of 58 Annaghquin Road, Rock, Dungannon for Patrick McGuire	REFUSE
4.12.	LA09/2020/0448/F	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 at lands approx 210m NE of 14 Tullywiggan Cottages, Tullywiggan Road Cookstown for PAR Renewables.	APPROVE
4.13.	LA09/2020/0677/F	Change of house type and garage to previous approval LA09/2016/1557/F at 40m SW of 9 Ballyhagan Road, Maghera, for Mr E Kelly.	APPROVE
4.14.	LA09/2020/0824/O	Gap site for dwelling and garage adjacent to 7a Killycurragh Road, Orritor, Cookstown, for Wesley Carson.	APPROVE
4.15.	LA09/2020/0862/F	Replacement dwelling and garage at site 400m E of Fairview, 221 Hillhead Road, Castledawson, for Jason Thompson and Julie Espie.	REFUSE
4.16.	LA09/2020/0877/O	Site for dwelling at lands approx. 25m E of 22 Blackrock Road, Dunnamore, Cookstown for Mr M Mallon.	REFUSE
4.17.	LA09/2020/0920/RM	Dwelling and garage at land approx. 100m N of 17 Carricklongfield Road, Aughnacloy, for Mr John Burton.	APPROVE
4.18.	LA09/2020/0935/O	Site for dwelling at approx 60m SW of 90 Ballinderry Bridge Road, Coagh, for Mr Pat McGuckin.	REFUSE
4.19.	LA09/2020/0954/F	Renewal of planning permission for housing development approved under LA09/2015/1242/F at site adjacent to & rear of 260 Coalisland Road, Dungannon for Mr & Mrs E Watterson.	APPROVE

4.20.	LA09/2020/1020/O	Two infill dwellings and associated garages at lands N of 53 Tullaghmore Road, Coalisland, for Mr Gerard O'Neill.	APPROVE
4.21.	LA09/2020/1027/F	Infill site for 2 dwellings and garages between 11B & 11E Hillside Road, Upperlands for Mr Danny McMaster.	REFUSE
4.22.	LA09/2020/1049/O	Dwelling and garage at lands to rear of 195 Coalisland Road Dungannon, for Patrick Mallon.	REFUSE
4.23.	LA09/2020/1071/O	Dwelling and domestic Garage at land between 171 & 175 Pomeroy Road, Donaghmore, for Sean McAleer.	APPROVE
4.24.	LA09/2020/1086/O	Infill dwelling & garden area at approx 25m SW of 35 Cabragh Road, Dungannon for Mr & Mrs Noel Staunton.	REFUSE

5. Receive Deferred Applications

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	Planning Reference	Proposal	Recommendation
5.1.	LA09/2017/0810/F	Dwelling at Coltrim Lane, Moneymore (approx. 220m from Junction with Cookstown Road) for Mr M Hamilton.	REFUSE
5.2.	LA09/2019/1373/O	Dwelling and Garage 55m E of 32a Mulnavoo Road, Moneyneany Road, Draperstown, for Michael Bradley Esq.	REFUSE
5.3.	LA09/2019/1387/O	Infill site for dwelling & domestic garage at site approx 10m S of 11 Reenaderry Road, Coalisland, for Mr Sean Robinson.	APPROVE
5.4.	LA09/2020/0194/O	Dwelling and Domestic Garage 100m SW of 4 Moboy Road, Pomeroy, for Dean McNally	REFUSE
5.5.	LA09/2020/0484/O	Off-site replacement dwelling and garage at approx 60m NE of 18 Ballynakilly Road Cookstown, for Mr Seamus Nugent	APPROVE
5.6.	LA09/2020/0499/O	Site for a Dwelling and Domestic Garage at approx 51m SE of No 86 Iniscarn Road, Keenaght,	REFUSE

		Desertmartin for Emmet O'Hagan.	
5.7.	LA09/2020/0564/O	Storey and a half dwelling and garage at lands between 121 & 127 Thornhill Road, Pomeroy for Cathal Hayden.	REFUSE

6. Receive Response to Consultation from DfC on Draft Information Guide – Listed Buildings 391 - 410

Matters for Information

- 7 Minutes of Planning Committee held on 3 November 2020 411 - 438

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

8. Receive report on the Council's consideration of - Fermanagh and Omagh LDP Draft Plan Strategy – Consultation on Proposed Changes.
9. Receive Response to SONI's consultation on the Transmission Development Plan for Northern Ireland (2020-29)
10. Receive Enforcement Report

Matters for Information

11. Confidential Minutes of Planning Committee held on 3 November 2020
12. Enforcement Live Case List
13. Enforcement Cases Opened
14. Enforcement Cases Closed



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: LA09/2017/1579/O	Target Date:
Proposal: Proposed housing development with sewage treatment plant and associated works	Location: Lands immediately South West of 44 Dungannon Road Moy
Referral Route: Objection	
Recommendation: Approve	
Applicant Name and Address: T G Troughton 44 Dungannon Road Moy BT71 7SP	Agent Name and Address: Colm Donaghy Chartered Architects 43 Dungannon Street Moy BT71 7SJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice

Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Shared Environmental Services	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
Description of Proposal This is an outline application for a housing development with sewage treatment plant and associated works to be located lands immediately south west of no. 44 Dungannon Road Moy.		
Characteristics of the Site and Area The site is located within and on the edge of the development limits of Moy, as defined by the Dungannon and South Tyrone Area Plan 2010. It sits to the west side of the village set back approx. 70m from and accessed off the Dungannon Rd, the main road linking Moy to Dungannon. The site is a long rectangular shaped plot (approx. 1h) comprising the eastern half of a large agricultural field running to the rear / south west of no. 44 Dungannon Rd, a two storey roadside dwelling and its curtilage. It measures approx. 220m in length x 30m in depth to its eastern ½ and 50m in depth to its western half. Access to the site is to be taken off the Dungannon Rd, via a new access and laneway approx. 80m in length, along the south side and through the curtilage of no. 44 Dungannon Rd, adjacent its party boundary with no.42 Dungannon Rd. No. 42 is a roadside bungalow with garage to its rear offset to its north side adjacent the proposed lane. The proposed lane will require the removal of two existing outbuildings on a concrete yard to the rear / south side of no. 44 which currently sit adjacent the party boundary. The south side of the proposed lane is bound by the aforementioned party boundary between nos. 44 and 42, which comprises a mix of approx. 1.6m high close boarded		

fencing and a mature hedgerow. And the north side opens onto no. 44's rear garden / yard.

The northern boundary of the site is defined by a mix of approx. 1.2m high post and wire fencing (eastern ½ approx.) and mature trees / hedgerow (western ½ approx.). The eastern boundary is defined by an approx. 1.2m high post and wire fence. The southern boundary is defined by a mix of mature hedgerow and trees ranging from approx. 3-5m. The western boundary of the site is undefined on the ground and opens onto the larger field from which the site is cut.

A lane accessed off the Dungannon Rd between nos. 46 and 58 Dungannon Rd runs along the outside of the northern boundary of the site. This lane serves nos. 46 and 58 a 1 ½ storey dormer dwelling and 1 ½ storey dwelling of bungalow appearance respectively; no. 60 Dungannon Rd, a modern 1 ½ storey dwelling sited to the rear of no. 58; and no. 56 Dungannon Rd, a dwelling and farm holding situated approx. 180m west of the site at the end of the lane.

A footpath runs along both sides of the Dungannon Rd to the east of the site leading into the village centre.

Critical views of this site, if any, will be extremely limited from the Dungannon Rd. This is due to its location set back from the road to the rear of existing roadside development which, alongside existing vegetation bounding the site and within the wider vicinity, will enclose and screen it.

The immediate area surrounding the site is characterised by a mix of housing styles and densities within the development limits of the Moy. To the east exists primarily detached and semi-detached single and 2 storey roadside dwellings along the Dungannon Rd; to the south primarily high density semi-detached 2 storey housing set back from the Dungannon Rd; to the west and north agricultural lands.

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
- Planning Policy Statement 3: Access, Movement and Parking
- Development Control Advice Note 15: Vehicular Access Standards
- Parking Standards
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7 (Addendum): Safe Guarding the Character of Established Residential Areas

- Creating Places
- Development Control Advice Note 8: Housing in Existing Urban Areas

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

Consultees

1. DFI (Roads) – Roads were consulted in relation to access, movement and parking arrangements of the proposed development. Roads asked for additional information during the course of the application process and following submission of required reports and re-consultation with Roads they are content with the proposal subject to conditions and informatives.
2. NI Water (NIW) Multi Units West – were consulted on 22nd November 2017 and responded on the 19th July 2018, that:
 - waste water treatment capacity is not available for the proposed development. If the applicant wishes to proceed he should contact NIW to discuss options such as a permanent wastewater facility at his own expense, this may or may not be adopted by NIW in the future.

Further to NI Water's comments the agent was contacted to address the capacity issue outlined. He subsequently submitted an amended description of proposal and a revised block plan to show a private sewage treatment plant to be adopted upon completion. NI Water were re-consulted with same on the 1st July 2019 and responded on the 22nd August 2019, as before.

3. Environmental Health Department (EHD) – EHD were consulted on the proposal. MUDC were aware there was no capacity on the site. However the agent subsequently indicated they will be providing a temporary treatment plant and full details of this will be requested at Reserved Matters stage.
4. Northern Ireland Environment Agency (NIEA) – Water Management Unit/Inland Fisheries were consulted on the 29th November 2017 when the development proposed to initially connect to the mains for foul sewage disposal. NIEA responded on the 15th December 2017, as follows:
 - Water Management Unit - considered impacts of proposal on surface water environment and were content with proposal subject to conditions and standing advice.
 - Regulation Unit Land and Groundwater team - noted no records of previous potentially contaminating land uses on this application site or in the adjacent area. The proposed development is therefore considered low risk to the water environment. RU have no objection to any planning application subject to the recommended conditions and Informatives as detailed.
 - Natural Environment Division (NED) – noted from a desk top study of our that the application site has trees and hedgerow habitat bounding the application site and has the potential to support a variety of species

including but not limited to bats and wild birds which may be affected by this application. Please refer to the Biodiversity Checklist and our range of standing advice.

Further to NIEA's comments above the agent submitted an amended site location plan and indicative block plan (received 2nd April 2019) showing a sewage treatment plant and NIEA were reconsulted with same on the 2nd April 2019. NIEA responded on the 18th April 2019, as follows:

- Water Management Unit - content with proposal subject to conditions; the applicant noting their advice, referring and adhering to Standing Advice, and to any relevant statutory permissions being obtained.
- Regulation Unit Land and Groundwater team – RU have no objection to any planning application subject to the recommended conditions and Informatives.
- Natural Environment Division (NED) – stated site has potential to support a number of species protected by law and to contain N.I. priority habitats or other natural heritage features worthy of protection. That they did not have enough information to fully assess the likely impact of the proposal on these interests accordingly recommends a Preliminary Ecological appraisal Survey (PEA) be requested for consideration.

Further to NED's comments above the agent submitted an PEA (received 30th April 2019) and NED were re-consulted with same for comment on the 8th May 2019. NED responded on the 22nd May 2019, requesting:

- a roost survey to be carried out, i.e. dusk emergence and/or pre-dawn re-entry surveys as buildings within the site were assessed as having bat roosting potential.

Subsequently, the agent submitted a Bat Emergence Survey (received 20/08/2020) and NED were re-consulted with same for comment on the 20th August 2020. NED responded on the 10th September 2020 that they had considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, is content with the proposal subject to conditions and informatives.

5. Shared Environmental Services (SES) – were consulted on the 17th June 2020 as the proposal includes a WWTW's as such may have potential link through wastewater discharge to European Site. SES responded on the 20th October 2020 that having considered the nature, scale, timing, duration and location of the project, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site:

- I. A suitable buffer of at least 10 metres must be maintained between the locations of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourse adjacent to the proposal site. Reason: To protect the connected European Sites from polluting discharges at construction phase.
- II. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a

Consent to discharge has been granted under the terms of the Water (NI) Order 1999. Reason: To ensure a practical solution to sewage disposal is possible at this site.

I considered the above conditions reasonable to attach any subsequent decision notice.

6. River's Agency – were consulted in relation to drainage and flood risk. In terms of FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains – a Drainage Assessment is not required as the proposal is not for 10 dwellings nor does the site exceed 1 hectare. In terms of FLD 2 Protection of Flood Defence and Drainage Infrastructure – an undesignated watercourse flows along the southern boundary of the site. Policy requires a 5m maintenance strip unless the watercourse can be maintained from the opposite bank. I am content this can be brought to the developers attention via informative.

Relevant Planning History

- M/2002/0209/O – Housing Development – Lands N of Ridgewood Avenue/Ridgewood Manor Moy – Granted 22nd June 2007. This application which expired in 2010 related to lands between the site and the existing housing development, Ridgewood Avenue/Ridgewood Manor to its south.
- LA09/2018/1301/F – 2 storey extension to dwelling located at 44 Dungannon Road, Moy – Granted 16th January 2019.

Key Policy Consideration and Assessment

Dungannon and South Tyrone Area Plan 2010 – The Dungannon and South Tyrone Area Plan is the extant Plan for the area and identifies the site as being within the settlement limits of the Moy on un zoned whiteland, accessed off the A29 a protected route. The Plan has defined the settlement limits and allows for development within these limits provided it meets with the regional policy requirements of Policy SETT 1. Policy SETT 1 sets out 6 criteria and a general criteria to meet with regional policy. I consider that if the development meets with regional policies contained in PPS7 Quality Residential Environments; PPS 3 Access, Movement and Parking and it will meet the requirements of SETT1.

Strategic Planning Policy Statement (SPPS) for Northern Ireland – The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS gives specific provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policy will be applied i.e. PPS 7 and the Addendum to PPS 7.

Planning Policy Statement (PPS) 3 Access, Movement and Parking Development Control Advice Note (DCAN)15 – Vehicular Access Standards; Parking Standards – PPS 3 puts a

strong emphasis on accessibility and road safety. Concept / site layout drawing 02Rev.01 shows 8 detached properties and an existing property no.44 Dungannon Rd proposed to be accessed off the Dungannon Rd to the east side of no.44; and incurtilage parking for 2 vehicles per dwelling. DFI Roads have been consulted in relation to the access, movement and parking arrangements (see DFI Roads response under 'Consultees' above) and whilst they did not accept the findings of a Transport Assessment Form submitted alongside the proposal outlined it does not merit refusal reasons as based on 8 units plus 1 existing the sightlines can be achieved.

DFI Roads have raised no accessibility or road safety issues subject to standard conditions and informatives. I am content the proposal is in compliance with the policy provisions of PPS 3 including Policy AMP 2 Access to Public Roads. In relation to Policy AMP 3 Access to Protected Routes I am content given the enclosed nature of the site, access cannot reasonably be taken from an adjacent minor road.

Planning Policy Statement (PPS) 7 Quality Residential Environments - This is the relevant material planning policy for this type of development within a settlement. All proposals for residential development will be expected to conform to a number of criteria laid out in the policy. I will deal with these as they appear in the policy.

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

As detailed earlier the immediate area surrounding the site is characterised by a mix of housing styles and densities within the development limits of the Moy to the east (primarily detached and semi detached single and to 2 storey roadside dwellings along the Dungannon Rd) and south (primarily high density semi detached 2 storey housing set back from the Dungannon Rd); and by agricultural lands to the west and north. I am content this proposal for housing is compatible with the land uses in the surrounding area. Whilst this is an outline application and detailed design is not being assessed at this stage based on the concept plan submitted the layout of the development (showing 8 detached dwellings running in a linear line to the west of the Dungannon Rd) is similar to the layout of the housing to its south albeit the plot sizes are more generous and the dwellings are detached. Accordingly subject to an appropriate detailed scheme coming forward under any subsequent reserved matters application, for further consideration, I am content this proposal should respect its surrounding context.

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

In addition to checks on the planning portal, Historic Environment Divisions map viewer available online have been checked and no archaeological or built heritage features were identified on or in close proximity to the site. The site contains no landscape features of significance. And the existing vegetation along the boundaries of the site will be conditioned to be retained.

- 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;

Public open space is not a requirement for this type of proposal. And the concept plan submitted shows garden/private amenity area in excess of the 70m² average promoted in Creating Places to be provided to the rear of all the properties. Existing vegetation bounding the site will be conditioned to be retained in order to soften the visual impact of the development and assist in its integration with the surrounding area. And as this is an outline application a landscaping scheme will be conditioned to be provided under any subsequent reserved matters application and considered further upon its receipt. The integration of development at the edges of settlements, as is the case here, is important and buffer planting, usually around 8-10m in depth, would be required to help assimilate and soften its impact on the countryside. That said whilst I would want a substantial buffer of planting along the northern boundary of the site I would be content in this instance its depth was reduced given the limited views of this site. As outlined above critical views of this site, if any, will be extremely limited from the Dunannon Rd on the approach to the Moy due to its location set back from the road to the rear of existing roadside development, which alongside existing vegetation bounding the site and within the wider vicinity, enclose and screen it.

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

Considering the size of the proposal, new neighbourhood facilities are not considered necessary.

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;

Based on the concept plan submitted the provision of a footpath along the estate road serving the dwellings will lead to the front of the site connecting to the Dungannon Rd, bound on both sides by a footpath leading into the village centre. The provision of this footpath will support walking and enhance the safety of pedestrians. DfI Roads were consulted and are satisfied with the proposal subject to conditions.

f) adequate and appropriate provision is made for parking;

Based on concept plan submitted adequate parking for 2 vehicles per dwelling can be accommodated within the site. Additionally DfI Roads were consulted on this proposal and further to drawing 02 Rev.02 they raised no concerns in respect of parking.

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

This is an outline application and detailed design is not being assessed at this stage.

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;

Based on the concept plan submitted I am content this proposal should not have any unacceptable adverse effect on any existing or proposed properties in terms of overlooking, loss of light, or overshadowing. The proposed scheme, comprising a linear line of 8 dwellings, backs onto a lane and agricultural lands in the rural countryside to its north and fronts onto the estate road each dwelling is to be accessed off, to its south.

There should be no significant noise or other foreseen disturbance caused by this development.

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

I am satisfied that the dwellings are to be located within the settlement limits of Moy and there are enough dwellings close by to deter crime to some degree.

On the basis of the above assessment it is clear that the proposal under consideration complies with all the criteria set out in policy QD 1 of PPS 7.

PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas

I am satisfied that this proposal complies with Policy LC 1 of the Addendum to PPS 7, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not have a residential density higher than that found in the area; and the pattern of development is in keeping with the overall character and environmental quality of the established residential area. Unit size's to ensure compliance with Annex A of this can be considered under any subsequent reserved matters application.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 2 third party objections were received. 1 from Mrs Holmes, the owner/occupier of no. 60 Dungannon Rd and 1 from Mrs McCullough the owner/occupier of no. 42 Dungannon Rd on the 23rd and 24th July 2019, respectively. For reference the objectors properties have been identified on the map below.



- Mrs Holmes, objected to the location of the treatment plant raising concerns about T. P. I. fumes and odours from it; and lorries servicing it, removing sludge at unsociable hours and means of access to do so. Mrs Holmes asked if it could be relocated for example to site 8; and as her property is 8m away, how it will it hidden from her property's view? She also sought further information showing the reposition of the plant and detailed specification of the treatment plant and hours of servicing.
- Mrs McCullagh objected to the location of the treatment plant and associated works due to its location approx. 4m from the corner of her garden. Raised concern about smells from the plant, adding they already experience strong sewage/drain smells in the house from bathroom/kitchen drains, as advised from the areas over worked sewage system. That this is a common occurrence and embarrassing if anyone calls to the house. Asked will there be increased traffic for servicing/sludge removal of the plant etc. and how will this be managed? Mrs McCullagh also objected to increased traffic due to housing development. A29 Road is busy 24 hours a day without additional traffic. There have been several accidents recently due to the access been just immediately outside our 30mph zone. Increased traffic will also bring more noise pollution, road service problem, potholes etc. Drains at the foot of the lane and have been over run/blocked many times overflowing causing flooding on the main road. Will this new development exacerbate these problems?

The objections above have been taken into consideration in the assessment of this proposal but the opinion has not changed. Roads Service have been consulted in relation to access, movement and parking arrangements and subject to standard conditions have

raised no objections to this proposal as such I am content it will not prejudice road safety or significantly inconvenience the flow of traffic onto the A29. Whilst consultation with NI Water did outline waste water treatment capacity is not currently available in Moy to serve the proposed development, a private sewage treatment plant has been proposed to address this issue. Environmental Health have been consulted in relation to the private plant and raised no concerns with its use or its location in terms of noise, odour or disturbance subject to a planning condition being attached to any subsequent approval to secure an adequate and effective maintenance programme for the plant for a period not less than 20 years. The plan should be submitted and agreed for approval as part of the reserved matter application. Specification of the plant will be provided at reserved matters stage as will additional planting and screen of the site. The onus will be on the developer to provide appropriate drainage to the development. Potholes are not within the remit of Planning, this is a DfI Roads matter.

Taking all of the above into consideration I would recommend the approval of this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions Drawing nos: 01(Rev.01) and 02(Rev.01) received 2 APR 2019

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

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

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

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

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

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

4. The development hereby approved will be in general conformity with drawing no. 2(Rev.01) bearing the date stamp received 2 APR 2019.

Reason: To ensure a quality residential development.

5. No development shall take place until a plan indicating floor levels of the proposed dwellings 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.

6. The existing natural screenings as shown on Drawing No. 02(Rev.01) bearing the date stamp received 2 APR 2019, shall be retained intact and no lopping, topping, felling or removal shall be carried out without prior consent in writing to the Council.

Reason: To ensure the maintenance of screening to the site in the interests of visual and residential amenity and to protect biodiversity.

7. 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. The scheme shall include a landscaped strip along the northern boundary of the site (identified in green on drawing No 01 (Rev.01) bearing the stamp dated 2 APR 2019) and shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual and residential amenity and to protect biodiversity.

8. There shall be no demolition works carried out on the buildings with known bat roost until a NIEA protected species licence has been obtained and evidence of this has been submitted to the planning authority. At Reserved Matters, Plans shall be submitted showing a minimum of 3 bat boxes to be incorporated into the development. These boxes must be in place prior to demolition of the building.

Reason: To protect biodiversity within the site, including protected species.

9. At Reserved Matters a Lighting Plan shall be submitted showing light spill of 1 Lux or less on boundary vegetation.

Reason: To minimise the impact of the proposal on protected species.

10. No works on buildings or structures shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no

nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

11. At Reserved Matters, details of compensatory measures for birds shall be submitted. This shall include installation on site of bird boxes or open nest boxes suitable for swallows to compensate for nests lost within the buildings to be demolished. Typically this is on a nest for nest basis with 1 new bird box required for each nest lost.

Reason: Compensatory measures to offset the loss of nesting habitat on protected wild birds.

12. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

13. After completing the remediation works under Condition 13 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

14. Prior to the commencement of development, details of the location and specification of the proposed WWTW as agreed at RM stage shall be provided and commissioned on site in accordance with the agreed scheme. The developer shall provide a signed agreement from NI Water or a suitable management company for the long term maintenance of the WWTW.

Reason: To ensure the protection of residential amenity.

15. A suitable buffer of at least 10 metres must be maintained between the locations of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourse adjacent to the proposal site.

Reason: To protect the connected European Sites from polluting discharges at construction phase.

16. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

17. The vehicular access, including visibility splays of 2.4m x 81.4(East) and 2.4m x 96.7m (West) and any forward sight distance, shall be provided in accordance with a scheme as agreed at Reserved Matters stage 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.

18. 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.

19. 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.

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

1. The Department for Infrastructure shall, for the purpose of adopting private streets as public roads, determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets

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

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

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

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.

The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

4. 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.

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 .

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.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Central Way, Craigavon, BT64 1AD. The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage.

The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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 DfI Roads 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.

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.

Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges. In exceptional circumstances Departures from Standard maybe necessary and shall be supported by a full technical, safety, environmental and economic justification. All details shall be submitted to DfI Roads Network Services through the relevant Division.

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.

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 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.”

It is a DfI Transport NI requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division

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

Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant Division. Geotechnical Certification shall be in accordance with the Department for Infrastructure’s Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges.

5. Please see DfI Rivers - Planning Advisory Unit consultation response to planning application LA09/2017/1579/O dated and scanned to the planning portal on the 15th December 2017 for information purposes.
6. Please see DAERA’s Regulation Unit (Land and Groundwater Team) comments, detailed in their consultation response to planning application LA09/2017/1579/O dated and scanned to the planning portal on the 28th February 2020 for information purposes

The purpose of Conditions 12 and 13 are to ensure that the site risk assessment and remediation work is undertaken to a standard that enables safe development and enduse of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

The applicant should ensure that the management of all materials onto and off this site are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.nibusinessinfo.co.uk/content/meet-construction-sitewaste-management-plan-swmp-obligations>.)

7. Please see DAERA's Water Management Unit comments, detailed in their consultation response to planning application LA09/2017/1579/O dated and scanned to the planning portal on the 18th April 2019 for information purposes
8. Please see DAERA's Natural Environment Division consultation response to planning application LA09/2017/1579/O dated and scanned to the planning portal on the 10 September 2020 for information purposes including the following:

The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a. Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b. Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c. Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
- d. Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e. To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557. To avoid any breach of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), all mature trees which require works should be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines (<http://www.bats.org.uk>). If evidence of bat activity is discovered all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.
It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August). No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

[If there is evidence of badger on the site, all works must cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557]

9. Please see NI Water consultation response to planning application LA09/2017/1579/O dated and scanned to the planning portal on the 22nd August 2019 for information purposes.
10. Please see Environmental Health consultation responses to planning application LA09/2017/1579/O dated and scanned to the planning portal on the 21st May 2019 and 9th July 2019 for information purposes.

Signature(s)

Date:



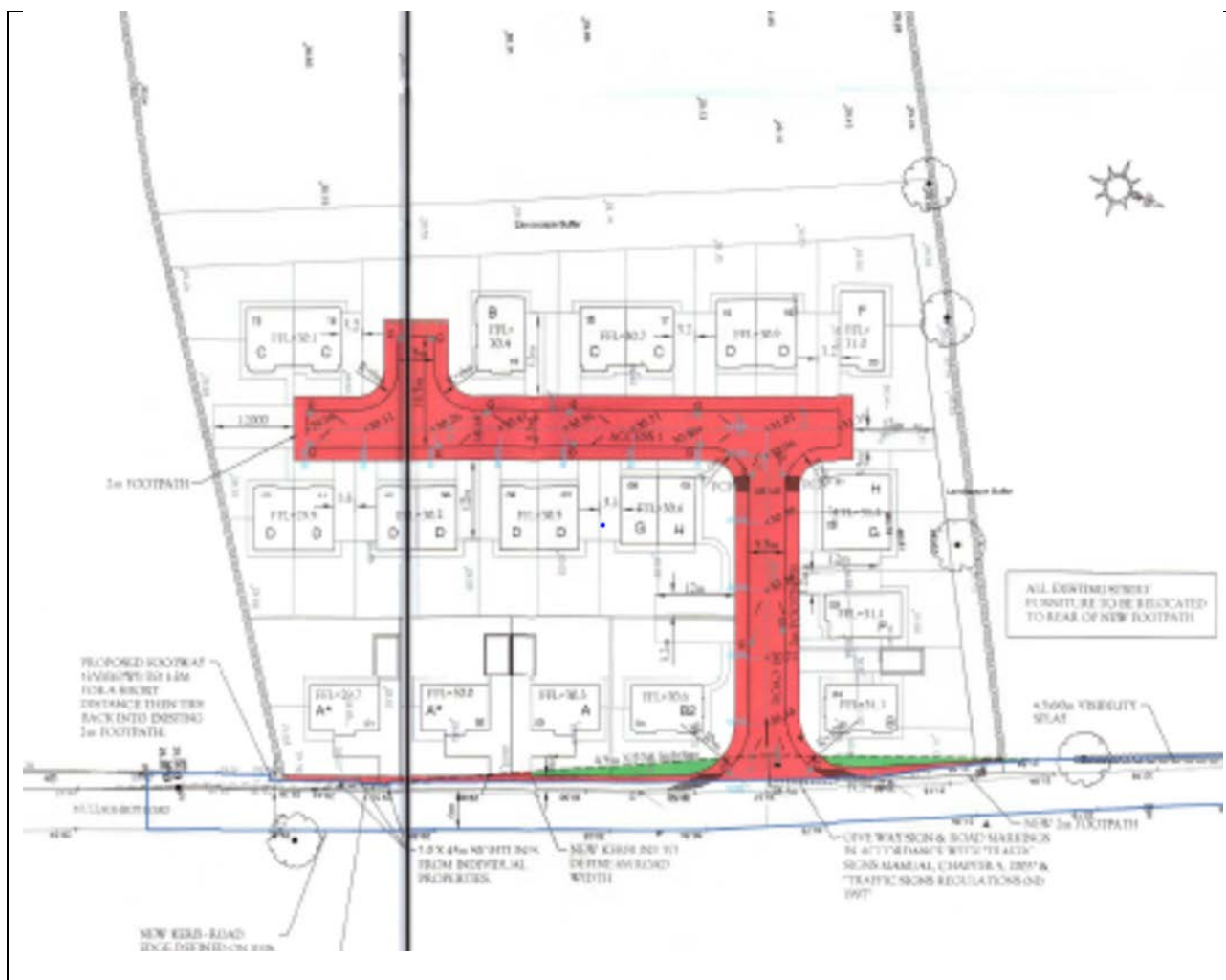
**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 2/12/2020	Item Number:
Application ID: LA09/2018/0954/F	Target Date:
Proposal: Housing development consisting of 24 dwellings (8 detached and 16 semi-detached, 8 house types) and associated site works.	Location: Land adjacent to 11 Bawnmore Mullaghboy Road, Bellaghy, Magherafelt BT45 8LX.
Referral Route: 7 no. objections received	
Recommendation: Approve	
Applicant Name and Address: Marald Prime Developments 9 Creeve Road Randalstown BT4 3LW	Agent Name and Address: Doherty Architectural Services 37 Wynchurch Avenue Belfast BT6 OJP
Executive Summary: The proposed development complies with all relevant planning policy for this type of development within the limits of a settlement. 7 objections have been received from 1 third party which relate to landownership, proper notice being served and road standards. DFI Roads have been made aware of all objections. These objections are fully considered in this report and do not merit the refusal of this application.	
Signature(s):	

Case Officer Report

Site Location Plan





Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Content

Representations:	
Letters of Support	None Received
Letters of Objection	7
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>This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All relevant neighbouring properties have been notified.</p> <p>To date there have been 7 no. objections to the proposal. 2 of these are from Quinn and Heron Solicitors on behalf of Mr S Higgins and 5 are from Bannvale Architectural Services on behalf of Mr S Higgins. The issues raised in each letter are summarised below:</p> <p>Letter from Bannvale Architectural Services received on the 20th Dec 2018.</p> <p>Failure to notify Mr Higgins Splay and footway not achievable due to concrete column located on Mr Higgins land</p> <p>Letter from Bannvale Architectural Services received on the 18th Feb 2019.</p> <p>Mr Higgins does not give permission for concrete column to be removed from his land to provide footway connection.</p> <p>Letter from Bannvale Architectural Services dated 26th August 2019</p> <p>Mr Higgins does not consent to his land being used for footway connection Footpath at this location not meeting roads service standards Sites 1, 2 and 3 not achieving adequate visibility splays Notice never served on Mr Higgins Copy of Maps showing Mr Higgins Ownership.</p> <p>Letter from Bannvale Architectural Services received on the 8th October 2019</p> <p>States that correspondence from Sheehy Consulting in respect of Future plans by Mr Higgins is misleading as Mr Higgins does not intend to develop his land in the near future Mr Higgins does not give permission for his hedge to be cut back of column to be removed.</p> <p>Letter from Bannvale Architectural Services received on the 20th December 2019</p> <p>Mr Higgins does not give his consent for his land to be used or for his hedge or column removed. Notice has not been served on Mr Higgins</p>	

Letter from Quinn and Heron Solicitors received on the 8th October 2019

Confirmation that the concrete pillar is owned by their client Mr Higgins and that it has been removed without his permission and that the matter has been reported to the PSNI. They have informed the DOE that their client will be re-instating the pillar.

Letter from Quinn and Heron Solicitors received on the 24th February 2020

Submission of a Land Registry Map which shows the land for splays and the footpath is in Mr Higgins ownership

Dispute that there is a 1.2m clearance in front of the pillar

Intention of Mr Higgins to commence court proceedings if there is any interference with the said lands.

A representation has also been received from Sheehy Consulting rebutting the objection received on the 26th August 2019. Issues raised in this rebuttal are summarised as follows:

Confirmation that DFI Roads have indicated they would accept a reduced footway at the said location.

Confirmation that the road has been marginally widened to accommodate the 6m carriageway and 1m footpath

Confirmation that discussions are ongoing with DFI Roads regarding the splays for sites 1, 2 and 3

DFI Roads control the road and associated verge

Reduced footpath width would be a temporary measure

Dispute the description of the concrete pipe - it is not a column or pillar but a pipe, put there to frustrate development.

My Consideration:

The main issues raised by the objector throughout all correspondence relates to landownership, notice and road standards. DFI Roads have been made aware of all objections. The DFI Mid Ulster (North) Section Office have written to Mr Higgins Solicitors, Quinn and Heron on the 28th Feb 2020, explaining the distinction between ownership and control. They have confirmed that all adopted road surfaces are under control of the Department by virtue of the Roads (Northern Ireland) Order 1993 and although title to the bed and soil below the road may be held by an individual, that person has no control over it. Any member of the public has a right to passage which includes line of sight over any public adopted surfaces regardless of title to the bed and soil.

On consideration of this DFI letter and after seeking advice from the Councils Solicitor it was agreed internally that the applicant be requested to amend his P2 certificate so that notice be served on both DFI Roads and the third party. This notice was served however the objectors solicitor issued a letter to the Council stating that it was their opinion that because the notice was served on them and not the third party then it was invalid. The applicant was subsequently requested to serve notice directly on the third party which he has now done. I am therefore satisfied that proper notice has been served on all relevant landowners and no one has been prejudiced.

In respect of the road standards not being met, DFI Roads have been consulted with detailed PSD drawings and have no objections subject to standard conditions being attached to any decision.

Characteristics of the Site and Area

The application site is a 0.8 hectare plot of un-developed land located adjacent to Bawnmore Housing Development, Bellaghy. The red line boundary of the site (SW) extends slightly outside the development limit of Bellaghy as defined in the Magherafelt Area Plan 2015. The site is currently used for the purposes of Agricultural. The NE portion is slightly overgrown and contains the ruins of an old building. The SW boundary is undefined on the ground. The SE boundary abuts Bawnmore development and is defined by thick mature native hedgerow. The roadside boundary with the Mullaghboy Road is defined by low level gorse hedgerow, a grass verge and a semi mature tree. The NW boundary is defined by thick mature hedgerow. The site rises very gently from the SE boundary towards to the NW. In the extreme SE corner of the site, where the footway along the front of Bawnmore ends, there is a large concrete pipe situated along the road verge.

This area is characterised by a mix of agricultural and residential uses due to its edge of settlement location. The application site is designated in the Magherafelt Area Plan as a Committed Housing Site (BY 03/2). These are sites that had planning permission on them for housing at the time the plan was adopted. This area is not subject to any other designations or constraints.

Description of Proposal

This is a full application for a Housing Development consisting of 24 dwellings (8 detached and 16 semi-detached, 8 house types) and associated site works.

Planning Assessment of Policy and Other Material Considerations

Relevant Planning History

H/2004/0804/O - Site of housing development. 140m South East of, 46 Mullaghboy Road, Bellaghy. Refused 06.04.2006

H/2001/0977/O - Housing Development. 40 South East of 46 Mullaghboy Road, Bellaghy. Approved 06.07.2005

Policy Consideration

The following policies will be considered in this assessment:

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

- Planning Policy Statement 7 - Quality Residential Environments.
- Planning Policy Statement 15 - Planning and Flood Risk
- Creating Places

Strategic Planning Policy Statement (SPPS)

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

Paragraph 4.11 of the SPPS states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

Following the submission of amended plans I am satisfied that this proposal, its layout and house designs will not have an adverse impact on residential amenity. This will be discussed in detail further in this report.

Paragraph 4.12 of the SPPS states other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

Design Considerations and the impact on residential amenity will be considered further in this report. Consultation with NIW has confirmed that there are no WWTW Capacity issues currently in the village of Bellaghy. The applicant submitted a Drainage Assessment with this application and following consultation with Rivers Agency, no concern has been raised about drainage or flooding.

The SPPS gives specific provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policy will be applied, primarily PPS 7, Quality Residential Environments.

Magherafelt Area Plan 2015 (MAP)

The red line of this application extends slightly outside the development limits of Bellaghy as defined in the MAP. It is noted that the MAP identifies most of this application site as a Committed Housing Site (BY 03/2). It was included in the MAP as there was a commitment for a housing development (H/2001/0977/O). Even though the

current red line of the application site extends beyond the boundary of zoned land, it is in line with the previous approval (H/2001/0977/O) and as such there is no requirement for the applicant to reduce his red line to be in continuity with the limit of development set down in the MAP. This has been agreed by the Planning Manager.

The MAP does not stipulate any key site requirements for Committed Housing Sites because future development will be subject to the conditions attached to planning permission, however, in the event that such permission may lapse, existing conditions can be altered or new ones attached to take account of prevailing regional policy and plan proposals. H/2001/0977/O has expired and conditions will be recommended later in this report.

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. 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.

Planning Policy Statement 3 - Access, Movement and Parking.

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the construction of a new access onto the Mullaghboy Road. DFI Roads have been consulted with the proposal and the associated PSD drawings. They have no objections subject to standard Private Streets Conditions being attached to any favourable decision.

As referred to earlier in this report, the DFI Mid Ulster (North) Section Office has sent a letter to the objectors solicitor advising that the concrete pipe be removed from the verge. This is due to the fact that it could prejudice road safety. DFI Roads have advised that if the pipe is not removed before Friday 13th March, they may be forced to remove the pipe themselves.

Planning Policy Statement 7 - Quality Residential Environments.

PPS 7 is a material planning policy for this type of development. All proposals for residential development will be expected to conform to a number of criteria laid out in Policy QD 1 of PPS 7. I will deal with these as they appear in the policy.

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

surfaced areas - The proposed development is residential in nature and is on a committed housing site, most of which is within the development limits of Bellaghy. Given the low density residential nature of the proposal which is located in an area where there are other housing developments of similar density, I am content that it will not impact negatively on the character of the area. The site is relatively flat and gives rise to no issues with levels/topography. The layout is generally acceptable. The house types are typical of designs seen throughout many villages/towns in the District. None of the units are excessive in scale or massing. The development is not dominated by hard surfaced areas.

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development - The site is not in an area of archaeological importance/potential and there are no Listed Buildings nearby. There are no TPO trees or important landscape features within the site to be retained or protected.

Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area - The proposed development is below the threshold (25 units) for requiring public open space as detailed in PPS 8 Open Space, Sport and Outdoor Recreation. Each dwelling has in excess of the 40m² private rear amenity space as advised in Creating Places. A 4m wide buffer of planting is being provided along the NW boundary of the site. This is the edge of the settlement limit. It is normally required to be between 8-10m however the previous approval on this site didn't provide any buffer along this boundary so in this instance I am content to accept the 4m strip as a betterment. An 8m buffer is being provided along the SE boundary which also defines the edge of the settlement limit. These buffers will soften the impact of the development where it meets the rural remainder.

Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development - The site is within the development limits of Bellaghy and there are existing neighbourhood facilities already available in the locality (eg) shops, school, restaurants etc

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 - As the site is within a settlement there is an existing movement pattern (eg) foot paths and bus routes. The level of traffic travelling through the settlement would be fairly high and would be travelling at a low speed. DFI Roads have been consulted and have no objections to the proposal.

Adequate and appropriate provision is made for parking - Adequate in-curtilage parking is being provided for 2 no. cars for each dwelling unit. This is in line with Parking Standards.

The design of the development must draw upon the best local traditions of form, materials and detailing - I have no concerns with the design or finishes of these dwellings and they are appropriate in this particular area where there are developments with a mix of red brick and render finishes.

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 - This site is adjacent to an existing housing development "bawnmore" which comprises a mix of two storey dwellings and bungalows. There are 3 house types located along this boundary with Bawnmore. Each is gable onto boundary. On plot 01, house type A does not have any gable windows. On plot 12, house type D has 1 small upper floor bathroom window on the gable. On plot 12, house type C also has 1 small upper floor bathroom window on the gable. A condition will be attached to any decision ensure that these windows have obscured glazing to prevent any overlooking/privacy issues into Bawnmore. I have no concerns with loss of light or overshadowing of existing properties as a result of this development due to adequate separation distances. The residential nature of the proposal will not give rise to any unacceptable odours, noises or dust.

The development is designed to deter crime and promote personal safety - I am satisfied that the overall development is considered to be designed to deter crime and promote personal safety. In-curtilage parking will be provided and street lighting exists along the adjacent public road. A footpath will connect the development to the existing footpath.

Planning Policy Statement 15 - Planning and Flood Risk

This site is not in area of recognised flood risk. A drainage assessment was submitted as the proposal is for more than 10 dwellings (in line with policy FLD 3 of PPS 15). Rivers Agency have been consulted with the Drainage Assessment and are satisfied with the content. The applicant will have to seek a Consent to Discharge from Rivers Agency. This sits outside the remit of the planning process.

Other Material Considerations

Environmental Health have been consulted and have no objections to the proposal. NIW were also consulted and have confirmed that there are no capacity issues in Bellaghy.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval is recommended subject to standard conditions for this type of development

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 13 rev 6 bearing the date stamp 21 September 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.

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 a public road including road widening and footway provision along the Mullaghboy Road have been completed in accordance with the details outlined blue on Drawing No 13rev 6 bearing the date stamp 21 September 2020. 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 4.5 metres by 70 metres to the south and 4.5 x 90 metres to the north at the junction of the proposed residential access road with the Mullaghboy Road, shall be provided in accordance with Drawing No 13rev 6 bearing the date stamp 21 September 2020, 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. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

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

6. All landscaping comprised in the approved plans shall be carried out in the first planting season following the commencement of the development and any trees or shrubs which, within a period of 5 years from the occupation of the dwellings, 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. 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.

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 .

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.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Central Way, Craigavon, BT64 1AD. The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	9th July 2018
Date First Advertised	26th July 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 104a, Ballynease Road, Portglenone, Londonderry, Northern Ireland, BT44 8NX The Owner/Occupier, 11 Bawnmore Bellaghy Londonderry Quinn & Heron Solicitors 21, The Square, Coalisland, Tyrone, Northern Ireland, BT71 4LN The Owner/Occupier, 34 Mullaghboy Road Bellaghy Londonderry The Owner/Occupier, 36 Bawnmore, Bellaghy,Londonderry,BT45 8HX, Quinn & Heron Solicitors 45, King Street, Magherafelt, Londonderry, Northern Ireland, BT45 6AS Seamus Cassidy Bannvale Architectural Services, 104a Ballynease Road, Portglenone, Londonderry, Northern Ireland, BT44 8NX Seamus Cassidy Bannvale Architectural Services,104a Ballynease Road,Portglenone,BT44 8NX Seamus Cassidy Bannvale Architectural Services,104a Ballynease Road,Portglenone,BT44 8NX Seamus Cassidy Bannvale Architectural Services,104a Ballynease Road,Portglenone,Co. Antrim,BT44 8NX	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/0954/F Proposal: Housing development consisting of 25 dwellings (9 detached and 16 semi-detached, 8 house types)and associated site works. Address: Land adjacent to 11 Bawnmore, Mullaghboy Road, Bellaghy, Magherafelt, BT45 8LX., Decision: Decision Date:	

Ref ID: H/1995/6177
Proposal: SITE OF HOUSING DEVELOPMENT MULLAGHBOY ROAD BELLAGHY
Address: MULLAGHBOY ROAD
Decision:
Decision Date:

Ref ID: H/2004/0804/O
Proposal: Site of housing development.
Address: 140m South East of, 46 Mullaghboy Road, Bellaghy.
Decision:
Decision Date: 06.04.2006

Ref ID: H/2000/0886/F
Proposal: Change of house type
Address: Site 13 Bawnmore, Mullaghboy Road, Bellaghy
Decision:
Decision Date: 24.01.2001

Ref ID: H/2008/0096/F
Proposal: New dwelling and garage
Address: NW of and adj to 34 Bawnmore, Mullaghboy Road, Bellaghy
Decision:
Decision Date: 19.09.2008

Ref ID: H/2001/0977/O
Proposal: Housing Development
Address: 140 South East of 46 Mullaghboy Road, Bellaghy
Decision:
Decision Date: 06.07.2005

Ref ID: H/2007/0393/O
Proposal: Dwelling house - conceptually as approved as part of Bawnmore housing project.
Address: North-West of and adjacent to 34 Bawnmore, Mullaghboy Road, Bellaghy
Decision:
Decision Date: 04.12.2007

Ref ID: H/1996/6048
Proposal: HOUSING DEVELOPMENT BETWEEN MULLAGHBOY ROAD AND GULLADUFF ROAD BELLAGHY
Address: BETWEEN MULLAGHBOY ROAD AND GULLADUFF ROAD
Decision:
Decision Date:

Ref ID: H/1999/0664/F
Proposal: Erection of 40 Dwellings
Address: To North of nos 1 - 31 Birchwood, Mullaghboy Road, Bellaghy
Decision:
Decision Date: 10.10.2000

Summary of Consultee Responses

DFI Roads – No Objections subject to standard conditions
Rivers Agency – No Objections
NIW – Available Capacity
EH – No objections

Drawing Numbers and Title**Notification to Department (if relevant)**

Date of Notification to Department:
Response of Department:



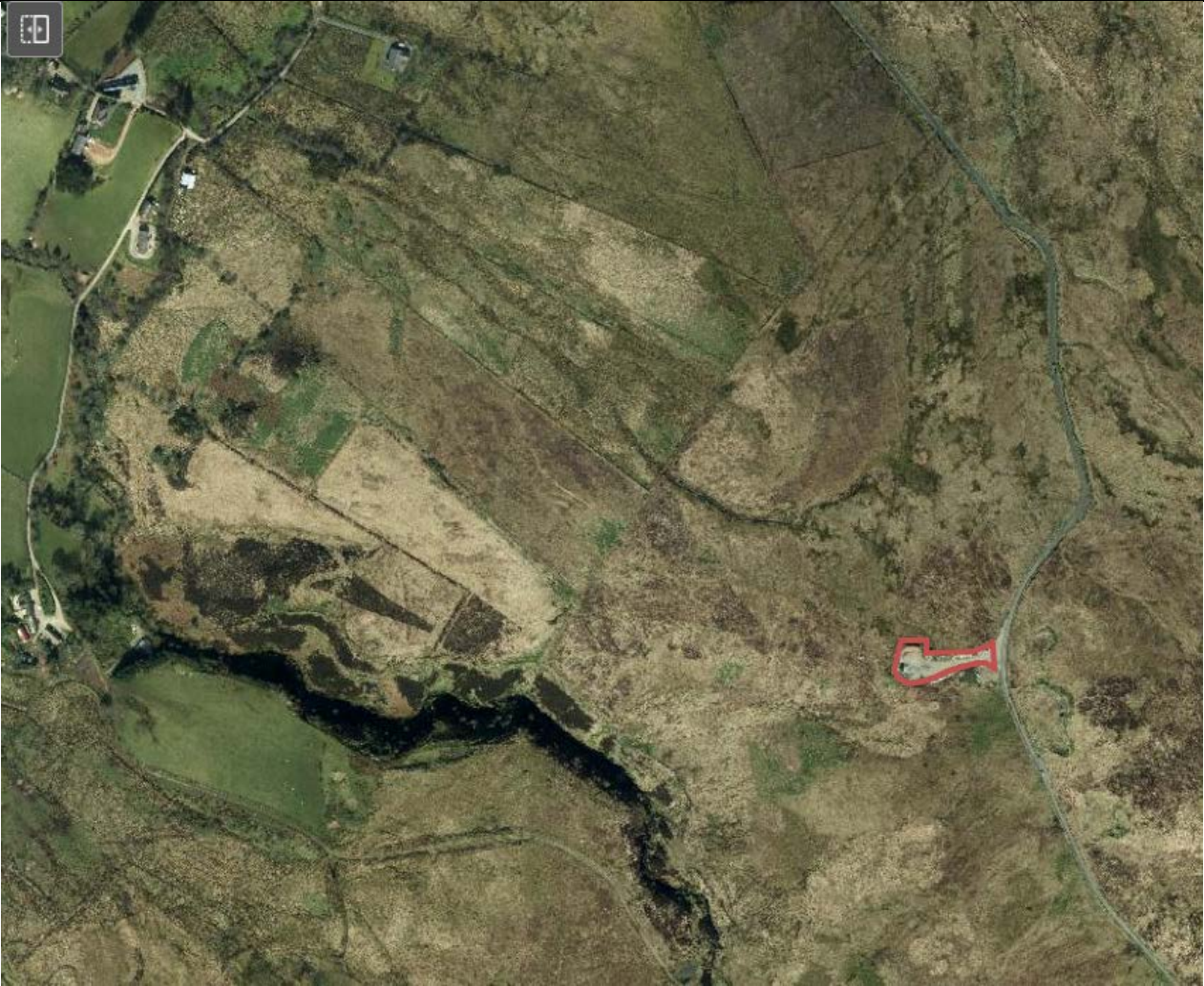
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1694/F	Target Date:
Proposal: Repower existing wind turbine (Previously permitted under H/2009/0501/F) to increase turbine blade lengths to 27 m and increase hub height to 60 m	Location: Approximately 750 m north west of Drumard Road/Cullion Road junction Straw mountain Draperstown
Referral Route: Objections received	
Recommendation: Approval	
Applicant Name and Address: PJT Power 35 Moveagh Road Cookstown BT80 9HE	Agent Name and Address: TA Gourley Moveagh House 35 Moveagh Road Cookstown BT80 9HE
Executive Summary: concerns raised by third parties primarily relating to shadow flicker and noise	
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Arqiva Services Limited	Considered - No Comment Necessary
Non Statutory	P.S.N.I. Information And Communications Services	Substantive Response Received
Non Statutory	N.I Water - Windfarms	No Objection
Non Statutory	Ofcom Northern Ireland	Substantive Response Received
Non Statutory	The Joint Radio Company	No Objection

Non Statutory	Belfast International Airport	No Objection
Non Statutory	National Air Traffic Services	No Objection
Non Statutory	UK Crown Bodies - D.I.O. LMS	Considered - No Comment Necessary
Non Statutory	UK Crown Bodies - D.I.O. Safeguarding	No Objection
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
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 – local objections to increase in turbine hub height and blade diameter.		
Characteristics of the Site and Area.		
<p>Exposed lower slopes of Cullion. Site occupied by an existing and operational single wind turbine of 30m to hub. 6 No. Larger turbines to west have a presence in the landscape, these being located within Crockandun Wind farm.</p> <p>Nearest residential properties set on lower ground on Drumard Road to the North / NW. Site falls within AONB designation as per the Magherafelt Area Plan.</p>		
Description of Proposal		
Repower existing wind turbine (Previously permitted under H/2009/0501/F) to increase turbine blade lengths to 27 m and increase hub height to 60 m		
Planning Assessment of Policy and Other Material Considerations		
Magherafelt Area Plan 2015 Regional Development Strategy 2035		

Strategic Planning Policy Statement

Planning Policy Statement 1 - General Principles

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 18 - Renewable Energy

Draft Area Plan.

The RDS emphasises the need to increase the contribution that renewable energy can make to the overall energy mix. The SPPS recognises that Northern Ireland has significant renewable energy resources and a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development.

The regional strategic objectives for renewable energy are to:

- Ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed;
- Ensure adequate protection of the regions built, natural and cultural heritage features; and
- Facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design.

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 SPPS advocates a cautious approach for renewable energy development proposals within designated landscapes which are of significant value, such as AONBs and their wider settings. The SPPS goes on to say that in such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the regions cultural and natural heritage interests.

PPS18 states that Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning considerations;

- Public safety, human health or residential amenity;
- Visual amenity and landscape character;
- Biodiversity, nature conservation or built heritage interests;
- Local natural resources, such as air quality, water quality or quantity; and
- Public access to the countryside.

PPS18 (RE1) in relation to wind energy development states the following:

Wind Energy Development Applications for wind energy development will also be required to demonstrate all of the following:

- (i) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;

- (ii) that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications;
- (iii) that the development will not create a significant risk of landslide or bog burst;
- (iv) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;
- (v) that no part of the development will have an unacceptable impact on roads, rail or aviation safety;
- (vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors¹ (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and
- (vii) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

I have carried out consultations to the relevant bodies to establish if any of the above issues are of concern with this repowering application. The turbine utilises the existing base as I understand it, no objections are received in relation to communications, nor are there any obvious roads or aviation issues. The interference of TV reception/radio interference is unlikely in this single turbine proposal. No objections on such grounds have been received from the relevant media and communication consultees. Belfast International Airport advise of no objections to the proposal.

The application site is contained within the open countryside as defined by the Magherafelt Area Plan. Due to the sites location within the Sperrins AONB and the associated significant landscape, the NIEA were consulted but they did not raise any concerns regarding landscape or biodiversity. I note a bat survey has been submitted with the application but given that bats are more commonly found in the vicinity of linear features such as hedgerows or tree lines, this site location is outside the zone of influence of any such feature in my assessment of the immediate location, the landscape being more open and undefined mountain top terrain.

In addition. it is not thought that the proposed single turbine will have any impact on the ground water conditions/geology in the area given its utilises the same location as the existing.

The Environmental Health Department were asked to comment on the proposal and responded requesting a noise assessment to be submitted in accordance with ETSU-R-97 and the IOA'S Good Practice Guide. Following an assessment of the noise report EHD have suggested a number of conditions be included should the application be approved. Local objections from occupants of No 51 raise concerns with 'reflective shadow' from the existing turbine. In response a shadow flicker assessment has been submitted but I anticipate no concerns with regards to shadow flicker given the distances away from the turbine to the nearest sensitive dwellings. I have considered the potential for shadow flicker to occur under the consideration of local objections further below:

In considering the main policy test set out above in particular the visual and landscape amenity as well as cumulative impacts, and being mindful of the need for a cautious approach as required to do so by the SPPS, this application is for an increase in both hub and blade height from that approved under H/2009/0501/F which had an approved hub height of 30m and a blade radius of 13.5m. The applicant is seeking an amendment to repower and therefore increase the height of the hub 60m and the length of the blade to 27m. The location of the turbine remains as per the existing and it follows that cumulatively, whilst I am aware of unimplemented permissions in the vicinity of this turbine accessed from Drumard Road, there is no greater visual or landscape impact from this proposal than the existing situation. Whilst no specific information has been sought on the increased output, the re-powering of the turbine should also provide an increased potential to harness more energy and therefore contribute further to NI's renewables target.

To the rear of the approved turbine sits Crockandun Wind Farm which consists of 6 wind turbines with a hub height of 80m and a blade length of 45m with an overall height of 125m. The visual presence and local dominance of these is also a factor in my consideration of this planned increase to the turbine.

The critical factor to be considered in this case is that a wind turbine has been approved and the application is seeking to increase its overall height and blade dimensions. It is important to assess the proposal against the backdrop of the existing Crockandun Wind Farm and the various viewpoints across to the turbines, as well as considering local residents objections which in this case come from dwellings which sit below the turbine on Drumard Road.

The application is located in LCA 41 Slieve Gallion and in its Assessment for Wind Energy Development it states that Slieve Gallion is an LCA of varied sensitivity, reflecting its varied character. The approved turbine is located in the north-western slopes of Slieve Gallion with their more rounded topography and lower visual prominence, and are somewhat less sensitive. The location of the turbine is viewed more distantly as being on lower slopes compared to the wind farm, this being particularly evident on the north eastern approaches from Desertmartin and Tobermore. In my view this reduces negative landscape impacts from this approach, up to a point on Drumard Road at the junction with the minor Drumard Road where there is greater consciousness of the proposed increase due to landform and skyline views, this is also a point where backdrop is of less value to the proposal.

That said, whilst the proposal will be visible from various viewpoints, and whilst I'm conscious that this application will double the current hub height, I do not feel that an increase of the hub to 60m, due to the starkness of the approaches to the site along with a lack of scale comparators, will be significant to the extent that it will be so obvious to merit a refusal of the application. This also includes the increase to blade length proposed. The application was originally submitted for a 70m hub, and after raising concerns to the agent about this initial proposal as a result of visual prominence from approaching views along Drumard Road from the north, a visual analysis was received. In revisiting the identified approaches, and in paying consideration to the more significant presence of the much more dominant turbines within Crockandun wind farm, the council was asked to further consider a reduced 60m hub. Having visited the area, and in particular considered the outlook from occupied dwellings on Drumard Road, I

find the proposal on balance as now described as acceptable. A more detailed consideration of my assessment from occupied properties is set out further below.



Image from side of No 54 (B Gray)



Image from outside No 51 Drumard Road.

Consideration of Local objections.

4 Local objections are from 2 properties as identified on the image below. The issues of concern are as follows:

From No 51 (M Gray)

- that an additional turbine has arrived on site.
- We receive reflective shadow from the existing turbine already
- At no stage have we been notified of the application
- My home has never been taken into consideration for another turbine
- Can planning confirm that my property has been included in a noise assessment.

No 54 (B Gray) states in 2 objections:

- I object the doubling in height of the turbine.
- It is very close to our home and the existing turbine is already very noisy.
- The man passing this turbine lives in Straw, Draperstown. This is exploitation of our beautiful countryside not to mention the noise, flicker, etc associated with these turbines.
- There is now a sub-station application in the system
- Why are planners not protecting our AONB? Why are planners not taking genuine concerns of local residents into consideration? Why is green energy being given priority over green spaces. Surely if COVID has taught us anything, its that we must protect our beautiful outside spaces, especially in the mountains. I have objected in the past to these developments, unfortunately its been a complete waste of my time & energy but at least I can say, I tried my very best.

To initially address the matter of neighbour notification, neither of these dwellings are notifiable as a result of distance between them and the application site. The Councils legal requirements in relation to notification to parties is met in this case. The applicants address is not a determining factor to which I can afford weight in determining this proposal. I have also paid attention to and visited the properties in question to better understand the impacts on these. A recent application has been submitted for a sub-station, this however takes account of established permissions in this location for other turbines and does not form part of this particular application. I agree that the AONB is a special area to be protected, however wind turbine development is not banned from these areas, I have also explained how I have taken a cautious approach to this AONB in assessing the impact of this proposal.

Whilst the objectors properties do have a direct outlook towards the current turbine on the horizon, the physical distances between (818m to No 51) and some 914m to No 53 assists in lessening the visual impact from these dwellings in particular. The existing turbines base is also partly obscured by landform between it and both properties. I note that none of the objections appears to specifically reference visual amenity or outlook impacts, but rather focus more on noise and shadow flicker concerns.

EHO have considered the proposal, both in its original guise as a 70m hub and then as reduced to 60m. The original noise report for the 70m is also found to be acceptable for the 60m hub and there are no objections raised by EHO subject to conditions. All noise receptors that need to be included in the report have been.



Distances between turbine and objectors properties.

Whilst a doubling of the turbines size will in no doubt represent an increased visual presence to these properties, it will not be an increase which I judge to be unacceptable to an extent that PPS18 Policy is offended. EHO have carefully considered the predicted noise impacts also and recommend conditions.

Shadow Flicker and Reflected Light

1.3.72

Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as 'shadow flicker'. It only occurs inside buildings where the flicker appears through a narrow window opening. A single window in a single building is likely to be affected for a few minutes at certain times of the day during short periods of the year. The likelihood of this occurring and the duration of such an effect depends upon:

- the direction of the residence relative to the turbine(s);
- the distance from the turbine(s);
- the turbine hub-height and rotor diameter;
- the time of year;
- the proportion of day-light hours in which the turbines operate;
- the frequency of bright sunshine and cloudless skies (particularly at low elevations above the horizon); and,
- the prevailing wind direction

1.3.73 Shadow flicker generally only occurs in relative proximity to sites and has only been recorded occasionally at one site in the UK. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side.

1.3.74 The further the observer is from the turbine the less pronounced the effect will be. There are several reasons for this:

- there are fewer times when the sun is low enough to cast a long shadow;
- when the sun is low it is more likely to be obscured by either cloud on the horizon or intervening buildings and vegetation; and,
- the centre of the rotor's shadow passes more quickly over the land reducing the duration of the effect.

1.3.75 At distance, the blades do not cover the sun but only partly mask it, substantially weakening the shadow. This effect occurs first with the shadow from the blade tip, the tips being thinner in section than the rest of the blade. The shadows from the tips extend the furthest and so only a very weak effect is observed at distance from the turbines.

1.3.76 Problems caused by shadow flicker are rare. At distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low. The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the site. Where shadow flicker could be a problem, developers should provide calculations to quantify the effect and where appropriate take measures to prevent or ameliorate the potential effect, such as by turning off a particular turbine at certain times.

1.3.77 Careful site selection, design and planning, and good use of relevant software, can help avoid the possibility of shadow flicker in the first instance. It is recommended that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day³

1.3.78 Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it. Careful choice of blade colour and surface finish can help reduce the effect. Light grey semi-matt finishes are often used for this. Other colours and patterns can also be used to reduce the effect further. (See 'The Influence of Colour on the Aesthetics of Wind Turbine Generators' – ETSU W/14/00533/00/00)

In considering the potential to cause shadow flicker to objectors properties, and whilst both dwellings are located within the 130 degrees either side of north from the turbine, what is clear is that the distances between the turbine and these dwellings are greatly in excess of 10 times rotor diameter, in this case that calculated distance being some 540m. The objectors closest are 818m away. It is my conclusion that shadow flicker should not occur based on this distance and in light of the guidance referred to above.

The two main key issues of objection raised, namely noise and shadow flicker, given that EHO do not object to the proposal and that the objectors properties (and indeed other dwellings) are well in excess of 540m from the turbine, are not therefore of an extent that planning permission should be refused for this proposal.

It is my view that planning permission be granted with the below conditions attached. The proposal does not offend the policy requirements of the SPPS or PPS18 and it follows therefore that Policy CTY1 of PPS21 is also met.

Neighbour Notification Checked

Yes

Summary of Recommendation: approve subject to conditions

Conditions.

1. Development shall be commenced within 5years from the date of this permission.

Reason: Time limit

2. The level of noise emissions from the wind turbine (including the application of any tonal penalty when calculated in accordance with the procedures described on pages 104 - 109 of ETSU-R-97) shall not exceed the values set out in the table below. Noise limits for any dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the tables shall be represented by the physically closest location listed in the tables unless otherwise agreed by the Mid Ulster District Council.

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

Table 1: Noise Limits dB LA90 at all times

Property	Standardised wind speed at 10m height (m/s) within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
49 Drumard Rd E278006 N390248	29. 4	29. 8	30. 2	30. 5	30. 9	31. 3	-	-	-
Dwelling E278678 N390817	24. 1	25. 4	25. 8	26. 2	26. 7	27. 3	-	-	-
52 Drumard Rd E277909 N389932	27. 0	26. 7	26. 3	25. 9	25. 6	25. 2	-	-	-

3. Within four weeks of a written request by Mid Ulster District Council following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission for construction at the date of this consent, the wind turbine operator shall, at their expense employ a suitably qualified and competent person to assess the level of noise emissions from the wind turbine at the complainant's property following the procedures described in pages 102-109 of ETSU-R-97. Details of the noise monitoring survey shall be submitted to planning for written approval prior to any monitoring commencing. Mid Ulster District Council shall be notified not less than two weeks in advance of the date of commencement of the noise monitoring.

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

4. Within four weeks from receipt of a written request from Mid Ulster District Council, following an amplitude modulation (AM) complaint to it from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall submit a scheme for the assessment and regulation of noise to Mid Ulster District Council for its written approval. The scheme shall be in general accordance with:
 - a. Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time, or in the absence of endorsed guidance,
 - b. Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology, The methodology published by Renewable UK on the 16th December 2013;
 - c. and implemented within three months of the written request of the Mid Ulster District Council unless otherwise extended in writing by Mid Ulster District Council.

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

5. If the results of surveys required by either condition 3 or 4 exceed the noise levels predicted for this development within the submitted noise Grainger Acoustics Report dated April 2019, the turbines shall cease to operate until a programme of works to achieve these levels has been submitted to and approved in writing by the Department and implemented. A further noise survey shall be undertaken by an independent person immediately thereafter and a report of such submitted to and agreed with Mid Ulster District Council to demonstrate compliance.

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

6. The permission shall be for a limited period expiring on 25 years from the date on which electricity from the turbine is first connected to the grid.

7. Within 12 months of the cessation of electricity generation at the site, or upon the expiration of this permission, whichever is sooner, all structures and access tracks shall be removed and all land affected by the development restored in accordance with a decommissioning scheme submitted to and approved by the planning authority prior to the commencement of any works, or in accordance with any variation to the scheme to which the planning authority subsequently agrees in writing.

Signature(s) M.Bowman

Date: 19th Nov 2020

ANNEX	
Date Valid	21st December 2018
Date First Advertised	10th January 2019
Date Last Advertised	18th August 2020
Details of Neighbour Notification (all addresses) Bernie Gray 54 Drumard Rd Draperstown BT45 7ju Mary Gray Email Address Bernie Gray Email Address Mary Gray Email Address	
Date of Last Neighbour Notification	29th October 2020
Date of EIA Determination	19th Nov 2020
ES Requested	No
Planning History Ref ID: LA09/2017/1402/NMC Proposal: Change of rated power output of wind turbine permitted Ref. H/2009/0501/F from 225KW to 250KW Address: Approx 750m North West of Drumard Road / Cullion Road Junction, Straw Mountain, Draperstown, Decision: CG Decision Date: Ref ID: LA09/2018/1694/F Proposal: #Repower existing wind turbine (Previously permitted under H/2009/0501/F) to increase turbine blade lengths to 27 m and increase hub height to 70 m Address: Approximately 750 m north west of Drumard Road/Cullion Road junction, Straw mountain, Draperstown, Decision: Decision Date: Ref ID: H/2015/0005/LDE Proposal: Access and visibility splays constructed as per planning approval H/2009/0501/F to serve a single wind turbine	

Address: Approx. 750m North West of Drumard Road/Cullion Road Junction, Straw Mountain, Draperstown,
Decision: PG
Decision Date:

Ref ID: H/2012/0156/F
Proposal: 33kv Overhead Powerline
Address: Townlands: Drumard, Cahore, Cloughfin, Straw, Mountain Brackagh, Corick,
Decision: PG
Decision Date: 19.11.2012

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Status: Submitted

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Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Drawing No.
Type: Proposed Elevations
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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0135/F	Target Date:
Proposal: Retention of livestock holding unit/agricultural building	Location: Site on Terrywinny Lane approx. 400m South of 28 Legnacash Road Cookstown
Referral Route: This application is being presented to Committee as one letter of objection has been received.	
Recommendation:	APPROVE
Applicant Name and Address: Norman McConnell 14 Magheraglass Road Cookstown	Agent Name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Add Info Requested
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	
Non Statutory	Shared Environmental Services	
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	NIEA	Advice
Statutory	NIEA	
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	

Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	NIEA	
Non Statutory	Shared Environmental Services	
Non Statutory	Shared Environmental Services	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
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>Issues raised:</p> <p>One letter of objection has been received in respect of the proposed development and raises the following issues:-</p> <ul style="list-style-type: none">• A large pig house and a meal bin has appeared on the skyline;• Unacceptable in the surrounding area;• Easily visible from the objectors and other neighbours homes. <p>This a retrospective application for a pig unit which has been in place for some time. The pig unit was first constructed on site sometime between 25th July 2014 and 31st May 2016 and therefore the original pig unit may well be immune. However, it has recently been extended and this application is for the retention of the entire unit. The building is a low set building with a ridge height of 4.1m above ground level. This is a typical agricultural building which would be expected to be found in a rural location. It is not accepted that the building is on the skyline and given that it is in excess of 340m from the nearest third party dwelling, it would not be considered to have a detrimental visual impact.</p>		
<p>Characteristics of the Site and Area</p> <p>The site is set within the rural area and approximately 5.5km west of the centre of Cookstown in a relatively flat landscape. The site has the existing farm shed on site with a livestock holding pen to the immediate north. The site is located immediately adjacent to and on the inside of the road frontage hedge. There is an existing access point at the northern end of the site, approximately 25m from the 90^o bend in the road.</p> <p>It is clear that the existing shed has been extended beyond what was previously erected around 2015 and could hold approximately 100 breeding sows.</p> <p>There are limited critical views of the building on site due to both the low ridge height of the building and the mature roadside vegetation along this winding rural road.</p>		

Description of Proposal

The proposal is for the retention of a pig unit measuring 18.9m x 18.8m with a further extension to the front of 9.7m x 6.5m and having a ridge height of 4.3m. The pig unit will have a capacity of 35 dry sows and 40 maiden gilts. The external finishes are:

Walls - wet dash render;

Roof - Green round corrugated cladding;

Door - timber strip

Windows - white upvc

The entire unit is constructed over a below ground slurry tank.

The pig unit has two slatted areas with a row of 9 pens between these and feed passages along both outer walls. There are two external tank mixing points and extraction points, both at the northern gable end.

The building has a total floor area of 383.8m².



The proposed pig unit

The proposed pig unit is to be located in the north-western corner of a 3.9ha roadside field. There is an existing access gate at that point and leads into a livestock holding pen close to the roadside. There are two access points proposed into the new building, one at the north-western corner of the site close to the existing field entrance with a second access located at the south western corner. The unit is to be sited approximately 0.5m back from the public road and to the rear of the roadside hedge. The proposal includes a small area to the north of the building which forms an enclosed yard.

The existing mature hedgerow along the site frontage needs to be removed and set back in order to provide the necessary visibility splays. This will include 38m to the north of the new access point to the southern end of the site and 47m to the south of that same access point. A new hedge is proposed along both the southern and eastern boundaries.

Planning Assessment of Policy and other Material Considerations

Include Development Plan and planning history

The proposed site is located within the rural area as identified within the Cookstown Area Plan. There is no previous planning history on the site.

PPS 2 - Natural Heritage sets out the relevant planning policies for the conservation, protection and enhancement of our natural heritage. For the purpose of this Planning Policy Statement, natural heritage is defined as 'the diversity of our habitats, species, landscapes and earth science features'.

Policy NH1 - European and Ramsar Sites - International, allows planning permission to be granted where the proposal will not have a significant effect on European Sites including Special Areas of Conservation. In this instance, the proposed development is within 7.5km of Upper Ballinderry River ASSI/SAC, Ballysudden ASSI, Little River ASSI, Bardahessiagh ASSI, Tanderagee ASSI and Limehill Farm ASSI which are of international and national importance. Consequently Shared Environmental Services were consulted and following due consideration, it was concluded that the proposal will not be likely to have a significant effect on the features or conservation objectives of any European Site subject to the inclusion of certain conditions.

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance, allows for planning approval to be granted to a development provided that it does not result in an unacceptable adverse impact on, or damage to habitats, species or features which includes Upper Ballinderry River ASSI/SAC, Ballysudden ASSI, Little River ASSI, Bardahessiagh ASSI, Tanderagee ASSI and Limehill Farm ASSI. NIEA: Natural Environment Division considered the potential impact of the development in addition to the proposed land spreading locations associated with the proposal which are within 7.5 km of the site. As part of this process NED gave consideration to the emissions from intensive livestock installations which can have significant impacts on plant species and the supporting habitats of designated faunal species as well as dirty water generated from activities on site which may contain organic material as it can be detrimental to aquatic life if it enters a watercourse. On that basis it was concluded that the proposal would not have an adverse effect on designated sites or other natural heritage interests subject to the imposition of suggested conditions.

PPS 21 - Policy CTY 1 identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and which will contribute to the aims of sustainable development. One of these is an agricultural building in accordance with Policy CTY 12.

Policy CTY 12 - Agricultural and Forestry Development supports proposals for this type of development provided that it is demonstrated that it meets the criteria listed within the policy. A letter from the agent, received 6th August 2020, provides some justification in that the applicant's farm is split between the main farm and an outlying farm. The main farmyard is within 75m from neighbouring dwellings and therefore in the interests of avoiding noise and odour complaints etc. the proposal is to site the pig unit at the outlying farm which is located around 340m from the nearest third party dwelling.

Policy CTY 12 requires amongst other things, that proposals be located on an active and established farm holding. DAERA have advised that the farm holding is active and has been established for more than 6 years. Policy CTY 12 also requires it to be demonstrated that:-

- is necessary for the efficient use of the agricultural holding.

The applicant is expanding their pig enterprise on the holding and this is the most suitable location for the proposed building.

- is of appropriate character and scale for the location.

The proposed building is of standard design and character for the rural area and is of standard design for a pig unit. However, the proposed building is located some distance from the existing farm complex. It is my opinion that the proposed pig unit is acceptable at this location given the alternative would be to site the building within 75m of third party dwellings.

- The proposed building visually integrates into the landscape and includes additional landscaping as necessary.

The proposed building is a low set building on a site close to the public road. However, given the flat landscape and the roadside hedgerows and winding road network the building will have little visual impact on the surrounding landscape and it will achieve an acceptable degree of visual integration;

- The proposal does not adversely impact on natural or built heritage;

The proposal satisfies this requirement;

- The proposal will not result in a detrimental impact on residential amenity outside the farm holding including issues of noise, smell and pollution;

The proposed building is to be located approximately around 340m from the nearest neighbouring 3rd party dwelling.



Proximity of the pig unit to the nearest 3rd party dwelling

To enable full consideration to be given to the proposed development, consultations were sent to the following bodies in relation to the potential for odour and pollution; Environmental Health, NIEA: Industrial Pollution and Radiochemical Inspectorate; Water Management Unit; Natural Environment Division and Shared Environmental Services.

A nutrient management plan was provided to demonstrate that the manure from the proposed development would be utilised in a responsible and acceptable manner. This was sent to WMU who advised that the manure would be land spread in a suitable manner.

In my opinion, the proposal as presented is acceptable as, although it is not sited beside existing farm buildings, an alternative site away from the main farmyard is more acceptable due to the potential for the building to have an adverse impact on neighbouring dwellings.

CTY 13 - Integration and Design of Buildings in the Countryside

This is a full application for the erection of a pig unit on an active farm holding. The site is located adjacent to the roadside hedge. Although there are critical views of the site on approach from

both north west and the south, these are short distance views and due to the roadside vegetation/hedgerows and the winding road network the proposed building is only visible for a short time. It is well sited into the surrounding landscape and is not prominent. Whilst a section of the road frontage hedge would be removed to provide the access, this will be replaced and is not considered to be to such an extent which would render the site prominent. The site would achieve an acceptable degree of integration given the existing surrounding topography and the vegetation present. Overall the proposed building would satisfy the criteria in this policy and would therefore achieve an acceptable degree of integration.

CTY 14 - Rural Character

A building positioned on the site as proposed would only be visible for a short distance on approach from the north west and south west along the Terrywinney Road. The proposed building would not be intervisible with any other buildings from this vantage point and therefore it would not lead to a change in character of the area. Furthermore, such a building would not be considered to be unduly prominent, it does not result in a suburban style build-up of development, it would respect the traditional pattern of development in the area, it would not create a ribbon of development and the impact of ancillary works would not damage rural character. The proposal does not offend any of the criteria in this policy and in that sense it would be acceptable.

PPS 3 - Access, Movement and Parking;

Following receipt of amended plans, Transport NI advised that they have no objection to the proposed development subject to relevant conditions.

Summary of consultee responses

Transport NI - advised that the proposal is acceptable subject to conditions

Environmental Health - advised that the odour and noise report were acceptable and they have no objections to the proposed development.

NIEA: Water Management Unit - considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content subject to relevant conditions.

NIEA: Industrial Pollution and Radiochemical Inspectorate - advised that as the pig unit will have a capacity below the threshold which requires a permit the proposal will not be subject to regulation by the inspectorate.

NIEA: Natural Environment Division considered the impacts of the proposed unit on designated sites and other Natural Heritage interests and on the basis of the information is content subject to relevant conditions.

Shared Environmental Services considered the nature, scale timing duration and location of the proposed unit and is content subject to relevant conditions.

DARD - No objections.

NI Water - No Objections.

Recommendation

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

Neighbour Notification Checked	Yes
--------------------------------	-----

Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions

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

Reason: This is a retrospective application.

2. All proposed planting as indicated on the stamped approved drawing no. 02/3 date stamped 26th September 2019 shall be undertaken during the first available planting season following the date of this decision.

Reason: To ensure the proposal is in keeping with the character of the rural area and in the interests of visual amenity.

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

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

4. The vehicular access, including visibility splays of 2.4m x 60m in both directions, and Forward Sight Distance of 60m shall be provided in accordance with Drawing No 02/3 dated 26th September 2019 within 3 months of the date of this decision.

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

5. 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.

6. The existing access coloured blue as indicated on Drawing No 02/3 date stamped 26th September 2019 shall have the gates removed and the access shall be permanently closed up within 1 month of the new access being constructed.

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.

7. The access gradient shall not exceed 8% (1 in 12.5) over the first 5.0m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

8. The odour impact from the proposed development shall not exceed the odour levels expressed in Table 11 of report Rp001 2019082 at the locations specified in Table 10.

Reason: In the interest of residential amenity.

9. At the written request of Mid Ulster District Council, following a reasonable complaint, the operator shall carry out compliance testing and odour monitoring and/or modelling at source and/or receptor locations to be agreed with Mid Ulster District Council to demonstrate whether agreed odour concentrations specified in Condition 8 are being achieved. Where agreed odour concentrations are demonstrated or predicted to be exceeded a mitigation plan shall be submitted to and agreed in writing with Mid Ulster District Council within 1 month of the reporting date.

Reason: In the interest of residential amenity.

10. The applicant must adhere to all mitigation and disposal methods for pig slurry generated by this proposal as detailed in the Amended Nutrient Management Plan stamped received 13th September 2019.

Reason: To ensure that the pig slurry arising from this proposal will be utilised in a sustainable manner and in compliance with legislative requirements, therefore providing protection of the aquatic environment and to avoid adverse effects on Upper Ballinderry River SAC

11. The maximum number of pigs within the proposed facility shall not exceed 35 Dry Sows and 40 Maiden Gilts at any time.

Reason: To avoid adverse effects on Upper Ballinderry River SAC.

12. All contaminated run-off (from the facility and concrete) must be directed to an appropriate collection tank, with no overflow or outlet to any waterway or soakaway.

Reason: To protect the aquatic environment.

Signature(s)

Date:

ANNEX	
Date Valid	30th January 2019
Date First Advertised	14th February 2019
Date Last Advertised	21st March 2019
Details of Neighbour Notification (all addresses) Gabrielle McKeever Email Address	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2019/0135/F Proposal: Retention of livestock holding unit/agricultural building Address: 400m South of 28 Legnacash Road, Cookstown, Decision: Decision Date: Ref ID: LA10/2018/1475/PAD Proposal: Heart of Ancient Ulster Landscape Partnership 2019-2024 Address: Lands on Carrickmore Plateau and the Pomeroy Hills, Co Tyrone, Decision: Decision Date:	
Summary of Consultee Responses All consultees responded positively.	
Drawing Numbers and Title	

Drawing No. 02/3
Type: Site Layout or Block Plan
Status: Approved

Drawing No. 04
Type: Proposed Elevations
Status: Approved

Drawing No. 03
Type: Proposed Plans
Status: Approved

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

Notification to Department (if relevant)

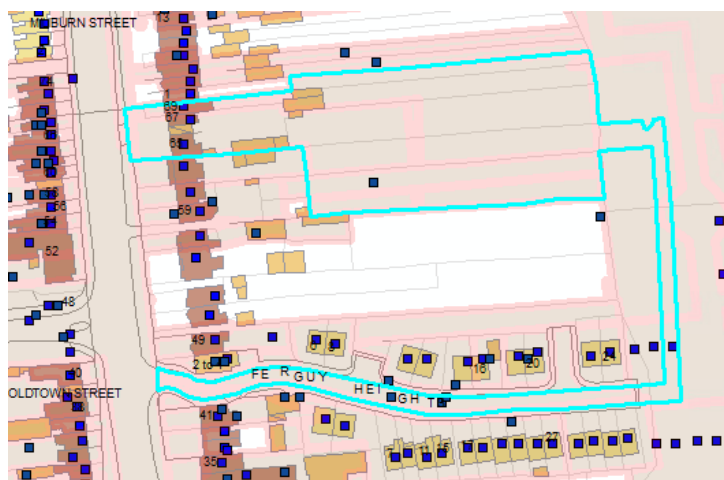
Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0232/F	Target Date:
Proposal: Proposed 8 No. semi detached dwellings (additional info received)	Location: Land to the rear of 65 - 69 Oldtown Street Cookstown
Referral Route: Due to objections received.	
Recommendation:	Approval
Applicant Name and Address: Mr Malcolm Thom 8 Drumearn Road Cookstown BT80 9JY	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary:	
Signature(s):	

Case Officer Report**Site Location Plan****Consultations:**

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DFI Roads - Enniskillen Office	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

Third party representations were received during the assessment of this application. All material considerations have been addressed within the determination of this application.

Characteristics of the Site and Area

The site is located within the settlement of Cookstown. The site incorporates three units within the street scene. Two of the units are vacant and one still inhabited. One unit was previously used as a shop with living accommodation and the other as a residential unit. An arched entry lines two of the properties. The site extends a significant distance to the

rear as it includes the rear yards and gardens of the properties. The yards to the rear are accessed currently via the small archway. The yards are concreted and run a relatively short distance while beyond this there are a number of steeply rising linear fields. The buildings at the entrance to the site are within an Area of Townscape Character and outside Town Centre limits.

Description of Proposal

Proposed 8 No. Semi-detached dwellings at sites 1-8 at development to rear of 65-69 Oldtown Street, Cookstown

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS)
2. Cookstown Area Plan 2010.
3. Planning Policy Statement 3 - Access, Movement and Parking
4. Planning Policy Statement 7 - Quality, Residential Developments
5. Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation.
6. Planning Policy Statement 12 - Housing in Settlements

Supplementary planning guidance:

Creating Places -Achieving Quality in Residential Developments

Development Control Advice Note 8 (DCAN 8) Housing in Existing Urban Areas.

Planning History

Approval granted 8.06.2017 under I/2013/0194/F for 5 dwellings on the eastern portion of the proposal site while showing 'phase 2' on the southern portion of the site. This current proposal corresponds with that 'Phase 2' of the previously approved. The house types are similar in design to that approved previously under I/2013/0194/F.

Consultees: - Environmental Health were asked to comment and responded on 10.05.2019 with no objections subject to conditions and advice.

NI Water were asked to comment and responded on 19.07.2019 with no objections subject to advice.

DfI were asked to comment and responded on 05.11.2019 with their final comments offering no objections subject to conditions and advice.

Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty.

One objection has been received from Mr Robert Greer who is representing the residents of Nos 61 _ 63 Oldtown Street. The main points raised within this objection are:

- The site address is inaccurate and should include all properties in the site address that the proposal flanks.

- On application form it has been stated that the proposal makes use of an existing unaltered access to a public road however the objector feels the applicant should have stated that the proposal involves both vehicular and pedestrian accesses.
- Ownership dispute - the objector has queried that the applicant is the owner of all lands required for the proposal.

Following the submission of the objection, additional information has been sought from the agent.

In response to the points raised in the submitted objections I would comment that the address for the proposal is the same as that approved on site under I/2013/0194/F and also that all notifiable properties have been notified and as such interested parties made aware of the proposal. In addition in line with legislation the proposal was advertised in the local press on 07.03.2019 so all avenues for notification have been utilised. It should be pointed out that planning permission does not distinguish rights of way. Following the submission of objections clarification was sought as to land ownership, the agent stated that 'Mr Greer has a ROW on the proposed adopted road which is passed by roads service, although this ROW is not registered by Land Registry it is legally done by solicitors'. Following this information it would appear that the issues raised are that of a civil matter. It should be noted that the access referred to by Mr Greer is the same as that within approval I/2013/0194/F.

As mentioned above, there were issues raised by the objector regarding land ownership. The correct planning application certificate has been submitted and a P2A form, Notice of Application for Planning Permission. Any unresolved issues of land ownership are outside the remit of Planning and are civil issues.

Assessment

Principle of Development

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.

The Cookstown Area Plan, 2010 identifies the site as being located within the development limits, which gives favourable consideration to proposals subject to criteria outlined within the plan policy. The application is for 8 No Semi detached dwellings. Under Policy QD1 of PPS7- planning permission will only be granted for new residential developments where it is demonstrated that the proposal will create a quality and sustainable residential. The design and layout of residential development should be based on overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In terms of QD1 of PPS7, Proposals are expected to meet 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 areas;

The proposal is for 8 no semi detached dwellings, each with a rear garden areas. Distance to the rear boundary fence line of the proposed properties is sufficient. This is in keeping with existing properties in the area and represents a quality residential environment.

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

No archaeological or built heritage features identified on GIS search within the site or its surrounding setting and thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.

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

There is adequate private open space within the site, with garden areas to the rear as well as front and side.

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

The proposal is for 8 No dwellings it is considered that it would be unnecessary to provide additional neighbourhood facilities due to the size and scale of the proposal. The proposal would not significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

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

The proposal intends to use an existing unaltered access to the public road. Transport NI were consulted on the application and after some amendments, they had no objection in their final response to the proposal subject to conditions. The site is connected to a wider road network and it is not considered necessary to ask the developer to provide additional neighbourhood facilities.

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

I find that the proposal incorporates sufficient space around the curtilage of the proposed site for the parking and turning of cars. I consider that adequate provision has been made for the provision of in-curtilage parking on the site.

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

The form, materials and detailing are broadly similar to the surrounding existing properties and are therefore in keeping with the area.

(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;

I consider that the proposed dwellings are sited a reasonable distance away from any neighbouring properties. I do not consider that it will cause any detrimental impact on neighbouring amenity.

(i) The development is designed to deter crime and promote personal safety
The proposal is on the edge of the settlement limits of Maghera I have no reason to believe that there would be any reasons why crime or personal safety would be an issue on this site.

Other considerations

The site is not subject to flooding and there are no contamination or human health issues to consider.

Conclusion

In conclusion I am content that the proposed development is considered to be in compliance with the policy objectives of PPS7, PPS8 and PPS3, PPS12 and accordingly is recommended for approval.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

Conditions/Reasons for Refusal:

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 Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being compromised in the streets, shall be as indicated on Drawing No)5/01 dated 23/10/19

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

3. No part of the development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No: 05/01 dated 23/10/19. 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.

4) No other development hereby permitted shall be commenced until the road works indicated on Drawing No 05/01 dated 23/10/19 have been fully completed in accordance with the approved plans.

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

5) The visibility splays of 2.4m x 60m in both directions at the junction of the proposed access with the public road, shall be provided in accordance with Drawing No:05/01 dated 23/10/19 prior to the commencement of other works or development.

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 hedges, nor formal rows of trees grown in (verges) 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.

7.The (gradient of the access/gradients of the accesses) shall not exceed 8% (1 in 12.5) over the first 5m 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.

8.The gradient of the access 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.

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

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

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

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

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

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

Informatives

1.Private Streets Order (Northern Ireland) 1980 Under the above Order 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 Department to make the roads and sewers in accordance with the Private Streets Construction Regulations.

2.Separate approval must be received from Roads Service in respect of detailed standards required for the construction of streets in accordance with the Private Streets Construction Regulation.

3.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.

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

5.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].

6. 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.

7. 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.

8. 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.

9. The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.

10. Planning Service receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available).

11. 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.

12. 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	21st February 2019
Date First Advertised	7th March 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Millburn Street Cookstown Tyrone Robert Greer 15 Limekiln Lane, Cookstown, BT80 8TS Robert Greer 15 Limekiln Lane, Cookstown, Tyrone, Northern Ireland, BT80 8NL The Owner/Occupier, 59 Oldtown Street, Cookstown The Owner/Occupier, 61 Oldtown Street, Cookstown The Owner/Occupier, 63 Oldtown Street Cookstown Tyrone The Owner/Occupier, 63 Oldtown Street, Cookstown The Owner/Occupier, 65 Oldtown Street Cookstown Tyrone The Owner/Occupier, 67 Oldtown Street Cookstown Tyrone The Owner/Occupier, 69 Oldtown Street Cookstown Tyrone Robert Greer Email	
Date of Last Neighbour Notification	1st October 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/1152/F Proposal: Proposed 2 Apartments in lieu of previously approved dwelling (reference: LA09/2017/1542/F) Address: Approx 7m NW of 6 Ferguy Heights, Cookstown, Decision: AL Decision Date:	

Ref ID: LA09/2017/0752/F

Proposal: Change of use from domestic dwelling to H.M.O. accommodation

Address: 61 Oldtown Street, Cookstown,

Decision: PG

Decision Date: 24.08.2017

Ref ID: LA09/2019/0232/F

Proposal: Proposed 8 No. semi detached dwellings

Address: Land to the rear of 65 - 69 Oldtown Street, Cookstown,

Decision:

Decision Date:

Ref ID: I/2012/0161/F

Proposal: NIHE Disabled facilities grant - 2 storey rear extension including level access shower and ramped access

Address: 63 Oldtown Street, Cookstown,

Decision:

Decision Date: 18.07.2012

Ref ID: I/2011/0099/F

Proposal: Alterations to dwelling and two storey extension

Address: 69, Oldtown Street, Cookstown,

Decision:

Decision Date: 10.03.2011

Ref ID: I/1987/0503

Proposal: 2 NO FLATS

Address: 45 AND 47 OLDTOWN STREET, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1990/0510

Proposal: Change of use from Dwelling to Dental Surgery

Address: 41 OLDTOWN STREET COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2006/1219/F

Proposal: Proposed development of Unit A (3 no. retails), Unit B (4no. retail units) and unit C (3 no. retail units) and associated car parking and formation of new access road linking to Oldtown Street.

Address: Unit A - Lands adjacent to 47 Orritor Road, Cookstown (OS1 Zoning), Unit B - Lands adjacent to Tesco Store, Orritor Road, Cookstown (OS1 Zoning), Unit C - Lands to the rear of 52-74 Oldtown Street (Part of OS2 Zoning)

Decision:
Decision Date: 27.07.2007

Ref ID: I/2013/0194/F
Proposal: Proposed 4no. semi detached dwellings and 1 no. detached dwelling and widening of approved archway under I/2013/0193/F at Oldtown Street. (amended description)
Address: To the rear of 65-69 Oldtown Street, Cookstown,
Decision: PG
Decision Date: 12.06.2017

Ref ID: I/2005/0582/F
Proposal: Proposed replacement shop with 2 no first floor domestic apartments.
Address: 65 and 67 Oldtown Street, Cookstown
Decision:
Decision Date: 16.12.2008

Ref ID: I/2013/0139/F
Proposal: Proposed alterations to Planning Approval I/2005/0582/F to provide 3 no. apartments
Address: 65 and 67 Oldtown Street, Cookstown,
Decision: PG
Decision Date: 20.11.2013

Ref ID: I/1980/0201
Proposal: IMPROVEMENTS TO DWELLING
Address: 61 OLDTOWN STREET, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1998/0073
Proposal: Two Number Dwellings and Estate Road
Address: SITE NOS. 26 AND 28 FERGUY HEIGHTS COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2001/0666/F
Proposal: 2 No Semi-Detached Dwellings
Address: 22 & 24 Ferguy Heights, Cookstown
Decision:
Decision Date: 12.06.2002

Ref ID: I/1978/0049

Proposal: EXTENSIONS TO DWELLING
Address: 57 OLDTOWN STREET, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1988/0084
Proposal: CONVERSION OF DWELLING TO 2 NO FLATS
Address: 57 OLDTOWN STREET, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1999/0658/F
Proposal: 4 No Semi - Detached Dwellings and Estate Road
Address: 30 & 32 & 37 & 39 Ferguy Heights Cookstown
Decision:
Decision Date: 22.11.2001

Ref ID: I/2001/0637/F
Proposal: 65 No Dwellings and Estate Layout
Address: Off Ferguy Heights Cookstown
Decision:
Decision Date: 06.04.2007

Ref ID: I/1994/0187
Proposal: 1 pair of Semi-Detached Houses
Address: FERGUY HEIGHTS OLDTOWN STREET COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1998/0554
Proposal: CONSTRUCTION OF 2 DWELLINGS AND ESTATE ROAD
Address: 26 & 28 FERGUY HEIGHTS, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1995/0229
Proposal: 1 Pair Semi-Detached Houses
Address: FERGUY HEIGHTS OLDTOWN STREET COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1993/0033
Proposal: 3 No Dwellings

Address: FERGUY HEIGHTS OLDTOWN STREET COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1995/6021

Proposal: Proposed Dwellings Ferguy Heights, Cookstown

Address: Ferguy Heights, Cookstown

Decision:

Decision Date:

Ref ID: I/1981/0194

Proposal: PRIVATE HOUSING DEVELOPMENT

Address: 43-47 OLDTOWN STREET, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1988/0095

Proposal: ALTERATIONS TO APPROVED HOUSING ESTATE AND SERVICE ROAD

Address: FERGUY HEIGHTS, OLDTOWN STREET, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1995/0386

Proposal: 1 pair of semi-detached dwellings

Address: FERGUY HEIGHTS COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1996/0241

Proposal: 4 No Dwellings and garages

Address: 29,31,33, & 35 FERGUY HEIGHTS COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1978/0025

Proposal: EXTENSION AND IMPROVEMENTS TO TERRACE HOUSE

Address: 3 MILBURN STREET, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2000/0857/F

Proposal: Extention and alterations to dwelling

Address: 3 Milburn Street Cookstown

Decision:
Decision Date: 23.01.2001

Ref ID: I/1974/012501
Proposal: SITE FOR RESIDENTIAL DEVELOPMENT (AREA SHADED BLUE ON SITE PLAN, SCALE
Address: OFF DUNMORE CRESCENT, MONEYMORE ROAD, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1974/0125
Proposal: SITE FOR RESIDENTIAL DEVELOPMENT
Address: OFF DUNMORE CRESCENT, MONEYMORE ROAD, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2014/0251/F
Proposal: Public realm improvements comprising re-surfacing and new paving to pedestrian footpaths and public spaces, new street furniture, replacement street lighting, new tree planting, and formalisation of existing on-street parking arrangement
Address: Lands at 1-53 Milburn Street 1-69 Oldtown Street 1-64 William Street 1-73 James Street 1-22 Loy Street 1-73 Molesworth Street 1-74 Coagh Street 1-46 Orritor Street and 1-36 Fairhill Road Cookstown,
Decision: PG
Decision Date: 25.11.2014

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

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Drawing No.
Type:
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

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

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: LA09/2019/0533/F	Target Date:
Proposal: Change of use and alteration of historic railway station building to form 2 no. apartments and demolition of existing dwelling and construction of 10 no. residential units (6 no. detached and 4 no. semi-detached), including associated parking, landscaping and access on lands within ownership	Location: 20 Station Road Moneymore
Referral Route: This application is being presented to Committee as three objections have been received in respect of the proposed development.	
Recommendation: APPROVE	
Applicant Name and Address: Michael Nugent Ltd 2 Tandragee Road Pomeroy BT70 3DS	Agent Name and Address: Manor Architects Ltd Stable Buildings 30a High Street Moneymore BT45 7PD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
Statutory	NIEA	Error
Statutory	NIEA	Advice

Non Statutory	NI Water - Multi Units West - Planning Consultations	
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Advice
Statutory	Rivers Agency	Advice
Statutory	Rivers Agency	Advice
Statutory	Rivers Agency	Advice
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		
Issues raised		
Three letters of objection to the planning application have been received and relate to the following:-		
<ul style="list-style-type: none">• The proposal is not in keeping with the existing Listed Building; The existing station house is not Listed.• The site includes third party lands to the rear of the Station House. These are not owned by the applicant and should be included in the site outline. The site outline has been amended to exclude the third party lands.• The existing buildings were part of the Sperrin Heritage Trail in Moneymore; The Station House can still remain part of the Heritage Trail;• Loss of another place to show visitors; The Station House is currently in private ownership and therefore visitors cannot view the building other than from the Station Road. The Station House will however still be visible as the access road will be adopted by DfI Roads, thereby enabling the general public to get a close up view of the building.		

Characteristics of the Site and Area

The site is located on the edge of the settlement of Moneymore and towards the north-west of the settlement. The site is accessed off the A29, Station Road, a protected route leading to Coleraine and the North Coast.

The adjoining land to the south-western side is identified within the Cookstown Area Plan 2010 as an area constrained by sewerage infrastructure. This identified area also wraps around a small area of adjoining farm land to the immediate north-west of the site.

The site lies approximately 230m to the north of Moneymore Conservation Area.

The site is set within a well enclosed site with mature trees and hedgerows along the Station Road frontage in addition to the southern and north-eastern boundaries. These boundaries restrict public views into the site from the access point on the Station Road only.



The entrance to the site from Station Road

The site currently contains a two storey dwelling which replaced the former station master's house and signal cabin at the Moneymore Railway Station. Adjoining the dwelling is a single storey building which is the former passenger building which incorporated the ticket office, waiting room and parcel office. An adjoining single storey store is now used as a car valeting workshop. The dwelling, former ticket office and adjoining store are all located around 2.5m from the edge of the former railway platform with the former railway bed lying 1m below the level of the buildings.

The edge of the platform defines the site curtilage to the north-west and is not defined by any boundary fence.

he original single storey Station House which is to be retained and converted into two apartments



The rear of the existing two storey dwelling with the original Station House beyond sitting on the edge of the platform

Description of the Proposal

The application is for a change of use and alteration of historic railway station building to form 2 no. apartments and demolition of existing dwelling with the construction of 10 no. residential units (6 no. detached and 4 no. semi-detached), including associated parking, landscaping and associated access.



Proposed site layout

Planning Assessment of Policy and Other Material Considerations

The relevant policies for consideration of this application are:

Cookstown Area Plan 2010

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Creating Places

The lands in question are contained within the settlement development limits of Moneymore as defined in the Cookstown Area Plan 2010. Other than a small portion of the site to the south-western corner, which contains sites 1-3 and which is identified as an area constrained by sewerage infrastructure, the land is not zoned.

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

The proposed development is assessed against these criteria as follows:-

- (a) The proposal meets the first of these criteria in that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas with a density of 33.3 dwellings per hectare.
- (b) The site contains the former railway station ticket office and railway platform which although are not listed are considered to be an industrial heritage asset. Therefore, Historic Environment Division were consulted on the proposal. HED Historic Monuments advised that the proposal satisfies PPS 6 policy requirements and is acceptable subject to the inclusion of conditions for a photographic survey, laser survey and measured drawings to be made of the industrial heritage asset prior to development. There are no TPO's near the site.
- (c) This layout is for 12 dwellings and therefore there is no requirement for the provision of public open space. All dwellings have adequate private amenity space and range from a minimum of 67m² to 120m² for the detached and semi-detached dwellings with 94m² of private amenity space provided for the two apartments contained within the original station house.
- (d) As the site is close to and within walking distance of the centre of Moneymore, the provision of neighbourhood facilities are not deemed necessary within the site;
- (e) The site has good access onto the Station Road and will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system;
- (f) Adequate provision is made for parking of vehicles with all sites having in-curtilage parking provided. Two lay-by type parking spaces are provided along the front of the two apartments.
- (g) The design of the development is acceptable in terms of form, materials and detailing;
- (h) The proposed 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.
- (i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or not overlooked.

Transport NI advised that the proposed layout and associated road improvement works are subject to a Private Streets Determination and are acceptable subject to suggested conditions.

NI Water advised that the existing Waste Water Treatment Works has available capacity to accommodate the proposed development.

Rivers Agency advised that the drainage assessment and the proposed flood risk measures are acceptable.

NIEA: Water Management Unit advised that they have no objections to the proposed development subject to the Waste Water Treatment Works being able to accommodate the proposed development. This is the case.

NIEA: Regulation Unit Land and Groundwater Team considered the generic quantitative risk assessment which was informed by intrusive site data and advised that no unacceptable risks to environmental receptors have been identified. The proposal is acceptable subject to the suggested conditions.

Environmental Health Department considered the generic quantitative risk assessment and advised that subject to the inclusion of suggested conditions in respect of the implementation of remedial measures detailed within the assessment, they have no objections.

Recommendation

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

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Approve subject to the conditions listed below:-	
<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The vehicular access, including visibility splays of 2.4m x 60m at the junction of the proposed access road with the Station Road, and any forward sight distance, shall be provided in accordance with Drawing No.16/2 bearing the date stamp 7th April 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.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>3. The development shall not be occupied until remedial measures detailed within Section 6 of the O'Sullivan MacFarlane Phase 2 Generic Quantitative Risk Assessment (GQRA) and Outline Remedial Strategy stamped received 6th March 2020, have been fully implemented and validated to the satisfaction of Mid Ulster District Council and the Northern Ireland Environment Agency.</p> <p>Reason: To protect future occupants from land contamination.</p> <p>4. Validation documentation shall be submitted in the form of a validation report and agreed with Mid Ulster District Council in consultation with Northern Ireland Environment Agency. The report shall describe all the remediation and monitoring works undertaken and shall demonstrate the effectiveness of the works in managing and remediating all the risks posed by contamination.</p> <p>Reason: To protect future occupants from land contamination.</p> <p>5. There shall be no amendments or deviations from the remediation and verification recommendations contained within Section 6 of the O'Sullivan MacFarlane Phase 2 Generic Quantitative Risk Assessment (GQRA) and Outline Remedial Strategy stamped received 6th March 2020, without the prior written approval of Mid Ulster District Council in consultation with Northern Ireland Environment Agency.</p> <p>Reason: To protect future occupants from land contamination.</p> <p>6. In the event that previously unknown contamination is discovered falling outside the scheme of the approved revised remediation scheme, development on the site shall cease pending submission and agreement of a written report, detailing the proposed investigation, risk assessment and remediation scheme, by Mid Ulster District Council in consultation with Northern Ireland Environment Agency. Development works shall not resume until the approved written report has been fully implemented to</p>	

the satisfaction of Mid Ulster District Council in consultation with Northern Ireland Environment Agency.

Reason: To protect future occupants from land contamination.

7. As part of site clearance works, all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Guidance on Pollution Prevention Guidance No. 2 (GPP2) and Pollution Prevention Guidance No. 27 (PPG27). Should visual or olfactory evidence of underlying soil contamination be identified then works should cease and the Planning Authority shall be notified immediately. This contamination shall be fully investigated in accordance with Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

8. If during the development works, new contamination and risks are encountered which has not previously been identified, works should cease and Mid Ulster District Council shall be notified immediately. This new contamination shall be fully investigated in accordance with Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with Mid Ulster District Council in writing and subsequently implemented to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

9. After completing any remediation works required under Conditions 7 and 8 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Mid Ulster District Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. No site works of any nature or development shall take place until a photographic survey, laser survey and measured drawings of the historic railway station has been completed. This survey should provide for the mitigation of the impacts of development, through recording, and for preparation of a final report to be submitted to Mid Ulster District Council.

Reason: To ensure that archaeological remains within the application site are appropriately recorded.

11. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities - Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

12. 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.

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

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

14. Notwithstanding the provisions of the Planning (General Development Procedure) (NI) Order 2015, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown 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.

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

15. The Department for Infrastructure 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. 16/2 bearing the date stamp 7th April 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.

16. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 16/2 bearing the date stamp 7th April 2020. The Department for Infrastructure 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.

Signature(s)

Date:

ANNEX	
Date Valid	16th April 2019
Date First Advertised	2nd May 2019
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 11 Station Road, Moneymore, Londonderry, BT45 7RA ROBERT HOPKIN</p> <p>12 Mountview Lane Moneymore Londonderry The Owner/Occupier, 12 Station Road Moneymore Londonderry</p> <p>The Owner/Occupier, 13 Station Road, Moneymore, Londonderry, BT45 7RA</p> <p>The Owner/Occupier, 20 Station Road, Moneymore, Londonderry, BT45 7RA Thomas J Lennox</p> <p>20, Desertmartin Road, Moneymore, Londonderry, Northern Ireland, BT45 7RB</p> <p>The Owner/Occupier, 22 Station Road Moneymore Londonderry</p> <p>The Owner/Occupier, 28 Station Road, Moneymore, Londonderry, BT45 7RA</p> <p>The Owner/Occupier, 3 Mountview Close Moneymore Londonderry</p> <p>The Owner/Occupier, 5 Mountview Close Moneymore Londonderry Stanley Henderson</p> <p>5, Mountview Close, Moneymore, Londonderry, Northern Ireland, BT45 7QL</p>	
Date of Last Neighbour Notification	13 th May 2019
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2019/0533/F</p> <p>Proposal: Change of use and alteration of historic railway station building to form 1 no. dwelling and demolition of existing dwelling and construction of 10 no. terraced units and 2 no. apartments, including associated parking, landscaping and access on lands within ownership</p> <p>Address: 20 Station Road, Moneymore,</p> <p>Decision:</p> <p>Decision Date:</p>	

Ref ID: LA09/2017/1028/PAD

Proposal: Retention/demolition of existing buildings and conversion/replacement with residential development

Address: 20 Station Rad, Moneymore,

Decision:

Decision Date:

Ref ID: I/2008/0627/F

Proposal: Proposed residential development comprising of 9no 2 bed townhouses, 39no 2 bed apartments with associated parking and open space.

Address: 230m South of junction between Tullynagee Road & Desertmartin Road with entrance off Station Road, Moneymore

Decision:

Decision Date: 01.12.2011

Ref ID: I/1988/0181

Proposal: CHANGE OF USE FROM STORE TO VEHICLE SALES

Address: STATION ROAD, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1988/0048

Proposal: DWELLING

Address: STATION ROAD, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1989/0369

Proposal: 8 No Bungalows

Address: LAND BEHIND 20 STATION ROAD MONEYMORE

Decision:

Decision Date:

Ref ID: I/2005/1532/F

Proposal: Proposed housing development.

Address: Land 200m South East of junction of Desertmartin Road and Tullynagee Road, Moneymore

Decision:

Decision Date: 12.11.2010

Ref ID: I/1980/0295

Proposal: DWELLING HOUSE

Address: OFF STATION ROAD, MONEYMORE

Decision:
Decision Date:

Ref ID: I/1979/0220
Proposal: IMPROVEMENTS TO DWELLING
Address: 22 STATION ROAD, MONEYMORE
Decision:
Decision Date:

Ref ID: I/2008/0599/F
Proposal: Proposed residential development comprising 2 No detached dwellings and domestic garages
Address: 22 Station Road, Moneymore
Decision:
Decision Date: 23.10.2009

Summary of Consultee Responses

As noted in the case officers report.

Drawing Numbers and Title

Drawing No. 17/2
Type: Further Particulars
Status: Approved

Drawing No. 16/2
Type: Road Access Plan
Status: Approved

Drawing No. 15
Type: Elevations and Floor Plans
Status: Approved

Drawing No. 14
Type: Elevations and Floor Plans
Status: Approved

Drawing No. 06/2
Type: Proposed Plans
Status: Approved

Drawing No. 08/2
Type: Proposed Plans
Status: Approved

Drawing No. 07/2

Type: Proposed Plans

Status: Approved

Drawing No. 03/3

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 05/2

Type: Proposed Plans

Status: Approved

Drawing No. 09/2

Type: Proposed Plans

Status: Approved

Drawing No. 13/1

Type: Housing Concept Plan

Status: Submitted

Drawing No. 11

Type: Existing Plans

Status: Submitted

Drawing No. 12

Type: Existing Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Approved

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: LA09/2019/1165/F	Target Date:
Proposal: Retention of house no 1 and erection of 3 no detached dwellings. Reduction from 5 no. dwellings (M/2010/0522/F) & change adopted road to private road. Amended Drawings.	Location: Adj & 25m South of 54B Old Eglish Road Dungannon
Referral Route: Objection received	
Recommendation:	Approval
Applicant Name and Address: Patrick Keogh 54B Old Eglish Road Dungannon BT71 7PA	Agent Name and Address: Daly O'Neill & Associates 23 William Street Portadown BT62 3NX
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	
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

One objection has been raised from the neighbour to the south of the site at number 56 Old Eglish Road, Dungannon.

The main concerns are:

- the unsightliness of the gabion wall along the boundary.
- drainage problems caused by the approved development.

Characteristics of the Site and Area

The site lies within the settlement limits of Dungannon and just a short distance to the east of the Ballysaggart Lough, it also lies outside all other areas of constraint as depicted by the DSTAP 2010.

The site comprises an irregular shaped plot of land located between numbers 54 and 56 Old Eglish Road, Dungannon. The site has planning permission for 5 detached dwellings of which the first dwelling has been completed. It comprises a two storey rendered dwelling with a two storey stone front projection. The site access has been constructed with the kerbs in place and the road surface finished in a fine gravel.



There is a red brick retaining wall all along the boundary of the existing dwelling at number 54, and grey stone boundary wall along the front of the first dwelling on the site.



The site topography rises significantly from the roadside west to the east as well as from the south (at number 56) to the North. The area for site number 2 has been cleared and the boundary wall started, however the block work of the house had not commenced at the time of site visit.



The site has mature vegetation along the North, East and South boundaries with a large gabion wall built inside the vegetation on the southern boundary.



The Ballysaggart Lough (black lough) is across the road to the west, there is a row of detached dwellings to the north and south, with a reservoir a short distance to the North East.

Description of Proposal

The proposal seeks full planning permission for the retention of house no 1 and erection of 3 no detached dwellings. Reduction from 5 no detached dwellings with garages (previously approved application M/2010/0522/F) & change adopted road to private road.

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)

Dungannon and South Tyrone Area Plan 2010

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

Planning Policy Statement 7 (PPS) 7 - Quality Residential Environment

History

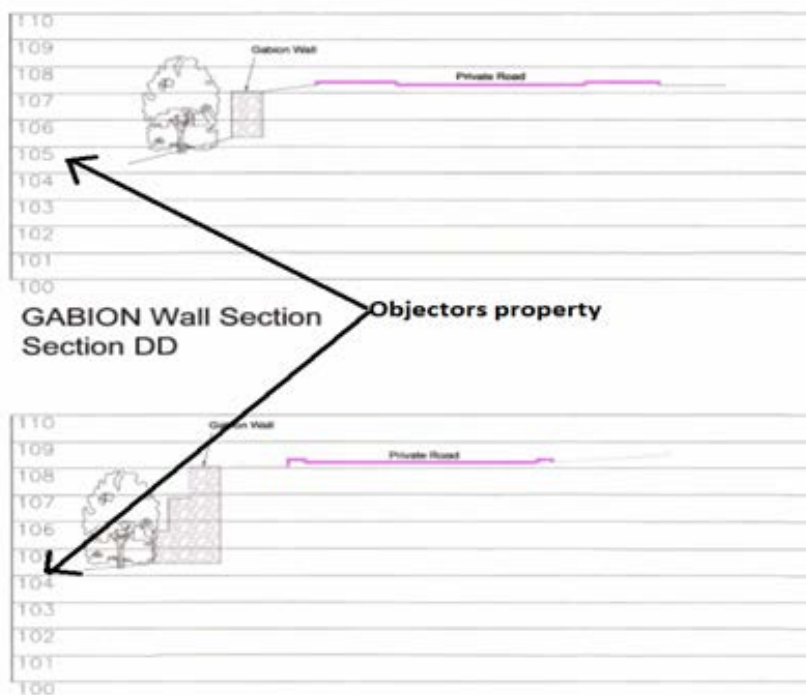
M/2003/0865/F - Proposed housing development comprising 5 dwellings ? Granted 25.10.2005

M/2010/0522/F ? Change of house types ? Granted 12.08.2010

Representations

One objection has been raised from the neighbour to the south of the site at number 56 Old Eglis Road, Dungannon.

The main concern relates to the gabion wall structure that runs between the site and the objectors property, in relation to its unsightliness and impacts on their garden becoming damp/marshy.



With regards to the above concerns regarding the gabion wall; as can be seen from the above cross sectional drawings the gabion wall structure has been constructed on lands within the applicants ownership and is necessary to avoid the subsidence of land in the neighbouring property due to the differing ground levels. The objectors also has a decent level of vegetation cover within his own property along this boundary which screens most of the structure as can be seen in the below photograph from the objectors property.

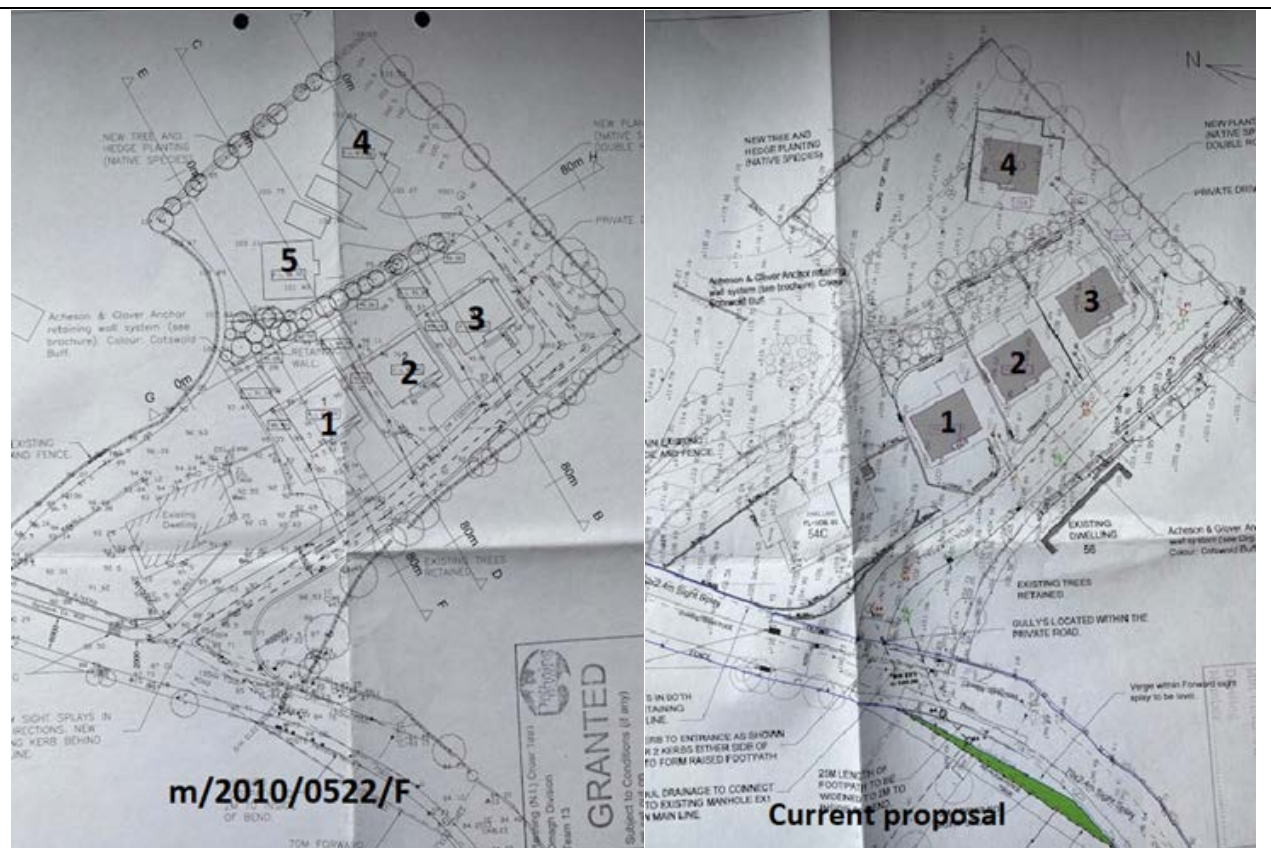


In addition Rivers Agency were consulted with regards to any flooding or drainage issues and no objections or concerns were raised. The applicant has shown on drawing no.2 that there is a storm drainage pipe, 6 gullies and 4 man holes located the length of the access running along the objectors boundary which should catch the majority of any surface runoff. The site has historically been higher ground and there will always be some form of run off to the lower ground in times of high rain fall.

Assessment

The principal of development has been established on the site through the approval of the earlier granted scheme M/2003/0865/F and commencement of the development of M/2010/0522/F.

The applicant has provided a site location plan and details of the context of the proposal, which sets out the proposed location of the dwellings in relation to the surrounding area and neighbouring properties. The new scheme proposes to drop one of the dwellings (no.5) and re-orientate slightly one dwelling (no.4) with the remaining dwellings (no.s 1, 2, 3) sited on the footprint of the existing approval.



The scale and massing of the proposal is modest and the general layout of the proposal is considered to be respectful of the appearance of the surrounding built environment. The changes proposed under this application, reduce the number of proposed houses within the development by one and will be in keeping with the already constructed dwellings, therefore I consider the design to be acceptable for the area in which it is sited.



There are no protected archaeological or built heritage features identified within the site. It is not considered that the proposal would have a significant impact on any local landscape features/ of built/archaeological interests as the proposal seeks to reduce the scheme by one dwelling unit.

There is adequate private open space within the site and surrounding areas. The proposal would not intensify or place unnecessary demands on the existing neighbourhood provisions and amenities in the area.

I find that the proposed access to the site is adequate and provides a suitable motor/pedestrian link with local facilities and amenities. The proposal incorporates sufficient space around the curtilage of the dwelling for the parking and turning of cars. I consider that adequate provision has been made for the provision of parking on site.

The design will not conflict with adjacent land uses and there is no adverse effect upon existing properties. In terms of overlooking, loss of light and overshadowing, I consider that the proposal is of modest scale and does not cause any overbearing issues.

The proposal is located within the settlement limits of Dungannon and I have no reason to believe there would be any reasons why crime or personal safety would be an issue at this site.

Access

I am content that there is an adequate means of access to and from the site and that the proposal complies with the requirements of PPS 3. DFI Roads have been consulted and responded and after amended drawings were received they have responded with no objections subject to conditions. The proposal involves changing the adopted road to a private laneway, DFI Roads have no concerns in this regard.

Conclusion

I have considered the criterion set out in Policy QD of PPS 7: Quality Residential Environments and other relevant policy documents. I am content that the proposal satisfies the requirements of the relevant policies and therefore should be recommended for approval.

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.

Recommendation Approval.

Neighbour Notification Checked

Yes

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 2.4 metres by 70.0 metres and 70.0 metres forward sight distance, shall be provided in accordance with Drawing No. 2E bearing the date stamp 7th October 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.

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.No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road (including widening of the footway) have been completed in accordance with the details outlined blue on Drawing Number 2E bearing the date stamp 7th October 2020.

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.

5.All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.2E dated 7th October 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 dwelling.

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

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. DFI Roads Informatives

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. The Department 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.

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.

Notwithstanding the terms and conditions of the Department of Environment'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 Service Section Engineer whose address is Moygashal Road, Dungannon. A monetary deposit will be required to cover works on the public road.

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

Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges. In exceptional circumstances Departures from Standard maybe necessary and shall be supported by a full technical, safety, environmental and economic justification. All details shall be submitted to Network Services through the relevant Division.

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 developer is required to enter into a licence agreement with the Department for Infrastructure, Dfi Roads for the carrying out of the road works approved, prior to the commencement/occupation/operation of any works to the public road network.

The licence agreement shall be issued through the Sectional Office, Dfi Roads Western Division, Moygashal, Dungannon and the developer should allow up to three months for completion of the licence. Accordingly the developer is advised to make an early personal application for the issue of the licence. He should also initiate early discussions for the satisfactory programming of the road works with the Sectional Engineer, Sectional Office, Dfi Roads Western Division, Moygashal, Dungannon

4. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

5. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

6. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

7. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

Signature(s)

Date:

ANNEX	
Date Valid	5th September 2019
Date First Advertised	17th September 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Inishcove,Dungannon, BT71 7FF The Owner/Occupier, 2 Inishcove,Dungannon, BT71 7FF The Owner/Occupier, 3 Inishcove,Dungannon, BT71 7FF The Owner/Occupier, 4 Inishcove,Dungannon, BT71 7FF The Owner/Occupier, 5 Inishcove,Dungannon, BT71 7FF The Owner/Occupier, 54 Old Eglish Road Dungannon Tyrone The Owner/Occupier, 54b Old Eglish Road Dungannon The Owner/Occupier, 54c ,Old Eglish Road,Dungannon,Tyrone,BT71 7PA The Owner/Occupier, 56 Old Eglish Road Dungannon Tyrone K J Hill 56, Old Eglish Road, Dungannon, Tyrone, Northern Ireland, BT71 7PA The Owner/Occupier, 67 Old Eglish Road, Dungannon, Tyrone, BT71 7PA	
Date of Last Neighbour Notification	23rd September 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/1165/F Proposal: Retention of house no 1 and erection of 3 no detached dwellings. Reduction of houses from 5 no detached dwellings with garages from previously approved application M/2010/0522/F & change adopted road to private road Address: Adj & 25m South of 54B Old Eglish Road, Dungannon, Decision: Decision Date:	

Ref ID: M/1977/0143
Proposal: REPLACEMENT DWELLING
Address: MULLAGHADROLLY, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1997/0690
Proposal: Extension to Dwelling and Erection of Garage
Address: 56 OLD EGLISH ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1977/014301
Proposal: BUNGALOW
Address: MULLAGHANAGH, DUNGANNON
Decision:
Decision Date:

Ref ID: M/2003/0865/F
Proposal: Proposed housing development comprising 5 No. detached dwellings
Address: Adjacent and 25 metres South of 54B Old Eglish Road,Dungannon
Decision:
Decision Date: 25.10.2005

Ref ID: M/2003/0039/O
Proposal: Proposed dwelling house
Address: Adjacent to 56 Old Eglish Road, Dungannon
Decision:
Decision Date: 03.09.2003

Ref ID: M/1976/0555
Proposal: ERECTION OF 7 NO. DWELLINGS
Address: MULLAGHANAGH, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1983/0106
Proposal: DWELLING
Address: OLD EGLISH ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1995/0023
Proposal: Site for Dwelling
Address: ADJACENT TO 54B OLD EGLISH ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/2003/0135/Q
Proposal: Housing Development

Address: Adjacent and South of 54B Old Eglish Road, Dungannon

Decision:

Decision Date:

Ref ID: M/2010/0522/F

Proposal: Amended house types with detached garages and erection of retaining wall to rear of site nos 1, 2 and 3. Original approval M/2003/0865/F

Address: Adjacent and 25 metres south of 54 b Old Eglish Road, Dungannon (sites 1, 2 & 3)

Decision:

Decision Date: 12.08.2010

Ref ID: M/1995/0259

Proposal: Site for 2 No dwellings

Address: ADJACENT TO 54B OLD EGLISH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1996/0159%

Proposal: Dwelling

Address: ADJACENT TO 54B OLD EGLISH ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1996/0370

Proposal: Site for dwelling

Address: SITE ADJACENT TO 54B OLD EGLISH ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1980/0216

Proposal: DWELLING

Address: MULLAGHNAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1999/0825/O

Proposal: Site for dwelling

Address: Site adjacent to 54b Old Eglish Road Dungannon

Decision:

Decision DAt e: 18.10.2000

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Proposed Elevations
Status: Submitted

Drawing No. 05
Type: Garage Plans
Status: Submitted

Drawing No. 06
Type: Cross Sections
Status: Submitted

Drawing No. 07
Type: Cross Sections
Status: Submitted

Drawing No. 08A
Type: Cross Sections
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: LA09/2019/1375/O	Target Date:
Proposal: Proposed site for dwelling & garage on a farm.	Location: 60m SW of No35 Ardagh Road Coagh.
Referral Route: Refusal on the basis there is a lack of information to determine the application and the proposal is contrary to PPS 21 CTY10 in that there was a previous approval for a farm dwelling within the last 10 years and the proposed dwelling is not sited to cluster or be visually linked with a group of existing buildings on the farm.	
Recommendation:	Refusal
Applicant Name and Address: Francis Donnelly 48 Drumenny Road Coagh	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NIEA	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	NIEA	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

There were no representations received in relation to the application however a range of information was requested several times from agent with no further information received.

Characteristics of the Site and Area

The site is located approx. 60m SW of 35 Ardagh Road, Coagh within the countryside as identified within the Cookstown Area Plan 2010. The red line of the site includes and the proposed sight lines. There is a dwelling located directly beside the site which is outlined in blue indicating ownership. The boundaries of the site include close boarded wooden fencing which surrounds the adjacent property, otherwise the boundaries appear undefined. The surrounding area is predominantly rural with scattered dwellings and their associated outbuildings. Ballinderry River runs a short distance from the site to the west.

Description of Proposal

Outline planning permission is sought for the erection of dwelling and detached domestic garage on a farm.

Planning Assessment of Policy and Other Material ConsiderationsPlanning History

There is not considered to be any relevant planning associated with the site itself, however the application below relates to a farm dwelling which was previously approved with the same applicant.

I/2010/0146/F – Proposed erection of farm dwelling plus double car port and garage at 320 metres NW of 46A Ballymoyle Road, Coagh, Cookstown for Francis & Joy Donnelly – PERMISSION GRANTED 15.04.2011

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 35 and 38 Ardagh Road. At the time of writing, no third party representations have been received.

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
- PPS 15: Planning and Flood Risk
- Local Development Plan 2030 – Draft Plan Strategy
-

The Cookstown Area Plan 2010 identify the site as being in the rural countryside, located North of Ballinderry. The site has no other zonings or designations within the Plan.

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

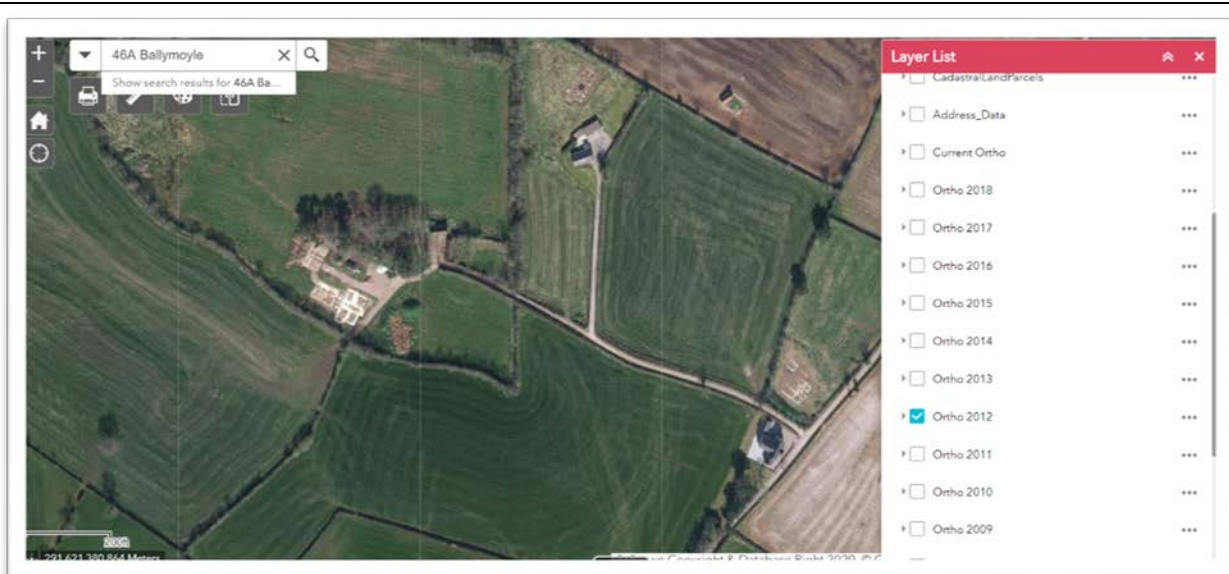
The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. 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 noted in their response that the business ID was allocated 15/05/2015 and claims have been made in the years 2016-2019. They also noted that the current business number has come about following the merger of two existing businesses and note that, prior to the merger, the two original businesses submitted claims for Single Farm Payment.

With respect to (b), I carried out a history search and there are records indicating that there was a dwelling approved on 15th April 2011 under I/2010/0146/F for a dwelling on a farm with the same applicant. From the ortho maps, founds for the dwelling approved are evident in 2012 map, however the 2014 ortho maps onwards show the founds covered over, with no founds visible from any of the more recent ortho maps.



Foundations visible on 2012 ortho maps



Foundations appear covered over from 2014 ortho maps onwards

With respect to (c), the proposal would not be visually linked or sited to cluster with an established group of buildings on the farm. There were two farm maps submitted with the application however it appears there may be additional farm maps which weren't submitted as part of the application. There is a dwelling located north of the site which appears to be within the applicants ownership as it is outlined in blue, however as this is a single building it cannot be considered a "group" of buildings.

Following the first group meeting and discussion about the application, an email was sent to the agent requesting some amended and additional information to get a better understanding of some of the circumstances surrounding the application. This original email was sent 09/01/2020 and was subsequently followed up again on 26/06/2020.

The email posed the following questions to the agent:

1. *Why this site? Is there no other buildings on the lands which would be suitable to be visually linked with as the policy refers to a "group of buildings" and in this instance we would only have the one building?*
2. *What other land is owned? What does the applicant do to maintain the land/are they involved in farming any of the land or is it all leased?*
3. *Can you take a look at DfI Roads response noting that the applicant would require 3rd party lands in order to achieve their sight lines.*

A final email noting clearly two weeks to allow any additional/amended information was sent on 29/10/2020. I received a reply from a colleague of the recipient of my email on 29/10/2020 noting that I had been in contact with his colleague and asked what information was needed. I forwarded the previous email which set out the information required to progress the application. At the time of writing, I have had no further correspondence from the agent regarding the application and therefore, this application is being presented to committee on the basis there is a lack of information submitted to allow the application to be progressed any further. The information that has been requested is crucial to allowing an understanding of the application and to determine whether it meets the required policy criterion. I feel that sufficient time has been given to the agent to allow them to submit this information.

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, details surrounding the design and finishes of the dwelling have not been submitted. I don't feel that a suitably designed dwelling would appear prominent on this site as it benefits from some existing natural boundaries and therefore would not be relying completely on new landscaping, however as noted previously, the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore fails on criterion (g) of CTY 13.

DfI Roads: The applicant has noted that they intend to create a new access onto Ardagh Road. DfI Roads have been consulted and have no objection subject to condition and have noted that the applicant may require 3rd party lands to provide the required sight lines. Again, I sought clarification from the agent on whether or not this was possible with no further information submitted surrounding the application.

Rivers Agency: The western portion of the site is located within a fluvial flood plain. Rivers agency were consulted on the application and they noted that the proposal would be contrary to PPS 15 unless the application could be deemed as an exception. Policy FLD 1 sets out the circumstances that an application may be considered as an exception, however in this instance the application site does not appear to fall under any of these exceptional cases. As we were outstanding on a range of other information to determine the principle of development on the site, it was felt unnecessary to request a flood risk assessment at this stage of the application process.

Shared Environmental Services (SES): SES were consulted in relation to the proposal and were content that the proposal would not be likely to have a significant effect on the features of any European Site.

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 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 approval has already been granted for a dwelling in connection with farm business within the last 10 years. 3. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm. No health and safety reasons have been given to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm and no verifiable plans have been presented to show the expansion of 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.	
Signature(s) Date:	

ANNEX	
Date Valid	18th October 2019
Date First Advertised	29th October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 35 Ardagh Road,Coagh,Londonderry,BT80 0AU The Owner/Occupier, 38 Ardagh Road Coagh Londonderry	
Date of Last Neighbour Notification	27th November 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/1375/O Proposal: Proposed site for dwelling & garage on a farm. Address: 60m SW of No35 Ardagh Road, Coagh., Decision: Decision Date: Ref ID: I/1992/0038 Proposal: Extension to dwelling Address: 40 ARDAGH ROAD ARDAGH COOKSTOWN Decision: Decision Date: Ref ID: I/1999/0131 Proposal: Dwelling Address: 40M NORTH WEST OF 39 ARDAGH ROAD BALLINDERRY COAGH Decision: Decision Date: Ref ID: I/1999/0131B Proposal: Dwelling Address: 40M NORTH WEST OF 39 ARDAGH ROAD BALLINDERRY COAGH COOKSTOWN Decision: Decision Date:	

Summary of Consultee Responses

DAERA: Two farm business ID numbers merged – business ID number used for this application not active and established for 6 years.

DfI Roads: Content subject to condition. Noted that 3rd party lands will be required for sight splays.

Rivers Agency: Noted that the proposal is contrary to FLD 1 of PPS 15 – exceptions apply. Flood Risk Assessment may be necessary.

SES: Content with proposal that is it not likely to have significant impact.

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:

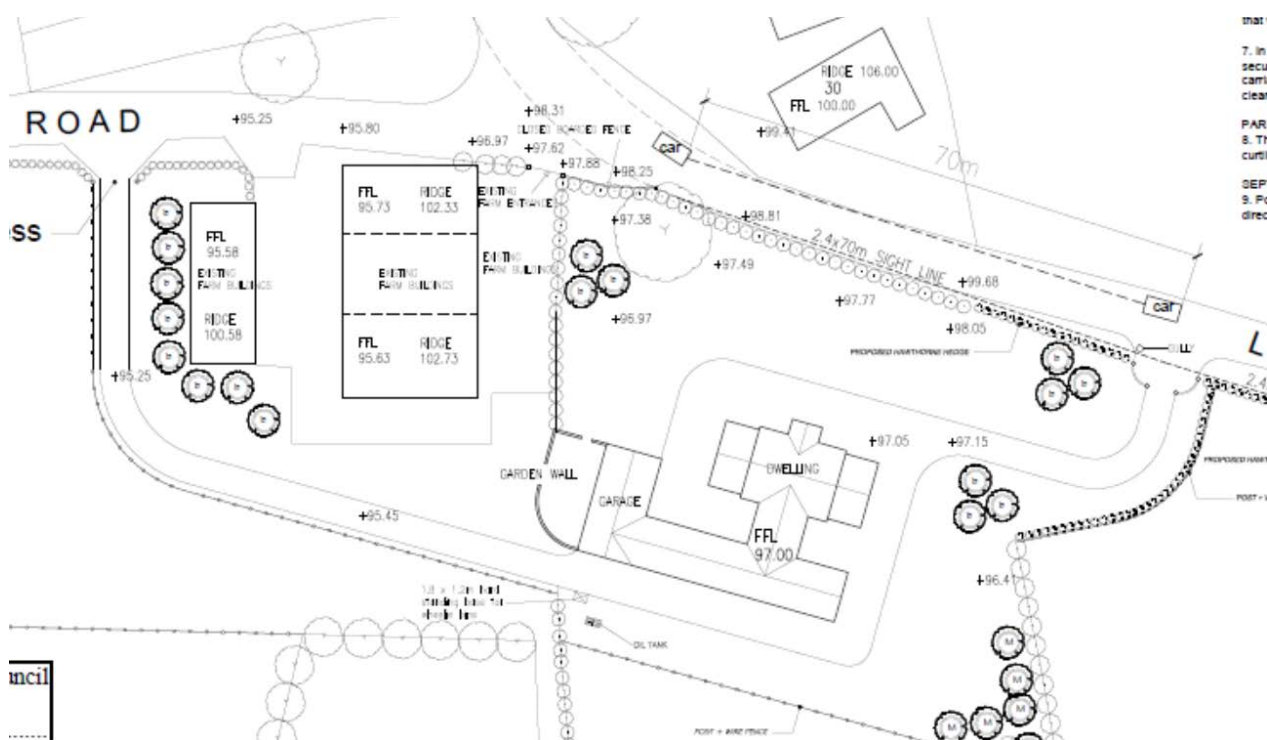


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 2/12/2020	Item Number:
Application ID: LA09/2020/0156/F	Target Date:
Proposal: Proposed new Access to Dwelling	Location: 50M South of No30 Loughdoo Road Pomeroy
Referral Route: Approval is recommended. Planning is making this recommendation to approve contrary to advice from DFI Roads.	
Recommendation: Approve	
Applicant Name and Address: Karl Heron 11 Fairhill Grove Cookstown BT80 8TG	Agent Name and Address: APS Architects LLP No4 Mid Ulster Business Park Cookstown BT80 9LU
Executive Summary: This proposal is for a new access to a dwelling already constructed. It will come off the Loughdoo Road. The previously approved residential access comes off the Crancussy Road. There are 2 other agricultural accesses coming off the Crancussy Road. DFI roads have advised that if this application is approved there will be 4 access points from this corner site and farm all close to a road junction. They advise that there should be no increase in access points. Both the Loughdoo Road and Crancussy Road are very minor roads with minimal traffic movements at relatively low speeds. The proposed access point is approx. 70m away from the junction. With a condition attached to permanently close up the existing farm access closest to the junction it is recommended that this application be approved.	
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 There have been no objections to this proposal from any third party	
Characteristics of the Site and Area <p>The application site is a 0.9 hectare parcel of land located approx. 50m South of number 30 Loughdoo Road, Pomeroy. It is outside the development limits of any settlement defined in the Cookstown Area Plan 2010. In the Eastern portion of the site is a dwelling approved under I/2012/0155/F. Towards the Western section of the site are a grouping of outbuildings. Scattered throughout the site are several large containers and several smaller containers which appear to have been converted into some type of living/office pods. The domestic access approved under I/2012/0155/F has been constructed and comes off the Crancussy Road, sweeping around the rear of the outbuildings. The site boundaries are generally void of any established vegetation. Security type fencing has been erected along a section of the Northern, Western and Southern boundaries. Sparse gorse hedgerow defines the Eastern boundary. This boundary partially cuts into an adjacent field and this section is undefined on the ground.</p> <p>This area is rural in character with a dispersed settlement pattern. It has a very undulating topography. It is designated as an Area of Constraint on Mineral Development (ACMD) in the Cookstown Area Plan 2010.</p>	
Description of Proposal This is full application for a proposed new access to a recently constructed dwelling. The new access will come out onto the Loughdoo road. It will extend outside the existing domestic curtilage into an adjacent agricultural field.	

Planning/Enforcement History

I/2014/0382/F - 50m South of 30 Loughdoo Road, Killeenan, Cookstown - Proposed additional access. Withdrawn.

I/2012/0155/F - 50m South of 30 Loughdoo Road, Killeenan, Cookstown. Farm Dwelling.
Approved 11.09.2012

I/2013/0038/CA - 70m SW Of 30 Loughdoo Road, Killeenan, Pomeroy, Tyrone, BT80 9JG
- Fuel sales, storage and distribution. Case closed.

LA09/2020/0132/CA - 50m South Of 30 Loughdoo Road, Pomeroy, Tyrone, BT80 9JG
Alleged unauthorised engineering; deposition of soil and creation of laneway. On going.

LA09/2018/0055/CA - 50m South Of 30 Loughdoo Road, Pomeroy, Tyrone, BT80 9JG - Unauthorised access and dwelling not built in accordance with I/2012/0155/F. Case Closed.

LA09/2015/0073/CA - 50m South Of 30 Loughdoo Road, Killeenan, Pomeroy, Tyrone,
BT80 9JG - Unauthorised wall and pillars at new entrance. Case closed.

The following policies will be considered in this assessment:

- SPPS Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- Mid Ulster District Council Local Development Plan 2020 - Draft Plan Strategy
- PPS 3 Access, Movement and Parking
- PPS 21 Sustainable Development in the Countryside
- DCAN 15

Cookstown Area Plan 2010

This site is located outside any settlement defined in the Cookstown Area Plan 2010. It is not subject to any key site requirements. The area is designated as an Area of Constraint on Mineral Development (ACMD) however this designation does not impact on the proposed development.

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

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

PPS 3 Access, Movement and Parking

Policy AMP 2 (Access to Public Roads) is the relevant policy test in this instance. AMP 2 states that planning permission will only be granted for a development involving direct access, or in the intensification of the use of an existing access, onto a public road where:

- It will not prejudice road safety or significantly inconvenience the flow of traffic
- The proposal does not conflict with Protected Routes Policy

DFI Roads have been consulted with this application. They are satisfied that the required 65m forward site distance from the West is achievable which will ensure road safety. They have however also advised that a second domestic access is unnecessary and that the approval of this application will result in 4 access points from this corner site and farm, all in the vicinity of a public road junction.

Paragraph 7.1 of DCAN 15, advises that where a site is at a junction of two public roads, the access should normally emerge onto the minor road. The existing and previously approved domestic access does emerge onto the Minor Crancussy Road and so this proposal, to create a new access onto the Loughdoo Road would be contrary to the advice provided in DCAN 15.

Following discussions with the Planning Manager, it is my opinion that members should consider accepting this proposal for a new residential access. Whilst it is coming out onto the Loughdoo Road which would be deemed the priority road, it is acknowledged that it

remains a relatively minor road, with low levels of vehicular movements travelling at low speeds. The new access will be located approx. 70m away from the junction with the Crancussy Road and the forward site distance is achievable. There have been no objections to the proposal from any third parties. It is also noted that the existing dwelling does actually front onto the Loughdoo Road. His outbuildings however would be considered to be located at the junction and they have their own access coming off the Crancussy Road. Whilst the applicant has not shown a permanent closing up of the existing domestic access, this could be easily achieved by way of planning condition. Alternatively, in the interest of road safety it may be more appropriate to condition the permanent closing up of the agricultural access closest to the junction.

PPS 21 Sustainable Development in the Countryside

Policy CTY 14 (Rural Character) is relevant in this assessment. The Loughdoo Road sits at a higher level than the new domestic access and as such I have no issues with prominence. The proposed new access cuts through a small portion of an adjacent agricultural field. It is proposed to define this small curtilage extension with a hawthorn hedge. This will help aid integration. It is my opinion that the proposed access will not have a negative impact on the rural character of this area.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Conditions

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.

All planting at detailed on drawing 02 rev 2, bearing date stamp 16th October 2020, shall be carried out in the first planting season following the commencement of the development and 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.

The vehicular access, including visibility splays of 2.4m x 70m to the NW and 2.4m x 70m to the SE and a 65m forward sight line, shall be provided in accordance with drawing no 02 rev 2 bearing the date stamp 16th October 2020, prior to the commencement of any works or 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.

The existing agricultural access as indicated on green on drawing 02 rev 2 bearing date stamp 16th October 2020, shall be permanently closed up with closed board fencing and native species hedgerow.

Reason: To reduce the number of access points at the junction and to ensure road safety

Signature(s)

Date

ANNEX

Date Valid	5th February 2020
Date First Advertised	18th February 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) Owner / Occupier 30 Loughdoo Road, Pomeroy	
Date of Last Neighbour Notification	11th February 2020
Date of EIA Determination	
ES Requested	N/A

Planning History

Ref ID: LA09/2018/1122/F

Proposal: Retention of dwelling and garage to include alterations from previously approved, (I/2012/0155/F).

Address: 50m South of 30 Loughdoo Road, Pomeroy, Tyrone, BT80 9JG.,

Decision: PG

Decision Date: 13.02.2019

Ref ID: I/2013/0224/F

Proposal: Part farm diversification to include the bulk storage of fuels to supply existing business, and a small office all within existing agricultural sheds and yard of active farm

Address: 70m SW of no. 30 Loughdoo Road, Kildress,
Decision: PR
Decision Date: 22.07.2014

Ref ID: I/2012/0155/F
Proposal: Proposed dwelling on a farm
Address: 50m South of 30 Loughdoo Road, Killeenan, Cookstown,
Decision: PG
Decision Date: 11.09.2012

Ref ID: LA09/2020/0156/F
Proposal: Proposed new Access to Dwelling
Address: 50M South of No30 Loughdoo Road, Pomeroy,
Decision:
Decision Date:

Ref ID: I/2014/0382/F
Proposal: Proposed additional access
Address: 50m South of 30 Loughdoo Road, Killeenan, Cookstown,
Decision: WITHDR
Decision Date: 20.02.2015

Summary of Consultee Responses

DFI Roads -summarised in report

Drawing Numbers and Title

Drawing No. 02 rev 2
Type: Block/Site Survey 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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 03/11/2020	Item Number:
Application ID: LA09/2020/0307/O	Target Date:
Proposal: Erection of replacement dwelling within the curtilage of existing site	Location: 12 Drumbolg Road Upperlands Maghera
Referral Route: Agent's spouse works in MUDC Planning Department	
Recommendation:	Approval
Applicant Name and Address: Mr A Campbell 12 Drumbolg Road Upperlands Maghera	Agent Name and Address: Gordon Arbuthnot 6 Culnady Road Upperlands Maghera BT46 5TN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content

Representations:

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

Summary of Issues

This application is for a replacement dwelling within the curtilage of the existing site located at No 12 Drumbolg Road, Upperlands. Neighbour Notification and press advertisement has been carried out in line with the Council's statutory duty and no third-party representations were received. All other material considerations have been addressed within the determination below.

Characteristics of the Site and Area

The site is located within the development limits of Culnady as per the Magherafelt Area Plan 2015. The site is identified as 12 Drumbolg Road, Upperlands, Maghera, within the red line sits a attached single storey dwelling with dwelling No 10. To the rear of the site are several farm buildings with an access off the Drumbolg Road with a front garden and pathway with an iron gate. Throughout the site is a mix of mature trees and hedgerow.

Description of Proposal

The applicant is seeking outline planning permission for erection of replacement dwelling within the curtilage of existing site located at Drumbolg Road, Upperlands, Maghera.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal is a replacement involves the use of an existing unaltered access to a public road. Given this is a replacement dwelling with no changes to the existing access therefore, DFI Roads were not consulted in the processing of the application.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Relevant planning history: MUDC planning records show no planning history associated with this site.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 16th March 2020 (publication date 17th March 2020. Four (4) neighbouring properties were notified on 11th March 2020; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, Grillagh River is approximately 120m west of the site, given this is a replacement dwelling it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

Constraints / Consultations:

Rivers Agency: In their initial consultation response of 09/09/2020 indicated that the site lies on the periphery of the 1 in 100 year strategic fluvial flood plain. DfI Rivers request more information regarding the proposed site layout and dwelling location along with a topographical survey of the site and surrounding land towards the designated watercourse known as the Grillagh River to the west.

Following submission of topography survey DWG No 02 stamp date 23/09/2020, DfI Rivers were re-consulted and responded on 13/10/2020 indicating that drawing 02 stamped received by the Planning Authority 23rd September 2020 shows the proposed location of the dwelling outside the Strategic Flood Plain with a FFL of 39.6m. Provided all build development is kept outside the Strategic Flood Plain with a suitable freeboard DfI Rivers have no reason to object to this proposal from a flood risk perspective. I am satisfied River's concerns can be dealt by way of a condition.

Historic Environment Division: no objections



Figs 1 & 2 front and side elevations



Fig 3 Aerial overview

Planning Assessment of Policy and Other Material Considerations

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.

The Magherafelt Area Plan 2015 does not contain any specific policies relevant to the application. The principal planning policies are therefore provided by PPS 7: Quality Residential Environment

Policy context

1. Magherafelt Area Plan 2015.
2. Strategic Planning Policy Statement (SPPS).
3. PPS 6 Archaeological and the Built Environment
4. PPS 7: Quality Residential Environment

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

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.

Policy QD1 of PPS 7.

Policy QD1 of PPS 7 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The current proposal is for a single storey detached dwelling. The Policy sets out nine criteria which all residential development proposals are expected to meet.

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 surface areas:-

I note that this application intends to replace an existing dwelling with a new dwelling, with this in mind I am content that the proposal should respect the surrounding context in that the layout, scale, massing etc. especially in relation to the existing dwelling as it does not differ adversely in terms of layout etc.

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

I note that the site is located within the settlement limits of Culnady as per the Magherafelt Area Plan 2015. HED were consulted on archaeological and built heritage features in the near vicinity of the site and responded with no objections.

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

The development is only for one dwelling therefore the provision of public amenity space is not required. I am satisfied that the proposed dwelling will provide sufficient private space ? a landscaping scheme will be assessed at Reserve Matters stage.

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

The size and scale of this development does not require it to make provision for local neighbourhood facilities. There are existing transport links in the area.

e) 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:-

I am content the site will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system.

f) Adequate and appropriate provision is made for parking:-

I am content that the proposed dwelling has provided adequate parking provision within the proposed curtilage.

g) The design of the development draws upon the best local traditions of form, materials and detailing:-

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only, therefore landscaping and design will be assessed at Reserves Matters stage.

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:-

Given that this application intends to replace an existing dwelling therefore I am content that there will be conflict with adjacent land uses. Furthermore, I am satisfied that the dwelling will be designed in such a way that it will result in any adverse impacts on neighbouring amenity with regards to that already from the existing dwelling.

i) The development is designed to deter crime and promote personal safety:-

It is my opinion that the proposed development will not increase the potential for crime.

PPS 3: Access, Movement and Parking

The access arrangements remain that as per the existing dwelling therefore I am content that there is a safe access provided and that adequate parking has also been provided.

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

Neighbour Notification Checked**Yes****Summary of Recommendation:**

I recommend approval subject to conditions.

Conditions:

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

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

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

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

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

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

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

4.The proposed dwelling shall have a ridge height of less than 6.5 metres above finish floor levels.

Reason: To ensure that the development is satisfactorily integrated into the landscape.

5.The proposed dwelling shall be sited within the area shaded Blue on DWH No 01 stamp date 02/03/2020 and shall have finish floor level of 39.6m.

Reason: To protect against any potential flood risk

6.No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

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

7.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; 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.

8.Upon occupation of the new dwelling, the dwelling to be replaced, coloured Green on DWG No 01 stamp date 02/03/2020, shall no longer be used or adapted for purposes of human habitation and may only be used for domestic purposes.

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

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.

Signature(s)

Date:

ANNEX	
Date Valid	26th February 2020
Date First Advertised	17th March 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Drumbolg Road Upperlands Maghera The Owner/Occupier, 11 Drumbolg Road Upperlands Maghera The Owner/Occupier, 15 Drumbolg Road Upperlands Maghera The Owner/Occupier, 18 Drumbolg Road Maghera Londonderry	
Date of Last Neighbour Notification	11th March 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/0307/O Proposal: Erection of replacement dwelling within the curtilage of existing site Address: 12 Drumbolg Road, Upperlands, Maghera, Decision: Decision Date: Ref ID: H/1985/0442 Proposal: ALTERATIONS AND ADDITIONS TO DWELLING Address: 10 DRUMBOLG ROAD, CULNADY, UPPERLANDS, MAGHERA Decision: Decision Date: Ref ID: H/1996/0444 Proposal: ALTS AND ADDS TO DWELLING Address: 18 DRUMBOLG ROAD MAGHERA Decision: Decision Date: Ref ID: H/1996/0237 Proposal: EXTENSION TO DWELLING Address: 18 DRUMBOLG ROAD MAGHERA Decision: Decision Date: Ref ID: H/1996/0518 Proposal: REPLACEMENT DWELLING	

Address: 18 DRUMBOLG ROAD CULNADY UPPERLANDS Decision: Decision Date:
Summary of Consultee Responses Content
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Site Levels Status: Submitted
Notification to Department (if relevant) N/A Date of Notification to Department: Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0399/O	Target Date:
Proposal: Single dwelling and domestic garage	Location: 60m N.W of 58 Annaghquin Road Rock Dungannon
Referral Route: Recommended Refusal	
Recommendation:	Refusal
Applicant Name and Address: Patrick McGuire 58 Annaghquin Road Rock Dungannon BT70 3JX	Agent Name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY10 (c) and CTY 13. No objections received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Omagh	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 located approximately 1.3km south west of the settlement limits of The Rock within the open countryside and has no other designations on or around the site, as per the Cookstown Area Plan 2010. The site is currently an agricultural field, which is bound on the north/ north western side with existing tree lines and other vegetation. A post and wire fence running along an existing laneway defines the eastern boundary. The southern boundary of the application is undefined and continues into a larger agricultural field. The land rises from north to south, although the land within the red line is mainly flat. The surrounding area is mainly agricultural with three dwellings located south of the application site, along the existing access laneway, which are all associated with the existing farm holding, located approximately 220m south east, shown in blue on the site location plan above.

Description of Proposal

This is an outline planning application for a dwelling and a garage on a site approximately 60m NW of 58 Annaghquinn Road, Rock, Dungannon.

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

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.

Planning Assessment of Policy and Other Material Considerations

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

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

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

In respect to criteria (a) a consultation was issued to DAERA in which they have confirmed the Farm Business Id is currently active and has been in existence for more than 6 years. Therefore, the proposal meets this criteria.

With respect to (b) there are no records indicating that any dwellings or development

opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With regards criteria (c), the proposal is not sited to be visually linked or to cluster with an established group of farm buildings. The proposed site is located approximately 220m north west of the established group of farm buildings. It is located at the start of an existing access which is used to access the farm holding. Given the landform at the application site where the land rises in a southerly direction, the established group of farm buildings cannot be seen from the site. The agent submitted a supplementary report providing justification regarding the proposed site and why no other fields within the farm holding (as shown in figure 1 below) could be considered, the main reasoning was due to the open, elevated land and they believe it would not achieve integration. Health and safety issues were also raised about siting another dwelling close to an active farm. The statement also claimed the farm business had plans to expand the existing farmyard but no evidence was provided to support this. Following an initial group discussion, it was determined insufficient reasoning was provided to support this alternative site and the agent was asked if they could provide further information.



Figure 1: Farm Maps

Following this, the agent submitted a further drawing (Drawing No.02) which outlined planned future expansion of the farm buildings and slurry tanks, as well as an additional supplementary report. Within the report, the agent again outlined the fact that the majority of the other field's available lack established boundaries and would fail to integrate. The agent also stated that the applicant had experienced a fire at the farmyard and outlined this was a health and safety issue by locating a dwelling close to these existing buildings and attached photos. Following a group discussion it was determined that although the applicant has stated they plan to expand, there was not enough evidence to support this. It was noted that although the fire was an unfortunate event, there was not enough evidence that health and safety concerns restricted the dwelling being sited closer to the existing farm holding. For this reason, the application fails to meet criteria (c) 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. As this is an outline application, no design details have been provided however, the proposed site is bounded to the north and eastern boundaries with an existing hedgerow, which provides natural screening from the public road. Although I do not believe a well-designed dwelling would be a prominent feature in the landscape, CTY 13 states a new

building will be unacceptable 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. As a result, the proposal fails to meet the criteria of CTY 13.

Policy CTY 14 states, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, no design details were submitted. However, given the screening available at this site and the landform surrounding the site I am content an appropriately designed dwelling would not be unduly prominent in the landscape. I do not believe a dwelling here would result in a suburban style build up or development nor create or add to a ribbon of development. I believe any dwelling approved here should be subject to a condition limiting the ridge height to 5.5m to ensure the dwelling does not appear prominent in the landscape and respects the local character of the area. `

Other Material Considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and, in their response, stated that they had no objections subject to conditions.

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal

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 CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside. It has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and no exceptional case has been presented which would justify an alternative site elsewhere on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s)

Date:

ANNEX	
Date Valid	20th March 2020
Date First Advertised	31st March 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 58 Annaghquin Road,Dungannon,Tyrone,BT70 3JX The Owner/Occupier, 60 Annaghquin Road Dungannon Tyrone The Owner/Occupier, 60c Annaghquin Road Dungannon	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0399/O Proposal: Single dwelling and domestic garage Address: 60m N.W of 58 Annaghquin Road, Rock, Dungannon, Decision: Decision Date: Ref ID: I/2009/0245/F Proposal: Proposed domestic dwelling and garage in association with a farm Address: 50m West of 58 Annaquinn Road, Rock, Cookstown, Co Tyrone Decision: Decision Date: 25.05.2010 Ref ID: I/2014/0314/O Proposal: Proposed infill dwelling and garage Address: 50m South of 58 Annaghquin Road, Rock, Decision: WITHDR Decision Date: 03.06.2015	
Summary of Consultee Responses	

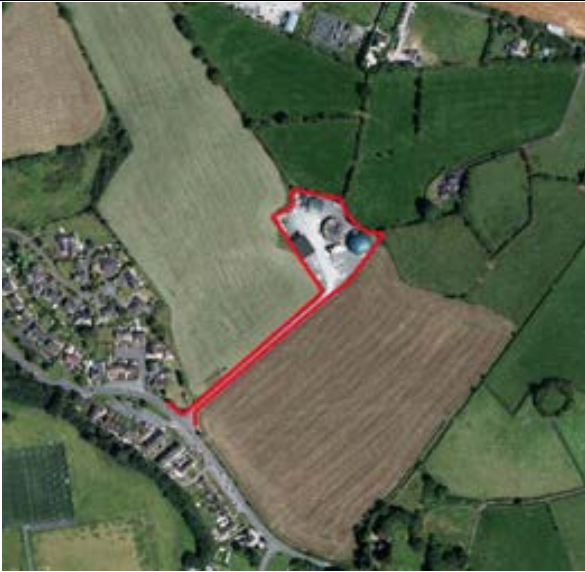
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0448/F	Target Date:
Proposal: 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	Location: Lands approximately 210 metres north east of no.14 Tullywiggan Cottages Tullywiggan Road Tullywiggan Cookstown
Referral Route: Two letters of objection	
Recommendation:	Approval
Applicant Name and Address: PAR Renewables 42 Gortnaskea Road Stewartstown BT71 5NY	Agent Name and Address: Clyde Shanks Ltd 7 Exchange Place Belfast BT1 2NA
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Statutory	NIEA	Content
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NIEA	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	
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>The application site relates to 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 approved under LA09/2015/0696/F. Accordingly whilst this history is material the application needs to be assess a fresh in relation to policy. Two letters of objection were received and are material consideration in the determination of this application</p>		

Characteristics of the Site and Area

This planning application is for proposed extension of existing shed, additional of pasteurisation plant (at the end of process) and European Waste Catalogue (EWC) codes associated with operational anaerobic digestion (AD) plant at lands approximately 210m north east of No 14 Tullywiggan Cottages, Tullywiggan Road, Cookstown. The site lies south east of Tullywiggan, 0.65 miles east of Cookstown and west of the A29. The application site is currently accessed via an access gate and laneway onto the Tullywiggan Road just south east of No.14 Tullywiggan Cottages.

The site boundaries are defined by a post and wire fence and security fencing. The site lies in open countryside as depicted in the Cookstown Area Plan 2010.

Description of Proposal

The surrounding area is predominantly rural in nature with lands to the north, south and east of the application site in agricultural use. The surrounding area also consists of residential properties (along the Tullywiggan Road and Grange Road), Loughrey College and the, Mid Ulster Sports Arena on the Tullywiggan Road and a NI Power substation located to the north on the Grange Road. The proposal relates to an extension of existing shed, additional of pasteurisation plant (at the end of process) and European Waste Catalogue (EWC) codes associated with operational anaerobic digestion (AD) plant. The previous approval allowed 18000 tonnes per annum as the maximum capacity for the plant. The proposal seeks to approval for an additional 16 EWC Codes as set out in this report.

The design of the building is similar in size, scale and materials to what has previously been granted and built and will not have a negative impact on the existing rural character of the area. Full design details including materials are annotated on DRW Nos 01, 03, 04, 05, 07 stamp date 27/03/2020.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing two letters of objection were received. This application was initially advertised in the local press on w/c 25th May 2020 (publication date 26th May 2020). Eighteen (18) neighbouring properties were notified on 13th October 2020; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

Relevant Planning Histories

Planning Ref:	Site Address	Proposal	Decision	Decision Date	
I/2011/0081/F	Lands approximately 220m East of No 14 Tullywiggan Road, Cookstown	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,	PG	11.05.2012	
I/2013/0081/F	Tullywiggan Road, Cookstown	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,	PG	11.09.2013	
I/2015/0032/F	Tullywiggan Road, Cookstown	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	PG	14.08.2015	
LA09/2015/0696/F	Lands approximately 220m East of No 14 Tullywiggan Road, Cookstown	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 skip enclosure and relocated tanks	PG	09.12.2015	

Planning Assessment of Policy and Other Material Considerations

Key Planning Policy

1. Cookstown Area Plan 2010;
2. Strategic Planning Policy Statement (SPPS);
3. PPS11- Planning and Waste Management;
4. PPS21 Sustainable Development in the Countryside;
5. PPS18 Renewable Energy.

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

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Cookstown Area Plan 2010 does not contain provided by PPS 21, SPPS, PPS 11, and PPS 18.

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 SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS, which stipulates that the policy provisions of PPS11, PPS18 and PPS21 are retained.

PPS21 is the policy for development in the countryside and within it CTY 1 is an overarching policy for development in the countryside that sets out types of development that are acceptable in principle in the countryside, provided it integrates sympathetically and meets with the other published planning policies. In this case the policies relating to Anaerobic Digestion facilities are found in PPS11 Planning and Waste Management and PPS18 Renewable Energy, with PPS18 being the most recent policy expression by the Department of The Environment. These policies duplicate a lot of considerations found in both and do have a significant cross over with other policies that are found in PPS2 Natural Heritage, PPS3 - Access, Movement and Parking and PPS6 Planning, Archaeology and the Built Heritage. The key tests in these policies are identified and discussed below.

Consultations

DFI Roads: Content

EHD: No objections subject to conditions

NIEA: Content

Following an assessment of the information submitted with the application and the expert advice provided by Environmental Health Department (Cookstown District Council), NIEA Water Management Unit and NIEA Land and Resource Management Unit (LRM), it is my opinion that the proposal will not cause demonstrable harm to human health.

This proposal seeks to permission for an additional 16 EWC codes as set out below:

02 02 wastes from the preparation and processing of meat, fish and other foods of animal origin;

- 1.- 02 02 02 animal-tissue waste;
- 2. - 02 02 03 materials unsuitable for consumption or processing;
- 3 - 02 02 04 sludges from on-site effluent treatment;

- 02 04 wastes from sugar processing;
- 4 - 02 04 03 sludges from on-site effluent treatment;
- 5 - 02 04 99 other biodegradable wastes;

- 02 05 wastes from the dairy products industry;
- 6 - 02 05 01 materials unsuitable for consumption or processing;
- 7 - 02 05 02 sludges from on-site effluent treatment;

- 02 06 wastes from the baking and confectionery industry;
- 8 - 02 06 01 materials unsuitable for consumption or processing;
- 9 - 02 06 03 sludges from on-site effluent treatment;

- 02 07 wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa);
- 10. 02 07 01 wastes from washing, cleaning and mechanical reduction of raw materials;
- 11 - 02 07 02 wastes from spirits distillation;
- 12 - 02 07 04 materials unsuitable for consumption or processing;
- 13 - 02 07 99 wastes no otherwise specified;

- 19 06 wastes from the anaerobic treatment of wastes;
- 14 - 19 06 03 liquor from anaerobic treatment of municipal waste;
- 15 - 19 06 04 digestate from anaerobic treatment of municipal waste; and
- 16 - 19 06 06 digestate from anaerobic treatment of animal and vegetable waste.

Pasteurisation

- 1.Feedstock is passed through a macerator contained within the existing feedstock import tank to reduce solids to small pieces;
- 2.The macerated feedstock is then passed into Digester 1 via pipe work and held for 30 days. After 30 days the material is transferred to Digester 2 and held for a further 30 days;
- 3.The digestate is then passed though the proposed heat exchanger located inside the proposed container between the two digester tanks and its temperature is raised to 70 C;
- 4.The heated digestate is then pumped into the pasteurisation tanks where it is held at 70 C for one hour. The tanks have the capacity to hold 20 tonnes of digestate each. After one hour the digestate is considered to be pasteurised. Each tank takes approximately 30 minutes to empty and while one is being emptied another is being filled;
- 5.The pasteurised digestate is then passed through an existing separator and the end product (both liquid and solid fractions) are removed from site.

Shed Extension

This proposal also seeks permission to extend the existing feedstock reception shed to provide additional storage space for machinery and plant associated with the AD plant. There will be no additional feedstock or any livestock stored within the extended shed.

The proposed design is as annotated on DWG No 06 stamp date 27/03/2020.

WML and Ammonia

The purpose of the proposed pasteurisation system is to remove contaminants from the feedstock. The existing plant is subject to a Waste Management License (WML) and operates in line with same (reference LN/10/62/V2).

The addition of a pasteurisation system represents betterment insofar as it is an additional process designed to remove any contaminants from the feedstock ultimately improving the quality of the digestate applied to land.

For the purposes of securing a WML, an ammonia assessment was carried out for the land spreading locations associated with the spreading of digestate. The enclosed ammonia assessment demonstrates that the predicted ammonia concentrations are below the 1% level of significance at all designated sites identified within 7.5km of land spreading locations. It is not envisaged that the addition of a pasteuriser will adversely impact upon the predicted ammonia concentrations but rather, as mentioned above, represent betterment. The proposal will not therefore have an adverse impact on the natural environment.

As the proposed additional plant and building extension is sited on existing concrete hard standing and there are no historic features or listed buildings in close proximity to the site (closest historic feature, a bronze age find spot, is located approx. 150m south west) the proposal will not have an adverse impact on built heritage.

Noise and Odour

The noise and odour impact of the additional plant has been assessed in the enclosed Noise and Odour Impact Assessment (Irwin Carr Noise & Odour Assessment date 23/09/2020) The odour modelling results are presented at Table 6 of the enclosed assessment and the highest odour concentration is anticipated to occur at Location 2 (33 Grange Road) however, the concentrations at all of the identified receptors are well below the odour target value of 3ou/m3.

The assessment also indicates at Section 2.0 that noise from the plant is not anticipated to exceed the levels conditions as part of the grant of permission LA09/2015/0696/F.

As the purpose of the building extension is to store machinery and plant associated with the AD plant and there will be no additional feedstock or any livestock stored in the proposed extension, no impacts will arise from noise, smell or pollution. The proposal will not therefore give rise to detrimental impacts on the amenity of nearby residential dwellings.

Visual Impact Assessment

The proposed pasteurisation tanks are located adjacent to the existing feedstock import tank and at 4.5 metres in height, they are no higher than the existing structure. The proposed container housing the heat exchanger is located between the existing digester tanks and as a result its visual impact is considered to be negligible.

The proposed building extension is agricultural in character and will utilise the same materials as the existing shed i.e. shuttered concrete walls with juniper green wall and roof cladding. The extension will replicate the ridge heights of the existing building and utilise the existing shuttered concrete walls of the feedstock storage clamp which are profiled into the existing landform.

All additional plant is to be clustered with the existing structures on site. The proposed building extension is set back approx. 200 metres from Tullywiggan Road to the south west and approx. 270m from Grange Road to the north.

The site is located within a drumlin hollow and the land rises to the west limiting the visual impact of the proposal from the residential properties located circa 160 metres away at Bramble Lane and Tullywiggan Cottages. Views of the site from Grange Road are limited due to existing roadside vegetation and buildings. The site benefits from a backdrop of mature vegetation to the east, further softening its visual impact when viewed from the west.

Objections Assessment

Two letters of objection were received date stamp 23/10/2020 and 27/10/2020.

No 33 Grange Road, Cookstown is situated approximately 127m NE of the application site and No 10 Tullywiggan Cottages is located approximately 195m SW of the application site.

The objectors raised the following concerns:

1. Smell and odour;
2. specific health related matter objection of 27/10/2020;
3. close proximity of objectors properties; and
4. loss of private amenity preventing grandchildren from playing outside.

It is noteworthy that all animal waste taken to the AD will be transported in sealed containers.

EHD acknowledge the letters of objection that was received in relation to noise and smell. The applicant/agent has provided a Noise and Odour Impact Assessment (Irwin Carr Noise & Odour Assessment date 23/09/2020) and EHD accept its conclusions and advice that objectors concerns can be dealt with by a condition attached to any decision should permission be granted. I accept this approach.

The nearest dwelling to where most of the development will occur is No 33 Grange Road, approx. 127 metres to the north east of the site. Other dwellings nearby are those located in Tullywiggan Cottages and along Tullywiggan Road. Land surrounding the site is used for agricultural purposes. The only open storage on the site is silage. I do not envisage this proposal having any detrimental impact on animal welfare or the future use of this land, especially considering that an existing operation AD Plant has been approved and built on this site. I am content that the proposal will not detrimentally impact the amenities of the surrounding area and will not cause demonstrable harm to interests of acknowledged importance.

Following an assessment of the information submitted with the application and the expert advice provided by Environmental Health Department (Cookstown District Council), NIEA Water Management Unit and NIEA Land and Resource Management Unit (LRM), it is my opinion that the proposal will not cause demonstrable harm to human health.

Should permission be granted, I can also condition with EWC codes of any planning approval to restrict the applicant from using other wastes not included in the codes under this approval. In addition, the regulators of a facility of this nature, NIEA Waste Management Unit have not raised any objections to the proposal. 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.

It is considered that the proposal will not pose a serious environmental risk to air, water or soil resources. Environmental Health Department, NIEA Land and Resource Management Unit and NIEA Water Management Unit offered no objections to the proposal in principal but noted informatives to be added to any grant of planning permission advising the applicant of their specific requirements under their agency's own legislation.

The site is not located within any natural or built conservation designation and environmental risks from this proposal are thought to be low. The dual protection provided by NIEA licensing and control means that additional environmental protections are in place.

In relation to emissions to ground and watercourses, NIEA Water Management Unit have advised that the applicant will be required to comply with the SSAFO and NAP regulations to limit the risk to groundwater.

The site is not subject to flooding.

The wider environmental, economic and social benefits of this proposal as a renewable energy project have been given weight in the determination of this application. A key benefit of this facility will be the use of waste substances that are difficult to dispose of in an environmentally sensitive manner. It will generate heat and electricity and will help reduce greenhouse gas emissions through the use of renewable energy.

Other Considerations

There are no ground contamination issues to consider.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

Neighbour Notification Checked

Yes

Summary of Recommendation:

In summary, this application seeks permission for additional plant and infrastructure to allow additional waste streams to be processed in order to improve the overall efficiency of the operational Anaerobic Digestion plant and farm holding as a whole. All material issues have been taken into consideration in the assessment of this application. I am satisfied that the proposal is adequately sited and designed to avoid a significant adverse impact on landscape character or neighbour amenity. I recommend 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 waste materials accepted at the facility hereby approved shall be restricted to the European Waste Catalogue Code listed below:

1. 02 02 02 animal-tissue waste;
2. 02 02 03 materials unsuitable for consumption or processing;
3. 02 02 04 sludges from on-site effluent treatment;

4. 02 04 03 sludges from on-site effluent treatment;
5. 02 04 99 other biodegradable wastes;
6. 02 05 01 materials unsuitable for consumption or processing;
7. 02 05 02 sludges from on-site effluent treatment;
8. 02 06 01 materials unsuitable for consumption or processing;
9. 02 06 03 sludges from on-site effluent treatment;
10. 02 07 01 wastes from washing, cleaning and mechanical reduction of raw materials;
11. 02 07 02 wastes from spirits distillation;
12. 02 07 04 materials unsuitable for consumption or processing;
13. 02 07 99 wastes no otherwise specified;
14. 19 06 03 liquor from anaerobic treatment of municipal waste;
15. 19 06 04 digestate from anaerobic treatment of municipal waste; and
16. 19 06 06 digestate from anaerobic treatment of animal and vegetable waste.

Reason: To safeguard the residential amenity of nearby residents

3. Vehicular movement to and from the site shall only be made between the hours of 0700 hrs. & 2200 hrs.

Reason: In the interest of amenity of residents living in the surrounding area.

Informatives

4. 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:

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

5. All imported feed stocks, 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 feed stocks 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.

6. There shall be no external lighting installed on any part of the application site as denoted by the red line shown in drawing No. 01 which was date stamp received 27.03.2020 unless otherwise agreed in writing by Mid Ulster Council.

Reason: To safeguard residential amenity.

7. All landscaping as shown on drawing No. 03 which was date stamp received 27th March 2020 shall be carried out by 1st April 2021.

Reason: In the interest of visual amenity and to assist with integration.

8. No planted tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboriculture work or tree surgery take place on any retained tree without the written approval of Mid Ulster Council. Any approved arboriculture work or tree surgery shall be carried out in accordance with British Standard 3998, 1989. Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees and to ensure the development integrates into the countryside.

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

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

10. The vehicular access, including visibility splays of 2.4m by 90m in both directions shall be in place, in accordance with drawing No 03 date stamp received 27th March 2020 prior to the commencement of any other development hereby approved.

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

11. 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 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 interest of road safety and the convenience of road users.

12. The development hereby permitted shall not become operational until the vehicle wheel washing facilities indicated on drawing No 03 bearing the stamp dated 27th March 2020 have been installed and are fully operational. The wheel wash facilities shall be permanently retained and maintained in an operational condition.

Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience.

Within 4 weeks of a written request by the Council following a reasonable odour complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess the level of odour from the development and/or check compliance with the submitted Irwin Carr Noise and Odour Assessment dated 23rd September 2020. Details of any odour monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2

weeks in advance of the date of commencement of the odour monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 8 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect residential amenity from odour.

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. Subject to the above conditions the development shall be carried out in accordance with stamped approved plans No. 01, 03, 04, 04, 05, and 07 which were date stamp received 27th March 2020, so as to ensure a satisfactory form of development.

4. 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.

5. 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.

6. Environmental Health advice that the anaerobic digestion plant shall be operated in such a manner so as not to cause nuisance to surrounding residential properties.

7. NIEA advise the following;

All handling of silage should be over impermeable surfaces and would require an engineered site containment and drainage system diagram and the effluents collected in a suitable tank. Dirty water or slurry is likely to be created by the daily movement of silage across yard areas. These areas should not have a diverter system due to the frequency of use and potential for spillage of silage, but have the effluent produced collected in a suitable tank.

The applicant should refer and adhere to all the relevant precepts contained in DOE Standing Advice Note No. 12 - Agricultural Developments (April 2015).

Water Management Unit recommends the applicant refers and (where applicable) adheres to the precepts contained in DOE Standing Advice Note No. 5 Sustainable Drainage Systems (April 2015) in order to minimise the polluting effects of storm water on waterways.

Standing Advice Notes are available at:

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm

Standing Advice Notes are available on the NI Planning Portal under Advice / NIEA Guidance / Standing Advice. The above address can also be copied and pasted to a web browser.

Due to the close proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the works phase. The applicant should refer and adhere to the precepts contained in DOE Standing Advice Note No. 4 - Pollution Prevention Guidelines (April 2015).

8. Water Management Unit notes the development includes a wheel wash facility. Care should be taken to ensure that only clean surface water is discharged to a soakaway or the water environment. Water Management Unit recommends that water from the wheel wash should be recycled and a silt trap be fitted to prevent suspended solids entering a soakaway. The silt trap should be properly maintained and cleaned to ensure it functions effectively.

Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to in DOE Standing Advice Note No. 11 -Discharges to the Water Environment (April 2015).

Effective mitigation measures must be in place to protect the water environment and surrounding water bodies from any discharge into them that may damage ecological status and to ensure that the Water Framework Directive (WFD) objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies in the same and other catchments. 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.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

9. DFI Roads advise the following;

The applicant is advised that under Article 11 of the Roads (NI) Order 1993, the Department for Regional Development is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road as a result of extraordinary traffic generated by the proposed development.

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.

Notwithstanding the terms and conditions of the Department of Environment 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 Regional Development'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 Roads Service, Molesworth Street, Cookstown. A monetary deposit will be required to cover works on the public road.

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 DRD Roads Service drainage system.

10. DARDNI Veterinary Service have considered this proposal and, on the basis of the information available, do not know of any animal health or welfare implications that would affect this proposal provided;

-The boundary fences with surrounding fields, which contain livestock, remain stock proof during construction.

- Livestock do not have access to any material being stored and processed.

-Materials for processing are not stored where vermin could have access to them, and there is adequate vermin control on site.

- The construction and operation of these premises does not result in contamination of surrounding agricultural land and/or waterways by building materials, their by-products, or leachate from the site.

- Livestock do not have access to electricity cables or other live components.

-The proposal does not compromise any of the five essential welfare freedoms of livestock in the vicinity i.e. freedom from hunger, thirst or malnutrition, provision of shelter, freedom from injury or disease, freedom from fear, and freedom to express their normal behaviour.

11. This determination relates to Planning Control only and does not cover any consent or approval which may be necessary to authorise the development under prevailing legislation or may be administered by the Planning Authority or other statutory authority

Signature(s)

Date:

ANNEX	
Date Valid	30th March 2020
Date First Advertised	26th May 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) Sean James Moore 10 Tullywiggan Cottages, Cookstown, BT80 8SF The Owner/Occupier, 10 Tullywiggan Cottages, Cookstown, Tyrone, BT80 8SF The Owner/Occupier, 11 Bramble Lane, Cookstown, Tyrone, BT80 8SE The Owner/Occupier, 11 Tullywiggan Cottages, Cookstown, Tyrone, BT80 8SF The Owner/Occupier, 12 Tullywiggan Cottages, Cookstown, Tyrone, BT80 8SF The Owner/Occupier, 12a , Tullywiggan Cottages, Cookstown, Tyrone, BT80 8SF The Owner/Occupier, 13 Tullywiggan Cottages, Cookstown, Tyrone, BT80 8SF The Owner/Occupier, 14 Tullywiggan Cottages, Cookstown, Tyrone, BT80 8SF The Owner/Occupier, 18 Bramble Lane, Cookstown, Tyrone, BT80 8SE The Owner/Occupier, 2 Bramble Lane, Cookstown, Tyrone, BT80 8SE Avril & Dessie Allen 33 Grange Road, Cookstown, BT80 8SB The Owner/Occupier, 33 Grange Road, Cookstown, Tyrone, BT80 8SB The Owner/Occupier, 4 Bramble Lane, Cookstown, Tyrone, BT80 8SE The Owner/Occupier, 6 Bramble Lane, Cookstown, Tyrone, BT80 8SE The Owner/Occupier, 7 Tullywiggan Cottages, Cookstown, Tyrone, BT80 8SF The Owner/Occupier, 8 Bramble Lane, Newmills, Tyrone, BT80 8SE The Owner/Occupier, 8 Tullywiggan Cottages, Cookstown, Tyrone, BT80 8SF The Owner/Occupier, 9 Tullywiggan Cottages, Cookstown, Tyrone, BT80 8SF The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	

ES Requested	Yes /No
<p>Planning History</p> <p>Ref ID: LA09/2020/0448/F Proposal: 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 Address: Lands approximately 210 metres north east of no.14 Tullywiggan Cottages, Tullywiggan Road, Tullywiggan, Cookstown, Decision: Decision Date:</p> <p>Ref ID: I/1974/0142 Proposal: PRIVATE HOUSING DEVELOPMENT Address: NO 44 TULLYWIGGAN ROAD, COOKSTOWN Decision: Decision Date:</p> <p>Ref ID: I/1973/0029 Proposal: DEVELOPMNET FOR PRIVATE HOUSING Address: TULLYWIGGAN, COOKSTOWN Decision: Decision Date:</p> <p>Ref ID: I/2011/0299/F Proposal: 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. Address: Lands approximately 220 metres east of 14 Tullywiggan Road, Tullywiggan, Cookstown, BT80 8, Decision: PG Decision Date: 16.05.2012</p> <p>Ref ID: I/2013/0081/F Proposal: 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. Address: Lands approximately 220 metres east of no. 14 Tullywiggan Road, Tullywiggan, Decision: PG Decision Date: 11.09.2013</p> <p>Ref ID: I/2015/0032/F Proposal: 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. Address: Lands approximately 220 metres east of No. 14 Tullywiggan Cottages, Tullywiggan Road, Tullywiggan, Cookstown, Decision: PG Decision Date: 14.08.2015</p>	

Ref ID: LA09/2015/0696/F

Proposal: 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

Address: Lands approximately 220 metres East of no 14. Tullywiggan Cottages Tullywiggan Road Tullywiggan Cookstown,

Decision: PG

Decision Date: 10.12.2015

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Location Plan

Status: Submitted

Drawing No. 03

Type: Proposed site layout

Status: Submitted

Drawing No. 04

Type: Heat Exchanger and Pasteuriser Valve Layout

Status: Submitted

Drawing No. 05

Type: Heat Exchanger and Pasteuriser Valve Layout

Status: Submitted

Drawing No. 7

Type: Proposed extension to storage shed and addition of plant container at exist. AD Plant

Notification to Department (if relevant)

Date of Notification to Department:


Response of Department: N/A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0677/F	Target Date: 28/09/2020
Proposal: Proposed change of house type and garage to supersede previous planning approval LA09/2016/1557/F	Location: 40m South West of 9 Ballyhagan Road Maghera
Referral Route: Two letters of objection	
Recommendation:	Approval
Applicant Name and Address: Mr E Kelly 43 Fallylea Road Maghera	Agent Name and Address: D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
Executive Summary: <p>The application site relates to a change of house type and garage to supersede previous planning approval LA09/2016/1557/F. The principle of development has been established on the site through the approval of the above planning permission. It was noted during visit of the site that site works had commenced. Accordingly whilst this history is material the application needs to be assess a fresh in relation to policy. All other material considerations have been assessed within the determination in this report</p>	
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	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues <p>This is a full planning application for a change of house type previously approved under LA09/2016/01157/F, located 40m south west of No 9 Ballyhagan Road, Maghera. Neighbour Notification and press advertisement has been carried out in line with the Council's statutory duty and all other material considerations have been addressed within the determination below</p>		
<u>Characteristics of the Site and Area</u> <p>The application site is accessed from the Ballyhagan road and is set back approx. 50 metres from the public road. The site is situated approximately 40m southwest of No 9 Ballyhagan Road and approx. The site is rectangular in shape measuring 0.21 of a hectare and topography within is relatively flat. Boundaries comprise mature trees and low level vegetation on the north, east with sporadic vegetation on the west supported by post and wire fencing, the south boundary runs parallel with public road is undefined. The surrounding landform is one of undulating countryside characterised by a mix of detached residential properties and agricultural buildings as per the Magherafelt Area Plan 2015. The Moyola River is located 100m south of the site.</p>		

Description of Proposal

This application seeks planning permission for a change of house type from that previously approved under application LA09/2016/1557/F which is a live planning consent and approved on 07/04/2017.

In terms of location and layout the siting of the proposed dwelling is on the same site as was previously approved, however the size, design and footprint of the dwelling has been altered. The previous approval included a small front porch projection and rear extension. The proposed dwelling includes an extended front elevation of the dwelling increasing from 13m to 16m, two side extensions set back from the build line and rear projection. The height of the proposal remains as a single storey dwelling, as previously approved. The previous approval included quoin stones to the corners of the dwelling and Pearl grey stone chip dash to the finishes, this is a design feature which has not been retained in the new proposal.

The materials to be used on the proposal are annotated on drawing no. 01, date stamped 15/06/2020.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing One letter of objection was received. This application was initially advertised in the local press on w/c 15th June 2020 (publication date 16th June 2020). Four (4) neighbouring properties were notified on 2nd July 2020: all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, the proposed site sits 190m north of the Moyola River given the topography and distance with no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site. The site sits outside any designated flood plain.

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain provided by PPS 21 and the SPPS.

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

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

planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at 5pm on 24th September 2020.

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

Principal Planning Policies:

Regional Development Strategy (RDS) 2035
 Magherafelt Area Plan 2015
 Planning Policy Statement 21
 Strategic Planning Policy Statement for Northern Ireland (SPPS)
 PPS3 Access Movement & Parking
 PPS21 Sustainable development in the countryside.

Supplementary planning guidance: A Design Guide for Rural Northern Ireland.

There are no other potential development constraints. The proposal raises no concerns in terms of flood risk, impact on listed built heritage or protected trees or vegetation. The proposal is under the 15.2m height threshold for consultation to Defence Estates relating to Met. Office - Radar.

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

The Magherafelt Area Plan 2015 (MAP) operates as the local development plan of the area the application site lies within. The site sits in a rural location outside any defined settlement limits. The MAP offers no specific policy or guidance in respect of this application. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for N Ireland (SPPS) and those of Planning Policy Statement 21 (PPS21) in respect of this application thereby the policy provisions of PPS 21 remain applicable.

Assessment.

The principle of development has been established on the site through the approval of the earlier granted scheme and this permission is still live, in accordance with condition 1 of the approval. It was noted during a visit of the site that site works had commenced MUDC Building Control have confirmed their attendance on site as per their report (held on file). I am satisfied that the earlier planning approval is live. The principle of development and commencement of site works has therefore been established.

The key test in assessing the overall acceptability of the proposal sits within the policy context of PPS 21, Policy CTY 13 & 14 Integration and Design of Buildings in the Countryside and Rural Character.



Fig 1. Access visibility splays



Fig 2. Floor plans and Elevations

Assessment of Objections.

An objection letter from Mrs Angela Lagan was received on 15/07/2020 that indicated that a substantial letter of objection would be submitted on or before 16th July 2020.

A letter of objection was received via email from MKA Chartered Town Planners dated 16th July 2020.

Summary of objections:-

- failure to implement access and visibility splays as pre-commencement works;
- proposed change of design and size unacceptable for countryside;
- orientation would result in a loss natural lighting and would require removal of mature trees;
- demolition of existing building adversely impacts on screening / integration; and
- Increase front elevation from 13m to 26.3m.

In terms of the access and visibility splays I observed from my site visit that the access and splays were in place in accordance to approved plans and DFI Roads were consulted and responded with no objection.

In terms of proposed design and size being unacceptable in the countryside including a substantial increase in front elevation. I am of the view the proposed changes blends sympathetically with the existing surroundings and will therefore, not be unduly prominent in the landscape. The site provides a suitable degree of enclosure for integration and the building blends with the existing features, such as the trees which provide an effective backdrop. Furthermore, the design of the building is appropriate for the site and locality. Furthermore, the

objector has wrongly included the two side extensions as frontage as I indicated earlier in my report both extensions are set back from the front elevation by 1.5m therefore the frontage stands at increase of 16m. I am also content that the dwelling will not cause a detrimental change to the rural character of the area, as it respects the traditional pattern of settlement exhibited in the area and will not result in a suburban style build-up of development or create or add to a ribbon of development.

Finally, In relation to Condition 2 of the previous approval only related to use as ancillary to the new dwelling and did not condition the retention of the building therefore I am content that no breach of planning has occurred as a result of the building's removal.

CTY 13

CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The changes proposed under this application are relatively modest in the overall scheme of the development, the footprint of the dwelling is slightly increase but overall remains similar to the previous approval and the proposal now includes two side extensions and relocation of garage as opposed to the previous approval. The proposal does not add significantly to the overall level of impact associated with the previous approved and live consent on the site. The changes to the size of the proposed dwelling, as well as changes to layout and design are modest and I consider the design to be appropriate to this area of the countryside. I therefore consider that the proposed change of house type is acceptable in this regard.

The mature vegetation and tree coverage which surrounds the site is an important feature in terms of integration. I feel that this vegetation will provide a sufficient degree of backdrop and cover so as to prevent a negative impact on the surrounding landscape by helping to restrict the level of prominence associated with the development. This is supplemented by the topographical aspect of the site which restricts the level of visibility onto the proposal from views along the Ballyhagan Road. The applicant has annotated proposed landscaping works and retention of existing trees.

CTY 14

Policy CTY 14 deals with the preservation of rural character and sets out the criteria by which development proposals should accord.

The proposal remains integrated into the existing landscape and is not deemed to present a dominant feature. The level of enclosure afforded to the site in terms of mature trees and vegetation restricts the level of prominence and the level of associated impact on the landscape. This also restricts the level of inter-visibility between the development and nearby dwellings. The proposal will not result in suburban development when viewed in the context of the approved and existing setting.

The proposal does not add to or elongate the existing development pattern which has been established and as such the development cannot be deemed to present a negative impact on the traditional pattern of settlement. The proposal and its associated ancillary works will not have a negative impact on the established rural character of this area.

Neighbour Amenity

In terms of the amenity of neighbouring residential properties it is noted that the site is situated 40m south west from the closest neighbouring dwelling No. 9 and No 11 to the north west. In light of the significant distance between the proposal and the neighbouring dwellings, as well as what has already been approved on the site and the fact that both proposals are similar, it

would be difficult to sustain a reason for refusal on neighbouring amenity grounds. I consider that the proposal will not give rise to any significant impact in terms of overshadowing, loss of light or privacy concerns.

Access.

The application proposes to use the previously approved access arrangements to the site, which is in situ. DFI Roads were consulted and responded on this application and have confirmed that they have no objection to the proposal put forward. With this in mind I consider the proposed access arrangements to be acceptable and in accordance with the provisions of PPS 3 Access, Movement and Parking.

Conclusion

I am satisfied that the proposal is adequately sited and designed to avoid a significant adverse impact on landscape character or neighbour amenity. The proposed access arrangements accord with the provisions of PPS 3 Access, Movement and Parking.

Assessment of late objection

Following the Committee meeting on 06/10/2020 a further objection was received from the resident of 9b, Ballyhagan Road, which was sent to the Case Officer's email at approx. 10.22pm. The objector's objections are similar to the other objections with the exception of the following:

- Water main;
- Lack of sufficient landscaping;
- Overlooking and privacy issues

In terms of water - NI Water was consulted in the original application and had no objections subject to standard Informatives. In terms of landscaping and design I am satisfied the changes proposed under this application introduce a more integrated and better proportioned design solution and therefore the proposal will not detract from the overall level of impact when compared with what was previously approved on the site.

The objector raised concerns relating to overlooking and privacy amenity issues of neighbouring residential properties it is noted that there are no properties abutting the site and given the setback position coupled with landscaping - I am content the proposal will not impact on private amenity of surrounding properties.

Neighbour Notification Checked

Yes

Summary of Recommendation:

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 any forward sight distance, shall be provided in accordance with Drawing No 01 bearing the date stamp 15 Jun 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. This permission is granted solely as a substitute for the permission for a dwelling previously granted on the site under Ref: LA09/2016/1557/F on the 7th April 2017 and only one dwelling shall be constructed on the site.

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

4. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 01 date stamped 15th June 2020 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

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

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

6. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no walls gate pillars, fences or other structures, other than the development permitted shall be erected along the front boundary of the site without the written consent of the Council.

Reason: To preserve the amenity of 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.

3. 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.

4. 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

5. This determination relates to Planning Control only and does not cover any consent or approval which may be necessary to authorise the development under prevailing legislation or may be administered by the Planning Authority or other statutory authority.

Signature(s)

Date:

ANNEX	
Date Valid	15th June 2020
Date First Advertised	30th June 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Ballyhagan Road Maghera Londonderry Angela Lagan 11 Ballyhagan Road, Maghera,BT46 5LR Aoibhinn Roarty 32, Clooney Terrace, Londonderry, Londonderry, Northern Ireland, BT47 6AR The Owner/Occupier, 9 Ballyhagan Road Maghera Londonderry	
Date of Last Neighbour Notification	2nd July 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/0677/F Proposal: Proposed change of house type and garage to supersede previous planning approval LA09/2016/1557/F Address: 40m South West of 9 Ballyhagan Road, Maghera, Decision: Decision Date: Ref ID: LA09/2016/1557/F Proposal: Proposed replacement dwelling Address: 40m South West of no 9 Ballyhagan Road, Maghera, Decision: PG Decision Date: 11.04.2017 Ref ID: H/2011/0545/O Proposal: Proposed dwelling on a farm Address: 40m South West of 9 Ballyhagan Road, Maghera, Decision: WITHDR Decision Date: 07.08.2012	
Summary of Consultee Responses Content	

Drawing Numbers and Title
Drawing No. 01 Type: Status: Submitted
Notification to Department (N/A) Date of Notification to Department: Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0824/O	Target Date:
Proposal: Gap site for dwelling & garage	Location: Adj to 7a Killycurragh Road Orritor Cookstown
Referral Route: Approval- Exception to policy.	
Recommendation:	
Applicant Name and Address: Wesley Carson 245 Orritor Road Cookstown BT80 9NE	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Sandholes Road Cookstown BT80 9TN
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	No Petitions Received

Summary of Issues

Characteristics of the Site and Area

The site lies in the open countryside as identified by the Cookstown Area Plan. The development limits of Orritor are located to the west of the site as shown as dashed black lines on the above site location plan. The red line of the site is part of a larger agricultural field, which shares a frontage onto the Killycurragh Road. The eastern boundary of the red line remains undefined as it extends into the remainder of the agricultural field. Throughout the site the landform is undulating across the field. The surrounding area is a mix of residential and agricultural land uses with a row of dwellings located to the west of the site and additional dwellings located to the east, across the Craigs road and located within development limits of Orritor.

Description of Proposal

This is an outline application for a gap site for a dwelling and garage adjacent to 7a Killycurragh Road, Orritor.

Representations

One neighbour notification was sent out however no third party representations were received.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan

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

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3: Access, Movement and Parking:

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 application is for a dwelling to be considered under Policy CTY8.

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'.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage 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. I am content that to the west of the red line there is a row of four dwellings which all share a frontage along the Killycurragh Road. However, to the west there is an undeveloped piece of land that was recently approved under planning reference LA09/2019/1245/O for a gap site. However, as this was an outline and no Reserved Matters application has been received at the time of writing, no development has commenced on site. As a result, this application does not currently represent a gap site located within a substantial and continuously built up frontage, as there is no development to the east of the site.

It should be noted that the approval, which was granted in the field adjacent under planning reference LA09/2019/1245/O, was initially taken to planning committee as a refusal for failing to meet Policy CTY 8. However, following a site visit the planning committee agreed to consider it as an exception to policy as it did not fully meet Policy CTY 8 and would result in a 'rounding off' of development.

This application is very similar to that of LA09/2019/1245/O, which was granted as an exception to policy as it was considered to be 'rounding off'. Therefore, I believe this application should be considered as an exception to policy. Although it does not fully meet the policy test of CTY 8, I believe this application can be considered a 'rounding off' of development and it will not alter the character of the area.

Given that the site adjacent has planning approval granted, albeit not yet developed, means that the gap is not considered as an important visual break and granting approval on this site would not change the character of the area. An approval would result in a 'rounding off' of development, as there is a clear line of defined ribbon development on both sides of the site, albeit one side has not yet been developed. Plots sizes remain of similar size and there will be no detrimental impact on the character of the area.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore, no design details has been submitted however, I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. I note that new boundaries will be needed to be planted along the eastern boundary with the retention of as much of the existing landscaping as possible, therefore a landscaping scheme will be required. Finally, given the surrounding development I feel it necessary to restrict the ridge height to be no more than 6.0m above finished floor level. From this, I am content that the application is able to comply with CTY 13.

Policy CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed building will not appear prominent in the landscape. I am content that this development can be viewed as rounding off and that a dwelling at this site would not change the character of the area.

Other Policy and Material Considerations

PPS 3- Access, Movement and Parking:

DfI Roads were consulted and in their response stated they had no objection subject to a condition provided.

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

Neighbour Notification Checked

Yes/No

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

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

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

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

5. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	10th July 2020
Date First Advertised	21st July 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Craigs Road Cookstown Tyrone The Owner/Occupier, 3 Craigs Road Cookstown Tyrone The Owner/Occupier, 5 Craigs Road Cookstown Tyrone The Owner/Occupier, 7 Killycurragh Road Cookstown Tyrone The Owner/Occupier, 7a Killycurragh Road Cookstown	
Date of Last Neighbour Notification	7th October 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1245/O Proposal: Gap site for dwelling & garage Address: Junction of Craigs Road & Killycurragh Road, Orritor, Cookstown, Decision: PG Decision Date: 04.03.2020 Ref ID: LA09/2020/0824/O Proposal: Gap site for dwelling & garage Address: Adj to 7a Killycurragh Road, Orritor, Cookstown, Decision: Decision Date: Ref ID: I/1978/024401 Proposal: FARM DWELLING Address: ORRITOR, COOKSTOWN Decision: Decision Date:	

Ref ID: I/1978/0244
Proposal: FARM DWELLING
Address: ORITOR, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1978/0002
Proposal: DWELLING
Address: ORRITOR, COOKSTOWN
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0862/F	Target Date:
Proposal: Proposed replacement dwelling and garage	Location: site 400m East of Fairview 221 Hillhead Road Castledawson
Referral Route: Refusal- Contrary to Policy CTY 1 and Policy CTY 3 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Jason Thompson and Julie Espie 23 Salters Bridge Magherafelt	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	Historic Environment Division (HED)	Content
Non Statutory	NIEA	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

Contrary to Policy CTY 3.

Characteristics of the Site and Area

The site is located within the open countryside, approximately 1.7km north west of the settlement limits of Castledawson as per the Magherafelt Area Plan 2015. The site is located adjacent to a Site of Local Nature Conservation Importance as identified within the Magherafelt Area Plan and two unscheduled archaeological sites & monuments are located within close proximity. The red line of the application includes access to the site via an existing agricultural laneway from the Hillhead Road and includes a large agricultural field. The building, which is proposed to be replaced in this application, is shaded in green on the above site location plan. The building currently on site has no defined curtilage and is located within the open field. The application is proposing to relocate the building to a southern portion of the field, which is shaded in yellow on

the above site location plan. Within the site, there is an old stone building with the remainder of the field being undeveloped and used for agricultural purposes. The eastern boundary of the site contains a strong mature treeline, which is part of the site of Local Nature Conservation Importance. The southern portion of the site where the proposed replacement dwelling is to be sited contains some natural planting. A post and wire fence defines the eastern boundary. The surrounding area is mainly agricultural with a former dwelling, now being used as a game lodge located adjacent to the site at the north western corner.

Description of Proposal

This is a full planning application for the proposed replacement dwelling and garage. The application is proposing to relocate the dwelling to a southern part of a field.

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 Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21 Sustainable Development in the Countryside

CTY 3 – Replacement Dwellings

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance, the application is for a replacement dwelling and as a result, it must be considered under CTY 3 of PPS 21. CTY 3 states

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum, all external structural walls are substantially intact. For the purposes of this policy, all references to 'dwellings' will include buildings previously used as dwellings.

Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.

Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.



Figure 1: Current building

During the site visit it was clear to see that the building on site was a very old building built from stone. Figure 1 above shows how it has become very overgrown with vegetation and trees growing around and inside the remains of the building. Although it is clear to see there is an old building on site, the building does not exhibit the essential characteristics of a dwelling. There is an external entrance on one of the external walls and internal walls are in place within the building (figure 2).



Figure 2: Entrance door and internal wall

There does not appear to be any external windows on the building, the walls are built to a substantial height and no external windows are visible. In terms of internal features, there are

internal walls and door openings, including an opening for what may have been a front door. There is no external fireplace within the building and no external chimney is visible on the building. There appears to be a small opening which at the bottom of one of the internal wall, which the agent has stated, was an old fireplace, however it does not appear to be a fireplace. (Figure 3).



Figure 3: Internal walls and opening

There is no roof on the building and no chimney is visible however; there were a number of slates located at the site as on the image below.



Figure 4: Slates

From this, I do not believe the building to be replaced exhibits the essential characteristics of a dwelling and fails to meet this criteria of Policy CTY 3.

Following a group discussion, further information was submitted by the agent who provided additional context surrounding the building and historical maps. Although the historical maps do show a building had been located here for many years, it does not provide any clarification around the use of the building in the past. The agent has stated that for many years the building has been used as a shelter for farm animals and hunting dogs, having previously been used as a dwelling. Following the group discussion having reviewed the further information provided, it was agreed that the information provided does not provide sufficient evidence to prove the building exhibits essential characteristics of a dwelling.

Furthermore, Policy CTY 3 states that all proposals for a replacement dwelling will only be permitted where a list of criteria are met including;
the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

The building that is proposed to be replaced does not have a defined curtilage as it is located within a larger agricultural field. This application proposes to relocate the building to a southern portion of the field. I feel that this is an acceptable location, as it will provide benefits in terms of landscaping as a dwelling would integrate well in this location.

I am content that the proposed dwelling would meet all other policy criteria listed in Policy CTY3.

The proposal is also subject to the policy criteria of Policy CTY 13 and Policy CTY 14 of PPS 21. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that the proposed dwelling will not be a prominent feature in the landscape as it benefits from the existing landscape and natural boundaries benefited to the site. The views from the public road or any other neighbouring property are also very limited. I am content the proposal complies with the Policy Criteria of CTY 13.

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. I am content the proposal will not be a prominent feature in the landscape, it will not result in a sub-urban style build-up of development and it will not create or add to a ribbon of development.

Other Material Considerations

The site is located adjacent to a Site of Local Nature Conservation Importance as identified by the Magherafelt Area Plan 2015. Policy CON 3, which sets out the policy relating to these sites, states, 'Within designated Sites of Local Nature Conservation Importance planning permission will not be granted to development proposals that would be liable to have a significantly adverse effect on the nature conservation interests of these sites.' As the site is located outside of the designated site and not within the site, this policy does not apply. I am content a dwelling of this scale in the proposed location would have no impact on the site adjacent.

PPS 6- Planning, Archaeology and the Built Heritage

The site is located close to an Archaeological site and Monument so HED were consulted on the proposal. HED responded to say they have assessed the application and on the basis of the information provided is content the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that building which is proposed to be replaced does not exhibit the essential characteristics of a dwelling and cannot be considered a replacement dwelling.

Signature(s)

Date:

ANNEX	
Date Valid	20th July 2020
Date First Advertised	4th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 204 Hillhead Road,Castledawson,Londonderry,BT45 8EE The Owner/Occupier, 221 Hillhead Road Castledawson Londonderry	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0862/F Proposal: Proposed replacement dwelling and garage Address: site 400m East of Fairview, 221 Hillhead Road, Castledawson, Decision: Decision Date: Ref ID: H/2005/0524/F Proposal: Dwelling & garage Address: Adjacent to 205 Hillhead Road, Castledawson Decision: Decision Date: 10.04.2006 Ref ID: H/1997/0596 Proposal: 11 K/V O/H LINE (BM11624/97) Address: FROM 219 HILLHEAD ROAD(GOING 380M SE) CASTLEDAWSON Decision: Decision Date:	
Summary of Consultee Responses	

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Proposed Plans Status: Submitted Drawing No. 03 Type: Garage 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: LA09/2020/0877/O	Target Date:
Proposal: Site for dwelling	Location: Lands approx. 25m East of 22 Blackrock Road Dunnamore Cookstown
Referral Route: To Committee - Refusal - Contrary to CTY 1 and 2a of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr M Mallon 22 Blackrock Road Dunnamore Cookstown	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

To Committee -Refusal - Contrary to CTY 1 and 2a of PPS 21.

Characteristics of the Site and Area

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

<p>Representations</p> <p>There were five neighbour notifications sent however there were no representations received.</p>
<p>Description of Proposal</p> <p>This is a proposed outline application for a site for dwelling, the site is identified as Lands approx. 25m East of 22 Blackrock Road, Dunnamore, Cookstown.</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Strategic Planning Policy Statement (SPPS) Mid Ulster Local Development Plan 2030 - Draft Plan Strategy Cookstown Area Plan 2010 PPS 21: Sustainable Development in the Countryside CTY 1- Development in the Countryside CTY 2a - New Dwellings in Existing Clusters CTY 13 - Integration and Design of Buildings in the Countryside; and CTY14 - Rural Character PPS 3 - Access, Movement and Parking;</p> <p>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'.</p> <p>Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. This application is to be considered for a dwelling within an existing cluster, in which to be considered under CTY 2a.</p> <ul style="list-style-type: none"> - The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings; - The cluster appears as a visual entity in the local landscape; - The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads, - The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster; - Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and

- Development would not adversely impact on residential amenity.

With regards to the first criteria, I am content that the site lies outside of a farm and consists of four or more buildings in which more than three of such are dwellings (Nos. 22, 24, 23,25, 27). In terms of the second I am content that the cluster appears as a visual entity in the local landscape. In terms of the focal point, I note that upon review of the submitted plans and what was witnessed on site there does not appear to be a focal point in close proximity to the site nor is the site located at a cross-roads, failing this part of the policy. In terms of the site having a suitable degree of enclosure, I note that the site shares a boundary along the south western boundary with properties No. 22 and 24. I note that despite the public road between the site and No.25 that there is still a shared boundary and from this the site is able to provide a suitable degree of enclosure. Furthermore, I am content that a dwelling in this location would be absorbed into the existing cluster and will not significantly alter the character of the area and in this position is unlikely to have an adverse impact on residential amenity. I note that as the cluster is not associated with a focal point therefore I must hold the opinion that the application fails under CTY 2a.

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

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

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

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

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

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

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

PPS 3 - Access, Movement and Parking

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

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

2.The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point or it is not located at a cross-roads.

Signature(s)

Date:

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

Address: 50m West of 25 Blackrock Road, Cookstown

Decision:

Decision Date: 15.05.2009

Ref ID: I/1974/0344

Proposal: EXTENSION TO FARMHOUSE

Address: DUNAMORE, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2004/1245/O

Proposal: Proposed dwelling

Address: 50m West of 25 Blackrock Road, Cookstown

Decision:

Decision Date: 16.03.2005

Ref ID: LA09/2020/0877/O

Proposal: Site for dwelling

Address: Lands approx. 25m East of 22 Blackrock Road, Dunnamore, Cookstown,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0920/RM	Target Date:
Proposal: Proposed dwelling and garage	Location: Land approx. 100m North of 17 Carricklongfield Road Aughnacloy
Referral Route: The applicant is a family member of Cllr Francis Burton.	
Recommendation:	Approval
Applicant Name and Address: Mr John Burton 74 Creevelough Road Dungannon BT70 1LL	Agent Name and Address: Henry Marshall Brown Architectural Partnership 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

Characteristics of the Site and Area

This application site is located along the Carricklongfield Road, North of No 17. The site occupies a cut out roadside portion of 2 fields and has a total roadside frontage of almost 160 metres. The topography falls from the roadside in a westerly direction and the host fields have well established hedgerows.

The site lies within the rural countryside and is not subject to any constraints in the Dungannon and South Tyrone Area Plan. The Carricklongfield Road is a narrow country road which traverses the undulating topography of the surrounding countryside which is characterised by fields of varied terrain and individual dwellings along the roadside or along laneways. The site sits approximately 500 metres North of Black Lough and a 2.2 hectares of well-established wooded area sits immediately adjacent to the site to the North and is part of a larger plantation on the opposite side of the road.

The northern boundary of the site is treed as a wooded area sits adjacent to it here. A large agricultural shed and hardstanding area is located in the north eastern corner running alongside the road. This building was constructed without planning permission but a subsequent application for the retention of this agricultural shed was granted planning approval under LA09/2016/0687/F in August 2017.

To the south of the site sits No 17 which is a small derelict cottage with a steep pitched corrugated roof and a small front porch projection. Attached to the northern gable of this dwelling is a small outhouse with a barrel corrugated roof. A stoned area forms a yard with another small outbuilding to the south. This abandoned cottage appears to be a replacement opportunity.

Planning History

On 11th August 2017, LA09/2015/0687/O was granted permission for a dwelling and garage on this application site. It was through the processing of this application that permission was sought to regularise the unauthorised farm building. Thus concurrently application LA09/2016/0687/F was granted planning permission for on 11th August 2017 for the Retention of Existing Farm Building. The applicant for both these applications was Mr Colin Mullan.

Description of Proposal

This application is the Reserved Matters for a farm dwelling which measures 13.4 metres along the frontage and 16.4 metres at its deepest. It has a ridge height of 6.3 metres FGL on the main section of the dwelling and 2 different roof heights on the rear return, one being 6.4 metres FGL and the flat roof is 5.6 metres FGL. This dwelling has a footprint of 154 metres squared.

The finishes of smooth render finished walls, white uPVC windows, black uPVC rainwater goods, Blue black natural slate and grey standing seam are proposed for the roofs.

The detached garage measures 8.1 metres by 6.7 metres, with a ridge height of 5.2 metres FGL. The dwelling is sited in the southern portion of the field which is closest to the agricultural shed, with the garage sitting north of the dwelling and the access further north again.

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 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.

As stated above, this application site benefits from outline planning permission and therefore the principle of a farm dwelling on this site has already been accepted. This application will assess if the proposed dwelling complies with the conditions which were set out as part of the approved outline permission in August 2017.

This application is within the time constraints as set out in Condition 1 of LA09/2015/0687/O as it was submitted on 30th July 2020 which is well within the 5 year expiration date.

During the processing of the outline application, the then agent made a request that no restriction was put on the ridge height of the dwelling, indicating the preference for a single storey or a storey and a half dwelling. The Case Officer was of the opinion that a split level dwelling may address existing topography, however it would still be unduly prominent in an area where single storey dwellings (some with attic space) are the standard in this vicinity. Therefore it was considered necessary to insert Condition 4 which states the dwelling shall have a ridge height of not greater than 6 metres above ground level. This would allow first floor space to be accommodated in the attic space provided the design is appropriate.

This proposal has a ridge height of 6.3 metres FGL which is 6 metres FFL. The dwelling would sit some 2 metres below the level of the road, thus necessitating much cutting and filling. It is evident this method was utilised for the agricultural shed when it was constructed.

As indicated above it was deemed necessary to restrict the ridge height to 6 metres in Condition 4 of the approved outline permission and this proposal measures 6.3 metres FGL.

It is worth noting what The Planning (General Permitted Development) Order (Northern Ireland) 2015 says.

Article 2 (2) of The Planning GPDO on Page 7 states,

"Any reference in this Order to the height of a building or of plant or machinery shall be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph "ground level" means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it."

Therefore ground level is accepted as the highest level on the site which means the dwelling proposed in this Reserved Matters does comply with Condition 4.

The agent submitted a plan indicating the floor levels of the proposed dwelling in relation to existing and proposed ground levels, thereby fulfilling the requirements of Condition 5.

The applicant has demonstrated on the site location plan the landscaping to be implemented as part of this application. A timber fence is proposed with native species hedgerow to define the rear curtilage of the dwelling to the west and vegetation will also be planted to the rear of the visibility splays also. This is in compliance with Condition 6 as it will be planted during the first available planting season after the occupation of the dwelling.

Condition No 7 concerning the replacement of any planted vegetation if they die or are damaged can be added as a condition to any approval.

Transport NI requested visibility splays of 2.4 metres x 45 metres are provided in both directions

as in Condition 8. This was provided in this application and they have no objections.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and RAMSAR sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

There were no adjacent neighbours to notify about this proposal and the council received no objections to this proposal through advertising it in the local media.

As the applicant has stated in Q26 of the P1 form that his mother is an elected member of Mid Ulster Council (Cllr Francis Burton), this application cannot be determined under the Council's present Scheme of Delegation and therefore it must go before the Council's Planning Committee.

Neighbour Notification Checked

N/A

Summary of Recommendation:

I recommend this Reserved Matters proposal for a dwelling and garage is approved as it is in compliance with the conditions outlined in the outline application LA09/2015/0687/O. There were no objections received and Transport NI are content with the visibility splays as provided.

Conditions:

1.

The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

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

2.

The vehicular access, including visibility splays of 2.4 metres x 45 metres in both directions, shall be in place, in accordance with Drawing No.02 bearing the date stamp 30th July 2020, prior to the commencement of any other works or other development hereby permitted.

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

3.

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

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

5.

All planting comprised in the approved details of drawing No 02 bearing the date stamp 30th July 2020, shall be carried out during the first planting season following the occupation of the dwelling.

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

6.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	30th July 2020
Date First Advertised	11th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 17 Carricklongfield Road,Aughnacloy,Tyrone,BT69 6DJ	
Date of Last Neighbour Notification	20th August 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/0920/RM Proposal: Proposed dwelling and garage Address: Land approx. 100m North of 17 Carricklongfield Road, Aughnacloy, Decision: Decision Date:	
Ref ID: LA09/2016/0687/F Proposal: Retention of existing farm building Address: 100m North of 17 Carricklongfield Road, Aughnacloy, Decision: PG Decision Date: 11.08.2017	
Ref ID: LA09/2015/0687/O Proposal: Proposed dwelling and garage Address: 100m North of 17 Carricklongfield Road, Aughnacloy, Decision: PG Decision Date: 11.08.2017	
Summary of Consultee Responses TransportNI - no objections	

Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status:</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status:</p> <p>Drawing No. 03 Type: Proposed Plans Status:</p> <p>Drawing No. 04 Type: Garage Plans Status:</p>
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: LA09/2020/0935/O	Target Date:
Proposal: Proposed site for dwelling	Location: Approx 60m S.W of 90 Ballinderry Bridge Road Coagh Cookstown
Referral Route: To Committee - Refusal - Contrary to CTY 1, 2a, 14 and 15 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Pat McGuckin 25 Mullan Road Coagh Cookstown BT80 0DD	Agent Name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

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

Summary of Issues

To Committee - Refusal - Contrary to CTY 1, 2a, 14 and 15 of PPS 21.

Characteristics of the Site and Area

The site is located just outside the development limits of Ballinderry, in which the site is located within the open countryside as per the Cookstown Area Plan 2010. The site is identified as 60m SW of 90 Ballinderry Bridge Road, Cookstown, in which the red line encompasses a small portion of a much larger agricultural field. I note that the site is located in close proximity of the development limits of Ballinderry inclusive of residential lands uses and a GAA pitch. I note that the wider surroundings is predominately agricultural land uses with a scattering of dwellings.

Representations

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

Description of Proposal

This is a proposed outline application for a site for dwelling, the site is identified as Lands approx. 60m S.W of 90 Ballinderry Bridge Road Coagh Cookstown.

Planning Assessment of Policy and Other Material Considerations

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

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Cookstown Area Plan 2010

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 2a - New Dwellings in Existing Clusters

CTY 13 - Integration and Design of Buildings in the Countryside; and

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

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

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

With regards to the first criteria, I am content that the site lies outside of a farm however I note that the site is reliant on buildings that are located within the settlement limits of Ballinderry to help to demonstrate that the cluster has four or more buildings. As such I am of the opinion that these cannot be counted and there is no clear cluster evident, wherein it cannot appear as a visual entity, failing the first two criteria. In terms of a focal point, I note that there is a GAA club and ground in close proximity however as there is no evident cluster therefore no association can be made. In terms of the site having a

suitable degree of enclosure, I note again it does share a boundary with other development but again this development is located within the development limits and cannot be used as part of countryside policy. In addition would not be able to be absorbed into the cluster as a cluster does not exist and I am of the opinion that a dwelling would mar the distinction between the settlement limits and countryside which would alter the existing character of the area. In this location I am content that an appropriately designed dwelling would unlikely have an adverse impact on residential amenity. From all of this I am of the opinion that this application would fail under CTY 2a as no evident cluster exists.

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

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I first note that this application is only outline therefore I cannot speak on the design, layout etc. However, I note that only an appropriately designed dwelling will be acceptable, from which I am content that the dwelling will not appear as a prominent feature in the landscape. In terms of integration, I note that the site has strong existing boundaries with mature trees and hedging which should be retained where possible and supplemented with additional landscaping to ensure integration. Therefore a landscaping scheme will be required in any 'reserved matters' application. Given the landform of the site and the surrounding development I feel it necessary to restrict the height of the proposed dwelling to 6.5m above finish floor to ensure the dwelling is in-keeping with the surrounding area.

Policy CTY 14 deals with rural character and states that planning permission will be granted where the building it does not cause detrimental change to, or further erode the rural character of the area. As stated I am content that an appropriately designed dwelling will not be prominent feature. Given its location it has the capacity to adversely change the rural character as it would mar the distinction between the countryside and the development limits and from such would fail under CTY 14.

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. As stated I am of the opinion that a dwelling in this location would have the capacity to mar the distinction between the countryside and the development limits of Ballinderry, in which would fail under CTY 15 as a result.

PPS 3 - Access, Movement and Parking

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

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

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal.

Reasons for Refusal:

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that there is no evidence of a cluster of development, in which the cluster does not appear as a visual entity in the local landscape. Nor is the cluster associated with a focal point or is not located at a cross-roads; 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 would significantly alter the existing character of the cluster.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would result in a detrimental change to the rural character of the countryside, in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings.

4. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Ballinderry and the surrounding countryside.

Signature(s)

Date:

ANNEX	
Date Valid	3rd August 2020
Date First Advertised	18th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 87 Ballinderry Bridge Road, Coagh, Londonderry, BT80 0BU The Owner/Occupier, 89 Ballinderry Bridge Road, Coagh, Londonderry, BT80 0BU The Owner/Occupier, 90 Ballinderry Bridge Road, Coagh, Cookstown, BT800DD The Owner/Occupier, 90a ,Ballinderry Bridge Road, Coagh, Londonderry, BT80 0BT The Owner/Occupier, 90b ,Ballinderry Bridge Road, Coagh, Londonderry, BT80 0BT The Owner/Occupier, 91 Ballinderry Bridge Road, Coagh, Londonderry, BT80 0BU The Owner/Occupier, 91a ,Ballinderry Bridge Road, Coagh, Londonderry, BT80 0BU	
Date of Last Neighbour Notification	14th August 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/0935/O Proposal: Proposed site for dwelling Address: Approx 60m S.W of 90 Ballinderry Bridge Road, Coagh, Cookstown, Decision: Decision Date: Ref ID: I/1991/6012 Proposal: Fishermens Chalets, Housing Sites and Language School Beside Ballinderry Bridge, Coagh. Address: Beside Ballinderry Bridge, Decision: Decision Date: Ref ID: I/1989/0227 Proposal: Improvements to Dwelling Address: 90 BALLINDERRY BRIDGE ROAD COAGH	

Decision:
Decision Date:

Ref ID: I/1999/0399/O
Proposal: Housing Development
Address: Ardagh Road, Ballinderry Bridge, Coagh, Cookstown
Decision:
Decision Date: 01.12.2004

Ref ID: LA09/2019/1132/F
Proposal: Extension to rear of dwelling
Address: 90 Ballinderry Bridge Road, Coagh, Cookstown,
Decision: PG
Decision Date: 07.10.2019

Ref ID: I/1992/6043
Proposal: Sites Ballinderry Bridge, Derrychrin Road, Broughderg and Keerin Road
Cookstown
Address: Ballinderry Bridge, Derrychrin Road, Broughderg and
Decision:
Decision Date:

Ref ID: I/2014/0151/PREAPP
Proposal: Proposed dwelling
Address: Ardagh Road, Ballinderry,
Decision: ELR
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

Committee Application

Summary	
Committee Meeting Date: 01/12/2020	Item Number:
Application ID: LA09/2020/0954/F	Target Date:
Proposal: Renewal of planning permission for housing development as previously approved under LA09/2015/1242/F	Location: Adj to & rear of 260 Coalisland Road Dungannon
Referral Route: Objection from a third party.	
Recommendation:	Approve
Applicant Name and Address: Mr & Mrs E Watterson Flowermill Hill 268 Coalisland Road Dungannon BT71 6EP	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: The proposal is for the renewal of a housing development previously renewed under LA09/2015/1242/F. There have been no changes to the drawings since the previous approval.	
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
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Letters of Objection	1
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Number of Support Petitions and signatures	No Petitions Received
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Number of Petitions of Objection and signatures	No Petitions Received
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Characteristics of the Site and Area

The site is located within the eastern node of development of Edendork Village as defined in the Dungannon and South Tyrone Development Plan 2010. The site is an irregular shaped plot and includes land north and west of No. 260 Coalisland Road and west of NO 266 Coalisland Road. The land between properties 260 and 266 slopes downhill, and is elevated above No 266. Land north of No 260 is relatively flat, and slopes away from the boundaries of this property. There are mature trees and hedging located along an existing entrance into the site, along the northern boundary, and along existing shared boundaries

with adjacent properties, and along the roadside boundaries. The boundary shared between property 260 and a post and wire fence defines the site to the north.

The site's side of Coalisland Road is defined by detached properties with generous grounds with individual accesses onto the road. Opposite the site, there is further residential properties and small groups of housing developments. No 260 and 266 are both single storey. Dwelling on the opposite side of the road are 2 storey semi-detached.

Description of Proposal

This is a full planning application for the renewal of planning permission for housing development as previously approved under LA09/2015/1242/F.

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.

A letter was received by email on 2nd October 2020 from Mr Shane Taggart who lives at No. 252 Coalisland Road, Dungannon. This dwelling is to the southeast of the application site but does not abut any of the site boundaries.

The objector has raised a number of issues and they will be addressed as follows.

The objector has stated the dwellings along the boundary closest to No. 252 will present a major invasion of privacy due to their location and levels and will result in direct overlooking into his property. As shown in drawing 02 of the stamped approved drawings there are 2 dwellings along the furthest west boundary and these dwellings are 40m from the gable wall of No. 252 to the nearest point of the application site. The boundary treatments at the approved dwellings is 2m high close board fence. I am content due to separation distance there will not be unacceptable overlooking into the amenity space of No. 252 as shown in figure 1 below. There will be some overlooking into the grass area to the rear of the dwelling but I consider there will not be unacceptable overlooking into the amenity space adjacent to the rear of the dwelling.



Figure 1 – Photographs from the rear boundary of the objectors dwelling with view towards the application site

Concerns are also raised about the boundary treatments and the destroying of traditional field patterns at the site. In addition, concerns have been raised about the elevated nature of the site and whether the current roads system can accommodate the development. But as this is a renewal of a renewal of the housing development the principle of the development has already been established. There have been no changes to the proposal since the original approval.

Planning History

M/2009/0145/F- full planning permission was granted for a housing development on 11.11.09 for 6 No. detached 2 storey dwellings and garages.

M/2011/0053/F- full planning permission was granted for the amendment to previously approved M/2009/0145/F to reduce the area of the site and amended house types. Granted 29.06.2011.

LA09/2015/1242/F - Renewal of planning permission for housing development as previously approved under M/2011/0053/F – Granted 10.02.2016

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 site is within unzoned land within the development limits of Edendork and as such, SETT 1 is the relevant policy, which applies. I am content as the proposal still complies with PPS 7 – Quality Residential Environments then it also complies with SETT 1.

Planning Policy Consideration

The proposal is for the renewal of planning permission LA09/2015/1242/F and this was submitted before the expiry date of 9th February 2021. The application was received on 06th August 2020, which is within the 5 years so I am content the extant permission is still live. The application has been made under Article 3 (5) of the Planning (General Development Procedure) Order (NI) 2015 to renew planning permission where existing approval has not yet expired [Schedule 1, Part 1 General Provisions, Paragraph 3].

Given that this proposal is a renewal of LA09/2015/1242/F and policy considerations are the same, I recommend that planning permission is granted.

In the assessment of the original permission M/2011/0053/F it was found to respect PPS7 policy QD1. The proposed layout and design was found to respect the surrounding context, character and topography in terms of layout scale and topography. No features of archaeology or built heritage have been negatively impacted upon, and identified landscape features have been protected and integrated in a suitable manner into the overall design and layout of the development. It was determined that adequate provision is made for private open space within the development. The movement pattern can support walking and cycling, meet 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. Adequate and appropriate provision is made for parking. The design is acceptable for the site and locality and will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, overshadowing, noise or other disturbance. The layout is designed to deter crime and promote personal safety.

Other Considerations

There have been no changes to the access to the site from what was approved so I did not consult DFI Roads.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal is recommended for approval as the original application LA09/2015/1242/f was still live at the submission date of this application and there have been no changes to the site/policy in the past 5 years.

Conditions

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

Reason: Time Limit.

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

Reason: In the interests of visual amenity.

3. All planting comprised in the approved plans that were stamped granted under permission M/2011/0053/F shall be carried out in the first planting season following the occupation of the dwelling and 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.

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department of Regional Development 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: 2839-022 Rev.03 bearing the date stamp 23rd June 2011 as was granted under planning permission M/2011/0053/F.

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

5. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No part of the development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No: 2839-022 Rev.03 bearing the date stamp 23rd June 2011 as granted under planning permission M/2011/0053/F. The Department of Regional Development 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.

6. The visibility splays of 2.4 metres by 80 metres at the junction of the proposed access with the public road shall be provided in accordance with Drawing No: 2839-022 Rev.03 bearing the date stamp 23rd June 2011, as granted under planning permission M/2011/0053/F, prior to the commencement of other works or development.

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

7. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown 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.

8. No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course: the final wearing course shall be applied on the completion of the development.

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

9. 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 or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

10. The development hereby permitted shall not be occupied until the 2 metre wide footway adjacent to the Coalisland Road has been completed in accordance with the details indicated on Drawing No: 2839-022 Rev.03 Dated 23rd June 2011 as granted planning permission under M/2011/0053/F.

Reason: To ensure there is adequate provision for pedestrians in the interests of road safety and the convenience of road users.

Informatives

This permission is a renewal of planning permission LA09/2015/1242/F and shall be read in conjunction with this permission.

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.

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.

Northern Ireland Water advise:

The site is located within a development consultation zone in proximity to a Waste Water Treatment Works (WWTW) and there is a possibility of nuisance from WWTW odours. Noise may also be a problem. The developer must provide confirmation that the conditions of Planning Policy Strategy PPS11 can be satisfied, and where directed agree to cover the capital and operating costs of installing the appropriate abatement equipment. Application to NIW is required in order that they can assess the 'Development Encroachment?' on the WWTW.

Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to determine how your proposal may be served. Waste Water Treatment facilities (Coalisland) are presently available to serve the proposal. The proposer to contact NI Water if they wish to requisition NIW for a Surface Water (Storm) Sewer extension to the proposed site.

Environmental Health advise the following;

No Environmental Health objection is offered, however, it is the departments view that the proposed means of effluent disposal is designed and constructed in such a manner so as to enable adoption of the facility by Northern Ireland Water.

The Environmental Health Department is aware of a number of complaints concerning defects in the sewerage systems of a number of new housing developments. Therefore it is strongly recommended that a condition is imposed on the developer that approval will not be granted unless the sewerage system connecting the proposed development to the mains network is constructed to a standard which is capable of being approved by Northern Ireland Water (NIW). The adoption of the sewerage system within the development by NIW should be received within one year of completion of the development.

Transport NI advise;

This application does not require a determination under The Private Streets Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992 as the street was previously determined under Application Reference M/2011/0053/F

. NIEA Water Management Unit advise the following;

Water Management Unit recommends the storm drainage of the site adheres to the precepts contained in DOE Standing Advice Note No. 5 Sustainable Drainage Systems (April 2015).

Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will

also require separate discharge consent applications. The applicant should refer to in DOE Standing Advice Note No. 11 Discharges to the Water Environment (April 2015). 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.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

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: 01/12/2020	Item Number:
Application ID: LA09/2020/1020/O	Target Date:
Proposal: Construction of two infill dwellings and associated garages	Location: Lands north of 53 Tullaghmore Road Coalisland Dungannon BT71 4EY
Referral Route: Objection from third parties.	
Recommendation:	Approve
Applicant Name and Address: Mr Gerard O'Neill 20 Mullaghroddan Road Dungannon	Agent Name and Address: Ward Design The Gravel 10 Main Street Castledawson
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	3 letters 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 Cookstown Area Plan 2010. Newmills is 1.7km to the southwest, Coalisland is to the south and Stewartstown to the northeast. The surrounding area is semi-rural in character with a mix of agricultural fields, farm complexes and single rural dwellings.

The application site is a portion of an agricultural field with a roadside frontage along Tullaghmore Road. Immediately south of the site are 2 single storey dwellings and across the road from these is another single storey dwelling and a dwelling under construction.

To the north of the site is a two-storey dwelling and associated farm holding with a number of outbuildings.

The site has a topography that slopes from east at the roadside to the west at the back of the site. There is mature hedging along the roadside boundary which is about 1.5m in height. Along the southern boundary there are mature hedging and trees and along the northern boundary is a wooden fence and mature trees.

Description of Proposal

This is an outline application for two infill dwellings and associated garages north of 53 Tullaghmore Road.

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, 3 third party objections were received.

An objection letter was received from Gillian Arthur who lives at 57 Tullaghmore Road, Dungannon dated 6th October 2020 and from the southern boundary of the site to the gable wall of No.57 is 56m.

An objection letter was received from Robert Donnelly who lives at 53 Tullaghmore Road, Dungannon dated 5th October 2020 and from the southern boundary of the site to the gable wall of No.53 is 13m. In the objection letter and when I completed my site visit I met the objector on site and he stated he had not received a neighbour letter. I sent the neighbour letter twice to be sure the objector received notification and no letters were returned to myself.

An objection letter was received from Eileen Donnelly who lives at 52 Roughan Road, Dungannon dated 5th October 2020 and from the southern boundary of the site to the gable wall of No.52 is 43m.

The 3 letters cover mainly the same issues and I have summarised them below.

Neighbour Amenity and Overlooking

No. 53 abutts the southern boundary of the application site and the topography rises steeply from the junction with Roughan Road to the top of Tullaghmore Road. The site sits at a higher elevation than No. 53 as shown in figure 1 below. Along the boundary there is an established hedgerow and a number of trees which I consider which will block any direct views into the amenity space of No. 53. In addition, the topography of the application site slopes downwards from the boundary with Tullaghmore Road to the northwest boundary of the site and I consider this will mitigate against any potential overlooking.

The occupant of No. 57 also states in the objection letter that her property will be overlooked by the infill dwellings. No. 57 is 56m from the southern boundary of the site and although the site is on higher ground I am satisfied there will not be unacceptable overlooking into this property due to separation distance. Figure 2 below shows the location of all the properties who have objections to the proposal.



Figure 1 – Photograph of the application site and the boundary with No. 53



Figure 2 – Map of the location of neighbouring properties

The occupant of No. 52 states their property will be overlooked by the proposal and as shown in figure 2 above No. 52 is to the south of the site. Figure 3 below shows there is

established trees along the northern boundary of No. 52 and I am content there will not be direct views into the amenity space of No. 52 Roughan Road.



Figure 3 – Photograph of the rear of the application site and the rear of No. 52

The issue of the associated noise from the construction of the dwellings is discussed in the three objection letters but this is not a material planning consideration in this assessment.

Slurry Runoff from the farm to the north at No.55

The runoff from slurry is an issue for DAERA and a separate issue to the assessment of the principle of two infill dwellings at the site.

CTY8 and Cluster/Farm Approvals along the road

It is stated that the proposal for infill dwellings at the site does not meet the criteria in CTY 8 and this issues has already been discussed in the assessment of CTY 8 below. There was an approval for a dwelling at the junction with Roughan Road but this dwelling met a different policy CTY 2a with a different set of criteria for approval. The objector at No.57 states there has already been an approval for a dwelling on a farm at No. 55 and as states the applicant is only able to get a dwelling on a farm once every 10 years. This will remain the case even if the infill dwellings are approved and sold off. Again, CTY 10 meets a different set of criteria and sell-offs are considered in CTY 10.

Road Safety

It is stated in the three objection letters that there is an issue with road safety on this road as it is a steep hill and meets a junction at the bottom of the road. I am content the visibility splays proposed are adequate as Roads have estimated the traffic speed on this road is 25mph at the 85%ile. As stated by the objector this is a 60mph road and the maximum speed is 37mph therefore the visibility splays should be 70m for a y distance but they can be reduced to 45m where Roads believe there is no danger to road users. DFI roads were

consulted and responded with no objections so are content the visibility splays can be reduced.

Planning History

No recent planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Cookstown Area Plan 2010

The plan offers no specific policy relevant to this application as the site lies outside any settlement limits or other designations as defined in the Cookstown Area Plan 2010.

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

Planning Policy Statement 21

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

The application site is an agricultural field with a roadside frontage along a stretch of Tullaghmore Road. There are 5 dwellings along this stretch of road which comprises dwellings on both sides of the road at the junction with Lurgy Road. On this side of the road and at the junction is a dwelling and gravel car parking area to the front at No. 57. Immediately to the north of No. 57 is a dwelling and garage at No. 53 which has a tarmacked driveway to the front. Abutting the northern boundary is a dwelling at No. 55 which has a driveway and garden area as a frontage to the road. I am content there proposal is a small gap site within a substantial frontage of 3 or more buildings along Tullaghmore Road.

The application site has a frontage of 70m while No. 55 to the north has a frontage of 62m. No. 57 has a frontage of 36m and No. 53 has a frontage of 44m. 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 which is what is proposed.

There are varying plot sizes along this stretch of road and the application site is a cut-out of a larger field. No. 55 has a long rectangular plot while No.53 has a smaller plot size. Overall, I am content the proposed plot sizes are in character with the surrounding dwellings.

The dwellings to the south of the site are single storey dwellings as is the 2 dwellings across the road. While No. 55 to the north is a two-storey dwellings. I consider as the public road rises up steeply at the junction towards the north single storey dwellings would be most acceptable.

Overall, I am content the proposal meets the criteria in CTY 8.

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 13 and CTY 14 deal with rural character and integration and design of buildings in the countryside and both policies would be relevant should the principle of development be acceptable on this site.



Figure 4 – Photograph of the junction with Lurgy Road, Tullaghmore Road and Roughan Road



Figure 5 – Photograph of the long distance views from Roughan Road

As stated previously the land rises up steeply from the bottom of Tullaghmore Road to the dwelling at No. 55. As the proposed dwelling will be located between existing buildings along a row I am content the dwellings will integrate into the landscape. As shown in figure 4 above there will be minimal views of the dwellings from the junction. As shown in figure 5 above in long distance views along Roughan Road there will be critical views but this can be mitigated against with new hedging and trees along the rear boundary of the site. Overall, I am content the proposal will not be a prominent feature in the landscape.

There is established hedging along the roadside boundary with Tullaghmore Road but this will need to be removed to achieve the required visibility splays of 2.4m x 45m. I would recommend a planting condition is placed on any approval that new hedging is planted along this boundary and new trees along the rear boundary.

I would recommend a ridge height condition of 6m so the proposed dwellings fit with the character of the area. As this is an outline no designs for the garage have been proposed and this would be considered at the Reserved Matters Stage.

I am content new accesses would integrate and there is the option of a dual access through the middle of the site.

On balance, I am satisfied the proposal will integrate into the landscape.

CTY 14 – Rural Character

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. I am content the dwellings will not be a prominent feature in the landscape. There is already a number of dwellings along this road so the two dwellings will not create a suburban style build-up of dwellings. 2 modest single storey dwellings would respect the character of the area. I

content the proposal will not add or create a ribbon of development. The accesses will not damage rural character.

PPS 3 – Access, Movement and Parking

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

Other Considerations

I am satisfied there are no other ecological, historical or flooding issues at the site.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for approval, as it meets the policies in CTY 8 in Planning Policy Statement 21 – Sustainable Development in the Countryside.

Conditions:

1. Application for the approval of 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 the 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 (herein thereafter called the “Reserved Matters”, shall be obtained from Mid Ulster Council in writing before any development is commenced.

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

3. The dwelling hereby permitted shall have a ridge height not exceeding 6 metres above finished floor level and shall be designed in accordance with ‘Building on Tradition’ Design Guidance.

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

4. The depth of the underbuilding between finished floor level and ground level shall not exceed 0.3m at any point.

Reason: In the interest of visual amenity.

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

Reason: To ensure the dwelling integrates into the landform.

6. During the first available planting season after the occupation of the dwelling, a (hawthorn/natural species) hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm as indicated in green on Drawing No 01 date stamped 18 AUG 2020.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity.

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

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

8. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved at the Reserved Matters Stage. No trees of hedgerows which may be damaged or die within a period of 5 years from the date of the planting shall be replaced by plants of similar species and size at the time of their removal.

Reason: In the interests of visual amenity.

9. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 45m in both directions 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.

Informatives

1. This permission does not alter or extinguish or affect any existing right of way crossing.
2. This permission does not confer title. It is the responsibility of the developer to ensure he controls all the land 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:



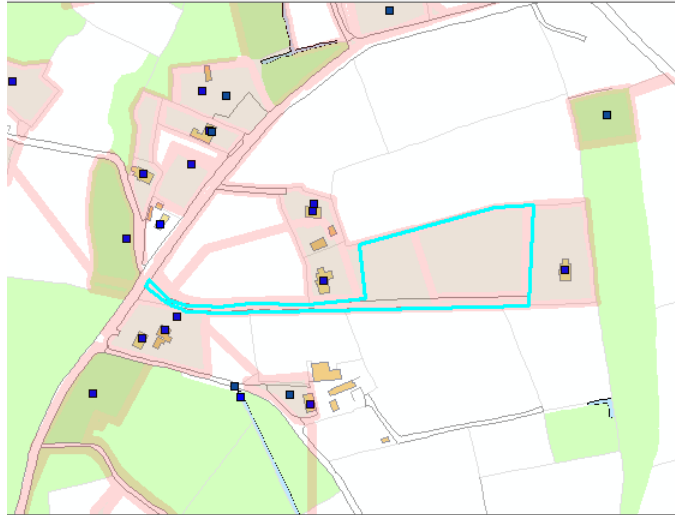
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/12/2020	Item Number:
Application ID: LA09/2020/1027/F	Target Date: 08/12/2020
Proposal: Proposed infill site for 2 dwellings and garages	Location: Between 11B and 11E Hillside Road Upperlands
Referral Route: Refusal- contrary to PPS 21 Sustainable Development in the Countryside and objections have also been received.	
Recommendation:	
Applicant Name and Address: Mr Danny Mc Master 103 Glen Road Maghera	Agent Name and Address: CMI Planners 38 Airfield Road Toomebridge BT41 3SQ
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	Content
Statutory	Historic Environment Division (HED)	Content

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

Third party representations were received during the assessment of this application (2No Objections) . All material considerations have been addressed within the determination below.

Characteristics of the Site and Area

The site is located between 11B & 11E and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is located along a agricultural type private lane, leading off the Hillside Road. This lane also appears to serve

the dwelling at No11B and 11E. The site is larger agricultural field, the boundary to the north, east and west is comprised of mature vegetation and hedgerows and the boundary to the south is comprised of mature hedgerow and scattered trees. The elevation of the site rises from the roadside.

Description of Proposal

This application seeks outline planning permission for an infill site for two and garages dwelling

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

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

- 1) Strategic Planning Policy Statement (SPPS)
- 2) Magherafelt Area Plan, 2015
- 3) PPS21 -Sustainable Development in the Countryside

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, 2No third party objections were received.

Assessment

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.

This application site is considered against the existing pattern of development to determine if it complies with this policy. However, there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and therefore this site is not believed to be suitable as an infill/gap site. There are two dwellings along this lane, 11B & 11E, No 11 is not accessed along this laneway, instead it is also accessed directly via the Hillside road. The applicant has shaded this and marked it as 'Site 4' on the drawing number 02 dated stamped 25th August 2020, however this can not be considered a potential site.

The other dwellings located along this laneway (11B & 11E) have various frontages not in line with the requirements of Policy CTY 1 & CTY 8. These two dwellings have frontages facing West whereas the proposed dwellings in this application have frontages which face north, towards the proposed garages with the rear facing south. There is no substantial or built up frontage or line of three or more buildings along a road frontage in this case. Also, it would add to ribbon development in the area.

Also, in terms of the application site itself, the Policy PPS 8 states that 'an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses.' This site is a very large field, 1.25 hectares, which is capable of accommodating 3 or more dwellings and therefore fails to meet the criteria set out in this policy.

The proposal is also contrary to Policy CTY 13 as the design is not considered appropriate when viewed against the surrounding area. Changes were not requested at this time as it was being recommended for refusal based on other policy criteria,

The proposal is also contrary to Policy CTY 14, Rural Character of PPS 21. Permission for a building on this site would cause a detrimental change to or further erode the rural character of the area as it would cause an urban type sprawl of development. It would result in a suburban style build-up of development when viewed with the existing buildings and as previously mentioned it would add to a ribbon of development.

Objections

Two objections have been received in regard to this application. One from the occupiers of the dwelling at 11E and one from the occupiers of 11B. The objectors have raised concerns regarding issues of design and siting and the size of the site as well as the proposed dwellings. They have raised concerns that the proposal does not meet the Policy CTY8 and creates ribbon development in the area. The objectors have also raised issues over the expected increase of the volume of traffic on this private lane. It has also been highlighted that the dwelling at number 11. Hillside road has no access onto this private lane and instead is accessed via Hillside road directly. It is noted that DFI Roads were consulted on this application and were content subject to conditions. All of the issues raised have been taken into consideration.

Conclusion

On the basis of this assessment, the proposal does not comply with the policy requirements of the SPPS and PPS21 and therefore it is recommended that permission is refused.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

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.

2)The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and the proposed gap site is not ' a small gap site sufficient to accommodate up to a maximum of two houses' as described in CTY 8. If permitted, result in the addition of ribbon development and

3)The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, in that the design is not appropriate to the surrounding area and would cause detrimental harm to the existing character of the area.

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;
- the building would, if permitted add to a ribbon of development

and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	25th August 2020
Date First Advertised	8th September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Hillside Road Upperlands Londonderry Orla Lagan 11 Hillside Road, Upperlands, Londonderry, BT46 5SD The Owner/Occupier, 11b Hillside Road Upperlands Bernard & Donna Mellon 11b Hillside Road, Upperlands, Londonderry, BT46 5SD The Owner/Occupier, 11e Hillside Road Upperlands Michael Kearney 11e Hillside Road, Upperlands, Londonderry, BT46 5SD The Owner/Occupier, 12 Hillside Road Upperlands Londonderry The Owner/Occupier, 13 Hillside Road Upperlands Londonderry The Owner/Occupier, 15 Hillside Road Upperlands Londonderry	
Date of Last Neighbour Notification	25th September 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1027/F Proposal: Proposed infill site for 2 dwellings and garages Address: Between 11B and 11E Hillside Road, Upperlands, Decision: Decision Date: Ref ID: H/2007/0177/RM Proposal: Proposed dwelling and garage Address: 150m S.E. of No. 11 Hillside Road, Upperlands Decision: Decision Date: 19.07.2007	

Ref ID: H/2001/0536/O

Proposal: Site of dwelling and garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 30.10.2001

Ref ID: H/2007/0150/F

Proposal: Proposed change of house type and garage on previously approved site under planning application ref: H/2002/0120/F.

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 26.04.2007

Ref ID: H/1978/0444

Proposal: HV AND MV O/H LINE (BM 2443)

Address: UPPERLANDS AND KEADY, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2008/0272/F

Proposal: Proposed single storey side extension

Address: 15 Hillside Road, Upperlands

Decision:

Decision Date: 15.08.2008

Ref ID: H/2002/0120/F

Proposal: Dwelling & Garage

Address: Adjacent to 11 Hillside Road, Upperlands

Decision:

Decision Date: 24.05.2002

Ref ID: H/2004/0554/O

Proposal: Site of dwelling

Address: 150m South East of 11 Hillside Road, Upperlands

Decision:

Decision Date: 22.12.2004

Ref ID: H/2003/0815/O

Proposal: Site Of Dwelling

Address: 70 Metres South East Of 11 Hillside Road, Upperlands

Decision:

Decision Date: 07.01.2005

Ref ID: LA09/2020/1027/F

Proposal: Proposed infill site for 2 dwellings and garages

Address: Between 11B and 11E Hillside Road, Upperlands,

Decision:

Decision Date:

Ref ID: H/2007/0177/RM

Proposal: Proposed dwelling and garage

Address: 150m S.E. of No. 11 Hillside Road, Upperlands

Decision:

Decision Date: 19.07.2007

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Proposal: Site Of Dwelling
Address: 70 Metres South East Of 11 Hillside Road, Upperlands
Decision:
Decision Date: 07.01.2005

Summary of Consultee Responses

HED - Content
Ni Water - no objection
DFI Roads- Content subject to conditions

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. 06

Type: Proposed Plans

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

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: LA09/2020/1049/O	Target Date:
Proposal: Proposed dwelling and garage under policy CTY2A	Location: Lands to rear of 195 Coalisland Road Dungannon
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Patrick Mallon P.O.box 875 Matraville New South Wales NSW 2036	Agent Name and Address: Michael Herron Architects 2nd Floor Corner House 64-66A Main Street Coalisland BT71 4NB
Executive Summary: <p>The site is not located within a cluster of development in the countryside. The cluster of development referred to, and all but one, of the dwellings within it (dwelling located one field to the east of the site) is located within Edendork Settlement Limits.</p> <p>The proposal is contrary to Policy CTY1 of PPS 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>The proposal is contrary to Policy CTY15 of PPS 21, in that the development would if permitted result in urban sprawl.</p> <p>The proposal is contrary to PPS 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.4 metres x 90 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.</p>	
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)	No Objection
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

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

Description of Proposal
This is an outline application for a proposed dwelling and garage (under policy CTY2A) to be located on lands to the rear of no. 195 Coalisland Road Dungannon

Characteristics of the Site and Area
The site is located in the rural countryside, just outside and at the edge of Edendork Settlement Limits, as defined by the Dungannon and South Tyrone Area Plan (see Fig: 1 below).

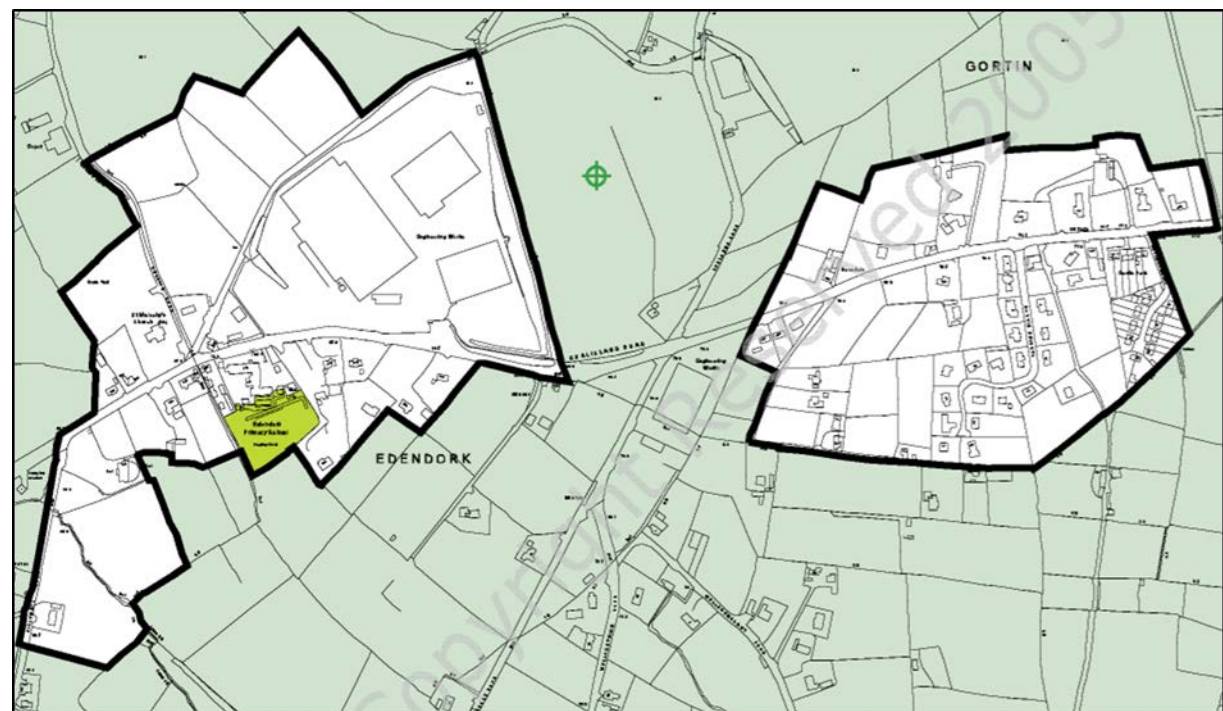


Fig 1: Edendork Settlement Limits

Edendork is defined in two nodes, the eastern cluster comprising largely housing and western cluster comprising a small number of houses, a primary school, church, hall and number of industrial businesses.

The site is a relatively large V-shaped plot. It comprises two adjoining rectangular fields located running along the south side of the aforementioned western cluster.

The site is set back from and accessed off the Coalisland Rd (A45 Dungannon - Coalisland) located to its north via an existing access and driveway serving and running along the northwest side of an existing bungalow, no. 195 Coalisland Rd. No. 195 sits to the rear of no. 199 Coalisland Rd, a roadside dwelling. No. 199 and 195 are located within the settlement limits as is the access and drive serving the site.

The site sits adjacent and to the rear of no. 195 and two other dwellings nos. 191 and 183 Coalisland Rd, located approx. 30m and 110m southwest of no. 195 respectively.

A mix of post and wire fencing, mature trees and hedgerows primarily defines the boundaries of the site.

The landform within the site rises upwards from the Coalisland Rd through the access and first field to the rear of no. 195, past nos. 191 then 183 before turning and dropping down through the second field past the southwest side of no. 183 to a playing field within neighbouring Edendork Primary School grounds.

Views of the site are limited to passing along its access off the Coalisland Rd due to its location set back to the rear of existing roadside development and vegetation.

The area surrounding the site is generally characterised by development within Edendork to its north and agricultural lands it backs onto to its south

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 (PPS) 3: Access, Movement and Parking

Development Control Advice Note (DCAN) 15: Vehicular Standards

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

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

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

Planning History

On site

No History

Adjacent site

- M/2014/0123/O – Dwelling and garage – 220m NW of 34 Edendork Rd Dungannon – Granted 20th February 2015
- LA09/2015/0130/RM – Proposed Dwelling and Garage – 220m NW of 34 Edendork Rd Dungannon – Granted 6th July 2015

The above applications relates to no. 36 Edendork Rd a 2-storey dwelling located adjacent and halfway along the southwest boundary of the current site. This dwelling was approved as a dwelling on a farm, under CTY10 of PPS21.

- LA08/2016/1328/F - Construction of an underground gas pipe line and associated infrastructure – 4th April 2017

The above application relates to the gas to the west pipelines, a portion of which runs along the Coalisland Rd. There have been various discharge of conditions in relation to this proposal.

Consultees

1. DfI (Roads) – were consulted in relation to access arrangements and outlined approval of this application would result in the intensification of a substandard access therefore proposal does not comply with DCAN15. In order for the applicant to create a safe access onto Coalisland Rd to meets standards set out in PPS 3 and DCAN 15 the following must be applied:

Sightlines of 2.4m x 90m in both directions (as per DCAN 15 Table A & B)

- An FSD of 990.0m will be required.
- Hedges/fences removed either side of access point (may require 3rd party land).
- New walls fences/hedges must be set back 0.5m behind the sightline.

In its current form Roads outlined the following reason for refusal:

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 proposes to intensify the use of an existing access at which visibility splays of 2.4 metres x 90 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

2. DETI Geological Survey Norther Ireland (GSNI) – were consulted in relation to this proposal on the 22nd September 2020, as the site is located within an area of constraint on abandoned mines, and responded on the 8th October 2020 with no objection. They stated they had assessed the planning proposal in view of stability issues relating to abandoned mine workings and search of the their "Shafts and Adits Database" indicates that the proposed site is not in the vicinity of any known abandoned mine workings.

3. NI Water – were consulted in relation to this proposal on the 22nd September 2020 and responded on the 23rd September 2020 with no objection. They stated the receiving Waste Water Treatment Works / Sewer Network has available capacity.

Dungannon and South Tyrone Area Plan - The site is located in the rural countryside outside any designated settlement.

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

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

- PPS 21 is the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 of PPS21. One instance is a new dwelling in an existing cluster in accordance with Policy CTY2a New Dwellings in Existing Clusters, which has 6 criteria tests.

The agent submitted a supporting statement alongside this application making the case, in this instance, for a dwelling under Policy CTY 2a. The statement goes through the 6 criteria test of Policy CTY 2a and outlines how each been met, as detailed below:

1. The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.
 - o There are 6 other dwellings within this cluster, nos. 183, 187, 189, 193, 195, 199 Coalisland Rd (Fig: 2)



2. The cluster appears as a visual entity in the local landscape.
 - o Proposal would appear as a visual entity in the local landscape.

3. The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.
 - Proposal is located close to Edendork Primary School, Church of St Malachy's and Terex Corporation.
4. The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.
 - Site is located to rear of no. 195 Coalisland Rd and adjacent to no. 193 Coalisland Rd.
5. Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.
 - Proposal can be absorbed into existing cluster.
6. Development would not adversely impact on residential amenity.
 - Proposal does not adversely impact on residential amenity as it is to rear of any existing dwellings and does not impinge on the curtilage of the existing dwellings.

Having taken into account the supporting statement I would not agree that this proposal meets Policy CTY 2a, as the site is not located within a cluster of development in the countryside. The cluster of development referred to, and all but one, of the dwellings within it (dwelling located one field to the east of the site) is located within Edendork Settlement Limits.

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

Other Policy and Material Considerations

Given the open nature of no. 195 Coalisland Rd's back garden and the proposed site elevated above it and accessed along its gable and garden I feel there are potential amenity issues in terms of overlooking if the proposal had complied with policy to warrant planning approval. However, this could be mitigated by landscaping, design and siting.

Additional information to address Roads comments that the access was substandard was not sought as proposal deemed to fail the policy tests of PPS21.

The site is not located within an area of known natural heritage significance or built heritage interest.

Flood Maps NI indicating no flooding on site but indicate a small amount of surface water flooding on the Coalisland Rd at the access to the site.

Recommendation

Refuse

Neighbour Notification Checked	Yes
Summary of Recommendation	Refuse
Reason 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 Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted result in urban sprawl. 3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.4 metres x 90 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15. 	
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: LA09/2020/1071/O	Target Date: 21/12/20
Proposal: Erection of Dwelling and Domestic Garage in a gap site under CTY 8 of PPS 21	Location: Land between No's. 171 & 175 Pomeroy Road Donaghmore Co.Tyrone
Referral Route: 1no. Objection received	
Recommendation:	Approval
Applicant Name and Address: Sean McAleer 5 Rarogan Road Augher	Agent Name and Address: Bernard J Donnelly 30 Lismoyle Ro Augher BT70 2LX
Executive Summary: Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits as depicted within the Dungannon and South Tyrone Area Plan 2010. The proposal site comprises an agricultural field located on the roadside and accessed via an agricultural gate on to Pomeroy Road. The surrounding area is rural in character and the predominant land use is agricultural fields with a presence of dispersed dwellings and farm holdings in the immediate locality. The settlement limit of Donaghmore is approximately 3.6km southeast of the site.

The field sits at a slightly lower than the adjacent roadside and the topography of the site is relatively flat. The field is enclosed along the 50m frontage on Pomeroy Road by post and wire fencing and a high grass verge. The remaining boundaries are well defined by established trees and vegetation. Located to the NW of the proposal site is a detached two storey dwelling with a number of associated outbuildings within the curtilage. Immediately adjacent to the SE is a detached storey and a half dwelling.

Description of Proposal

This is an outline planning application for a dwelling and garage at land between 171 & 175 Pomeroy Road, Donaghmore.

The dwelling is being applied for as a gap site under Planning Policy Statement 21, Policy CTY 8.

Planning Assessment of Policy and Other Material Considerations

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

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

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

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

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 objection letter was received the details of which are outlined and considered below.

1. Objection letter received 28th October 2020 from McCourt and Maguire Solicitors, on behalf of their client Patrick Kelly, advising the sightline required is over their client's property at No.175 Pomeroy Road. The letter advises their client is not willing to grant the sight line easement for the benefit of this site therefore the sight line is not achievable and in having knowledge of this issue the Council's duty to the public particularly road safety cannot be discharged.

Following receipt of the above referenced objection letter, I sought clarification as to land ownership. The agent submitted an amended Section 27 of the P1 Form with Certificate C signed on behalf of the applicant and a copy of a completed Form P2A signed and dated 09/11/20.

Any planning permission granted does not confer title and land ownership is outside the remit of planning and a civil matter between the applicant and the objectors. It is the responsibility of the applicant to ensure that they controls all the lands necessary to carry out the proposed development. The principle of development is considered to be acceptable and any forthcoming approval will be conditioned to ensure satisfactory

vehicular access is provided including the necessary visibility splays as specified by DfI Roads RS1 Form. Section 131 (1) of the 2011 Planning Act (NI) states that failing to comply with any condition of planning permission constitutes a breach of planning control.

History on Site

LA09/2020/1072/O - Erection of a dwelling & domestic garage in a gap site under CTY8 of PPS 21 - Land between No's 171 & 169 Pomeroy Road, Donaghmore – Valid application received

M/2009/0178/F - Proposed temporary permission for mobile home pending the development of dwelling approved ref no M/2006/0849/F - 175 Pomeroy Road, Dungannon – Permission Granted 19/05/09

M/2006/0846/F - Proposed Replacement Dwelling - 175 Pomeroy Road, Dungannon – Permission Granted 11/10/06

Key Policy Considerations/Assessment

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

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.

Considering the requirements of CTY 8 - Ribbon development planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of 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.

When travelling along Pomeroy Road, I consider there is visual linkage between the dwelling of No. 171 and the dwelling and outbuildings at No.175 when approaching from either direction. I consider the dwellings of No. 171 and No. 175 as well as the 2no. associated sheds/outbuildings directly adjacent to the west of No. 175 constitute a line of 3 or more buildings along a common frontage to the road. I consider that the gap presented in this application would fulfil the requirements of Policy CTY8 to accommodate a single dwelling house within an otherwise substantial and continuously

built up frontage. The plot width is approximately 52 metres, the adjacent No. 175 has a plot width of approximately 56 metres and No.171 has a plot width of approximately 27 metres. I have carried out an assessment of the surrounding locality and the average plot size is approximately 46 metres, therefore I consider the proposal site respects the existing development pattern along the frontage in terms of size. I do not consider this proposal would reinforce a built-up appearance in this rural context and add to ribbon development, rather represents a small gap site which could accommodate a dwelling while respecting the existing development pattern along the frontage.

As this is an outline application the details of the siting, size, scale and design of the dwelling will be reserved for further consideration under any subsequent reserved matters application. The site has good degree of enclosure bound by existing mature hedging. It is considered the existing vegetation would assist in integrating a dwelling on this site and I therefore consider it appropriate to condition that the retention of existing vegetation. I am content that a dwelling and garage could successfully integrate into the surrounding landscape without further eroding the rural character of the area. The proposed development respects the existing pattern of development in the immediate vicinity and I do not consider the additional of a detached dwelling and garage on the site will detrimentally alter the rural character of this area. As such I consider the proposal complies with Policy CTY13 and CTY14 of PPS21.

PPS 3: Access, Movement and Parking

DfI Roads were consulted and responded raising no objections to the proposal subject to conditions. I do not consider a dwelling on the site will prejudice road safety or significantly inconvenience the flow of traffic and therefore is in accordance with PPS3.

Additional considerations

It was identified the proposal site is in proximity to an IPRI site. NIEA were consulted and have raised no concerns, referring to standard advice. No flooding or built heritage assets of significance have been identified on the site or in close proximity.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having weighted up the above policy and material considerations I am of the opinion that this application should be recommended for approval subject to the following conditions.

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. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4 metres by 140 metres and forward sight line of 140 metres shall be provided on the plans submitted 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.

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

Reason: 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 applicant's attention is drawn to DAERA Standing Advice - Single Dwellings available at: <https://www.daera-ni.gov.uk/publications/standing-advice/development-may-have-effect-water-environment-including-groundwater-and-fisheries>.

Signature(s)

Date:



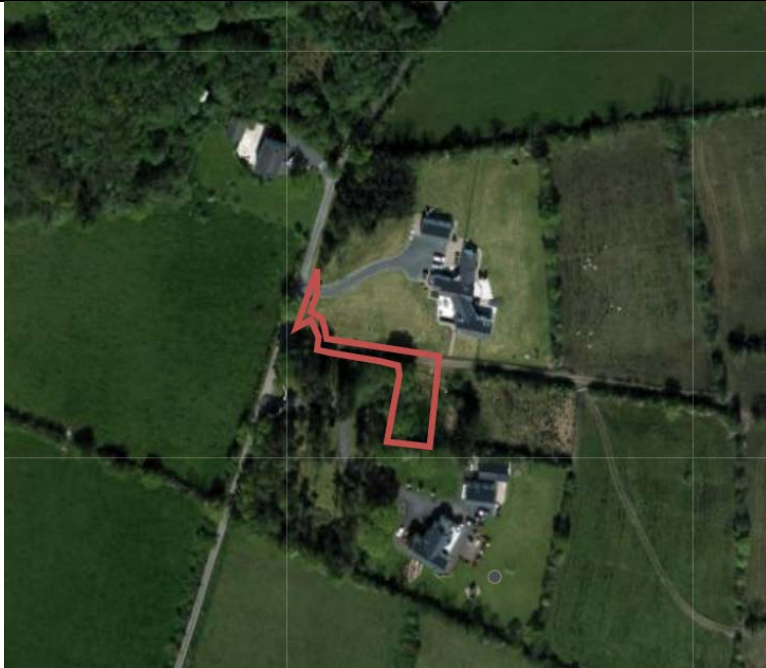
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1086/O	Target Date: 23/12/2020
Proposal: Outline planning permission for one private infill dwelling & garden area approx. 0.105 ha	Location: Approx 25m SW of 35 Cabragh Road Dungannon
Referral Route: recommendation to refuse and objections	
Recommendation:	Refuse
Applicant Name and Address: Mr & Mrs Noel Staunton 35 Cabragh Road Dungannon BT70 3AH	Agent Name and Address: Hamill Architects Unit T2 Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
Executive Summary: -Contrary to CTY8- Does not meet the criteria where a gap site is considered to be acceptable; -Contrary to CTY14- Will cause a detrimental impact to rural character and is more in keeping with an urban development; -Contrary to SPPS in that existing and proposed residential amenity will experience detrimental impact to residential amenity through overlooking and loss of privacy.	
Signature(s):	

Case Officer Report

Site Location Plan



Date of site visit: 13/10/2020

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

- overdevelopment of a restricted site as LA09/2019/1217/F has been split in two for the purposes of gaining an extra dwelling on site;
- septic tank running through garden of previous permission LA09/2019/1217/F suggesting not enough space within the proposed site to adequately deal with sewage provision;
- Trees to west of site cannot be conditioned for retention by applicant as these are not in control of the applicant;
- Proposal will not fit in with the existing character of homes in the area;
- proposed density is higher and use of shared driveway would create an undesirable precedent making it difficult to refuse similar applications;
- the new dwelling will be too close to their boundary, will overlook property. Some trees are diseased and will have to be removed, leading to greater loss of privacy;
- will potentially lead to two dwellings being close to home which would cause additional noise disturbance and impact on privacy and calm that is currently enjoyed;
- existing road infrastructure on Cabragh Road inadequate to facilitate additional traffic, and will cause road safety issues.

These will be considered later in my assessment.

Characteristics of the Site and Area

The application site is set in a small clearing between a forested area that fronts the road and a derelict cow byre located to the east. The site is set back from the public road by approximately 50m and will be accessed in part by an existing lane and newly formed roadside access beside the access to No. 35 (detached dwelling on generous plot) which is north of the site. The forested area west of the site is within the ownership of No. 31 (detached 2 storey dwelling on generous plot) which is located approx. 20m to the south. Part of the site is overgrown with vegetation and is relatively flat.

The site is outside any settlement limits and is 4.22km southwest of the settlement limit of Castlecaulfield as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and is largely characterised by agricultural land, dispersed settlement and farm holdings. There is moderate development pressure along this road and adjoining roads as there are a number of single dwellings with a roadside frontage.

Description of Proposal

This is an outline planning permission for one private infill dwelling & garden area approx. 0.105 ha.

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

Key Planning Policy

SPPS

PPS21 Sustainable Development in the Countryside

PPS3 Access, Movement and Parking

Design Guidance: Building on Tradition

Planning History

LA09/2019/1217/F- full planning permission was granted for the conversion and extension of traditional cow byre to form a single storey dwelling on 31/01/2020. This application site is adjacent and north to the subject application site.

Representations

A 3rd party objection has been received on this proposal by No. 31 which is adjacent and south of the application site. Points raised in this objection are summarised below;

- overdevelopment of a restricted site as LA09/2019/1217/F has been split in two for the purposes of gaining an extra dwelling on site;
- septic tank running through garden of previous permission LA09/2019/1217/F suggesting not enough space within the proposed site to adequately deal with sewage provision;
- Trees to west of site cannot be conditioned for retention by applicant as these are not in control of the applicant;
- Proposal will not fit in with the existing character of homes in the area;
- proposed density is higher and use of shared driveway would create an undesirable precedent making it difficult to refuse similar applications;
- the new dwelling will be too close to their boundary, will overlook property. Some trees are diseased and will have to be removed, leading to greater loss of privacy;
- will potentially lead to two dwellings being close to home which would cause additional noise disturbance and impact on privacy and calm that is currently enjoyed;
- existing road infrastructure on Cabragh Road inadequate to facilitate additional traffic, and will cause road safety issues.

These will be assessed later in my assessment.

The objector raised other procedural issues including;

- Inaccuracies in the P1 form including description of proposal;
- No. 38 Cabragh Rd was not neighbour notified.

I am satisfied that there is sufficient information on the P1 form for me to make a assessment and sound assessment of this proposal and that the description of the proposal is adequate and accurate for the purposes of this application. I am also satisfied that No. 38 is not a statutory modifiable neighbour.

In response to this objection, the agent provided a statement to rebut some of the points raised in the objection which are as follows;

- The red barn was last used as a barn circa 2009 and removed from the site when the replacement No.35 was built in 2010-2011. It was mentioned simply to show that there had been a building on that exact site previously.
- Drawing 3 Figure 3 describes the existing shed as a derelict agricultural shed, which it is at present, albeit with permission for conversion to a dwelling under Planning Permission LA09/2019/1217/F.
- We would not agree with the suggestion that this proposal amounts to a serious overdevelopment of the site, as before the present No.35 was built, there were at least 6no. individual buildings on the site.
- The site is part of a larger area owned by Mr+Mrs Staunton and the Discharge Consent will be received from DAERA for any development.
- The area marked 'Existing mature trees to be retained?' is reference to a note on the Planning Permission drawings for No.31, and was not an implication that Mr+Mrs Staunton had any control over those trees.
- We would consider No.38 Cabragh Road to be outside the area to be notified for this Application.

Consideration

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

Planning Policy Statement 21 Sustainable Development in the Countryside

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 of development which are considered to be acceptable in the countryside are set out in policy CTY 1, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

Policy CTY 8 Ribbon Development allows 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 and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

This site is located in front of an existing agricultural building. There is a live permission to convert and extend the building adjacent and east of the site to a single dwelling (LA09/2019/1217/F). In my view this is accompanying development to the rear.

This site does not have a direct frontage to Cabragh Road as it accesses onto an exiting laneway. The area of land between the site and Cabragh Road is defined by forest and belongs to the frontage of No. 31 which is located adjacent and south of the site.

In my view the plot does not reflect the plot sizes of dwellings on either side of the site and to allow a dwelling on this site would set a bad precedent for infill development in the countryside. To me, properties No. 31 and 35 currently abut each other with frontage shared with Cabragh Road. There is currently no gap between these properties sufficient to accommodate one dwelling.

For these reasons I find the proposal contrary to Policy CTY8 of PPS21.

In terms of policy CTY13, it is my view that a modest single storey dwelling could integrate onto this site, given existing tree coverage. The objector points out that trees required for integration do not belong to the applicant. While this may be the case, at present I am of the view that a 5.5m ridge dwelling could satisfactorily integrate into the existing landscape.

CTY14 allows for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Given that there is a live planning permission for a dwelling adjacent and east of the site it is my view that this proposal will result in a suburban style build-up of development when viewed with approved buildings. Two dwellings will be sited extremely close together up a laneway, and will be visible for a short period when travelling south along Cabragh Road towards the site. This pattern of development does not respect the traditional pattern of development exhibited in this area and is contrary to policy CTY14 of PPS21. The objector also raises concern that a dwelling on this site, when assessed cumulatively with LA09/2019/1217/F will have a detrimental impact on rural character and I agree with this assessment.

PPS3 Access, Movement and Parking

DfI Roads were consulted on the proposed vehicular access to this site and they raise no objections to the proposal subject to sight splays of 2.4m by 45m to the South and 2.4m by 60m to the North. DfI Roads do not raise any concern that additional traffic from this development will cause road safety issues on Cabragh Road, or that Cabragh Road is not capable of accepting extra traffic caused by one dwelling. I do not find the objector's concerns in this regard determining in this instance.

Other considerations

The objector raises concern that an additional dwelling, when considered alongside live planning permission LA09/2019/1217/F, will cause a detrimental impact to their residential amenity through overlooking and increased noise. In my view it is possible to design a dwelling so that it will not have any detrimental impact on No. 31 through overlooking or over dominance. I do find however that this dwelling, when considered cumulatively with LA09/2019/1217/F will have a detrimental impact on No. 31 through extra noise, nuisance and general disturbance. When moving to the countryside it is reasonable to expect a higher level of privacy and quiet and distance between properties than you would in an urban area. To allow this dwelling could result in 2 dwellings adjacent to the curtilage boundary of No. 31 within 20m of the curtilage boundary, where previously there was a separation distance of 70m between dwellings. The objector does not object to one dwelling, but does at two. In my view, an additional dwelling within such close proximity in this location will have a detrimental impact on the amenity of No. 31 and their private rear garden area. Cars starting and turning off engines, slamming car doors, and general noise and hustle and bustle that is normally associated with a dwelling will be doubled at this location should permission be granted, causing unacceptable detriment to the private amenity currently enjoyed by No. 31. The objector's concerns in my view are determining in this regard.

The proposed dwelling will also be sited very close to the dwelling granted under LA09/2019/1217/F, with less than 5m from the rear of the proposed dwelling to the curtilage boundary of 19/1217/F, and approx. 7m between buildings. This relationship is very intimate and not one that is reflected in this area. This type of relationship between dwellings is more commonly found in an urban area. Given the existing character of

development in this area, and residential amenity enjoyed by existing properties, it is my view that this proposal will not have a satisfactory level of private amenity and will have a detrimental impact on existing and proposed amenity within this area.

The objector raised concern over the septic tank, that it will run through garden of previous permission LA09/2019/1217/F suggesting not enough space within the proposed site to adequately deal with sewage provision. In response to this the agent has stated in his rebuttal letter that the site is part of a larger area owned by Mr+Mrs Staunton and the Discharge Consent will be received from DAERA for any development. The area of the septic tank is shown in blue. I am satisfied that the applicant has demonstrated that a satisfactory means of sewage disposal. However, this septic tank will be very close to the dwelling approved under LA09/2019/1217/F and be a source of noise and odour nuisance. Separate consent is issued for septic tanks outside of planning legislation.

The site is not subject to flooding. No land contamination issues have been identified. The site is not located within a protected area, nor is it close to built heritage or archaeological interests.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission is refused for the following reasons;

Refusal Reasons

1.The proposal is contrary to Policy CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that;

-there is no current gap between the existing curtilage boundaries of properties with a frontage onto Cabragh Road in which to site a dwelling;

-the proposal does not have a frontage extending to Cabragh Road and does not respects the existing development pattern along the frontage in terms of size, scale, siting and plot size;

-there is accompanying development to the rear of the site in live planning permission LA09/2019/1217/F;

and would if permitted adversely impact the existing rural character of the area and the residential amenities of neighbouring residents by reason of noise, nuisance and general disturbance.

2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on this site would;

-result in a suburban style build-up of development when viewed with existing and approved buildings;

-not respect the traditional pattern of settlement exhibited in that area;

and would therefore result in a detrimental impact to the rural character of this area of countryside.

3.The proposal is contrary to paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland in that this proposal will cause demonstrable harm to interests of acknowledged importance as it would unduly affect the amenity of existing and proposed residential development by reason of overlooking and loss of privacy.

Signature(s)

Date:

ANNEX	
Date Valid	9th September 2020
Date First Advertised	22nd September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 31 Cabragh Road Dungannon Tyrone Tom McCusker and Tracey McGirr 31, Cabragh Road, Dungannon, Tyrone, Northern Ireland, BT70 3AH The Owner/Occupier, 35 Cabragh Road,Cabragh,Tyrone,BT70 3AH	
Date of Last Neighbour Notification	15th October 2020
Date of EIA Determination	NA
ES Requested	No



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2017/0810/F	Target Date:
Proposal: New Dwelling	Location: Coltrim Lane, Moneymore (approx. 220m from Junction with Cookstown Road)
Applicant Name and Address: Mr M Hamilton, 50 Cookstown Road, Moneymore.	Agent name and Address: CMI Planning, 38 Airfield Road, The Creagh, Toomebridge, BT41 3SQ.
Summary of Issues: This application has been presented before the Committee on three separate occasions and the applicant did not appeal the refusal of a concurrent application for a Certificate of Lawful development. The applicant has not demonstrated that a dwelling previously approved under policies contained in A Planning Strategy for Rural Northern Ireland dwelling was lawfully commenced within time. The application is now being considered under Planning Policy Statement 21 and the applicant has not demonstrated a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work under Policies CTY1 and CTY 7 of PPS 21 and therefore a refusal is being recommended.	
Summary of Consultee Responses: <u>NI Water:</u> No objection <u>Rivers Agency:</u> A Drainage Assessment is required if the area of hardstanding is greater than 1,000 sq.m. in accordance with PPS 15 Policy FLD 3. Approval is required to discharge storm water from the proposed development to the existing drains.	

DfI Roads:

No objections subject to the provision of visibility splays of 2.4m x 70m.

Environmental Health Department:

No objections subject to suitable arrangements and a suitable location of the proposed septic tank.

Characteristics of the Site and Area:

The site is located approximately 1.65km from Moneymore just a few hundred metres from the Coltrim Lane junction located along the main Moneymore to Cookstown Road. The application site is located in the open countryside as defined by the Cookstown Area Plan 2010. The site is set back off the Coltrim Lane, worth noting that the proposed dwelling is set further back than the previous approval I/2008/0347/RM. The proposed site is stated to have two access points, one directly off the Coltrim Lane and the other off a private laneway at the rear of the Bus Park. There is an area of hardstanding in the location of the proposed dwelling with the remainder of the site being a mix of grassland and mature trees. With predominately all boundaries being defined by mature trees with part of it being defined by the Bus Park. The immediate locality is defined by a mix of development inclusive of residential, agricultural, Bus Park and Go-Kart Track.

Relevant planning history:

I/2008/0347/RM - New dwelling and garage. Permission Granted 15/05/2009

I/2004/0201/O - New dwelling. Permission Granted 23/05/2005

Representations:

There was one neighbour notification letter sent out however no representations were received on this application.

Description of Proposal

This is a proposed full application for a new dwelling. It has been confirmed by way of a letter from the agent that this application sees the submission of a renewed application, previously not implemented, to meet the needs of an established non- agricultural business enterprise (Bus Park) in accordance with CTY 7. The proposal is for a single storey dwelling with the proposed dwelling having a 22m frontage with a gable depth of 16.4m and a ridge height of 5.3m. The wall finish will be natural stone facing and brilliant white K-Rend with a mix of zinc and natural slate roofing.

Deferred Consideration:

Section 45(1) of the Planning Act (NI) 2011 requires Mid Ulster District 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 Planning Policy:

Regional Development Strategy 2030
Strategic Planning Policy Statement

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Development Control Advice Note 15: Vehicular Access Standards

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

This application has been presented to the Planning Committee on three occasions with the following action resolved by Members:

- October 2017 it was deferred by Members for an office meeting with the Planning Manager which took place in October 2017;
- February 2018 it was deferred by Members to allow the applicant to submit an application for a Certificate of Lawful Development. This was submitted in April 2018 and was refused in June 2018;
- July 2018 it was deferred by Members to allow the applicant to appeal the refused Certificate of Lawfulness.

The applicant did not submit an appeal and it falls to the Council to make a decision on this application.

The Certificate of Lawfulness for the proposal was submitted together with an invoice, aerial photos, additional photos of the site and a letter from the previous owner of the site. The applicant and his representatives failed to demonstrate any material work carried out with regards to the previously approved dwelling. The letter from the site's owner failed to demonstrate the approved dwelling was commenced within time. The submitted invoice referred to a different address and therefore failed to demonstrate the site was commenced within time. Photos were submitted to show partial foundations for a garage but there was no accompanying evidence to confirm when these were completed and there is no evidence held by Building Control to confirm the works. The pre-commencement conditions have not been completed with regards to the vehicular access and sight lines and having considered all the information it was decided the site was not lawfully commenced and a notice of refusal was issued to the applicant in June 2018. The applicant is outside the time period allowed in legislation to appeal the decision and therefore a decision must be taken on this application.

Planning approval was granted for a dwelling under I/2004/0201/O and I/2008/0347/RM under policies contained in A Planning Strategy for Rural Northern Ireland. These policies have since been superseded by those contained in Planning Policy Statement 21. The applicant has failed to demonstrate the approved dwelling was lawfully commenced and also failed to prove a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work as previously addressed before the Committee and a refusal of this application is being recommended.

Reasons for Refusal:

1. The proposal is contrary to Policies CTY 1 and CTY 7 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 there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

Signature(s):**Date**

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2017/0810/F	Target Date:
Proposal: New Dwelling	Location: Coltrim Lane Moneymore (approx. 220m from Junction with Cookstown Road)
Applicant Name and Address: Mr M Hamilton 50 Cookstown Road Moneymore	Agent name and Address: Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD
Summary of Issues: Refusal recommended - Contrary to CTY 1 and 7of PPS 21.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: <p>The site is located approximately 1.65km from Moneymore just a few hundred metres from Coltrim Lane junction located along the main Moneymore – Cookstown Road. The application site is located in the open countryside as defined by the Cookstown Area Plan 2010. The site is set back off the Coltrim Lane, worth noting that the proposed dwelling is set further back than the previous approval I/2008/0347/RM. The proposed site is stated to have two access points, one directly off the Coltrim Lane and the other off a private laneway at the rear of the Bus Park. There is an area of hardstanding in the location of the proposed dwelling with the remainder of the site being a mix of grassland and mature trees. With predominately all boundaries being defined by mature trees with part of it being defined by the Bus Park. The immediate locality is defined by a mix of development inclusive of residential, agricultural, Bus Park and Go-Kart Track.</p> <p>Relevant planning history I/2008/0347/RM – New dwelling and garage. Permission Granted 15/05/2009</p> <p>I/2004/0201/O – New dwelling. Permission Granted 23/05/2005</p> <p>Representations There was one neighbour notification letter sent out however no representations were received on this application.</p>	

Description of Proposal

This is a proposed full application for a new dwelling. It has been confirmed by way of a letter from the agent that this application sees the submission of a renewed application (the previous approval has expired), previously not implemented, to meet the needs of an established non- agricultural business enterprise (Bus Park) in accordance with CTY 7. The proposal is for a single storey dwelling with the proposed dwelling having a 22m frontage with a gable depth of 16.4m and a ridge height of 5.3m. The wall finish will be natural stone facing and brilliant white K-Rend with a mix of zinc and natural slate roofing.

Deferred Consideration:

Relevant Planning Policy:
Strategic Planning Policy Statement
Cookstown Area Plan 2010
Planning Policy Statement 3
Planning Policy Statement 21

This application was previously presented before the Planning Committee in October 2017 and February 2018 with a recommendation to refuse. It was agreed by the Committee to defer the application to allow for the submission of a Certificate of Lawful Development and this application would be considered following a decision made on the certificate.

A Certificate of Lawfulness for the proposal was submitted together with an invoice, aerial photos, additional photos of the site and a letter from the previous owner of the site. Having considered the information the photos did not demonstrate any material work being done with regards to the planning approval. The letter from the site's previous owner did not demonstrate the site was commence within time. The invoice is dated within time for garage foundations but the address refers to Coltrim Road and not Coltrim Lane and this did not demonstrate the site was commenced within time. The applicant has submitted photos of partial foundations for a garage but there is no evidence to confirm when these were completed and there is no evidence held by Building Control to confirm the works. The pre-commencement conditions have not been completed with regards to the vehicular access and sight lines and having considered all the information it has been decided that the site has not lawfully commenced and a notice of refusal has been issued to the applicant.

Planning approval for a dwelling was granted under I/2004/0201/O and I/2008/0347/RM under policies that have been superseded in A Planning Strategy for Rural Northern Ireland by PPS 21. The applicant has failed to demonstrate the approved dwelling has lawfully commenced and has also failed to prove a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work as previously addressed before the Committee and a refusal of this application is being recommended.

Reasons for Refusal:

1. The proposal is contrary to Policies CTY 1 and CTY 7 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 there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2017/0810/F	Target Date:
Proposal: New Dwelling	Location: Coltrim Lane, Moneymore (approx. 220m from Junction with Cookstown Road).
Applicant Name and Address: Mr M Hamilton, 50 Cookstown Road, Moneymore.	Agent name and Address: CMI Planning, 38 Airfield Road, The Creagh, Toomebridge, BT41 3SQ,
Summary of Issues: Refusal recommended - Contrary to CTY 1 and 7 of PPS 21.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located approximately 1.65km from Moneymore just a few hundred metres from Coltrim Lane junction located along the main Moneymore - Cookstown Road. The application site is located in the open countryside as defined by the Cookstown Area Plan 2010. The site is set back off the Coltrim Lane, worth noting that the proposed dwelling is set further back than the previous approval I/2008/0347/RM. The proposed site is stated to have two access points, one directly off the Coltrim Lane and the other off a private laneway at the rear of the Bus Park. There is an area of hardstanding in the location of the proposed dwelling with the remainder of the site being a mix of grassland and mature trees. With predominately all boundaries being defined by mature trees with part of it being defined by the Bus Park. The immediate locality is defined by a mix of development inclusive of residential, agricultural, Bus Park and Go-Kart Track. <u>Relevant planning history</u> I/2008/0347/RM - New dwelling and garage. Permission Granted 15/05/2009 I/2004/0201/O - New dwelling. Permission Granted 23/05/2005	

Representations

There was one neighbour notification letter sent out however no representations were received on this application.

Description of Proposal

This is a proposed full application for a new dwelling. It has been confirmed by way of a letter from the agent that this application sees the submission of a renewed application, previously not implemented, to meet the needs of an established non- agricultural business enterprise (Bus Park) in accordance with CTY 7. The proposal is for a single storey dwelling with the proposed dwelling having a 22m frontage with a gable depth of 16.4m and a ridge height of 5.3m. The wall finish will be natural stone facing and brilliant white K-Rend with a mix of zinc and natural slate roofing.

Deferred Consideration:

Relevant Planning Policy
Strategic Planning Policy Statement
Cookstown Area Plan 2010
Planning Policy Statement 3
Planning Policy Statement 21

This application was previously presented before the Planning Committee in October 2017 with a recommendation to refuse. It was agreed by the Committee to defer the application for a meeting with the Planning Manager and this took place on 12 October 2017.

Following the meeting further information was submitted in support of the application by the agent which I will now consider as part of this report.

At the office meeting it was made clear by Dr Boomer that in order to satisfy Policy CTY 7 of PPS21 which addresses "Dwellings for Non-Agricultural Business Enterprises" states that *"planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work"*.

In my opinion the key facts in the supporting statement submitted by Manor Architects are as follows:

- Mr Hamilton has been working for J & K Coaches for c.2 years
- J & K Coaches have become more concerned about security and therefore the application site would be **advantageous** for supervision
- It is vital that Mr Hamilton is available on-call to maintain essential servicing
- The applicant lives some 300m from the house but there is no clear line of vision which would allow for supervision to occur.
- The previous approval was for the purposes of supervision and security but due to financial difficulties it was never implemented.
- The directors of J & K Coaches have written a letter stating that Mr Hamilton has been closely linked with the company in terms of the servicing of all vehicles, routine maintenance and emergency call outs. They have had cause for concern in relation

to the security of the bus park, especially during late hours. They accept Mr Hamilton lives close by but he does not have a visual link to the bus park and therefore ***this proposal would be ideal in providing casual supervision***

- Mr Hamilton has written to confirm he will reside at the new dwelling should it be approved.

In response to the key points I would comment as follows;

- Having visited the site it is clear at the entrance to the site there are signs giving warning there are security cameras in operation at all times;
- Although it is argued that Mr Hamilton must be available on call to maintain essential servicing, this is possible from his current dwelling, which I have measured to be c. 250m away
- Whilst there may be some intrusion to a clear line of vision from the applicant's current dwelling to the bus park the applicant and agent have failed to demonstrate why constant supervision is needed. It is neither reasonable nor feasible to believe that the applicant will be expected to provide constant supervision both day and night. There is an office on site for the day time hours and there are signs erected notifying the public of ongoing surveillance.
- The letter from the directors fails to demonstrate the need for a dwelling is essential, rather it would be ideal to have casual supervision for the bus park. No issue has been raised that Mr Hamilton has been prohibited from being on call for servicing the vehicles at the dwelling he currently resides in. Dr Boomer at the office meeting had requested a letter from the owners of the coach company to support Mr Hamilton's case but he also wanted the owners to acknowledge no other dwellings would be permitted should this application be approved as a dwelling associated with the business. The owners did not do this.
- Mr Hamilton made it clear at the office meeting that his house is too big for his family, he currently owns the karting track which is causing him stress and he wishes to have a smaller dwelling house with less hassle. This seems to be the real reason why a new dwelling house is being sought, rather than it being an essential need for the coach business, the directors of which have not demonstrated nor argued that it is essential.

The justification and amplification of CTY 7 states that applicants must provide sufficient information to show that there is a site specific need which makes it essential for one of the firm's employees to live at the site of their work, as against a general desire for a dwelling in association with the business. It is my opinion the applicant has failed to do so. The applicant does not work solely for J & K Coaches at present, he also operates the go-karting track beside his dwelling house.

It is my opinion that all parties concerned have failed to demonstrate the essential need for a dwelling in connection with the business as is the policy test of CTY 7 and I would recommend a refusal of the application.

Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY7 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 there is a site specific need

for the proposed dwelling that makes it essential for an employee to live at the site of their work.

Signature(s):

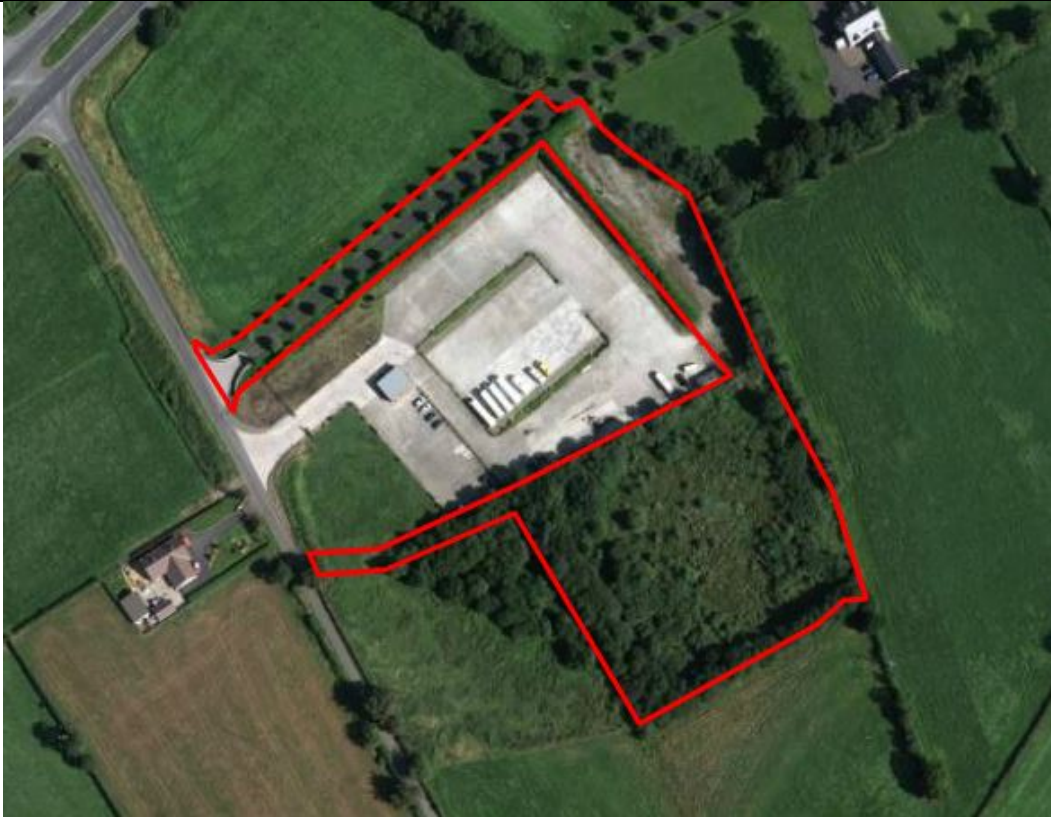
Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0810/F	Target Date:
Proposal: New Dwelling	Location: Coltrim Lane Moneymore (approx. 220m from Junction with Cookstown Road)
Referral Route: Refusal recommended – Contrary to CTY 1 and 7 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr M Hamilton 50 Cookstown Road Moneymore	Agent Name and Address: Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD
Executive Summary:	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
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

Refusal recommended - Contrary to CTY 1 and 7 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 1.65km from Moneymore just a few hundred metres from Coltrim Lane junction located along the main Moneymore – Cookstown Road. The application site is located in the open countryside as defined by the Cookstown Area Plan 2010. The site is set back off the Coltrim Lane, worth noting that the proposed dwelling is set further back than the previous approval I/2008/0347/RM. The proposed site is stated to have two access points, one directly off the Coltrim Lane and the other off a private laneway at the rear of the Bus Park. There is an area of hardstanding in the location of the proposed dwelling with the remainder of the site being a mix of grassland and mature trees. With predominately all boundaries being defined by mature trees with part of it being defined by the Bus Park. The immediate locality is defined by a mix of development inclusive of residential, agricultural, Bus Park and Go-Kart Track.

Relevant planning history

I/2008/0347/RM – New dwelling and garage. Permission Granted 15/05/2009

I/2004/0201/O – New dwelling. Permission Granted 23/05/2005

Representations

There was one neighbour notification letter sent out however no representations were received on this application.

Description of Proposal

This is a proposed full application for a new dwelling. It has been confirmed by way of a letter from the agent that this application sees the submission of a renewed application, previously not implemented, to meet the needs of an established non- agricultural business enterprise (Bus Park) in accordance with CTY 7. The proposal is for a single storey dwelling with the proposed dwelling having a 22m frontage with a gable depth of 16.4m and a ridge height of 5.3m. The wall finish will be natural stone facing and brilliant white K-Rend with a mix of zinc and natural slate roofing.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

PPS 21 Sustainable Development in the Countryside

Within the submitted Design and Access Statement it was stated that the proposal is in conformity with planning policies for development in the countryside set out in the planning strategy for rural Northern Ireland. Issue is that PPS 21 now takes precedence over this and therefore must comply under it, it was confirmed by the agent that they wish this to be considered under CTY 7 with regards to the operations of the adjacent Bus Park.

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'.

Policy CTY 7 states that the planning permission will be granted for a dwelling in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work. Goes on to state that where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site. And that planning permission granted under this policy will be subject to a condition restricting occupation of the dwelling for the use of the business.

The agent submitted a letter to confirm the reasoning for this is that there is a long established bus park immediately adjacent to the site. The development previously approved, accepted under a different policy but acceptable nonetheless in principle, is immediately adjacent to this business and accessed from it. With any rural business where there is significant value in machinery/ vehicles there is the need for control/ supervision. This more modest dwelling house seeks to monitor/access and assist with operation of the business.

There are a number of concerns in relation to this application, firstly after a phone conversation with the applicant in which he confirmed that he did not actually own the bus park which has raised concerns over the necessity of this application. The applicant's agent with regards to the ownership stated in a submitted letter that Mr Hamilton does not own the business, however, Mr Hamilton carries out all maintenance and security associated with the business around the site. As it has been confirmed that the applicant does not own the business I am of the opinion that there is still no site specific need for a dwelling. Reasoning for this as whilst I acknowledge that Mr Hamilton may carry out maintenance and security the issue is that he already lives in No.50 Cookstown Road which is located approximately 300m from the bus park, questioning as to why a dwelling is needed adjacent to the bus park. From this I am of the opinion that Mr Hamilton would be more than capable to continue carrying out maintenance and security from his own dwelling at No.50 Cookstown road and there has no site specific need for an additional dwelling. To reinforce this argument is the fact that the agent stated that this is a long established bus park which begs the question for the 'essential' need for a dwelling as the bus park has been able to operate without this new dwelling. In the same letter submitted by the agent and in the submitted supporting statement made reference to a historic planning approval however whilst this was considered, issue is that the permission has lapsed and no works were ever commenced confirmed by the agent. In addition it was approved under a different policy which has been superseded by PPS 21 therefore my opinion remains the same. Given the fact over concerns over ownership of the bus park, close proximity of the applicant's dwelling, from this I must recommend refusal as the application has failed under CTY 7 of PPS 21.

The proposal must comply with CTY 13 which states that the proposed development is able to visually integrate into the surrounding landscape and of appropriate design. As stated the site does benefit from existing vegetation on almost all boundaries with minimal views from the public road, this with the single storey nature of the dwelling means it won't be unduly prominent and will help integrate the dwelling into the landscape. I am content that a dwelling in this location would be capable of complying with CTY 13.

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 the area. As stated I am content that this dwelling would not be unduly prominent in the landscape and would not result in a suburban style build-up of development. I am content that a dwelling would be able to comply with CTY 14.

Rivers Agency were consulted as a portion of the site was affected by surface water flooding however in their response stated that with regards to the new hardstanding it should be determined by the Planning Service should determine if the change of use from existing Greenfield new area of hardstanding is greater than 1000m². However it is worth noting that the application is proposing the change of use from area of hardstanding to Greenfield not that stated by Rivers Agency that it is felt that a drainage assessment is not needed. Final note is that during the site visit it was noted that there was a large area of hardstanding present on the site however from a history search there does not appear to be any permissions for this and is therefore deemed as unlawful which has been passed to the enforcement team pending a decision on this application.

Consultations were also sent to Transport NI, NI Water and Environmental Health however all have returned with no objection subject to conditions and informatives.

I have ecological or residential amenity concerns.

On balance and despite the fact that the dwelling may be able to visually integrate, the proposal has failed under CTY 7 in displaying the essential need for a dwelling in association with the Bus Park and from this failure under PPS 21 I therefore must recommend refusal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY7 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 there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

Signature(s)

Date:

ANNEX	
Date Valid	14th June 2017
Date First Advertised	29th June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Coltrim Lane, Moneymore, Co Derry	
Date of Last Neighbour Notification	26th June 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0810/F Proposal: New Dwelling Address: Coltrim Lane, Moneymore (approx. 220m from Junction with Cookstown Road), Decision: Decision Date: Ref ID: LA09/2016/1259/F Proposal: Variation of Condition No's 3 and 4 of Planning Approval I/2000/0565/F Address: Adjacent to 46 Cookstown Road, Moneymore, Decision: PG Decision Date: Ref ID: I/2008/0347/RM Proposal: New dwelling + garage Address: Coltrim Lane, Moneymore (approximately 220m from junction with Cookstown Road) Decision: Decision Date: 15.05.2009 Ref ID: I/2002/0208/F Proposal: Reduction in the area of car parking area from that originally approved under planning permission I/2000/0565.	

Address: Cart Track, adjacent to No 46 Cookstown Road Money more

Decision:

Decision Date: 23.12.2002

Ref ID: I/2001/0619/F

Proposal: Office and Store

Address: Adjacent to 46 Cookstown Road Money more

Decision:

Decision Date: 13.01.2004

Ref ID: I/2000/0565/F

Proposal: Use of land for cart track

Address: Adjacent to 46 Cookstown Road Money more

Decision:

Decision Date: 18.06.2001

Ref ID: I/1999/0490/O

Proposal: Dwelling house

Address: Adjacent to no 46 Cookstown Road Money more

Decision:

Decision Date: 14.04.2000

Ref ID: I/2000/0334/F

Proposal: Dwelling

Address: Adjacent to no 46 Cookstown Road Money more

Decision:

Decision Date: 08.11.2000

Ref ID: I/2006/0356/O

Proposal: New Dwelling

Address: Coltrim Lane, Money more (approx 240m from junction of with cookstown Road)

Decision:

Decision Date: 07.12.2006

Ref ID: I/2004/0201/O

Proposal: New Dwelling

Address: Coltrim Lane, Money more (Approximately 220 M from Junction with Cookstown Road)

Decision:

Decision Date: 23.05.2005

Ref ID: I/2001/0257/F

Proposal: Bus parking area with ancillary facilities including small building - office,WC and canteen

Address: 120 metres south east of Coltrim Cross Roads Coltrim Lane Moneymore

Decision:

Decision Date: 01.10.2002

Ref ID: I/2004/0081/F

Proposal: Amendment to previous condition 03 on Planning Permission I/2000/0565 for the approval of 2No Karts (Rotax Leisure Kart) as tested and evaluated in accordance with guidelines agreed with statutory bodies

Address: Adjacent to no. 46 Cookstown Road, Moneynore

Decision:

Decision Date: 01.07.2004

Ref ID: I/2000/0190/F

Proposal: Use of land for cart track

Address: Adjacent to no 46 Cookstown Road Moneymore

Decision:

Decision Date: 20.12.2000

Ref ID: LA09/2016/0016/F

Proposal: Proposed temporary staff room / office

Address: 4 Coltrim Road, Moneymore,

Decision: PG

Decision Date: 26.02.2016

Ref ID: LA09/2016/0322/F

Proposal: Proposed ECO-Wash waste water treatment system (to allow for the washing of company vehicles)

Address: 4 Coltrim Road, Moneymore,

Decision: PG

Decision Date: 20.05.2016

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Drawing No. 02
Type: Site Location Plan
Status: Submitted

Drawing No. 04
Type: Landscaping Proposals
Status: Submitted

Drawing No. 01
Type: Block/Site Survey Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/1373/0	Target Date:
Proposal: Dwelling and Garage.	Location: 55m East of 32a Mulnavoo Road Moneyneany Road Draperstown.
Applicant Name and Address: Michael Bradley Esq 30 Mulnavoo Road Moneyneany Draperstown	Agent name and Address: R M Finlay 350 Hillhead Road Knockloughrim Magherafelt
Summary of Issues: This proposal had failed to comply with CTY 1, CTY8 & CTY14 of PPS 21. It was subsequently deferred for an office meeting and following re-assessment has been recommended for refusal for the reasons previously given.	
Summary of Consultee Responses: No objections.	
Characteristics of the Site and Area: The application site is located approximately 2km North West of the development limits of Draperstown within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as located 55m East of 32a Mulnavoo Road, Draperstown. The red line covers	

approximately half of a larger agricultural field. The site is bounded A mix of residential and agricultural land uses defines the surrounding area. I note that the residential properties located adjacent to the site are all set back off the Mulnavoo Road.

Description of Proposal

Proposed site for an outline dwelling and garage

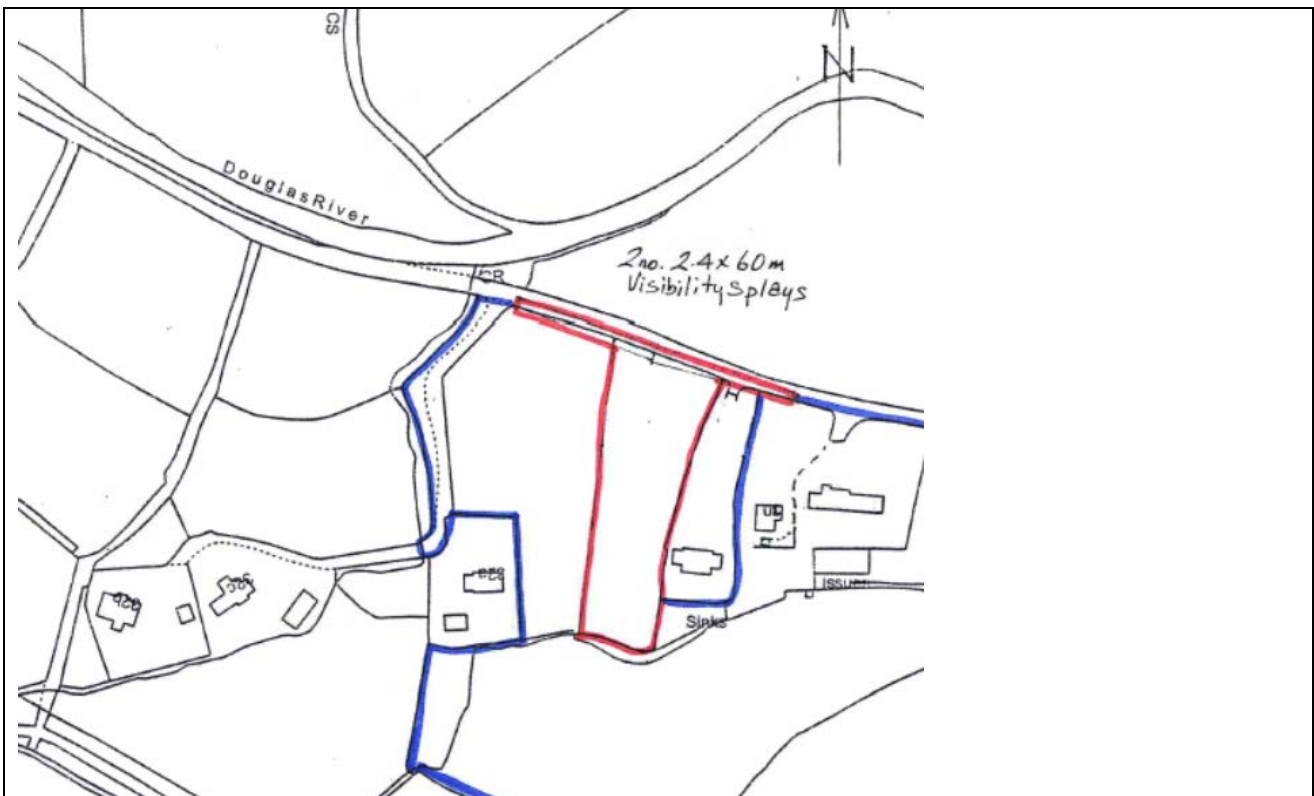
Deferred Consideration:

This application was presented to Planning Committee as a refusal for the following three reasons ;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, in that the proposal does not represent a gap site within a substantial and continuously built up frontage and would, if permitted, create a ribbon of development along Mulnavoo Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, in that the building would, if permitted create a ribbon of development resulting in a suburban sprawl and result in the loss of the visual break, as such would represent a detrimental change to the rural character of the countryside.

The application was subsequently deferred for an office meeting which was held with the Area Planning Manager on 10th September 2020. It was agreed the site would be re-visited and a re-assessment carried out.

Following a site visit on 16th October 2020, I would be in agreement with the original recommendation that the proposal does not meet the criteria for an infill under CTY8.



The main issue with the 'continuous and built up frontage' being relied on here is with No.32a to the west of the site. The other dwellings to the east, No, 30a, 30 & 32 are not questioned as having a frontage to the Mulnavoo Road. In front of No.32a is an agricultural field and the access runs along the boundary of this roadside field. Although the top half of this 2 storey dwelling can be viewed from along Mulnavoo Road it does not have a road frontage and so cannot be counted as part of the continuous and built up frontage under CTY8.



Taken from the site with No.32a in background.



Access of No.32a and agricultural field in front of the dwelling.

In terms of CTY14, this site represents an important visual break along this part of the road. A dwelling here will cause a detrimental change to the character of the area by adding to ribbon development, so the proposal is contrary to this policy as it is failing to respect the existing character.

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.

A refusal is therefore recommended for the reasons given below.

Refusal reasons:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not amongst the range of developments which are considered in principle to be acceptable in the countryside and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent the development of a small gap sufficient only to accommodate a maximum of two houses and would, if permitted, result in the creation of ribbon development along Mulnavoo Road and also adversely impact on the rural character of this area of countryside.
3. The proposal is contrary to Policy CT14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling, if permitted would create a ribbon of development and result in the loss of this visual break and would therefore result in a detrimental change to the rural character of the countryside.

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: LA09/2019/1373/O	Target Date:
Proposal: Dwelling and Garage.	Location: 55m East of 32a Mulnavoo Road Moneyneany Road Draperstown.
Referral Route: Refusal- Contrary to Policy CTY1, 8 & 14 of PPS 21	
Recommendation: Refsual	
Applicant Name and Address: Michael Bradley Esq 30 Mulnavoo Road Moneyneany Draperstown BT45 7LR	Agent Name and Address: R M Finlay 350 Hillhead Road Knockloughrim Magherafelt BT45 8QT
Executive Summary:	
Signature(s):	

For comment
subject to
suggested
changes.



19/8/2020

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

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

Three neighbour notifications were sent out and at the time of writing two objections have been received.

Contrary to CTY 1, 8 and 14 of PPS 21.

Summary of objections:

- Issue that the site does not meet the policy stated under PPS 21.
- The proposal would add to ribbon development along with No. 30 & 32 Mulnavoo Road.
- Cannot be considered a gap site as No.32a to the west does not share the same frontage as the proposed site and No. 30 & 32.
- CTY 13 opinion the site will be prominent in the skyline and will rely on new landscaping for integration
- CTY 14 the proposal will create a suburban style build-up of development when viewed with existing and approved buildings.

Characteristics of the Site and Area

The application site is located approximately 2km North West of the development limits of Draperstown within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as located 55m East of 32a Mulnavoo Road, Draperstown. The red line covers approximately half of a larger agricultural field. The site is bounded A mix of residential and agricultural land uses defines the surrounding area. I note that the residential properties located adjacent to the site are all set back off the Mulnavoo Road.

Description of Proposal

This is an outline application for an infill site for a dwelling and detached garage, located 55m East of 32a Mulnavoo Road, Draperstown.

Planning Assessment of Policy and Other Material Considerations

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

The application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. The provisions of the SPPS and PPS 21 - Sustainable Development in the countryside, control development.

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?.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided it respects the existing development patten along the frontage in terms of size, scale, sitting and plot size and meets other planning and environmental requirements.

In terms of the continuous and built up frontage, I note that to the east of the site there are three detached dwellings, Nos. 30A, 30 & 32 Mulnavoo Road with associated outbuildings, which all share a frontage onto the Mulnavoo Road. To the West of the site is a detached dwelling and garage at 32A Mulnavoo Road however this is accessed via a private laneway which also serves access to 32c & 32b Mulnavoo Road. The site at 32a has an agricultural field between the front of the site and the Mulnavoo Road and therefore, I do not believe it has a frontage onto the road. As such, I am not satisfied that the proposed site is a gap site between a substantial and continuously built up frontage. From this I am of the opinion that the application fails under CTY 8.

This application is located on the same site as a previous application LA09/2019/0849/O which was refused for being contrary policy CTY 8 in that it was determined the proposal does not

represent a gap site within a substantial and continuously built up frontage and would create a ribbon development. It should be noted that although this application is on the same site, it has a much bigger red line and the access to the site has been changed and proposes a new access from the Mulnavoo Road. However, it is my opinion that the proposed site is not a gap site and that the change in access does not make

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore, no design details has been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. Any reserved matters application should require additional planting to take place, therefore, a landscape plan should be submitted as part of the Reserved Matters application. The ridge height should be restricted to 7.5m above finished floor level.

Policy CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of the area. I am content that a dwelling in this location would not be a prominent feature in the landscape and a well-designed dwelling would respect the pattern of development. As previously noted the proposal fails under policy CTY 8 in that I do not consider this a gap site between a substantial and continuously built up frontage and a result it not only would lead to forming ribbon but also result in a change to the rural character. In my view the site represents an important visual break in relation to the other houses.

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.

The main points raised in the objection letters received are that the proposed site would create a ribbon development. I note that the concerns have been addressed above.

The objector has raised issues that the proposal would be contrary to the policy contained within the Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy. However, this document was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues faced with COVID19, this period has been extended and will now close at 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

The objector and the agent also raised comments regarding the previous planning application LA09/2019/0849/O which was refused at planning committee; it is claimed by the agent that Dr Boomer stated that had this site fronted the road, it would have been approved. The objector questions this and claims there is no record, verification or inference that the Planning Manager would be in support of an application with a road frontage. In fact the situation is that Dr Boomer explained the policy which relates to frontages and did not offer any commitment at this site. However, this application is being considered under relevant policy considerations and a recommendation has been based on the planning policy and relevant material considerations.

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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage and would if permitted, create a ribbon of development along the Mulnavoo Road.

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development resulting in a suburban sprawl and result in the loss of this visual break, as such would represent a detrimental change to the rural character of the countryside.

Signature(s)**Date:**

19/08/2020

ANNEX	
Date Valid	17th October 2019
Date First Advertised	29th October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 30a Mulnavoo Road Draperstown The Owner/Occupier, 32 Mulnavoo Road, Draperstown, BT45 7LR The Owner/Occupier, 32a Mulnavoo Road Draperstown Steven & Violet Linton 32a, Mulnavoo Road, Draperstown, Londonderry, Northern Ireland, BT45 7LR Steven & Violet Linton 32a, Mulnavoo Road, Draperstown, Londonderry, Northern Ireland, BT45 7LR	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1373/O Proposal: Dwelling and Garage. Address: 55m East of 32a Mulnavoo Road, Moneyneany Road, Draperstown., Decision: Decision Date: Ref ID: LA09/2019/0849/O Proposal: Dwelling and garage Address: 55m East of 32a Mulnavoo Road, Draperstown, Decision: PR Decision Date: 11.09.2019 Ref ID: LA09/2019/0846/O Proposal: Dwelling and Garage Address: 30m east of 32a Mulnavoo Road, Draperstown, Decision: PR Decision Date: 11.09.2019	

Ref ID: H/2002/0744/F

Proposal: Dwelling and Garage

Address: 250m W of 32 Mulnavoo Road, Draperstown

Decision:

Decision Date: 21.01.2003

Ref ID: H/2002/0349/F

Proposal: Dwelling & Garage.

Address: 200m W of 30 Mulnavoo Road, Draperstown.

Decision:

Decision Date: 27.01.2003

Ref ID: H/2002/0454/F

Proposal: Dwelling and Garage

Address: Mulnavoo Road, Mullaghnamaragh, Draperstown

Decision:

Decision Date: 18.10.2002

Ref ID: H/1991/0036

Proposal: DWELLING

Address: MULNAVOO ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1998/0012

Proposal: SITE OF DWELLING

Address: TO REAR OF 30 MULNAVOO ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1989/0012

Proposal: ALTS AND ADDS TO HOUSE

Address: 30 MULNAVOO ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1998/0253

Proposal: DWELLING

Address: ADJACENT TO 30 MULNAVOO ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1993/0004
Proposal: ALTS AND ADDS TO DWELLING
Address: 30 MULNAVOO RD DRAPERSTOWN
Decision:
Decision Date:

Ref ID: H/2004/0786/F
Proposal: Replacement dwelling and garage.
Address: 30 Mulnavoo Road, Draperstown.
Decision:
Decision Date: 16.03.2005

Summary of Consultee Responses**Drawing Numbers and Title**

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer:	
Application ID: LA09/2019/1387/O	Target Date: <add date>
Proposal: Infill site for dwelling & domestic garage	Location: Site approx 10m South of 11 Reenaderry Road
Applicant Name and Address: Sean Robinson 11 Reenaderry Road Coalisland BT71 4QN	Agent name and Address: McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
Summary of Issues: Need to consider if the building and business for training greyhounds located to the south of the proposed site constitutes development for the purposes of infill under the exception to CTY8 – Ribbon Development.	
Summary of Consultee Responses: Geological Survey – no records of mines DFI Rivers - no flooding concerns DFI Roads – sight lines of 2.4 x 70 and 2.4x 80 required and achievable SES - The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.	
Characteristics of the Site and Area: The site is in the countryside and is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is rural in character with agricultural fields, farm complexes and dispersed single dwellings. There is development pressure in this area as there are a number of single detached dwellings on both sides of this road and surrounding roads.	

The application site is a cut-out of an agricultural field abutting the southern boundary of No. 11 Reenaderry Road. The field has a flat topography and a roadside frontage. To the south of the site a portion of the field has been sectioned off into a number of dog run pens with a blockwork dog kennel in each. There is a hawthorn hedgerow along the roadside boundary of this field and a small wooden fence at the boundary with No. 11. There is a hedgerow along the rear northwest boundary of the field.

Description of Proposal

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

Deferred Consideration:

Members are advised this application was before them in February 2020 where it was deferred for an office meeting. Since then the applicant has obtained a Certificate Of Lawfulness of Existing Use or Development on 28th May 2020. LA09/2020/0341/LDE certifies that Lands, pens and kennels for existing dog (greyhound) breeding, rearing, training and runs at Lands 50m South West of 11 Reenaderry Road Coalisland are lawful.

CTY 8 – Ribbon Development

Along this stretch of road at 50m north of the site is a dwelling at No. 9 and abutting the northern boundary is No.11. Both dwellings have a roadside frontage along the road. As shown in Figure 1 and 1a below, abutting the southern boundary are dog kennels and a dog run. The certificate of lawfulness has established that the dog kennels have a common frontage with the public road.



Fig 1.



Fig 1A

Abutting the southern boundary of the site the field is divided into separate dog runs and each area has a kennel as shown in figure 2 below.



Figure 2



Figure 3

As shown in figure 3 above within each dog run there is a dog kennel, which is constructed in blockwork, and metal sheeting on the roof.



Figure 4

The dog kennels are not individually of significance, however, as can be seen in Figure 4 there are a number of these as well as the fences associated with the dog pens. Now that it has been established the dog kennels and runs have a frontage to the road, these buildings, albeit small in size do, in my opinion represent buildings for the purposes of the policy. The proposed site is a gap between a line of 3 buildings and as such I consider it meets with the exception to CTY8 as an infill opportunity that would be capable of allowing one dwelling to be sited within it.

There are varying plot frontages along this public road with 20m at No. 9 and 40m at No. 11. The application site has a roadside frontage of 30m and the remaining portion of field

south of the site has a roadside frontage of 40m. I am satisfied the size, scale and plot size is acceptable in relation to the other frontages along this side of the public road.

There is a single storey dwelling at No. 11, a 2 storey dwelling at No. 9 and single storey dwellings further north of the site. However, given the open nature of the site I consider it is appropriate to restrict any dwelling on this site to a 6.0m ridge height to sit below the level of the dwelling adjacent to it. As this is an outline application no design has been submitted and this may be Reserved for further consideration.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy ended on 24th September 2020 and is now open for counter representation. In light of this, the Draft Plan cannot be given any determining weight at this time.

Recommendation:

In light of the above it is my recommendation to the committee that planning permission is granted with the conditions outlined below.

Conditions:

1. Application for the approval of 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 the 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 (herein thereafter called the “Reserved Matters”, shall be obtained from Mid Ulster Council in writing before any development is commenced.

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

3. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 70m in a south-westerly direction and 2.4m x 80.0m in a north-easterly direction 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. The proposed dwelling shall have a ridge height of no greater than 6 metres above finished floor level.

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

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

Reason: In the interest of visual amenity.

6. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public and in which case a full explanation shall be submitted to Mid Ulster District Council.

Reason: To ensure the development integrates into the countryside.

7. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved at the Reserved Matters Stage. No trees or hedgerows which may be damaged or die within a period of 5 years from the date of the planting shall be replaced by plants of similar species and size at the time of their removal.

Reason: In the interests of visual amenity.

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: 04/02/2020	Item Number:
Application ID: LA09/2019/1387/O	Target Date:
Proposal: Infill site for dwelling & domestic garage	Location: Site approx 10m South of 11 Reenaderry Road
Referral Route: <ol style="list-style-type: none">1. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would add to ribbon development.2. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.	
Recommendation:	Refusal
Applicant Name and Address: Sean Robinson 11 Reenaderry Road Coalisland BT71 4QN	Agent Name and Address: McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary: The proposal does not meet the criteria in CTY 8 for a substantial and common frontage of 3 or more buildings in a row. The dog kennels to the south of the site do not have a frontage with the road. There are 2 dwellings to the north and no other buildings to the south; hence, there is not the 3 buildings to demonstrate a gap site.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DETI - Geological Survey (NI)	No Objection
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Rivers Agency	Advice

Representations:

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

Characteristics of the Site and Area

The site is in the countryside and is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is rural in character with agricultural fields, farm complexes and dispersed single dwellings. There is development pressure in this area as there are a number of single detached dwellings on both sides of this road and surrounding roads.

The application site is a cut-out of an agricultural field abutting the southern boundary of No. 11 Reenaderry Road. The field has a flat topography and a roadside frontage. To the

south of the site a portion of the field has been sectioned off into a number of dog run pens with a blockwork dog kennel in each. There is a hawthorn hedgerow along the roadside boundary of this field and a small wooden fence at the boundary with No. 11. There is a hedgerow along the rear northwest boundary of the field.

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Planning History

No recent planning history

Representations

The proposal was neighbour notified and advertised in the press and no representations have been received.

Planning Policy Consideration

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

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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.

Dungannon and South Tyrone Area Plan 2010

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

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.

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. As this is an application for a dwelling on an infill site CTY8 – Ribbon Development is the relevant policy, which will apply.

CTY 8 – Ribbon Development

The application site has a roadside frontage along a public road. Along this stretch of road at 50m north of the site is a dwelling at No. 9 and abutting the northern boundary is No.11.

Both dwellings have a roadside frontage along the road. As shown in Figure 1 below, abutting the southern boundary are dog kennels and a dog run. These are part of the agricultural field which is the proposed site and do not have a frontage to the public road. Whilst no CLUD has been submitted to demonstrate the lawfulness of these, ortho imagery does appear to indicate they existed for more than 5 years.



Figure 1

I am not content this is a gap site is within a substantial and continuously built up frontage, which includes a line of 3 or more buildings along a road frontage. Abutting the southern boundary of the site the field is divided into separate dog runs and each area has a kennel as shown in figure 2 below.



Figure 2



Figure 3

As shown in figure 3 above within each dog run there is a dog kennel, which is constructed in blockwork, and metal sheeting on the roof. Even though there are buildings south of the application site, they do not have a common frontage with the public road. In addition, there are no other buildings south of the site along this stretch of road, which would constitute 3 or more buildings in a row. Due to the small size of the dog kennels I am not satisfied they are building which can be effectively bookend development here.

There are varying plot frontages along this public road with 20m at No. 9 and 40m at No. 11. The application site has a roadside frontage of 30m and the remaining portion of field south of the site has a roadside frontage of 40m. I am satisfied the size, scale and plot size is acceptable in relation to the other frontages along this side of the public road.

There is a single storey dwelling at No. 11, a 2 storey dwelling at No. 9 and single storey dwellings further north of the site. Hence, I consider a one or two storey dwelling is acceptable on this site. As this is an outline application so design has been submitted and this is considered at the Reserved Matters Stage.

On balance, I do not consider the proposal is an infill site and will add to a ribbon of development.

CTY 13 – Integration and Design of Buildings in the Countryside

The proposed development must also comply with policies CTY 13 and 14, in that CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design.

The site has a roadside frontage onto the public road with a flat topography. The proposed dwelling is in a field south of a row of dwellings at No. 9 and No. 11. There are no dwellings in the immediate area south of the site along this stretch of road. The site is just after a bend in the road. Travelling in a southerly direction there are no long distance views of the application site due to existing trees and other vegetation. However, the trees are not within land, which is under the applicant's control. From a northerly direction, there are minimal long distance views of the site due to No. 9 and No. 11 blocking any direct views. I am content the proposal will not be a prominent feature in the landscape and there are only views of the proposed dwelling when directly at the site.



Figure 4 – Views travelling from southerly direction

There is established trees and vegetation along the rear boundary of the site and a wooden fence between the northern boundary and No. 11. There is a wooden fence along the roadside boundary. As this site is, a portion of an existing field new planting would be needed along the southern boundary and more planting along the northern boundary to protect the amenity of No. 11. I am content the proposal does not rely on new planting for integration.

The proposed access will be directly from the public road and I am content the proposal will integrate into the landscape. It is preferable that a new access runs alongside the boundaries of the site but this access will be for a short distance so I consider it is acceptable. A new garage is stated in the description but as this is an outline application, the design is considered at the Reserved Matters Stage. I am content a garage can be integrated at the site.

As this is an outline application the design of the dwelling is considered at the Reserved Matters Stage. I am content either a 1 or 2 storey dwelling can be integrated into the landscape as the dwelling will read with the dwellings at No. 9 and No. 11 in long distance views.

There are no existing buildings on the site to provide a backdrop but there are established trees along the north west boundary.

The case of dwelling on a farm is not applicable in this case.

CTY 14 – Rural Character

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. Again, I consider the proposed dwelling would appear not unduly prominent in the landscape. There are no long distance critical views in both directions due to other dwellings and vegetation blocking direct views.

I am content the proposed dwelling will not result in a suburban style build-up of development, as there already is development on this stretch of the public road. There are a number of single detached dwellings on both sides of the road and surrounding roads. There is a lot of development pressure in this area so I consider this dwelling will not exacerbate the situation.

I am content the proposal could accommodate a 1 or 2 storey and this will be considered at the Reserved Matters Stage.

I consider this dwelling is ribbon development as the dog kennels and dog runs to the south of the site do not have a common frontage with the public road as previously discussed in the assessment.

I am content the proposed access will not damage rural character.

Planning Policy Statement 3 – Access, Movement and Parking

A consultation was sent to DFI Roads for comments, in their response confirmed that they had no objections to the proposal subject to informatives and conditions.

Other considerations

There is flooding along the roadside boundary of the site but consultation with Rivers Agency confirmed the proposal lies adjacent to the flood plain. Therefore I have no concerns about flooding at the site.

The site immediately adjacent to Lough Neagh and Lough Beg Ramsar Site and consequently Shared Environmental Services were consulted. They responded stating due to the proximity to the Ramsar a Habitats Regulation Assessment is needed. As the proposal does not meet the policy in CTY 8 I do not consider it necessary to ask for one.

Geological Survey confirmed the site is not within the vicinity of any abandoned land mines.

The agent has confirmed there is no farming case under CTY 10 at the site and no dwelling at the site, which would be eligible for replacement.

I discussed concerns with the agent about the application and it was argued that similar cases to this one had been approved and LA09/2019/1054/O was mentioned. In this approval, to the south of the application site there is a shed constructed in corrugated metal. However, this shed is substantially larger than the dog kennels in this application, and there is an access and gravelled area to the roadside. I consider the frontage in LA09/2019/1054/O has a common frontage with the public road.

Neighbour Notification Checked Yes
Summary of Recommendation: The proposal is recommended for refusal as it is contrary to CTY 8 and CTY 14 in PPS 21.
Reasons for Refusal: <ol style="list-style-type: none"> 1. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development. 2. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character as a result of the creation of ribbon development.
Signature(s) Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0194/0	Target Date:
Proposal: Dwelling and Domestic Garage.	Location: 100m SW of 4 Moboy Road Pomeroy Dungannon BT70 2SG.
Applicant Name and Address: Dean McNally 4 Moboy Road Pomeroy Dungannon	Agent name and Address: CQ Architects 23 Dunamore Road Cookstown BT80 9NR
Summary of Issues: Following the deferral of the above application, the issues remain and refusal is recommended as previously.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located approximately 1.9km south east of the development limits of Gortacladdy, in which the site is located within the open countryside as per defined by the Cookstown Area Plan 2010. The site is identified as 100m SW of 4 Moboy Road, Pomeroy, in which the site is accessed via an existing agricultural access onto the Moboy Road. There are remnants of an old building within the field. Within the middle of the site is a mix of mature trees and hedging that also surround all boundaries of the larger agricultural field. The immediate area is defined by a mix of development inclusive of agricultural and residential with the wider being defined by predominately agricultural land uses with a scattering of residential properties.	

Description of Proposal

The applicant seeks outline planning approval for a dwelling and garage

Deferred Consideration:

This application was presented as a refusal to Planning Committee in August 2020 for the following reasons;

Refusal Reasons

1. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY 1 and CTY 10 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 dwelling is visually linked (or sited to cluster with an established group of buildings on the farm or that there have been health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

It was subsequently deferred for an office meeting with the Area Planning Manager and a meeting was held on 13/08/2020.

It was agreed the site would be re-visited to consider its siting, taking into account the existing vegetation and some old building remains, which potentially could be viewed as the location of a farm building.

At the time of the site visit on 11th Sept 2020, the remains of the buildings were difficult to see due to overgrown mature vegetation. The agent helpfully provided photographs after this date (from 5th Oct 2020) when the vegetation had been cut back in an attempt to uncover more of the building remains. These images are shown below;



However, although these are clearly the remnants of an old building on the site, the policy states under CTY10 that permission for a dwelling on a farm should be granted where 'the new building is visually linked or sited to cluster with an established group of buildings on the farm', and what does currently exist on the site could not be considered as such so therefore fails on part c of the criteria. This site would not be seen as clustering with an existing group of buildings on the farm.

A more suitable site on field 1 of the farm land, had been identified by the original case officer and I would be agreement this would be a better integrated and less prominent site, as well as being able to cluster with the existing farm building and therefore meeting the criteria it fails on with the current site.



Images of Field 1.

The agent has been offered this as an alternative but the applicant does not want to build here as he feels a new dwelling would impact on the residential amenity of the neighbouring dwelling and add to ribbon development. However I am of the opinion that a modest dwelling in the lower part of field 1 would meet all the criteria for CTY10 and ensure adequate separation from the existing dwelling. Any new dwelling within this field would front on to the laneway rather than Moboy Road so would not share a common frontage with the existing dwelling nor extend ribbon development.

The agent has failed to demonstrate sufficient reasons for the siting away from the farm grouping and so it fails under CTY10. As the proposal does not meet the policy requirements of PPS21, Refusal is being recommended for the reasons given below.

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

Refusal Reasons

1. The proposal is contrary to the SPPS ad Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY 1 and CTY 10 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 dwelling is visually linked (or sited to cluster with an established group of buildings on the farm or that there have been health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

Signature(s):**Date**

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0194/O	Target Date:
Proposal: Dwelling and Domestic Garage.	Location: 100m SW of 4 Moboy Road Pomeroy Dungannon BT70 2SG.
Referral Route: To Committee – Refusal – Contrary to CTY 1 and 10 of PPS 21.	
Recommendation:	
Applicant Name and Address: Dean McNally 4 Moboy Road Pomeroy Dungannon BT70 2SG	Agent Name and Address: CQ Architects 23 Dunamore Road Cookstown BT80 9NR
Executive Summary: Refusal	
Signature(s): Peter Henry	

*For committee
decision*



7 / 7 / 2020

Case Officer Report

Site Location Plan



Consultations:

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

Summary of Issues

To Committee - Refusal - Contrary to CTY 1 and CTY 10.

Characteristics of the Site and Area

The site is located approximately 1.9km south east of the development limits of Gortacladdy, in which the site is located within the open countryside as per defined by the Cookstown Area Plan 2010. The site is identified as 100m SW of 4 Moboy Road, Pomeroy, in which the site is accessed via an existing agricultural access onto the Moboy Road. I note that the red line covers a portion of a much larger agricultural field in that it appears to be the remnants of some sort of building in the middle of the site but the building is almost completely destroyed. Within the

middle of the site is a mix of mature trees and hedging that also surround all boundaries of the larger agricultural field. I note that the immediate area is defined by a mix of development inclusive of agricultural and residential with the wider being defined by predominately agricultural land uses with a scattering of residential properties.

Representations

Two neighbour notifications were sent out however no representations were received in connection with this application.

Description of Proposal

This is an outline application for a new dwelling and garage located 100m SW of 4 Moboy Road, Pomeroy.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 - Draft Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 - Dwellings on Farms

CTY 13 - Integration and Design of Buildings in the Countryside; and

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

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

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane. Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

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

With respect to (a) a consultation was sent to DAERA with regards to the Farm Business, in their response confirmed that the farm business identified in the P1C was established in 1991 and went to confirm that the farm business has made claims in the previous six years. I note that DAERA made reference that on the P1C the name of address of active farm business refers to a member in the Business ID quoted at Q1 (d)(i) and not the Named Head of the Business in Trading title. I note the agent confirmed that the applicant is a nephew of the registered farmer. In terms of this I am content that the business is established and active as per the guidance.

With respect to (b) and upon a history of the farm business, I am content that it does not appear that there were any development opportunities approved or sold off the farm in the previous 10 years.

With respect to (c), it is noted the registered farm address is located approximately 280m from the site and at this location it is clear that there is an established existing group of buildings on the farm. In comparison to that with the site I note that there are no buildings on the site, despite the fact there may have been a building at some time on this site but I am of the opinion that it is in such poor shape that it no longer constitutes as a building. From this I am of the opinion that any farm site should be situated beside the existing group at the registered farm address to be able to cluster or visually link with these buildings. Upon review of the farm maps it is clear that lands (fields 1,3,6 and 4) are owned around these buildings which would comply with this part of the policy. I note that the agent has provided a response to these concerns, however I first note that none of such have been in regards to health and safety.

In the agent's response, the main argument is that the policy describes a situation in which permission will be granted, however it is silent on those situations where a particular criterion cannot be met, and there is no direction or, suggestion, that in such situations the proposal should be refused. The agent noted that it would appear that there is some flexibility in those situations where one or more of the criteria cannot be met. This argument derives from the failure of the proposed site to be able to visually link or cluster with buildings on the farm and that a site beside the farm group would fail the requirements of CTY 13,14 and 16. The agent in their design and access statement tried to rule out the fields around the farm holding as unsuitable; in which they have stated that a dwelling within fields 1 and 3 would add to an existing ribbon of development and subsequently would fail under CTY 8 but also fail CTY 14 as it would undermine the rural character. In addition, it is noted that a dwelling within field 1 would require filling and in doing so would result in the dwelling becoming a prominent feature in the landscape and would fail CTY 13 and 14. With regards to field 6, would undermine the residential amenity of the neighbouring property.

I acknowledge the comments made by the agent, but after further consideration of the lands around the farm holding and after another site visit I am of the opinion that the site should still be located in the lands around the farm holding. I am of the opinion that a dwelling should be located within the front portion of field 1 along the existing laneway of 4 Moboy Road. Reasoning for such, is firstly, the dwelling would comply with all the relevant criteria under CTY 10. In addition, I hold the opinion that a dwelling in this field would be able to visually integrate into the landscape, given the site sits on lower ground than that of No. 04 that an appropriately sized dwelling would not be overly prominent. In addition, I hold the opinion that the dwelling would read as part of the farm holding when viewed from further afield such as from the Cavanoneill Road, where the existing dwelling and farm buildings would act as a backdrop when travelling along the Moboy Road aiding integration. With regards to the opinion that field 1 would fail under CTY 8 in that it would extend a ribbon of development, I note that any dwelling with this field would front directly onto the private laneway and not the Moboy Road therefore it would not share a common frontage as perceived by the agent. From this, I am of the opinion that the

agent has failed to demonstrate sufficient reasons for the siting away from the farm and fails under CTY 10. To date the agent has tried to provide justification as to why the proposed site still complies under this policy however whilst I acknowledge this, I am of the opinion that this is not sufficient to change my opinion over the siting and I must recommend refusal.

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 an outline application in which the exact design and siting details have not been submitted, however I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. As much of the existing landscaping should be retained as much as possible however given the nature of the red line new landscaping will be required along new boundaries, therefore a landscaping plan will be necessary in any reserved matters application. Due to the surrounding landform and surrounding development existing and proposed I feel it necessary to restrict any dwelling on the site to have a ridge height of no more than 6.0m above the finish floor. 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 the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. I am content that a dwelling in this location is unlikely to lead to further development through infilling. From all of this it has been agreed that the application is able to comply with CTY 14 on balance.

The Mid Ulster District Council Local 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 September 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.

I have no flooding, ecological or residential amenity concerns.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and, in their response, does not offer an objection to the conditions as per the attached RS1 form being complied with at the Reserved Matters stage. From this, I am content that a safe access could be provided if all conditions are complied with.

I have no ecological or residential amenity concerns.

As the application has failed under CTY 10 I must recommend refusal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

2. The proposal is contrary to Policies CTY 1 and CTY 10 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 dwelling is visually linked (or sited to cluster with an established group of buildings on the farm or that there have been health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

Signature(s)

Date:

ANNEX	
Date Valid	13th February 2020
Date First Advertised	25th February 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 20 Cavanoneill Road Pomeroy Tyrone The Owner/Occupier, 4 Moboy Road Pomeroy Tyrone	
Date of Last Neighbour Notification	20th February 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0194/O Proposal: Dwelling and Domestic Garage. Address: 100m SW of 4 Moboy Road, Pomeroy, Dungannon, BT70 2SG., Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Block/Site Survey Plans Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0484/O	Target Date:
Proposal: Proposed offsite replacement dwelling garage	Location: Approximately 60m North East of 18 Ballynakilly Road Cookstown County Tyrone BT80 9BX
Applicant Name and Address: Seamus Nugent 5 Rockdale Close Dungannon BT70 3PX	Agent Name and Address: Trevor Hutton T/A T4 Architects 169 Coagh Road Stewartstown Dungannon BT71 5LW
Summary of Issues: The proposal is for a replacement dwelling and garage which will be located off site in the adjacent field. The applicant has stated the dwelling will be off-site to provide a distance from the poultry sheds across the road and not create an unacceptable impact on their amenity. An objection has been raised by an adjoining property that the proposed dwelling would affect the enjoyment of their property and that development is not in accordance with the design guide and there is a better location on the applicants land.	
Summary of Consultee Responses: DFI Roads – access to be in accordance with RS1 form Environmental Health Department – advise the site is close to a poultry farm where there may be odours	

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Cookstown Area Plan 2010. The surrounding area is rural in character and is characterised by agricultural fields, farm complexes and detached dwellings on single plots. There is minimal development pressure in this immediate area for the construction of single dwellings in relation to other rural areas within Cookstown. Abutting the southern boundary of the application site is a large 2-storey dwelling, No. 18 Ballynakilly Road. The access road to No. 18 runs along the southern boundary of the site. Across the public road and to the east of the site is an agricultural shed and 3 no. poultry houses.

The application site is a large irregular shaped plot, which comprises of portions of 2 agricultural land and is 1.7 hectares in size. At the north of the site are the remains of a derelict building which has no roof on it and the stonework is up to the top of the window level with both gables up to the peaks. The building has a direct frontage onto the Ballynakilly Road with its own access and curtilage. To the south of the buildings is an agricultural field where the topography slopes downwards from the public road towards the northeast boundary. There is 2m high-established hedgerows along the roadside and southern boundary with No. 18. Along the northeast boundary of this field are a row of established trees and there is a row of trees through the middle of the field. To the north, the site includes a cut-out of another agricultural field and the topography slopes downwards from the row of trees to the north east boundary of the application site. There are established trees along the southern boundary with No. 18.

Description of Proposal

This is an outline application for an off-site replacement dwelling and garage 60m north east of No. 18 Ballynakilly Road, Cookstown.

Deferred Consideration:

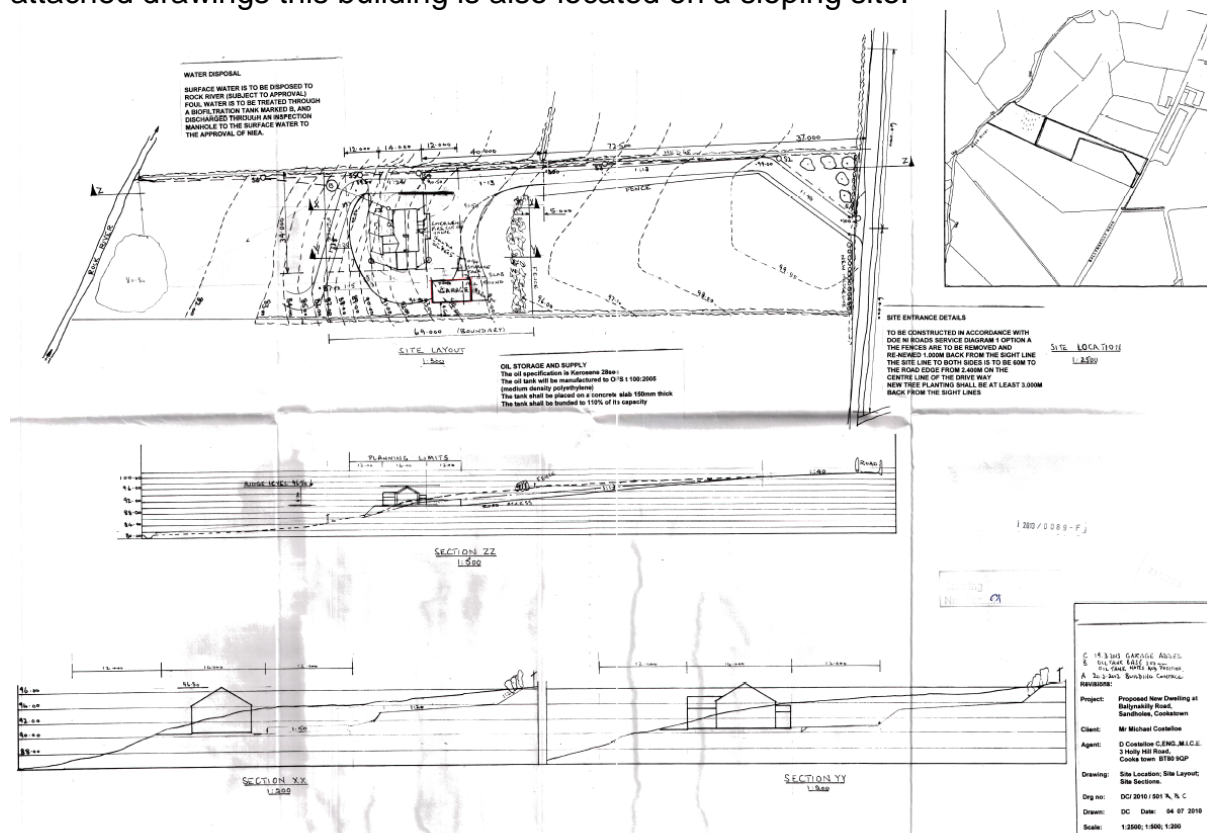
This application was before the Planning Committee in October 2020 with a recommendation to approve, it was deferred to allow further consideration of the siting and the access for the proposed dwelling.

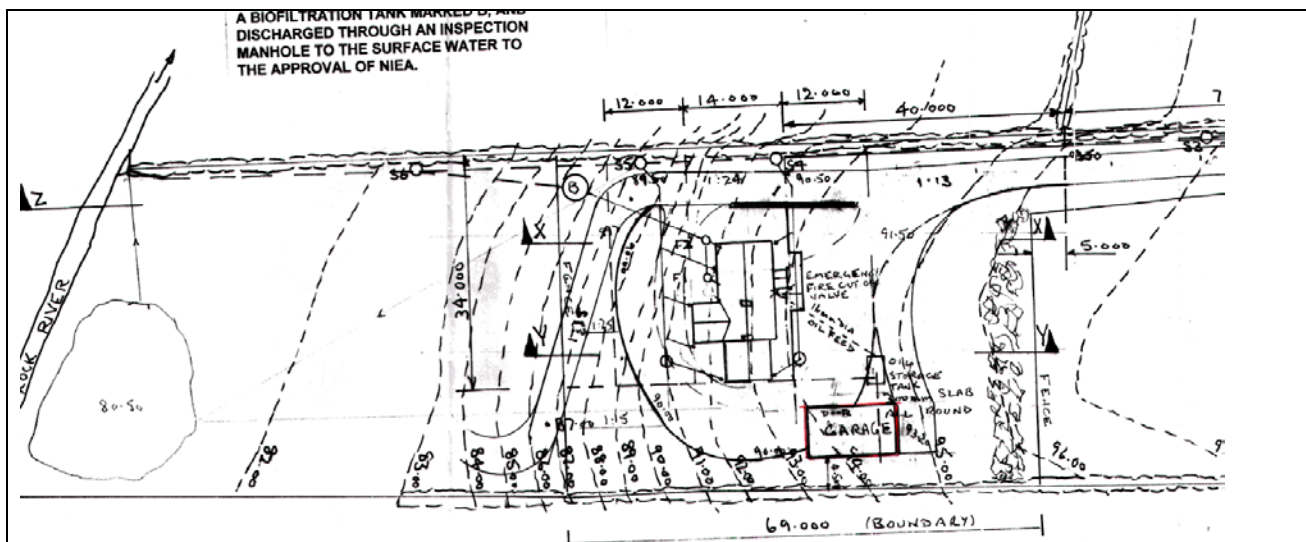
Further correspondence was received on behalf of the neighbouring property and explains they are concerned a new house in the position shown will harm their privacy and the sense of separation/isolation they currently enjoy. It recognises the desire to site away from the poultry houses and offers alternative sites to the north that will not impact them and is, in their opinion a better site in terms of selection criteria. It is stated the proposed site is steeply sloping and at odds with building on tradition guidance and there is no local culture of choosing steeply sloping sites.

It is noted on the opposite side of the local valley there is a farm building which is located on a sloping site and is typical of how development is carried out in this drumlin landscape.

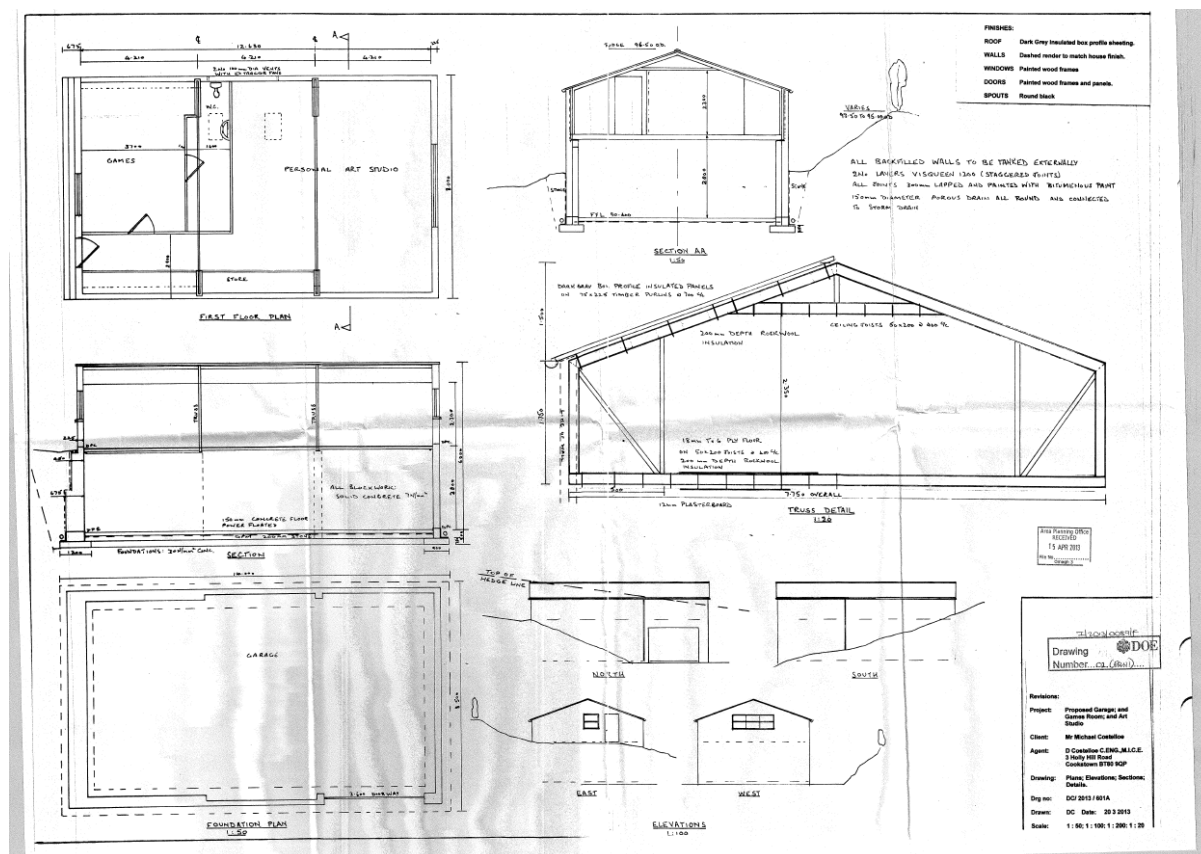


The objector obtained planning permission for a 2 storey domestic garage, with first floor games room and personal art studio under ref I/2013/0089/F. As can be seen from the attached drawings this building is also located on a sloping site.





Zoomed view of neighbouring site, note contours that indicate the steepness.



The applicants were asked to consider an amended siting away from the south west boundary of the site. They have advised they do not intend to cause distress to the objector through this proposal, however they are of the opinion that the proposal is not detrimental to their privacy or the enjoyment of their amenity. They reiterate the siting was chosen as it is the optimum location to limit the risk of noise, odours and air emissions for health and safety reasons from the poultry units. It is recognised this is an outline application and therefore does not involve full design drawings. They intend to retain and augment a substantial tree lined hedge between No18

and the Proposed Site. The sloping site will be utilised to provide Upper and Lower Ground Floors this results in a similar effect to a single storey dwelling being located here. And will not impose on the neighbouring property. It is proposed to position a garage between the proposed dwelling and the adjoining site also providing a buffer. MUDC Planning and the council at Reserved Matters Stage has authority to ensure the design fulfils policy and in particular privacy concerns of the objector.

As already discussed in the previous report, a dwelling on the site will be visible from the north, as indicated by the objectors, however I do not consider it will be prominent as it is approx. 480metres from the viewpoint and will have mature trees as a backdrop. I consider a dwelling here would satisfactorily integrate and this can be seen below.



View from Rockdale Road approx 480metres from the site



Zoomed View

Access to the proposed site will follow an existing mature tree lined boundary and as such I consider this is appropriate and a condition may be attached requiring landscaping along the new boundary of the lane.

In consideration of the impact on the amenity of the neighbouring property, members are asked to note:

- the neighbouring property is approx. 16m from the boundary with the application site and the applicant has indicated any new dwelling will be approx. 45m from the existing and will have a garage building between them, though this is subject to reserved matters determination
- there is a hedge line between the 2 properties, as can be seen below, it is not so dense as to screen views between the 2 properties, though it may be augmented to prevent views between the sites and address overlooking and this can be conditioned and agreed at RM stage



- the objectors are located in a very secluded area, their dwelling is approx. 150m from the public road and the nearest neighbour is approx. 300m to the north with properties on the opposite side of the road approx. 350 m to the south. This is a very fortunate position and there will be noise from the proposed dwelling as well as an awareness of it. That said, members must consider the planning policy in CTY3 which allows an off site replacement dwelling '*where it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits*'.

In this case it is accepted there is a building which meets the replacement criteria and is it is located close to poultry houses. There is an amenity benefit to the applicant to move away from the poultry houses, a dwelling could be well integrated as could its access lane which will position it away from public views. The access is along a mature treelined boundary and DFI Roads have not raised any concerns about the safety of the access.

I have sympathy for the neighbour as they will perceive loss of the enjoyment of their property, however I do not consider a dwelling here is likely to generate more noise or disturbance than any other private dwelling in the countryside would have such a

detrimental impact on their amenity as to warrant refusing planning permission. My recommendation is therefore that it is approved.

Conditions:

1. Application for the approval of 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 the 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 (herein thereafter called the "Reserved Matters", shall be obtained from Mid Ulster Council in writing before any development is commenced.

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

3. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 60m in both directions 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. The proposed dwelling shall have a ridge height of no greater than 8 metres above finished floor level.

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

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

Reason: In the interest of visual amenity.

6. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public and in which case a full explanation shall be submitted to Mid Ulster District Council.

Reason: To ensure the development integrates into the countryside.

7. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved at the Reserved Matters Stage. No trees or hedgerows which may be damaged or die within a period of 5 years from the date of the planting shall be replaced by plants of similar species and size at the time of their removal.

Reason: In the interests of visual amenity.

8. The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved plan 01 date stamped 16 APR 2020 is demolished, all rubble and foundations have been removed (and the site restored in accordance with a scheme to be submitted to the Council and approved in writing / in accordance with the details on the approved plans.)

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

9. The proposed dwelling and garage, excluding the access shall be sited in the area indicated green on the approved plan 01 date stamped 16 APR 2020.

Reason: To ensure the development is integrated into the landscape.

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

Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0484/O	Target Date:
Proposal: Proposed offsite replacement dwelling garage	Location: Approximately 60m North East of 18 Ballynakilly Road Cookstown County Tyrone BT80 9BX
Referral Route: Objection from a third party.	
Recommendation:	Approval
Applicant Name and Address: Seamus Nugent 5 Rockdale Close Dungannon BT70 3PX	Agent Name and Address: Trevor Hutton T/A T4 Architects 169 Coagh Road Stewartstown Dungannon BT71 5LW
Executive Summary: The proposal is for a replacement dwelling and garage which will be located off site in the adjacent field. The applicant has stated the dwelling will be off-site to provide a distance from the poultry sheds across the road and not create an unacceptable impact on their amenity.	
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	Advice

Representations:

Letters of Support	None Received
Letters of Objection	1 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 Cookstown Area Plan 2010. The surrounding area is rural in character and is characterised by agricultural fields, farm complexes and detached dwellings on single plots. There is minimal development pressure in this immediate area for the construction of single dwellings in relation to other rural areas within Cookstown. Abutting the southern boundary of the application site is a large 2-storey dwelling, No. 18 Ballynakilly Road. The access road to No. 18 runs along the southern boundary of the site. Across the public road and to the east of the site is an agricultural shed and 3 no. poultry houses.

The application site is a large irregular shaped plot, which comprises of portions of 2 agricultural land and is 1.7 hectares in size. At the north of the site are the remains of a derelict building which has no roof on it and the stonework is up to the top of the window

level with both gables up to the peaks. The building has a direct frontage onto the Ballynakilly Road with its own access and curtilage. To the south of the buildings is an agricultural field where the topography slopes downwards from the public road towards the northeast boundary. There is 2m high-established hedgerows along the roadside and southern boundary with No. 18. Along the northeast boundary of this field are a row of established trees and there is a row of trees through the middle of the field. To the north, the site includes a cut-out of another agricultural field and the topography slopes downwards from the row of trees to the north east boundary of the application site. There are established trees along the southern boundary with No. 18.

Description of Proposal

This is an outline application for an off-site replacement dwelling and garage 60m north east of No. 18 Ballynakilly Road, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Planning History

I/2013/0089/F - Two-storey domestic garage with first floor games room and personal art studio (amended proposal) - Ballynakilly Road, Sandholes, Cookstown – Permission Granted 20th May 2013.

I/2010/0070/F - Single dwelling house - 375m SW of 24 Ballynakilly Road, Cookstown, Townland: Ballynakilly – Permission Granted 26th January 2011.

The above approvals relate to the dwelling immediately south of the application site at No. 18 Ballynakilly Road.

Planning Policy Consideration

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

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at **10am on the 25th March** and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at **5pm on 24th September 2020**.

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

Cookstown Area Plan 2010

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

SPPS – Strategic Planning Policy Statement for Northern Ireland:

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

Planning Policy Statement 21 – Sustainable Development in the Countryside CTY 3 – Replacement Dwellings

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance, the application is for a replacement dwelling and as a result, it must be considered under CTY 3 of PPS 21.

The building to be replaced is single storey and has a long rectangular shape. There is no roof on the building however, both gables are up to the ridgeline and it is obvious this was a single storey building. The gables are substantially intact and the side walls are up to nearly the head level of the windows. I am satisfied that the external walls are substantially intact as shown in figures 1 to 6 below. . There is a space to the front of the building where the doorway would have been and there are window openings on both sides of the building. Inside there are the remains of a chimney at the southern end of the building. I am satisfied this and the window fenestration would suggest this building was a dwelling. Therefore, I am content the building meets the criteria to be considered for replacement.



Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6

I consider the dwelling is a non-listed vernacular building as it has a long rectangular form and the depth of the house is less than 6m. There is small opening for a door on the front elevation and the windows are primarily on the front and back walls. There are critical views of the building on both directions along this stretch of the Ballynakilly Road but as the building is already half derelict I am content it is not reasonably capable of being made structurally sound and does not make a significant contribution to the character or heritage of the area. Therefore, I do not consider it is necessary to be retained.

The proposed replacement dwelling and garage is not sited within the defined curtilage of the existing dwelling. There are 3 poultry sheds approximately 18m south and across the road from the dwelling to be replaced. When I completed my site visit, I was aware there is a strong odour from these buildings and if the replacement dwelling was sited on the footprint of the dwelling to be replaced there is potential for odour issues. The applicant has proposed to site the replacement dwelling 120m across the road and west of the poultry houses. The proposed location is sufficient distance from the poultry houses for there not to be issues with odour from the buildings. I consulted Environmental Health and in their consultation response dated 4th August 2020 they noted the poultry houses may give rise to offensive conditions and a resulting impact upon the amenity enjoyed by the proposed development due to odour.

The existing curtilage of the dwelling to be replaced is also restricted and would not accommodate a modern family sized dwelling with access and amenity space. So some form of extension of curtilage or off-site replacement is needed at the site. The proposed replacement dwelling and garage is sited along the same building line as No. 18 and there is a row of established trees that will block any direct views along the Ballynakilly Road in both directions.

The agent submitted a supporting statement dated 15th July 2020 to demonstrate the case for siting the proposed dwelling 120m away from the poultry houses and existing building. The agent states if the proposed dwelling was sited on the footprint of the existing dwelling it is 18m from 5 poultry houses which are in total just over 6750m² in floorspace. Although 2 of these sheds are set back from the public road in a southeast direction. It is stated that the proposed dwelling is sited 100-150m away from the poultry houses for amenity benefits. There are a number of odours and emissions from the poultry houses such as ammonia and hydrogen sulphide. In addition, the agent states there is a prevailing wind and the proposed site of the dwelling is as close to the 'upwind' of the poultry farm as possible. I accept the reasoning why the proposed dwelling has been sited off site for amenity benefits.

In the supporting statement, it is claimed there is also landscape benefits to siting the proposed dwelling in the corner of the field northeast of No. 18 Ballynakilly Road. The dwelling is sited behind a row of mature trees, which will be retained as shown in figure 3 below. There are no critical views of the site in both directions along Ballynakilly Road. Along the Rockdale Road, there are long distance views of the proposed dwelling cut into the hill but the dwelling will only be visible when directly in front of the site. In addition, the dwelling is visible in long distance views from 3 fields back from the Rockdale Road.



Figure 7 – view of the site from the Ballynakilly road and dwelling sited behind row of trees

On balance, I am satisfied there are landscape and amenity benefits to siting the dwelling in the proposed location.

As this is an outline application, no floor plans or designs have been submitted. At the location of the proposed replacement dwelling and garage, the topography of the site falls away from the row of established trees along the southeast boundary. At the trees, the existing level is 89m and towards the northern boundary, the existing level is 81.5 that is a drop of nearly 8m. On drawing 03 date stamped 16 APR 2020, a section is shown through the site with a dwelling of a ridge height of 8m. I am content a 2-storey dwelling could be accommodated at the site without being a prominent feature in the landscape. Even-though the dwelling to be replaced is a single storey dwelling and the proposed dwelling is 2-storey I am satisfied this is acceptable. There is already a large 2-storey dwelling at No. 18 and as there are minimal critical views I am content the dwelling will not be prominent.

A new access runs through the middle of an agricultural field and runs along a row of established trees, which are within the applicant's control. It is a long access lane to the site but No. 18 has an access with a similar distance so I do not consider it will detract from the character of the surrounding area.

Overall, I am content the proposal complies with all the listed criteria in CTY 3.

CTY 13 – Integration and Design of Buildings in the Countryside

The proposed dwelling and garage is set back from Ballynakilly Road by approximately 100m. The topography of the site slopes downwards from the public road towards the row of established trees along the southeast boundary of the siting of the dwelling. There are no critical views of the dwelling and garage in both directions along Ballynakilly Road as shown in figure 9. Along Rockdale Road, the dwelling will be visible in long distance views but only when in front of the site as shown in figure 8 below.

Figure 8 – long distance views from the Rockdale Road

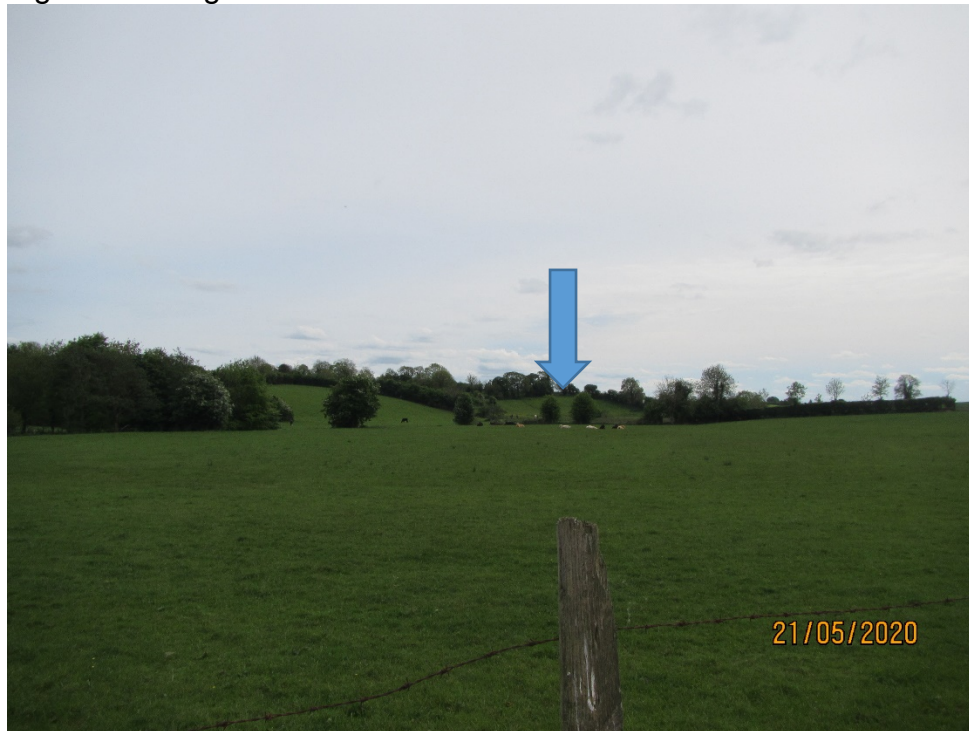




Figure 9 – view from the entrance of No. 18 along Ballynakilly Road

There is a row of established trees along the southeast boundary of the site which will be retained as shown on drawing No 01 date stamped 16 APR 20. There is also a hedgerow between the boundary with the site and No. 18. There are no other natural boundaries at the site as it is a portion of an agricultural field. I would recommend more landscaping along the remaining boundaries to assist with integration and protect neighbour amenity.

As discussed previously in the assessment of CTY 3 I consider a 2-storey dwelling can be accommodated at the site.

CTY 14 – Rural Character

I am content the proposal will not be a prominent feature in the landscape as there are will be no views along the Ballynakilly road and only long distance views from Rockdale Road. I am content a 2-storey dwelling can be accommodated at the site. It will not add or create a ribbon of development. A new access is proposed but I consider it will not damage rural character.

Planning Policy Statement 3 – Access, Movement and Parking

A new access is proposed through the middle of the site and DFI Roads were consulted and had no issues subject to visibility splays of 2.4m x 60m. The applicant can achieve this as the land is within their control. There is a row of established trees along the northern

boundary of the access lane that I will be retained and will assist in integration of the new access lane.

Representations

The proposal was advertised and neighbour notified and at the time of writing 1 representation has been received.

An objection letter was received from the neighbouring property to the site of the proposed dwelling at No. 18 Ballynakilly Road. The letter was received on 2nd July 2020 and the letter was submitted by an agent on their behalf.

The objector stated the proposal is contrary to the SPPS, CTY 3 and CTY 13 of PPS 21 and there is no justification for the proposed off-site location. As stated in the assessment I am content the existing building has external walls that are substantially complete and has the features of a dwelling. I consider there is an acceptable case for siting the dwelling off-site to mitigate against unacceptable odour from the poultry houses.

The objector also raised issues about the impact of the ground works and the visual impact of the proposed dwelling and driveway. The critical views from the Rockdale Road are long distance and there are minimal views from the Ballynakilly Road. The proposed laneway will run alongside an existing row of trees within the applicant's control.

The proposal will involve some cutting and infilling into the slope but this is mitigated against by existing trees and there are only long distance views of the dwelling. In discussions it had been proposed to site the dwelling in the field where the access will run but the topography of the field slopes downwards and will still involve cutting and filling in the landscape.

Finally, the objector raised issue with the increase in curtilage size. I acknowledge the curtilage will be increased from the existing site but the dwelling at No.18 has a similar curtilage so this proposal will not be out of character for the area.

Other Considerations

I am content there are no NED, HED or flooding issues at the site.

Neighbour Notification Checked	Yes
---------------------------------------	------------

Summary of Recommendation:

The proposal is recommended for approval as it complies with policies CTY 3, CTY 13 and CTY 14 in Planning Policy Statement 21.

Conditions

1. Application for the approval of 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 the 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 (herein thereafter called the “Reserved Matters”, shall be obtained from Mid Ulster Council in writing before any development is commenced.

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

3. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 60m in both directions 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. The proposed dwelling shall have a ridge height of no greater than 8 metres above finished floor level.

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

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

Reason: In the interest of visual amenity.

6. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public and in which case a full explanation shall be submitted to Mid Ulster District Council.

Reason: To ensure the development integrates into the countryside.

7. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved at the Reserved Matters Stage. No trees or hedgerows which may be damaged or die within a period of 5 years from the date of the planting shall be replaced by plants of similar species and size at the time of their removal.

Reason: In the interests of visual amenity.

8. The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved plan 01 date stamped 16 APR 2020 is demolished, all rubble and foundations have been removed (and the site restored in accordance with a scheme to be submitted to the Council and approved in writing / in accordance with the details on the approved plans.)

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

9. The proposed dwelling and garage, excluding the access shall be sited in the area indicated green on the approved plan 01 date stamped 16 APR 2020.

Reason: To ensure the development is integrated into the landscape.

Informatives

1. This permission does not alter or extinguish or affect any existing right of way crossing.
2. This permission does not confer title. It is the responsibility of the developer to ensure he controls all the land necessary to carry out the proposed development.
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. The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.
7. Planning department receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same.

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0499/0	Target Date:
Proposal: Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	Location: Approx 51m South East of No 86 Iniscarn Road Keenaght
Applicant Name and Address: Emmet O'Hagan 86 Iniscarn Road Keenaght Desertmartin	Agent name and Address: CMI Planners 38b Airfield Road Toomebridge BT41 3SQ
Summary of Issues: This proposal had failed to comply with CTY 1 and CTY8 of PPS 21 in that it had not met all criteria for an infill opportunity. Following a deferral and re-assessment of the proposal, refusal is being recommended.	
Summary of Consultee Responses: No objections.	
Characteristics of the Site and Area: The site is located approximately 3km west of the settlement of Desertmartin, in the countryside as defined by Magherafelt Area Plan (MAP) and within the AONB. The site fronts onto the Iniscarn Road and is served by what appears to be an agricultural access but which was closed on the day of my visit and which is not proposed to be used for the proposal. The site is an agricultural field, located on the inside of a gentle bend in the road. Immediately north of the site, there is a 2 bay shed which appears to be in use for car repair, given the prevalence of car tyres lying around the shed during my visit. Immediately	

north of the shed there is a bungalow which is no. 86 Iniscarn Road. To the south, of the site there is a river and small glen which is heavily treed. The land rises upwards from this river to another residential dwelling which is sited on a larger plot than no. 86 and is no. 82 Iniscarn Road.

The area is rural in nature with a considerable presence of residential dwellings. The existence of a grade B listed building (church) as well as the heavily treed nature of the small glen, part of which is included in the eastern portion of the site, add a considerable degree of character to the area.



Description of Proposal

Proposed site for an outline dwelling and garage

Deferred Consideration:

This application was presented to Planning Committee as a refusal for the following two reasons ;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, that the proposal does not represent the development of a small gap sufficient only to accommodate a maximum of two houses and would, if permitted, result in the creation/addition of ribbon development along Cookstown Road and will also adversely impacting on the rural character of this area of countryside.

The application was subsequently deferred for an office meeting which was held with the Area Planning Manager on 10th September 2020.

Following a site visit on 16th October 2020 , I would be in agreement the proposal does not fully meet the criteria for an infill under CTY8, as the shed relied on does not have road frontage, which is required to be part of the continuously and substantially built up frontage. The shed clearly has its own curtilage and the field in front separates it from the Iniscarn Road preventing any road frontage.

At the deferred meeting the agent put forward the argument of CTY2a – New dwellings in Existing Clusters, stating here is a Church directly opposite the site, which could serve as a focal point.

Aerial photos were submitted by the agent to show the mature vegetation at the site and to show the relationship between the existing buildings, include the Church, and how they could be viewed as a cluster of development.



However this is only one criteria of 6 under the policy CTY2a. The policy states permission will only be granted at an existing cluster of development provided **all** the following criteria are met.

The cluster should lie outside of a farm and consist of four or more buildings, of which at least 3 are dwellings. In this case it is outside a farm, however there are only 2 dwellings which could be included.

The cluster should appear as a visual entity in the local landscape. As stated in the first point I do not feel there is a 'cluster' of development which can be relied on.

The cluster should be associated with a focal point. There is a church on the opposite side of the road as shown in the images above.

The site should provide a suitable degree of enclosure and is bounded on two sides with other develop in the cluster. It is not bounded on at least two sides with development in the cluster.

The development of the site can be absorbed into the existing cluster through rounded off and consolidation and will not significantly alter the existing character or visually intrude into the open countryside. As previously stated there is no acceptance of a cluster, however a carefully designed low storey dwelling with any vegetation removal required for infilling or splays to be replanted and augmented, would not significantly alter the character of the area here.

The development would not adversely impact on residential amenity.

Neither the criteria of CTY8 nor CTY2a are fully met with this site, so it fails under both policies.

HED (Historical buildings) requested further information in order to consider the impact of the proposal on the existing St. Patricks RC Church (Grade B). They require indication of the scale, massing and position of the dwelling, sections to show it in context with the Church and a landscape proposal showing how existing views from the Church and its setting will be maintained. It is because the Church has special architectural and historic interest and is protected by section 80 of the Planning Act (NI) 2011.

Although this is only outline stage these details would usually be requested for HED to make a substantive response, but were not asked for in this case as it was being recommended for a refusal.

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.

A refusal is therefore recommended for the reasons given below.

Refusal reasons:

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

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent the development of a small gap sufficient only to accommodate a maximum of two houses and would, if permitted, result in the creation/addition of ribbon development along Cookstown Road and will also adversely impacting on the rural character of this area of countryside.
3. The proposal is contrary to Policy CT2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that at the site, there is no cluster of development, the cluster therefore does not appear as a visual entity in the landscape, the site is not bound on two sides with other development in the cluster, and it cannot be absorbed into the existing cluster.
4. The proposal is contrary to SPPS and PPS6, in that insufficient information has been provided to demonstrate that the proposal does not have a detrimental impact on listed building (Grade B) St. Patricks RC Church on Iniscarn Road.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 st September 2020	Item Number:
Application ID: LA09/2020/0499/O	Target Date: 6th August 2020
Proposal: Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	Location: Approx 51m South East of No 86 Iniscarn Road Keenaght Desertmartin BT45 5NJ
Referral Route: Refusal	
Recommendation: Refusal	
Applicant Name and Address: Emmet O'Hagan 86 Iniscarn Road Keenaght Desertmartin BT45 5NJ	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

For committee consideration

19/8/2020

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Statutory	Rivers Agency	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 issues raised by any third parties.

More information required from NIEA regarding impact on listed building immediately to the east.

Characteristics of the Site and Area

The site is located approximately 3km South East of Draperstown along the Iniscarn Road.

The site is slightly elevated above the Iniscarn Road, which dips into a bend at this point. Immediately north of the site is a small bungalow, no 86 Iniscarn Road and immediately west of the site is a shed, which is within the curtilage of no 86 Iniscarn Road and is separated from the site by a D-Rail Fence. The shed appears to be used for some sort of car repair, given its larger scale and the prevalence of car tyres/wheels lying in close proximity. The site can be accessed via an access, which is already in place from the Iniscarn Road, or via no 86 Iniscarn Road.

Immediately south of the site is a well-treed gorge with a small stream. Beyond this is no 82 Iniscarn Road, which is a larger bungalow, elevated above the road and accessed via a sweeping uphill driveway.

Directly opposite the site is the old St. Patricks RC church, which is a grade B listed building.

The area is undulating landscape with rolling hills rising towards Slieve Gallion to the west. There are a considerable amount of single dwellings along this stretch of Iniscarn road, some of which have associated farmyards/farm buildings. The character of the area is predominantly rural in nature.

Description of Proposal

The proposal is for an infill dwelling and domestic garage based on CTY 8.

Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21 Sustainable Development in the Countryside
- CTY1 (PPS21) - Development in the Countryside
- CTY 8 (PPS 21) - Ribbon Development
- CTY 13 (PPS 21) - Integration and Design of Buildings in the Countryside
- CTY 14 (PPS 21) - Rural Character
- PPS15 – Planning and Flood Risk
- PPS 2 – Natural Heritage – NH 6 Areas of Outstanding Natural Beauty
- PPS 6 – Archaeology and the Built Heritage - BH 11 - Development affecting the setting of a Listed Building
- PPS 3 - Access, Movement and Parking
- MUDC Local Development Plan 2030 draft Plan Strategy

Magherafelt Area Plan 2015 (MAP)

The site is located in the countryside and should be assessed as such.

The site is also located within the AONB and therefore PPS 2 – NH6 should be considered in relation to this proposal.

SPPS

The SPPS provides a regional framework of planning policy that will be taken into account in the preparation of the MUDC draft Plan Strategy document (DPS). The DPS has not been adopted and therefore the transitional arrangements in the SPPS will apply. These transitional arrangements require the Council to take account of the SPPS and existing planning policy documents with the exception of PPS1, PPS5 and PPS9. Section 6.73 of the SPPS relates to development in the countryside and makes provision for a new dwelling in a small gap site in a substantial and continually built up frontage. Section 6.77 states that development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety.

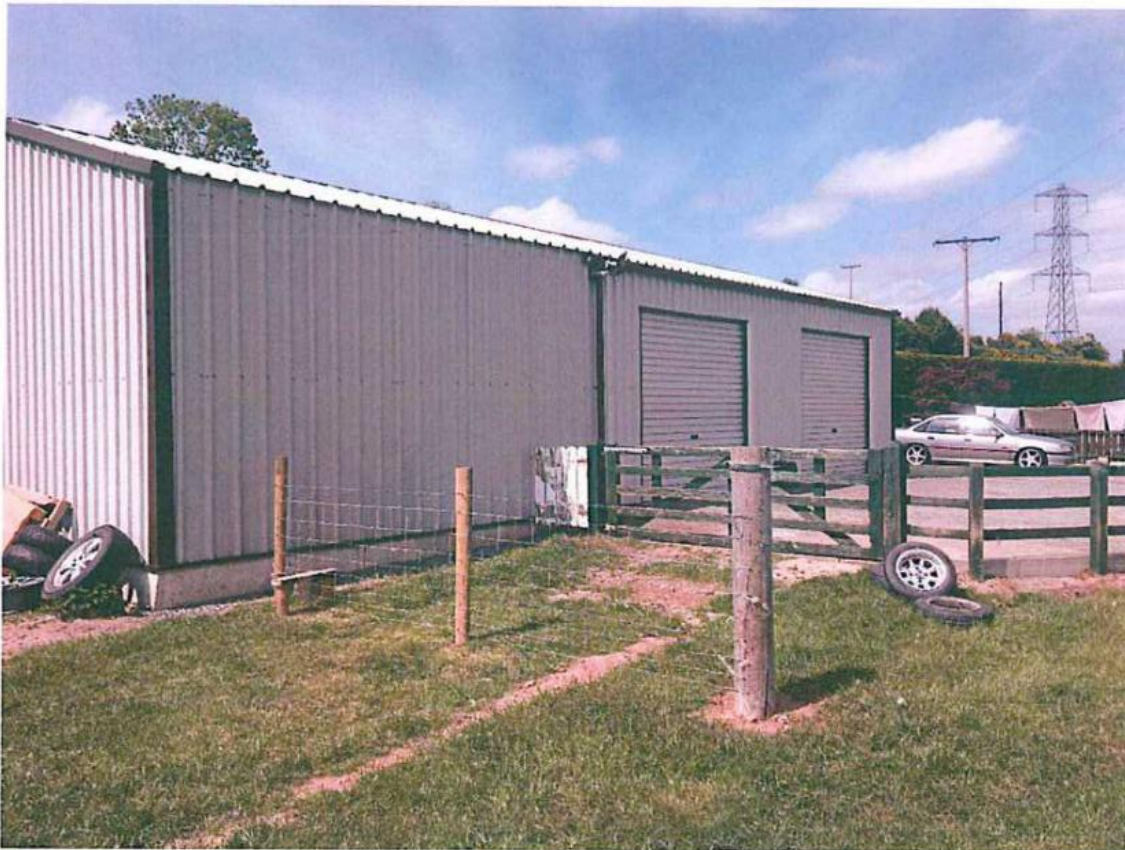
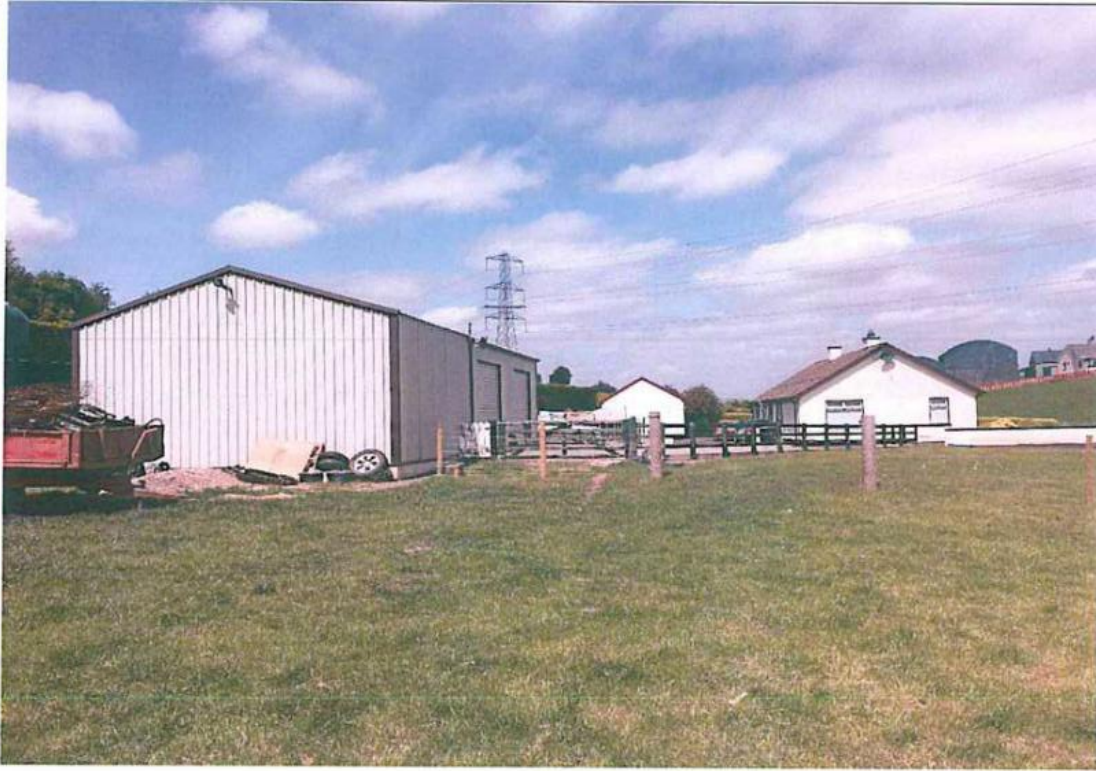
PPS 21 – Sustainable Development in the Countryside

CTY 1 of PPS 21 sets out which types of development will be acceptable in the countryside and under which policy they should be considered. In this scenario, the application is for an infill dwelling and therefore must be assessed under CTY 8.

CTY 8 states that planning permission will be refused for a building which adds or creates to a ribbon development. An exception will be made however for the development of a small gap site sufficient to accommodate a maximum of 2 dwellings within a substantial and continuously built up frontage, providing this respects the 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 is defined as a line of three or more buildings along a road frontage without accompanying development to the rear.

To the immediate north of the site there are two buildings in the form of 86 Iniscarn Road and the aforementioned large 2 bay shed. It is my view that this shed may well be used for some form of car repair and is not exclusively a domestic shed. However, regardless of use it is still a substantial building. The shed does not benefit from any planning permission but I have reviewed aerial photography of the site and it appears to have been in existence as far back as December 2014, which would make it lawful.

However, the shed does not have a road frontage. The shed and the hardstanding surrounding it are bounded by a D-Rail Fence and then immediately beyond this fence is a portion of the field that includes the site proposed for the dwelling. It is therefore not possible to claim that the shed is situated "along a road frontage" in accordance with CTY 8. The following images illustrate how the shed in question is located behind a separate fence which defines its curtilage and which separates it from the larger part of the site, resulting in it not having a frontage onto the Iniscarn Road.



To the immediate south of this site is no. 82 Iniscarn Road, which appears separated from the site by the area of trees, which has been alluded to above and appears separate from the other two buildings by virtue of the bend in the road.

Para. 5.33 of CTY 8 states 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. It is not my opinion that no 82 is visually linked with no. 86 nor indeed with the shed beside no 86. When approaching the site from the north along the Iniscarn Road, the northern gable of no 86 and the old Church building are the only buildings that are apparent. When approaching from the south, at no. 82, the bend in the road and the dense vegetation in the gorge make it impossible for there to be any visual linkage between no. 82 and the other buildings.

The image below shows the view towards the site from the south when approaching from no. 82 Iniscarn Road – there is no visual linkage with the site in question;



The following image shows the view when approaching from the north towards no 86 and how there is also not a clear visual link between all the relevant buildings from this perspective;



Given all of the above, I am of the view that the criteria for a infill opportunity within an existing ribbon of development has not been met for the following reason;

- There is no common road frontage between the three buildings, as the shed adjacent to no 86 does not have a road frontage.
- There is no visual linkage between the three buildings.

With regards **CTY 13 and CTY 14**, I am content that a dwelling on this site would integrate into the landscape and would not have a detrimental effect on rural character. The rising land from to the south west and the matures trees immediately south of the site and also within the eastern portion of the site, provide an adequate backdrop to aid integration. I feel a dwelling with a ridge height of no greater than 6m would be in keeping with the dwellings in the immediate vicinity and would integrate satisfactorily on the site.

PPS 15 – Planning and Flood Risk

The southern boundary of the site is located adjacent to but not within the 1 in 100 year fluvial flood plan according to the Strategic Flood Map. DFI Rivers have been consulted as a precautionary measure but have raised no issue in relation **FLD 1** of PPS 15.

In relation **FLD 2**, DFI Rivers require a 5m maintenance strip to be maintained along the boundary with the adjacent watercourse. This is something which can be addressed as part of any Reserved Matters application.

Polices **FLD 3**, **FLD4**, and **FLD 5** are not applicable to this site.

PPS 6 – Archaeology and the Built Heritage

St Patricks Old RC Church is a grade B listed building, located immediately to the east of the site and is viewed in conjunction with no.86 when approaching from the north along Iniscarn Road. Policy **BH 11** states that planning permission will not normally be granted for a development, which adversely affect the setting of a listed building. I have consulted Historic Environment Division in relation to the impact of this proposal on the setting of the listed building. They have requested additional information before they can provide a substantive response.

The site is immediately adjacent to a historic bridge, which is a scheduled monument. HED (Historic Monuments) have stated that on the basis of the information provided, they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

PPS 3 – Access, Movement and Parking

DFI roads have no objection to this proposal subject to the imposition of conditions.

MUDC Local Development Plan 2030 draft Plan Strategy

A re-consultation process was launched on 25th March 2020 in relation to the draft Plan Strategy of the MUDC Local Development Plan 2030. This re-consultation will run until the 18th September 2020. I see nothing in this proposal, which would prejudice the contents of the DPS, but in any case, given the current stage of preparedness of the document, it cannot be given determining weight.

Neighbour Notification Checked**Yes****Summary of Recommendation:**

I am of the opinion that this proposal does not constitute an exception to policy CTY 8. Therefore, refusal is recommended.

Conditions/Reasons for Refusal:**Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not amongst the range of developments which are considered in principle to be acceptable in the countryside and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent the development of a small gap sufficient only to accommodate a maximum of two houses and would, if permitted, result in the creation/addition of ribbon development along Cookstown Road and will also adversely impacting on the rural character of this area of countryside.

Signature(s)**Date:**

ANNEX	
Date Valid	23rd March 2020
Date First Advertised	26th May 2020
Date Last Advertised	26 th May 2020
Details of Neighbour Notification (all addresses) The Owner/Occupier, 82 Iniscarn Road Desertmartin Londonderry The Owner/Occupier, 85 Iniscarn Road, Desertmartin, BT45 5NJ The Owner/Occupier, 86 Iniscarn Road Desertmartin Londonderry	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	N/A
Planning History Ref ID: LA09/2020/0499/O Proposal: Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8 Address: Approx 51m South East of No 86 Iniscarn Road, Keenaght, Desertmartin, BT45 5NJ, Decision: Decision Date: Ref ID: H/1986/0020 Proposal: 2 NO BUNGALOWS Address: SITES 2 & 3 GLEN ROAD, MAGHERA Decision: Decision Date: Ref ID: H/1988/0014 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 86 MONEYSHARVAN ROAD MAGHERA Decision: Decision Date: Ref ID: H/1989/0330 Proposal: MOBILE HOME Address: 86 INISCARN ROAD DRAPERSTOWN	

Decision:
Decision Date:

Ref ID: H/1986/0366

Proposal: SITE OF BUNGALOW 86 INNISCARN ROAD, DESERTMARTIN.

Address: 86 INNISCARN ROAD, DESERTMARTIN.

Decision:

Decision Date:

Ref ID: H/1989/0218

Proposal: BUNGALOW

Address: 86 INNISCARN ROAD DESERTMARTIN

Decision:

Decision Date:

Summary of Consultee Responses

DfI Roads – No objection subject to conditions

DfI Rivers – Adjacent to but not within the Strategic Flood Plain. 5M maintenance strip required in relation to adjacent watercourse.

NIEA HED – Further information required regarding the impact on the neighbouring listed building. No objection in regards to impact on historic bridge within site.

Drawing Numbers and Title

Drawing No. 01

Type: Location Map

Status: Submitted

Drawing No. 02

Type: Location Map

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0564/0	Target Date:
Proposal: Proposed storey and a half dwelling and garage	Location: Lands between 121 & 127 Thornhill Road Pomeroy BT70 3EG
Applicant Name and Address Cathal Hayden 127 Thornhill Road Pomeroy Dungannon	Agent name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street
Summary of Issues: Following a deferred office meeting and re-assessment the proposal is still recommended as a refusal based on CTY8 and 14 and PPS3.	
Summary of Consultee Responses: DFI Roads have requested 2.4 x 70m sightlines. The agent has only provided 2.4 x 60m so therefore it cannot be accepted as a satisfactory means of access has not been shown.	
Characteristics of the Site and Area: The application site is located on lands between No.121 and No. 127 Thornhill Road, Pomeroy. The site lies within the rural area outside any defined settlement limits as identified in the Cookstown Area Plan 2010. The surrounding area is characterised by single detached dwellings, sprawling agricultural fields and dispersed farm complexes. The site comprises a rectangular portion of a large, roadside agricultural field, the topography of which is relatively flat on land slightly lower, approximately 0.5 metres, than that of the ground level of the road. The site is currently accessed via an existing agricultural gate on to Thornhill Road. A mature deciduous hedge boundary defines the	

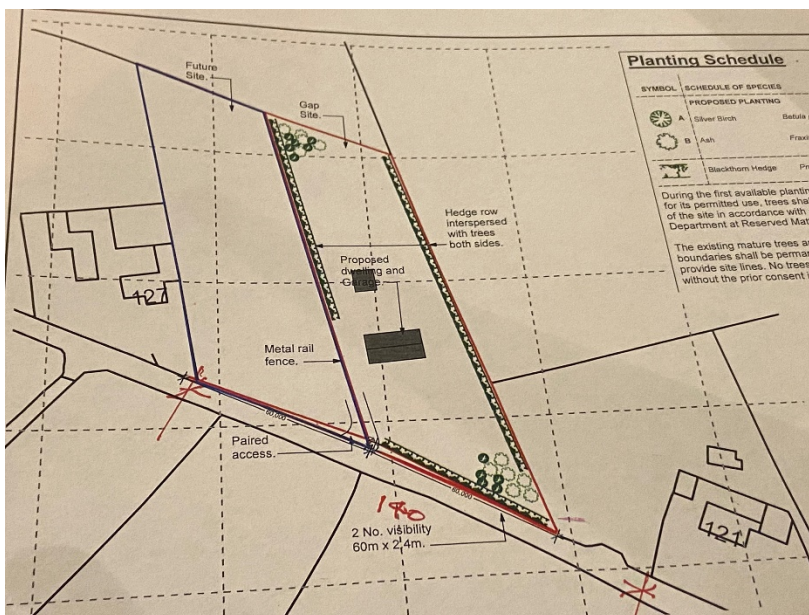
northern and southern boundary. The eastern boundary is defined by established trees and hedging and the western boundary is currently undefined.

Description of Proposal

This is an outline planning application for a storey and a half dwelling and garage located on lands between 121 and 127 Thornhill Road, Pomeroy. The dwelling is being applied for as a gap site for infill development, an exception under Planning Policy Statement 21, Policy CTY 8 Ribbon Development

Deferred Consideration:

This application was previously presented as a refusal to Planning Committee in August 2020 under CTY1, 8, 14 and PPS3, and following a deferral by Committee members, an office meeting was held on 13th August 2020 with the Area Planning Manager. It was agreed the site would be re-visited and re-assessed, taking into particular account the land to the west of No.121 and if it would be viewed as part of its curtilage or not.



CTY8 states permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage.

In this case, the site is part of a larger agricultural field with road frontage. To the west of the field is a detached single storey dwelling (No.127 Thornhill Road) and an outbuilding. To the east of the site is a single storey dwelling (No.121). Between the site and No.121, there is a field, which as previously seen by the case officer, stored hard fill and round bales on a further site visit on 11th Sept 2020. The boundaries of this field are well defined with tall mature trees and hedging to the west and mature hedging defining the eastern

boundary, which clearly separates it from No.121 and its curtilage, and it is viewed as a field in its own right.



The evergreen hedging shown here clearly separates the dwelling No.121 and the adjacent land to its west.

It is my opinion this field could accommodate a dwelling, and that the proposal does not constitute a small gap site sufficient to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage.

At the office meeting the agent submitted 3 approved location plans in an attempt to support their infill argument. I have researched these applications and conclude as follows;

LA09/2019/1154/O – 2 infill dwellings, 100m South of 24 Derrylaughan Road, Dungannon, the boundary shown on the map doesn't exist on the ground and it clearly is part of the curtilage of No.24.

LA09/2020/0045/O – Proposed dwelling and detached domestic garage (Infill site under CTY8 of PPS21) - Approx 25m North East of 12 Murnells Road Pomeroy - the area of land in front of No.15 is part of its front garden, and there are two accesses into the dwelling.

LA09/2020/0123/O Erection of Dwelling and Domestic Garage in a gap site under CTY 8 of PPS 21, Land between No's 29 & 35 Tullyglush Road, Ballygawley – this is the side garden of No. 31 and not a separate field.

All 3 of these examples had an area of land which was clearly part of the exiting curtilage of an existing dwelling and therefore would not have been seen as a gap which could accommodate a third dwelling. These are not the same as is with this case, where the gap would accommodate up to 3 houses and therefore would not meet policy criteria of CTY8 as the others did.

CTY14 is a relevant consideration and it states that permission will be granted for a building where it does not cause detrimental change or further erode the rural character of the area. As detailed above, given the adjacent field to the east, the small does not represent a small gap site within a line of 3 or buildings within a common frontage, sufficient to accommodate up to a maximum of two houses. The proposal would however add to a ribbon of development which is detrimental to the surrounding rural character of the area contributing to build-up and therefore remaining contrary to CTY14.

As previously, DFI Roads recommended sight lines of 2.4 x 70m in both directions. 2.4 x 60m have been shown on the plans are again amendments have not been requested as the proposal is being recommended as a refusal. If an approval was being recommended it would need to be shown that these splays can be achieved.

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

Refusal reasons –

1. The proposal 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.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the gap is sufficient to accommodate more than two dwellings and the proposal would, if permitted, add to ribbon development along Thornhill Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted would further erode rural character as a consequence of a build-up of dwellings.

4. The proposal is contrary to PPS3, Access, Movement, and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0564/O	Target Date: 01/09/20
Proposal: Proposed storey and a half dwelling and garage	Location: Lands between 121 & 127 Thornhill Road Pomeroy BT70 3EG
Referral Route: Recommended refusal – contrary to PPS21 Policy CTY8	
Recommendation:	Refusal
Applicant Name and Address: Cathal Hayden 127 Thornhill Road Pomeroy Dungannon	Agent Name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
Executive Summary:	
Signature(s):	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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. Policy CTY 1 provides clarification on circumstances in which development will be permitted in the countryside. In this instance, the application is for a dwelling on an infill site and as a result, the development must be considered under CTY 8 of PPS 21.

PPS21 - CTY 8 states planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 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 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.

In this case, it is my opinion that the proposal does not constitute a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage.

The application site comprises the eastern portion of an existing agricultural field with a roadside frontage along the public road. To the west of the agricultural field, adjacent to the blue line there is a detached single storey dwelling (No. 127 Thornhill Road) and outbuilding. Approximately 40 metres to the east of the application site there is a detached single storey dwelling (No. 121 Thornhill Road). Between the proposal site and No. 121 Thornhill Road, there is a field which on the date of site inspection appeared to be used for the storage of round bales with some hardfill present at the access. The boundaries of this field are well defined with established tall trees and hedging defining the western boundary and mature hedging of approximately 4 metres defining the eastern boundary separating the field from the curtilage of No. 121 Thornhill Road. The adjacent field to the east of the proposal site provides a visual break, therefore in my opinion the proposal site does not constitute a continuously built up frontage. Furthermore, if the proposed dwelling where to be permitted it could potentially provide an infill opportunity to the adjacent field to the east which would result in more than two houses along the road frontage reinforcing a built-up appearance in this rural context and adding to ribbon development.

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The application site is located along the roadside frontage on land with flat topography. Given the existing, established vegetation to the northern, eastern and southern boundaries, I consider the proposal site could provide a suitable degree of enclosure for a dwelling and garage without appearing as an overly prominent feature in the landscape. The design of the proposed dwelling would be a matter for consideration at the Reserved Matters stage, however I consider a maximum ridge height of 6 metres

would be appropriate and in keeping with the existing built form to ensure integration into the setting.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As stated above, given the adjacent field to the east I do not consider the proposal site represents a small gap site within a line of 3 or more buildings with a common frontage. In my opinion, the proposal would add to a ribbon of development which is detrimental to the surrounding rural character contributing to a localised sense of build-up of development and therefore is contrary to Policy CTY 14.

Additional considerations

In addition to checks on the planning portal online, environmental map viewers have been checked and identified no natural or built heritage interests of significance on site.

It was identified a small portion in the south-eastern section the site is within a surface flood zone. Given the minimal amount of site within floodplain and that this is an outline application it was not considered necessary to consult DfI Rivers in this instance, however should permission be granted it may be appropriate to condition the siting of the proposed dwelling.

DfI Roads were consulted and have recommended sightlines should be 2.4 x 70 metres in both directions. Drawing No. 01 proposes 2.4 x 60 metre sightlines. Amendments reflecting the sightlines required by DfI Roads has not been requested by the Planning Authority at this stage in the processing of the application as I am recommending the proposal for refusal. However should permission be granted this will need to be addressed and the vehicular access standard required by DfI Roads in the RS1 Form should be conditioned.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal is recommended for refusal, as it does not comply with CTY8 and CTY 14 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.
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 Thornhill Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if

permitted would further erode rural character as a consequence of a build-up of dwellings.

4. The proposal is contrary to PPS3, Access, Movement, and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

Signature(s)

Date:

Case Officer Report

Site Location Plan



Consultations:

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

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 on lands between No.121 and No. 127 Thornhill Road, Pomeroy. The site lies within the rural area outside any defined settlement limits as identified in the Cookstown Area Plan 2010. The surrounding area is characterised by single detached dwellings, sprawling agricultural fields and dispersed farm complexes.

The site comprises a rectangular portion of a large, roadside agricultural field, the topography of which is relatively flat on land slightly lower, approximately 0.5 metres, than that of the ground level of the road. The site is currently accessed via an existing agricultural gate on to Thornhill Road. A mature deciduous hedge boundary defines the

northern and southern boundary. The eastern boundary is defined by established trees and hedging and the western boundary is currently undefined.

Description of Proposal

This is an outline planning application for a storey and a half dwelling and garage located on lands between 121 and 127 Thornhill Road, Pomeroy. The dwelling is being applied for as a gap site for infill development, an exception under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

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 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation period will close on 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any 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

I/2006/0517/O - 100m South East of 127 Thornhill Road, Pomeroy - Proposed dwelling – Permission Refused

I/2001/0394/O - 90m North West of 121 Thornhill Road, Pomeroy – Permission Refused

I/2000/0164/O - Approx 220 M South East of 127 Thornhill Road, Pomeroy - Dwelling House and Domestic Garage – Application Withdrawn

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 Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside

Report on	Response to consultation from Department for Communities, Historic Environment Division on draft document - <i>'Information Guide for Local Councils: Listed Buildings'</i>
Date of Meeting	1 st December 2020
Reporting Officer	Michael McGibbon
Contact Officer	Chris Boomer, Planning Manager

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 provide the basis for a reply to the consultation sent to Mid Ulster District Council (MUDC) by Department for Communities, Historic Environment Division (DfC, HED) regarding their proposed draft guidance for Councils in relation to the listing building process. DfC, HED have stipulated a deadline for comment on the draft guidance document of 21 st December 2020.
2.0	Background
2.1	DfC, HED have a statutory duty to protect buildings through 'listing.' 'Listed Buildings' are those man-made objects and structures designated as being of 'special architectural or historic interest' under Section 80 of the Planning Act (NI) 2011. The legislation provides the overall test for assessing a building for listing and states that 'The Department – a) Shall complete a list of buildings of special architectural or historic interest, and; b) May amend any list so compiled
2.2	Members will be aware that DfC, HED have a statutory duty to consult with both Mid Ulster District Council and the Historic Buildings Council should they wish to include or remove a building on that list within the Council area. In an effort to

	<p>complement the listing process and demonstrate a sound approach to the protection of buildings of special architectural or historic interest HED have produced the draft guidance '<i>Information Guide for Local Councils: Listed Buildings</i>' as a means of ensuring Local Councils understand their role within the process. This report will provide observations and comment on the content and the proposed wording of the draft guidance.</p>
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3.0	Main Report
	<p>Department for Communities, Historic Environment Division's Draft guidance for Local Councils on the 'listing' process</p>
3.1	<p>DfC, HED has a statutory duty to protect buildings through the listing process. There are currently around 8900 listed buildings in Northern Ireland, with Mid Ulster containing 14% these buildings. The SPPS highlights that we have a duty to further sustainable development by ensuring that identified built heritage assets are retained, conserved and enhanced.</p>
3.2	<p>Mid Ulster District Council takes its responsibility of conserving and enhancing its built heritage seriously and consequently has developed a suite of Historic Environment policies within our Draft Plan Strategy. Members will be aware that our draft policies (HE1 - HE16) seek to protect, conserve and, where possible, enhance the listed buildings within our district.</p>
3.3	<p>The draft guidance has been produced by HED to inform Local Councils in relation to a number of key issues relating to listed building process, namely;</p> <ul style="list-style-type: none"> a) Why are buildings listed? b) How are buildings listed? c) Understanding the Criteria for Listing d) Objecting to a listing / de-listing proposal e) Making changes to Listed Buildings
3.4	<p>HED's draft report also signposts further guidance and information for local councils available from a variety of sources, including DfC and Planning NI. The guidance sets out a step by step guide of the overall listing process from the prospective of the local councils.</p>
3.5	<p>Whilst Mid Ulster Council would broadly welcome the scope and content of the draft guidance, it is important to utilise this opportunity to highlight a number of points within the draft guidance that require amendment.</p> <ul style="list-style-type: none"> • Throughout the document the text refers to 'Articles'. E.g. Article 80. It is important to note, however, that Planning Act (NI) 2011 refers to 'Sections' and therefore the guidance should be amended accordingly. • There are a number of inaccurate web links contained within the draft guidance. Namely, there are a number of links to the withdrawn planning NI website. These references should be amended to refer to the Department for Infrastructure website. • Section 2, paragraph 2.1 advises that another route to listing is through a 'Building Preservation Notice' (BPN) and also states that this power was transferred from the Department to District Councils in April 2015. It is important to note however that this power was also retained by the Department for Communities under Section 81 of the Planning Act (NI) 2011 and this should also be referenced within the guidance.

	<ul style="list-style-type: none"> Section 6 advises that Local Councils can serve an Urgent Works Notice on unoccupied listed buildings, or the unused part of occupied listed buildings. This is of course correct however it should be noted that this power is also retained by the Department for Communities, Historic Environment Division, under Section 161 (3) and it is important that the guidance reflects this. As a general comment, MUDC would suggest that DfC consider the development of alternative legal mechanisms which would better address situations where the owner does not wish to repair the property or wishes to replace the property. <p>CONCLUSION</p>
3.6	<p>Mid Ulster District Council is grateful for the opportunity to comment on the draft guidance for Local Councils on the Listed Building process and we are broadly supportive of its content, which seeks to uphold the protection of our shared heritage assets. The guidance accords with MUDC's approach to built heritage and will ensure a consistent approach to listed buildings. We would however ask DfC, HED to note and give consideration to the above mentioned suggestions.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None identified at present.
	Human: None identified at present.
	Risk Management: None identified at present.
4.2	Screening & Impact Assessments

5.0	Recommendation(s)
5.1	Members are requested to note the contents of this report and agree that the attached response is issued to Department for Communities, Historic Environment Division.
6.0	Documents Attached & References
6.1	Consultation letter to Department for Communities, Historic Environment Division, in response to consultation on 'Draft Guide for Local Councils: Listed Buildings.'

ALL NUMBERING OR TITLES IN BRACKETS [1] ARE FOR EDITING PURPOSES
AND SHOULD NOT TO BE INCLUDED IN FINAL DOCUMENT

[DOCUMENT TITLE AND COVER]

Information guide for Local Councils: Listed Buildings

[COVER TEXT 1] The Protection of Buildings of Special Architectural or Historic
Interest – the Process of Listing

[INSIDE COVER TEXT 2] The Department for Communities (DfC), Historic
Environment Division (HED) is the government department you should contact if you
have any queries about listed buildings

This information guide has been created for Local Councils to explain the listing
process

IMAGE 01 – FRONT COVER – CAPTION: Rathlin East Light (Grade B+)

[SECTION 1 TITLE] 1. Why are buildings listed?

[1.1] In Northern Ireland, the Department for Communities has a statutory duty to protect buildings through listing (currently around 8,900 listed buildings in NI): “Listed Buildings” are those man-made objects and structures designated as being of ‘**special architectural or historic interest**’ under Article 80(1) of the Planning Act (NI) 2011, which gives the overall test for assessing a building for listing.

It states that: ‘The Department –

- (a) shall compile a list of buildings of special architectural or historic interest,
- and (b) may amend any list so compiled.

[1.2] Listing marks and celebrates a building's special architectural and historic interest, allowing us to highlight what is significant about a building. It also brings it under the consideration of the planning system, so that it can be protected for future generations. Buildings¹ are protected through listing throughout the world. The importance of legislative protection is also recognised by Historic England, Historic Environment Scotland, Cadw in Wales, and The Department of Culture, Heritage and the Gaeltacht in Ireland.

[1.3] ‘The List’ is a register recording all types of structures, ranging from grand houses and cathedrals to warehouses and small buildings.

The term ‘listed building’ refers to any building included in ‘the list’ and the following is also treated as part of the building:

- (a) Any object or structure within the curtilage of the building and fixed to the building
- and (b) Any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done since before 1 October 1973.

It is important to note that the listing covers the complete interior and exterior of the building.

Buildings included in this statutory list are divided into different grades: A, B+, B, B1 and B2. However, the statutory controls apply equally to all listed buildings, irrespective of grade.

[1.4] Statutory listing of buildings began in Northern Ireland in 1974. This was called the ‘First Survey’ and it took over 20 years to complete. In 1996, the need for a ‘*Second Survey*’ was identified. This is being progressed on a systematic area basis, where buildings that were listed in the First Survey are reviewed, as well as other buildings being identified for listing.

[1.5] DfC has a statutory duty to consult with the Historic Buildings Council and the Local Council before including a building on a list or amending the list.

IMAGE 02 – CAPTION: The Ashby Institute, South Belfast (Grade B+)

¹ The term ‘Buildings’ also encompasses listed structures such as telephone kiosks, pumps, bridges, railway signals etc.

[SECTION 2 TITLE] 2. How are buildings listed?

[2.1] The following steps explain what happens at each stage of the listing process (refer to <https://www.communities-ni.gov.uk/publications/listing-process-buildings>):

Initial decision to determine if a survey is required: HED will decide to investigate if a building is worthy of listing as a result of three normal routes: the 'Second Survey', in response to a 'Listing Query' or through a 'Thematic Survey'.



Choice of 'Route': The 'Second Survey' (www.communities-ni.gov.uk/publications/information-guide-2nd-survey-historic-buildings-listed-historic-buildings-northern-ireland) is the most holistic and efficient method to carry out surveys as it is systematic and area-based.

'Listing Queries' (www.communities-ni.gov.uk/articles/nominating-building-listing-northern-ireland) are progressed to a full survey only after an initial investigation has been carried out to assess if it is worthy of further research.

'Thematic surveys' are carried out to record a specific building 'type' eg. thatched buildings and water pumps etc.

Another route to potential listing is through the use of a 'Building Preservation Notice' (BPN). This power was transferred from DoE to District Councils in April 2015. A BPN is defined under Article 81 of the Planning Act 2011. It 'may' be issued if: '... it appears to the Council that a building which is not a listed building -

- (a) is of special architectural or historic interest; and
- (b) is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest'.

This protects a building, as if it were listed, for a period of up to six months.

If a building is considered to be at high risk of loss or significant alteration then HED will advise the District Council, providing details on the case and requesting that they consider serving a BPN:

www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/practice_guide_-_building_preservation_notice_complete-2.pdf



The Survey: The survey is carried out by HED surveyors (or their contractor) and consists of a written internal and external description, historical research and photographs. An evaluation of the architectural and/or historic value of the structure is made relative to the Criteria for Listing. Understanding this criteria is vital in appreciating what 'special architectural or historic interest' means – refer to Section 3 for more detail and Section 7 for a typical survey report.



Evaluation Meeting: A forum of Conservation Architects and Architectural Historians meets to evaluate the survey against the listing criteria and form a 'proposal' to list the building.



Consultation: Under Section 80(3) of the Planning Act (NI) 2011, the Department is required to consult with the Historic Buildings Council (HBC) and the Local Council before including a building on a list or amending The List. Formal consultation papers are normally issued simultaneously to these consultees. As a matter of routine, HED presents listing proposals to the HBC. The owner and the District Council's planning section are also advised of the Department's intention at the same time. While there is no statutory obligation to consult owners, they are kept informed throughout the process and are sent copies of the listing report along with an advisory note to (a) help them to confirm its accuracy and (b) to increase their understanding of the case being made for listing and alleviate any concerns. Representation from these groups is considered by the Department before a final decision is made. The Department can only take into consideration representation against the Criteria for Listing, and for no other reason; refer to Section 4. DfC gives district councils six weeks to reply to the written consultation. If they do not reply or seek an extension of time within the 6-week period, then their support for the proposal is assumed.



Evaluation of Consultation: Representations received may involve a detailed reconsideration of the proposal, provided the case is based upon the Criteria for Listing. As a result further research could be commissioned at this stage. The record may then be updated.



Delays in the listing process: In rare circumstances, the processing of a record may have been delayed after the consultation period. If the time since consultation exceeds twelve months, the owner/occupier will receive a further reminder notice of the Department's intention to list, and therefore be given the opportunity to present any new information with regard to the listing. The record is then assessed to evaluate whether this information may affect the proposal to list. The scale of any change to the record may require the building to be re-surveyed, re-evaluated against the listing criteria and/or for HBC and the district council to be re-consulted.



Preparation of Listing Papers: The legal listing papers are prepared, the extent of listing is checked on site (including the listing map) and the report is checked and finalised.



Departmental Consideration: The Director of HED is the delegated officer who acts on behalf of the Department to authorise and to sign off legal papers. The Director is presented with the proposal, consisting of the statutory listing schedule for signature, the recommendation for listing, a summary of the various consultation responses and any other correspondence on the case. In rare occasions the Director may consult further with other senior Departmental colleagues in cases that are high profile or particularly sensitive.

The Director may decide that there is insufficient information or may disagree with the proposal. In this case he may request that further research is carried out and/or the proposal re-evaluated by the Forum of Conservation Architects.

The Director may, in exceptional circumstances, overrule the view of the Architect's Forum and decide that a case for listing has not been made, or that some modification of the recommendation is required.



Amendment of the List: The Director's signature means the final decision to list or de-list has been made, and the list is formally amended. The Departmental Seal is affixed to the new list entry and a record is placed on, or modified at, Land Registry. Under Section 245 of the Planning Act, an entry in a list compiled under Section 80 must be registered in the 'Statutory Charges Register' of the Land Registry. As required under Article 80(4) the District Council is issued with a copy of the amendment to the list for its area. The owner receives a formal notification of the decision regarding the designation.

The survey record is also transferred onto the DfC website (NI Buildings Database: www.communities-ni.gov.uk/services/buildings-database), for public information purposes. Information on the interior of private buildings is withheld to respect owner's privacy rights and other security considerations.

'The list' is held on public access in the Historic Environment Register of Northern Ireland (HERoNI): (www.communities-ni.gov.uk/topics/historic-environment/historic-environment-record-northern-ireland-heroni), and deposited in the Public Record Office (PRONI).

IMAGE 03 – CAPTION: Portrush Railway Station (Grade B1). This was the first Listed Building in Northern Ireland, listed in March 1974

[SECTION 3 TITLE] 3. Understand the Criteria for Listing

[3.1] The general principles that the Department applies when deciding whether a building is of special architectural or historic interest are set out in the '**Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, with associated procedures**' published 03 June 2019: <https://www.communities-ni.gov.uk/publications/criteria-scheduling-historic-monuments-and-listing-buildings-special-architectural-or-historic>.

The key criteria for listing are, therefore, architectural interest or historic interest. A building can be listed for either criteria but in most cases it will have both. The *overall* test is that this interest must be considered 'special'.

[3.2] **Architectural Interest** is understood to encompass a broad spectrum which ranges from style, character and ornamentation to internal plan form and functionality. Also important are examples of particular building types and techniques used in their construction. Where buildings have been changed over time (as many

have) it is the consideration of its current architectural interest that is important, rather than what it may have been like in the past.

[3.3] **Historic Interest** is understood to encompass a broad spectrum which ranges from age and rarity, through the amount of historic material left in a building, to its importance as a historic structure, and to the stories, historical events and people associated with the building. It is important that associations are linked in a clear and direct way to the fabric of the building if they are to be regarded as major grounds for listing. Aspects of social, economic and cultural history revealed by the building may also be considered important.

Architectural Interest Criteria:

Criterion A	Style
Criterion B	Proportion
Criterion C	Ornamentation
Criterion D	Plan form
Criterion E	Spatial organisation
Criterion F	Structural system
Criteria H+ & H-	Alterations
Criterion I	Quality and survival of interiors
Criterion J	Setting
Criterion K	Group value

Historic Interest Criteria:

Criterion R	Age
Criterion Z	Rarity
Criterion S	Authenticity
Criterion T	Historic Importance
Criterion V	Authorship
Criterion Y	Social, cultural or economic importance
Criterion U	Historic Associations

Architectural and Historic Interest Criteria:

Criterion W	Northern Ireland/ International interest
Criterion X	Local interest

[SECTION 4 TITLE] 4. Objecting to a listing / de-listing proposal

[4.1] Should the local council wish to object to a proposal for listing or de-listing, HED will **only** consider an objection if it is based on the Criteria for Listing. **Any other reasons** for objecting will not be considered.

[4.2] Below are some common reasons for objections received by the Department. None of these can be taken into consideration when considering listing / de-listing as they are not based on the Criteria for Listing:

- **Condition:** The condition of a building is not taken into account.
- **Personal circumstances:** Personal circumstances cannot be taken into consideration.
- **Perceived negative effect on property prices:** Whilst no statistical research has yet been completed in Northern Ireland, UK-wide investigation shows that listing has had no impact on the property value of period homes.
- **Cost of repairs:** Regular maintenance should be no more costly than looking after any building, and should save on repairs in the long run. In terms of materials, for example historic timbers used in sliding sash windows are of superior quality compared to modern timber and it is often less costly to repair the windows than replace them.
- **Future development proposals:** The impact of listing on future planning considerations, such as development proposals, cannot be considered.

Please note a building will not normally be considered for listing by the Department once planning permission which will affect its special architectural or historic interest has been granted and is still valid, or while works which have received such planning permission are under way.

- **And any other reason which is not based on the Criteria for Listing will not be considered**

[4.3] Relevant HED guidance (see links in Section 6):

- 'Owning or buying a listed building – myths and queries' which outlines common misconceptions about listing and sets out the facts (*in progress*)
- 'Making a de-listing application' (*in progress*)

[SECTION 5 TITLE] 5. Making changes to Listed Buildings

HED is a statutory consultee to Local Councils when determining Listed Building Consent applications. It also advises on development within the setting of listed buildings, which is specifically protected.

Relevant guidance (see links in Section 6):

- Historic Environment Advice and Guidance in the Planning Process: www.communities-ni.gov.uk/articles/historic-environment-advice-and-guidance-planning-process
- Guidance on Setting and the Historic Environment: www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment
- Guidance on making changes to Listed Buildings: Making a better application for listed building consent: www.communities-ni.gov.uk/publications/guidance-making-changes-listed-buildings-making-better-application-listed-building-consent

IMAGE 04 – CAPTION: Arcadia, Portrush (Grade B2).

The circumstances in which HED is consulted on applications are set out in the Planning Act (Northern Ireland) 2011 and are further explained in the 'Consultation Guide: A guide to consulting HED on development management applications': www.communities-ni.gov.uk/publications/consultation-guide-guide-consulting-hed-development-management-applications.

Listing does not prohibit future proposed work; all listed buildings can be adapted for future use and can be altered in an appropriate manner, where the 'special interest' or 'significance' of the building is retained. Understanding the special interest helps inform and assist in the decision-making process.

Proposals are assessed against the Strategic Planning Policy Statement (www.planningni.gov.uk/index/policy/spps_28_september_2015-3.pdf) and Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS 6), policies BH7–11 & 15, until such time as Local Development Plans are adopted:

www.planningni.gov.uk/index/policy/planning_statements_and_supplementary_planning_guidance/pps06.htm.

[SECTION 6 TITLE] 6. Further guidance & information

- For all HED guidance visit: www.communities-ni.gov.uk/topics/historic-environment/listed-buildings
- Development Management Practice Note 05 Historic Environment (Sept 2017) <https://www.planningni.gov.uk/index/advice/practice-notes/dmpn05-historic-environment.pdf>
- The most recent changes to the List of Buildings of Special Architectural or Historic Interest: <https://www.communities-ni.gov.uk/publications/changes-list-buildings-special-architectural-or-historic-interest>
- 'Owning or buying a listed building – myths and queries' (*in progress*)
- 'Making a de-listing application' (*in progress*)
- Under the Planning Act (NI) 2011, Local Councils can serve an Urgent Works Notice on unoccupied listed buildings, or the unused part of occupied listed buildings, that have deteriorated to the extent that their preservation may be at risk. Costs for this work can be reclaimed from the owner.
Refer to: 'Urgent Works Notices – a good practice guide for District Councils': <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/hed-urgent-works-notices.pdf>

[SECTION 7 TITLE] 7. Case study / survey report example

When reading a survey report, the best way to understand the 'special interest', or the 'significance' of the building, is to read the 'evaluation' (currently located near the end of the survey report - highlighted in red below. Note: The layout of survey reports is currently under review, with plans to relocate the statement to the beginning).


This short, factual statement summarises the building's architectural and/or historic importance, as well as its development over time. It makes an objective and informed assessment of the relative merits or 'significance' of aspects or features of the building or group of buildings. It draws together and supports the reasons for a recommendation to list or not to list, and is based on the Criteria for Listing.

[start this report at top of page like this to avoid the 'front page' running over 2 pages]

Historic Environment Division – Protecting Historic Buildings
Historic Building Details

HB05/16/022

(Available on request. Web database report does not currently display photographs)

Address South Light Rue Point Rathlin Island Co. Antrim	HB Ref No HB05/16/022
Extent of Listing Lighthouse and 29no. Metal posts on approach	
Date of Construction 1920 - 1939	
Townland Roonivoolin	
Current Building Use Light House/ Navigation Mark	
Principal Former Use Light House/ Navigation Mark	

Conservation Area	No	Current Grade	B1	OS Map No	03/16
Industrial Archaeology	Yes			IG Ref	D1505 4724
Vernacular	No	Date of Listing	25/05/2017	IHR No	03711:000:00
Thatched	No	Date of Delisting		SMR No	
Monument	No	Delisted/Relisted	Not Required	HGI Ref	
Area of Townscape Character					
Local Landscape Policy Area					
Historic Gardens Inventory					
Derelict	No				

Owner Category

Building Information

Exterior Description and Setting

South (or Rue Point) Lighthouse is a four-stage octagonal concrete lighthouse dating from 1921. It is accessed down a grassy/concrete footpath from the end of the public road down the E side of the island. On its final approach to the lighthouse, the path becomes a slightly raised concrete footpath as it crosses the rocks. Along one side of it is a modern plastic/wire handrail supported on regularly-spaced painted original metal posts.

The four-stage 35ft high octagonal concrete tower sits on a low concrete platform cast directly on top of the rocky foreshore. Each stage is delineated by a shallow string course and alternately painted black and white to give a banded effect. The base of the tower is slightly advanced and painted black.

Flat concrete roof with two-bar metal handrail around. A low parapet runs atop a plain cornice around the edge of the roof, on which is mounted a two-bar metal handrail. There are small rectangular openings in the parapet for rainwater run-off. An omni-directional light rises 17ft from the centre of the roof (no protective lantern). It makes two white flashes every five seconds and has a range of 14 nautical miles (16.1 miles). A small radio aerial sits beside it.

The landward (N) cant has a vertical metal ladder up to a cantilevered concrete platform in front of a sheeted timber door (with small louvered ventilator) at stage 2 level (stage 1 being GF). The top of the ladder can be pulled out to facilitate access to the outer end of the platform. The doorway is flanked to each side by a projecting curved metal handrail. Above the doorway is a window opening at stage 4 level. It has slightly advanced jambs and horizontal stucco head; the string course doubles as its cill. There are identical window openings at this stage to the E, S and W cants. All four opes have been blanked off and are painted black.

Just SE of the lighthouse is a low concrete platform on which was originally mounted a fog gun. It was reused between 1917 and 1921 for a temporary light whilst the present one was being constructed.

Setting:

The lighthouse is located on the wave-swept rocky shore at the very SE tip of Rue Point, the southern-most extremity of Rathlin Island. The access track down to it passes a modern single-storey standby block housing a back-up electricity generator (grid D1511 4738). This building is aligned NE-SW and has a pitched roof with painted eaves boards and boxed eaves; no rainwater goods. Cement-rendered walls and flat-headed painted t&g door to NE gable and modern one-pane window (with shallow concrete cill) to NW elevation. The SW gable is blank. A galvanised metal ventilation duct and pipe project from its SE elevation.

Concrete floor platforms in the vicinity of this building indicate the positions of the wooden huts, one of which was used by the keepers until the site was demanned in the mid-1900s. The other housed two diesel engines for generating electricity.

On its final approach to the lighthouse, the path becomes a slightly raised concrete footpath as it crosses the rocks. Along one side of it is a modern plastic/wire handrail supported on regularly-spaced painted original metal posts.

Architects

Scott, Charles William

Historical Information

The present lighthouse at Rue Point is one of three on Rathlin Island and the last to have been erected; the East Light was the first in 1856, followed by the West Light in 1919. The present structure dates from 1921 and replaced a previous one of 1915.

The original Rue Point lighthouse was a temporary structure erected by the Board of Trade on behalf of the Admiralty following a petition from the Londonderry Chamber of Commerce in 1914. It was first exhibited on 19 November 1915. It was augmented by an adjoining acetylene-powered fog gun from 12 April 1917.

A storm in November 1917 washed the temporary light away, so a replacement was erected on the fog gun platform.

It was not until 1920 that the Board of Trade began the construction of the present permanent lighthouse. It was probably designed by Charles William Scott, Engineer to Commissioners of Irish Lights from 1900 to 1930. It was completed the following year and had an acetylene lamp and fog gun on its roof. The gas was generated by an internal calcium carbide plant (when water is added to the carbide, inflammable acetylene gas is produced). As there was no room for them in the actual lighthouse, the two men who apparently looked after the lighthouse were accommodated in a wooden hut on less exposed ground to NE.

The lighthouse is first shown on the 1922 OS map, being captioned "Southern Lighthouse (white light flashing)".

The fog gun proved unreliable and was withdrawn on 1 January 1931; it was subsequently transferred to Barr Point, at the entrance to Larne Lough.

On 9 October 1955 the acetylene lamp was replaced with an electric one which was monitored from the East Light. The electricity was supplied by batteries located inside the lighthouse. They were recharged using electricity generated by a diesel engine housed in a building some 160m NE.

On 25 March 2004, a new optic was installed.

Since the inception of the National Grid cable from the mainland in 2008, the batteries powering the light have been recharged using mains electricity rather than a diesel engine. However, an emergency back-up generator is still maintained in a purpose-built standby block in the vicinity of where the previous generating station once stood.

References - Primary Sources:

1. PRONI: OS/6/1/1/4. Fourth edition OS 1:10,560 map, Co Antrim sheet 1 (1922).

References - Secondary Sources:

1. Forsythe W. & McConkey R. 2012. An Archaeological Survey of a Maritime Landscape, pp 305-307 and 444-445 (Belfast: Northern Ireland Environment Agency).

2. Commissioners of Irish Lights website, <<http://www.cil.ie/safety-navigation/our-lighthouses/rue-point.aspx>>.

3. Irish Architectural Archive, Dictionary of Irish Architects, 1720-1940, <http://www.dia.ie/architects/view/6517/SCOTT-CHARLESWILLIAM#tab_biography>.

4. Mr Noel McCurdy, Irish Lights' Attendant, Rue Point Lighthouse (1 June 2015).

Criteria for Listing

Architectural Interest

A. Style
B. Proportion
C. Ornamentation
J. Setting
K. Group value

Historical Interest

X. Local Interest
Y. Social, Cultural or Economic Importance
R. Age
S. Authenticity
T. Historic Importance
V. Authorship

Evaluation

The small size and shape of this structure makes for an unusual style of lighthouse compared with most others, which are taller, wider, and round. The painted horizontal banding also accentuates its distinctive appearance. Its fabrication in concrete reflects its post World War 1 date (dressed masonry was the norm before this) Its setting, at sea level on exposed wave-swept rocks, underscores its purpose in warning passing ships of the presence of Rue Point.

The fabric of this structure is completely authentic. It is the last of the three lighthouses to have been built on the Island; the others are East Light (HB05/16/010A) and West Light (HB05/16/016). Until the recent inception of GPS navigation, it was also of social and economic importance in safeguarding passenger and cargo ships passing between Rathlin and Fair Head en route to and from Britain. Finally, it is also of local interest, most probably designed by Charles William Scott.

General Comments

Monitoring Notes – since Date of Survey

Date of Survey 04/03/2015

[SIDE BY SIDE IMAGES]:

IMAGE 05 – BACK COVER – CAPTION: Edward VII Post Box, Ulsterville Avenue, Belfast (Grade A).

IMAGE 06 – BACK COVER – CAPTION: ‘K6’ Telephone kiosk, Waring Street, Belfast (Grade B2).

“Supporting people, Building communities, Shaping places”

Historic Environment Division
Ground Floor
9 Lanyon Place | Town Parks | Belfast
BT1 3LP

Tel: 028 9081 9226 / 028 9081 9212
Email: hed.secondsurvey@communities-ni.gov.uk
Web: www.communities-ni.gov.uk/topics/historic-environment

end



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid Ulster District Council
Planning Department
Local Development Plan Team
50 Ballyronan Road
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Anne Menary
Assistant Director
Head of Heritage Buildings Designation Branch
Historic Environment Division
Department for Communities
Ground Floor
9 Lanyon Place
Belfast
BT1 3LP

Date: 2nd December 2020

Dear Ms Menary,

Consultation on Draft information Guide for Local Councils – Listed Buildings

I write with reference to the above subject and further to your recent consultation of 16th November 2020. Mid Ulster District Council welcomes this consultation and opportunity to respond to your draft information for local councils on the subject of the listed buildings process.

The draft guidance has been produced to inform Local Councils in relation to a number of key issues relating to listed building process, namely;

- a) Why are buildings listed?
- b) How are buildings listed?
- c) Understanding the Criteria for Listing
- d) Objecting to a listing / de-listing proposal
- e) Making changes to Listed Buildings

The draft document also signposts further guidance and information for local councils available from a variety of sources, including DfC and Planning NI. The guidance sets out a step by step guide of the overall listing process from the prospective of the local councils.

Whilst Mid Ulster Council would broadly welcome the scope and content of the draft guidance, it is important to utilise this opportunity to highlight a number of points within the draft guidance that require amendment.

- Throughout the document the text refers to 'Articles'. E.g. Article 80. It is important to note, however, that Planning Act (NI) 2011 refers to 'Sections' and therefore the guidance should be amended accordingly.
- There are a number of inaccurate web links contained within the draft guidance. Namely, there are a number of links to the withdrawn planning NI website. These references should be amended to refer to the Department for Infrastructure website.
- Section 2, paragraph 2.1 advises that another route to listing is through a 'Building Preservation Notice' (BPN) and also states that this power was transferred from the Department to District Councils in April 2015. It is important to note however that this power was also retained by the Department for Communities under Section 81 of the Planning Act (NI) 2011 and this should also be referenced within the guidance.
- Section 6 advises that Local Councils can serve an Urgent Works Notice on unoccupied listed buildings, or the unused part of occupied listed buildings. This is of course correct however it should be noted that this power is also retained by the Department for Communities, Historic Environment Division, under Section 161 (3) and it is important that the guidance reflects this.
- As a general comment, MUDC would suggest that DfC consider the development of alternative legal mechanisms which would better address situations where the owner does not wish to repair the property or wishes to replace the property.

CONCLUSION

Mid Ulster District Council is grateful for the opportunity to comment on the draft guidance for Local Councils on the Listed Building process and we are broadly supportive of its content, which seeks to uphold the protection of our shared heritage assets. The guidance accords with MUDC's approach to built heritage and will ensure a consistent approach to listed buildings. We would however ask DfC, HED to note and give consideration to the above mentioned suggestions.

Yours sincerely,

Michael McGibbon
Senior Planning Officer
On behalf of Dr Chris Boomer, Planning Manager

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 3 November 2020 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present

Councillor S McPeake, Chair

Councillors Bell, Black*, Brown*, Clarke*, Colvin, Cuthbertson, Gildernew*, Glasgow, Kearney*, Mallaghan, McFlynn*, McKinney, D McPeake, Quinn, Robinson*

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman**, Head of Development Management
Mr McCreesh**, Director of Business & Communities
Ms McAllister, Senior Planning Officer
Ms McCullagh**, Senior Planning Officer
Ms McKearney**, Senior Planning Officer
Ms McNally, Council Solicitor
Ms McNamee, ICT Support
Ms Grogan, Democratic Services Officer

Others in Attendance

Applicant Speakers

LA09/2018/0847/F	Les Ross*
	Alan Hannigan
	Hayley Jordan
LA09/2019/0416/F	Gemma Jobling*
LA09/2019/1571/F	Martin Kearney – Architect*
LA09/2018/0176/F	Councillor N McAleer*
LA09/2019/0423/F	Martin Kearney – Architect*
LA09/2019/0423/F	Donal O’Cearnaigh*
	Councillor Milne*
LA09/2020/0446/F	Toirleach Gourley
	Bernard Donnelly
LA09/2020/0022/O	Aidan Coney*
	Councillor B McGuigan*
	Chris Cassidy*

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

The meeting commenced at 7.00 pm

The Chair, Councillor S McPeake welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. The Chair, in introducing the meeting detailed the operational arrangements for transacting the business of the

Committee in the Chamber and by virtual means, by referring to Annex A to this minute.

The Chair also referred to addendum which had been circulated earlier in the day and asked if those joining remotely had seen this document and had time to read it.

Members joining remotely confirmed that they had seen the addendum and had time to read it.

P099/20 Apologies

None.

P100/20 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

The Chair, Councillor S McPeake declared an interest in agenda item 4.5 (LA09/2019/1571/F) – Dwelling and garage at site between 20 & 22 Lough Road & 50m S of 14 Lough Road, Ballymaguigan for Patrick McKenna

Councillor McKinney declared an interest in agenda item 5.7 (LA09/2020/0047/O) – Site for dwelling and garage approx. 60m W of 121A Desertmartin Road, Moneymore for Mr Henry and Mark Miller

Councillor Kearney declared an interest in agenda item 5.3 (LA09/2019/0423/F) – Retention of single storey domestic garage, storage and annex building, to be used in association with the existing dwelling house and an increase in the curtilage of the site at 63a Ballymacombs Road, Bellaghy for Donal O’Cearnaigh

P101/20 Chair’s Business

The Planning Manager advised that he had 3 matters to bring to members attention tonight.

He said that members may recall at last month’s meeting (6th October) there was a request brought forward for a change of house type on Ballyhagan Road, Maghera for Mr Kelly which had been agreed for approval. However, following the meeting it was brought to Planning’s attention that a late objection had been received by the Chief Executive at 22.20 pm and they raised that the neighbour notification period did not end until midnight on the 6th October. When checked it was confirmed this was the case and so it would have been unsound to allow this to be decided without considering the valid objection.

Therefore in light of this, the application will be returned to the December committee meeting fully taking into account the objector concerns, in order for a decision to be made.

The Planning Manager referred to the former Maghera High School site and stated that yesterday (2nd November) the Department decided that Council's Outline application for a mixed use Enterprise Centre/Business Units (planning ref LA09/2019/0024/O and accompanying full application for access roads, footpaths and associated site works (LA09/2019/0025/F), shall be referred for its determination. This is what is commonly referred to as "calling in" the applications and is provided for under Section 29 of the Planning (Northern Ireland) 2011. No reason has been stated although it is not unusual for a major application by a Council to be called in, indeed that is what the powers are there for.

He said that currently arrangements are being made for the application to be forwarded to the Department. It was likely that the Department having considered would either call a Public Inquiry to be held by the Planning Appeals Commission or issue a Notice of Opinion from which a public examination may be requested. In either event, the final decision would rest with the Minister.

The Planning Manager drew members attention to the addendum circulated relating to Environmental Statement to support a deforestation proposal at 7 Newline Road, Cookstown. He said that this project proposed to fell and partially replant the plantation at the existing site and would result in the conversion of productive ground from Forestry back into agricultural use and replanting of a small section of broadleaf woodland. The project was not found to be detrimental to the environment over a short or long term period and does not put vulnerable environmental features at risk with the mitigations as proposed. Due to this the proposal is thought to be less than significant and it was important to bring to the attention of members and local people as they need to be informed.

In response to members query regarding how long the process may take in relation to Maghera High School site, the Planning Manager advised that the Department were in the driving seat and the Council had no other option but to wait until they consider the proposal and the possibility of further information being requested, but would anticipate that this wouldn't be a quick process and may take up to a year or more to resolve the issue.

Councillor Mallaghan said that he wanted it on record to thank the Planning Manager and staff who took part in the public hearing in terms of the Doraville Wind Farm with the news coming through last week that the proposal was refused. He said that this was a good decision and goes to show that whenever the community and their local Council work together great things can be achieved, not unlike the Shackleton Resources issue that was dealt with last year as well. He was aware of the Planning Manager and his staff putting quite a number of hours into working on the project and wanted to show members appreciation.

The Chair stated that it was very appropriate of Councillor Mallaghan to raise this issue and concurred with his comments.

Councillor Colvin declared an interest in Historic Monuments.

Councillor Clarke also supported and concurred with what Councillor Mallaghan had said as there was a very strong feeling as far as he understood within the community

that the right decision was reached. He said that this was only reached with the a lot of work being carried out by the people that Councillor Mallaghan had mentioned and work from Fermanagh & Omagh also.

Matters for Decision

P102/20 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2018/0847/F Conversion of existing dwelling along with rear extension to provide a 5 bed residential care unit and 12 bed dementia care unit; associated support services; staff accommodation and car parking for both staff and visitors at 7 Cookstown Road, Moneymore for Hayley Jordan

Ms McCullagh (SPO) presented previously circulated report on planning application LA09/2017/1279/F which had a recommendation for approval.

The Chair advised that a request to speak against the application had been received and invited Mr Ross to address the committee.

Mr Ross advised members that he was representing a group of local residents who live around the site and also speaking on behalf Four Seasons Healthcare who own the site beside the existing dwelling. He said he wished to highlight some key issues on objecting to the proposal, namely the overdevelopment of the site, road safety and the fact that the design being non-compliant with healthcare standards.

He said that it was a small site with a detached dwelling and narrow garden with the proposal to create a dramatic intensification of the building form and the use of the site, the amount of floor space has greatly increased creating a sprawling development crammed into every available inch of the site. The layout showed the squeezed in carparking and also around the corner and edges of the site and to achieve the access of the scheme, it cuts into the high bank with the building right along the edge of a stream who flows towards the Ballymully River and was confident the Councillors which represent the Moneymore area would be aware of the problems of flooding associated with the river. He said for certain that the rooms inside the building were too small compared to modern healthcare standards and although the Planning Department states that this was not relevant, they feel that there is an onus on the Council to check on what was consented is at least reasonable in terms of healthcare requirements. The space outside was definitely too small, a tiny garden to use for 17 residents and the staff to share which was smaller than what was required for a two bedroom terraced house. In summary Mr Ross advised that the Developer was squeezing the maximum number of people into the smallest possible space, the site was also close to a busy road and fast traffic emerging down the hill from the dual carriageway and local residents are very concerned that there could be a traffic

problem which would lead to road accidents. He said that finally the applicant has confirmed that they don't own all of the site and needed land from the client and the objector to create the cutting and the landscaping and due to everything being so squeezed in he suggested that the Council should not be approving something that would allow the Developer to create the floor space and not do any work outside. He said he was aware that committee doesn't like going against recommendation to approve, but as it stands it's clear to him that this application should be refused and said that at the very least, he would suggest that members visit the site to ensure that they were comfortable with the idea of squeezing such a large group of vulnerable people into such a small site and something that the Council would like to stand over once it was built.

The Chair advised that a request to speak had been received on behalf of the applicant and invited Ms Jordan to address the committee.

Ms Jordan advised that she had a very good knowledge of running such a healthcare facility as she had grown up with her parents running a very successful nursing home for 33 years and was one of the managers. She said that she has been a social worker for 11 years and currently worked within the Northern Health & Social Care Trust in the Mid Ulster Hospital. In relation to the planning of the facility, extensive outlines of what was needed was took on board and also her experience of what was needed within her parents nursing home with an architect being employed that also worked for the Western Trust who went by the minimum standards. She said that her background and passion was dementia and residential care and stated that this proposal wouldn't be impacting on next door healthcare facility as they were a completely different category of care which was nursing which she personally could not go into because she doesn't have the qualifications to be a trained nurse. In referring to the economic factor she advised that she would be employing approximately 16 local staff members and would be caring for very vulnerable and very much in need proportion of elderly population with the home being designed with a sensory garden for the vulnerable residents and hoped that she would have the opportunity to look after them in the future. She concluded by saying that she had done things to the best of their ability to try and work on what means that were there on the site and within the proportion of the population she wished to represent and care for.

The Chair thanked Ms Jordan for her presentation and asked for any member comments or queries relating to both presentations.

The Planning Manager felt there were some mixed messages which clarification may help.

He said that the proposal was for a 5 no. bed residential care and 12 no. bed dementia unit, but there was also mention of accommodation for staff.

Ms Jordan advised that from past experiences that whenever her parents owned their nursing home there was always staff accommodation as it was a rural home and in the event of any emergency like snow or adverse effects of weather, there was always an opportunity for staff to stay at the home safely and not drive home until someone came to lift them or when it was safe to go home.

The Planning Manager enquired if Ms Jordan had an agreement with the Healthcare Trust in terms of meeting standards.

Ms Jordan advised that the design was carried out to the minimum standards, but to put the plans forwards to RQIA it had to be passed by Planning first. She stated that she had been liaising with RQIA regarding other issues regarding the categories of care etc. but until it was passed here, it cannot be brought forward to RQIA for consideration.

The Planning Manager advised that the Planning Department cannot give guidance on what healthcare standards should be within residential care homes and can be a material consideration on such matters and the outline matters are probably correct in that planning permission should be sought first before agreement on certification. He said that it would be his opinion to leave such matters to the relevant authority.

He referred to Mr Ross' concerns around overdevelopment and lack of outdoor space and stated that it was his opinion that dementia patients had to be in a place where it was very well secured and also referred to the agent's comments around the residents' views on traffic concerns but felt there was no mention of any particular harm to the neighbours.

Mr Ross said that he was not suggesting that the residents would be harmed in any way but they were concerned about the overdevelopment, small floor space, visitors and staffing as there would be a lot of movements. He felt there should be adequate outdoor space for dementia patients and that the garden on the site was completely hemmed which was unacceptable.

The Planning Manager said that you cannot refuse an application because it's perceived as an overdevelopment but had to demonstrate that it's harmful to amenity or character of the area and the issue here was provision of open space. Planning satisfied there is adequate space as a whole and asked Ms McCullagh (SPO) if she was satisfied there was adequate open space within the facility.

Ms McCullagh (SPO) stated that it was detailed within the report about the dementia friendly garden and that the agent had sent in a statement which supported this with research being carried out on what types of things would be good for these types of patients and officers had accepted what was considered as sufficient.

Councillor McKinney said that after hearing the details he would be happy to go with the recommendation for approval as there was no family within this room tonight which

hadn't met with the dementia issue and whilst it wasn't a planning issue, 12 more beds in the Mid Ulster area should be welcomed.

Councillor McFlynn referred to comments made by the flooding in Moneymore and said that she knew the area well as she grew up there. She referred to the issue of speeding at that stretch of road with 30 mph restrictions coming in there and advised that she had asked Roads Service about 2 months ago about considering moving the 30 mph up to the top of the hill and extending the 40 mph up towards the dual carriageway and presently waiting on confirmation if this can be completed. She said that growing up in Moneymore there used to be an elderly home at the top of Fairhill but this was now turned into a Doctor's surgery and felt that this would be a welcome addition to the Moneymore area. In referring to the entrance entering the facility she felt that these could be extended to show the visibility splays better and she also referred to the weak bridge where it was previously agreed by Roads Service that improvements would be carried out to make it more structurally sound. She said that she would be happy to second the proposal.

Councillor Colvin referred to Councillor McFlynn's comment about the access and enquired if the officer was satisfied that this access was available over land which is owned by the applicant and as a site he was familiar with, he enquired about the site going over the objectors ground in order to achieve the 90m x 2.4m.

Ms McCullagh (SPO) confirmed that the applicant had served notice on two other properties, but advised that there wasn't much more planning could do as permission was for the lands and was up to them if there was an issue with the visibility splays to sort out if permission was granted and served the correct certificate.

The Planning Manager advised that this was a common situation that planning face and there was nothing to stop anyone from applying for planning permission which would require the use of lands from another third party provided they serve the notice on them. In an instance like this where the land is needed this was where a negative condition would be used to the effect that the visibility splay must be provided before development was started and this means if either of these two parties object they hold the ability to without moving forward and this has been an issue for quite a few enforcement cases and common practice to use a negative condition.

Councillor Bell referred to the comment from Mr Ross regarding floor space and the cramming in and asked for clarification from Ms McCullagh (SPO) on this being investigated in great detail so that moving forward there was enough space for the residents as he would be concerned this would be an issue going forward. He enquired if Best Practice had been explored on the number of patients there may be and the amount of space needed for those patients to get outside.

Ms McCullagh (SPO) advised that this may overlap on what the Planning Manager had advised earlier as there was only a certain amount that planning could do and this would become the remit of other health authorities in terms of the room size. She

referred to the size of 5.2m x 3.4m (16sq) and stated that planning wouldn't be going into that level of detail to see if it was appropriate, but said that they were happy about patients outside space and with the development onsite but beyond that it would be up to the applicant to speak to the health authority.

The Chair agreed with what the applicant had stated in her presentation about planning having to come first with a detailed submission in terms of how this was going to work and numbers which were being proposed before commitment from the RQIA as this was the procedure.

The Planning Manager advised that this was not clear cut as if planning were dealing with residential units, families or one bedroom flats would be clear standards and guidance to follow but when dealing with this incidence for a lot of the patients it's a secured environment where he would be very surprised if they were allowed to go outside by themselves due to them wandering off and felt that the evaluation relating to this should be a matter for the healthcare authorities.

Councillor Bell said that it was important that the elderly and vulnerable were treated with respect.

Councillor Brown advised that he would have slight concerns and took on board what Councillor McFlynn and Councillor Colvin stated regarding access to the site. He referred to the description about the development and felt that if there was no staff accommodation then the description was wrong as the proposal was for a 12 bedroom accommodation for vulnerable patients, surely there needed to be some kind of staff accommodation to look after the patients at night time and to keep an eye on them in the instance that they would get out and wander onto the busy Cookstown-Moneymore Road which could be seen as a health & safety risk.

Ms McCullagh (SPO) said that on the plans there was a staff kitchen, restroom, one staff bedroom and utility room and was confident that has been put in for.

The Chair advised that there had been a lot of discussion around the proposal and stated that there was a proposer and seconder for the application and enquired if there was any counter proposals.

The committee agreed to proceed with the recommendation.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2018/0847/F be approved subject to conditions as per the officer's report.

The Chair referred to the below applications referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred for an office meeting or withdrawn from tonight's schedule –

Agenda item 4.2 – LA09/2019/0050/O – Site for a dwelling and garage 37m NE of 9 Annaghmore Lane, Annaghmore, Cookstown for Mr Noel Devlin

Agenda item 4.11 – LA09/2020/0740/F – Sites for 2 infill dwellings and garages between 23 & 29A Cloghog Road, Coalisland for Mr Conor Tennyson

Agenda item 4.13 – LA09/2020/0783/F – Removal of Condition 4 of outline approval LA09/2019/1004/O at approx. 170m S of 71 Back Lower Road, Killycolpy, Dungannon for Mr Plunkett Teague (withdrawn)

Agenda item 4.15 – LA09/2020/0801/O – Dwelling & detached domestic garage at site adjacent to & S of 19 Ballymaguigan Road, Magherafelt for Ms Niamh Young

Agenda item 4.16 – LA09/2020/0804/O – Two storey dwelling & domestic garage at lands 350m S of 293 Pomeroy Road, Lurganeden, Pomeroy for Mr Ben Sinnamon

Agenda item 4.17 – LA09/2020/0841/O – Site for a dwelling and domestic garage at approx. 45m W of No. 59 Lurgaboy Lane, Dungannon for Mr Darren McKenna

Proposed by Councillor Bell
Seconded by Councillor Colvin and

Resolved That the planning applications listed above be deferred for an office meeting or withdrawn.

LA09/2019/0050/O **Site for a dwelling and garage 37m NE of 9 Annaghmore Lane, Annaghmore, Cookstown for Noel Devlin**

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2019/0416/F **Retention of commercial development for the repair and sale of agricultural/construction plant and machinery at lands at 67 Glenhoy Road, Ballygawley and approx. 100m SW of 68 Glenhoy Road, Ballygawley for Keith Gladney**

Members considered previously circulated report on planning application LA09/2019/0416/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Robinson and

Resolved That planning application LA09/2019/0416/F be approved subject to conditions as per the officer's report.

LA09/2019/1239/O

Replacement dwelling with retention of existing listed building as general-purpose store at 13 Altadaven Road, Favour Royal Demesne, Augher for Bernard McKenna and & Amy McElhatton

The Head of Development Management presented report on planning application LA09/2019/1239/O which had a recommendation for refusal.

Councillor Quinn left the meeting at 7.49 pm and returned at 7.51 pm.

Proposed by Councillor Cuthbertson
Seconded by Councillor Colvin and

Resolved That planning application LA09/2019/1239/O be refused.

Councillor Mallaghan enquired if any consideration or was it appropriate for the committee to give any consideration within the new Local Development for buildings like this one or the likelihood of being brought back into better use because they are so dilapidated and so expensive to rehabilitate into something useful in the future. He said that in locations like this here where there wasn't an obvious use for the building, there would be a lot of derelict listed buildings.

The Planning Manager advised that there was obviously provision as it sits as the building would be classed as dangerous, but there was the question was the building so beyond usable for a useful purpose and this would need to be answered by the applicant themselves providing the relevant evidence like a survey from a qualified engineer. He said that there was no starting point where you could use listed buildings, but there was a position where a listed building could no longer be acceptable and be delisted, but given that we are not the body with lists or delists the buildings as this sits with Historic Buildings. He said that this building was part of the Favour Royal Estate and would find it difficult to see why it couldn't revitalise the building for a useful purpose which would require its future. He stated that in the past there was a similar situation regarding 2 attached farm dwellings which allowed one of the buildings to be replaced and converted into one complete dwelling and felt in light of that, this could be done with this and going back to the question asked, there could always be the possibility of a building being delisted.

Councillor Clarke said unless it was overlooked he couldn't remember seeing what the proposal was or the drawings as asked in future that these be issued to members in advance so they could familiarise themselves with proposals being brought before committee.

The Head of Development Management shared an overhead image on how the possible new dwelling would look like and felt that it over-dominates the existing dwelling.

The Planning Manager said that the only information coming forward was that the proposal was for a new dwelling and existing building used for storage and this would concern him because it was allowing for a new dwelling and allowing the listed building to decay. He said that the applicant must have land elsewhere and should

consider building a dwelling in its own right on the farm or elsewhere and advised that the Planning department was always open to discuss possible ways forward.

Councillor Clarke said that information before members didn't actually make things clear and felt that in future information should be issued to give members time to read all the details before a decision is made at the committee meeting.

LA09/2019/1571/F Dwelling and garage at site between 20 & 22 Lough Road & 50m S of 14 Lough Road, Ballymaguigan for Patrick McKenna

The Chair, Councillor S McPeake withdrew from the meeting and the Vice Chair, Councillor Glasgow took the Chair.

The Council Solicitor stated that on the Addendum there was an additional objection received from the agent which should have been emailed through to members and asked if members had read that and if not to let the Chair know so that time can be taken to study before the application is considered.

Members confirmed that they had received the relevant information relating to the additional objection.

Ms McCullagh (SPO) presented previously circulated report on planning application LA09/2019/1571/F which had a recommendation for approval. She reiterated from earlier that a late objection had been received late this evening from a property which had already objected.

Mr Kearney advised that speaking rights had been withdrawn on the basis that there were no objections prior to this meeting and wanted to state the application does not require third party lands and does not overstep. He said that amendments had been made and no way impacting the objector's building and in fact are away back from it which was all within the update pack which was issued. He confirmed that the client had very diligently took on board all the concerns of the objector and had affected the building to suit the objector and was a little bit shocked that the late objection had been received.

The Chair, Councillor Glasgow advised that a request to speak had been received from Councillor S McPeake and invited him to address the committee.

Councillor S McPeake said that he was fully aware that the principle of the building had already been established at this site and that for the right of a dwelling to be built on it. In the designing of a building in this size and the orienting in a way that meets the requirements of the applicant and that of the neighbouring amenities can be quite challenging. He said that he also recognised the changes to the amendments being made to the application since its original submission in terms of a window being removed, obscure glass being fitted, privacy gates being provided and the dwelling being moved back from the neighbouring property all of which were totally commendable and recognised by himself, but would ask respectfully if there was

anything further which could be done to position the site a little bit further back from the neighbouring property.

Mr Kearney advised that the site wasn't massive and the client had moved what would be potentially their living space and decreased the size to a bare minimum of 5 to 6m with a strip of grass to the side of it and has increased everything between them and the objector to which is acceptable for the client. He said his client have tried as much as they can to accommodate the objectors on what was an approved site.

Ms McCullagh (SPO) displayed the overhead site plan for member's attention.

Councillor Clarke reiterated the importance of having images in advance to the committee so members can be kept up to date and be knowledgeable when these issues arise.

The Planning Manager said that No.22 was facing the road and the opposite side was facing the garden and that the main part of the new dwelling would be looking towards the road

Ms McCullagh (SPO) agreed with the Planning Manager's comment about the positioning of the house and advised that the overhead drawing was the same one which was circulated to members previously.

The Planning Manager said that by looking at the map he felt that it was a generous separation.

Proposed by Councillor Cuthbertson
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2019/1571/F be approved subject to conditions as per the officer's report.

Councillor S McPeake returned to the meeting and took the Chair.

LA09/2020/0307/O Replacement dwelling at 12 Drumroll Road, Upper lands, Maghera for Mr A Campbell

Members considered previously circulated report on planning application LA09/2020/0307/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Black and

Resolved That planning application LA09/2020/0307/O be approved subject to conditions as per the officer's report.

**LA09/2020/0318/RM Domestic bungalow and garage at site S of 63
Anneeter, Coagh for Oliver Conlon**

Members considered previously circulated report on planning application
LA09/2020/0318/RM which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0318/RM be approved subject to
conditions as per the officer's report.

**LA09/2020/0656/O Replacement dwelling & detached domestic garage at
120m SE of 47 Annaghmakeown Road, Dungannon for
Simon Duggan**

Members considered previously circulated report on planning application
LA09/2020/0656/O which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/0656/O be approved subject to
conditions as per the officer's report.

**LA09/2020/0674/F Two storey dwelling and detached garage at site
adjacent to 82 Annagher Road, Coalisland for Kevin
McCluskey**

Members considered previously circulated report on planning application
LA09/2020/0674/F which had a recommendation for approval.

Proposed by Councillor Quinn
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0674/F be approved subject to
conditions as per the officer's report.

**LA09/2020/0687/O Off-site replacement dwelling & detached garage 110m
NW of 25 Annaghnahee Road, Coalisland for Dominic
Ryan**

The Head of Development Plan presented previously circulated report on planning
application LA09/2020/0687/O which had a recommendation for refusal.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0687/O be refused.

LA09/2020/0740/F **Sites for 2 infill dwellings and garages between 23 & 29A Cloghog Road, Coalisland for Conor Tennyson**

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2020/0775/O **Dwelling and detached garage on gap site West of 16 Drumnacannon Road, Upperlands, Maghera for Mr K McKinley**

Members considered previously circulated report on planning application LA09/2020/0775/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0775/O be approved subject to conditions as per the officer's report.

LA09/2020/0783/F **Removal of Condition 4 of outline approval LA09/2019/1004/O at approx. 170m S of 71 Back Lower Road, Killycolpy, Dungannon for Plunkett Teague**

Planning Application LA09/2020/0783/F withdrawn.

LA09/2020/0790/O **Dwelling and detached double garage with storage above at approx. 50m SW of 50 Cadian Road, Eglish, Dungannon for Ryan Muldoon**

The Head of Development Management presented previously circulated report on planning application LA09/2020/0790/O which had a recommendation for refusal.

Councillor Colvin left the meeting at 8.16 pm.

Councillor Gildernew said he knew where the site was and was very close to Eglish Village and enquired if there was any merit in seeking a deferral as he found it confusing why there was no request for speaking rights sought.

Councillor Colvin returned to the meeting at 8.18 pm.

The Planning Manager said that going through information it was evident that the applicant had liaised with the planning office and he assumed that he was asked for the additional information requested. He said that in the instance there was another case and it was refused the applicant could always come back and have a discussion and given that the other cases were refused it would be strange to defer this application.

The Head of Development Management said there didn't seem to be a request to Mr Muldoon.

The Planning Manager said that he had changed his view as the case officer had presented their opinion without asking the applicant for the relevant information.

Councillor Gildernew felt that the applicant should be given a chance to put his case forward as they were a very large family in English village and felt something had went wrong tonight due to no representation being made.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/0790/O be deferred for an office meeting

LA09/2020/0801/O **Dwelling & detached domestic garage at site adjacent to & S of 19 Ballymaguigan Road, Magherafelt for Niamh Young**

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2020/0804/O **Two storey dwelling & domestic garage at lands 350m S of 293 Pomeroy Road, Lurganeden, Pomeroy for Ben Sinnamon**

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2020/0841/O **Site for a dwelling and domestic garage at approx. 45m W of No. 59 Lurgaboy Lane, Dungannon for Darren McKenna**

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2020/0849/F **Dwelling and garage approx. 80m SW of 60a Ballygittle Road, Stewartstown for Grace Campbell and Henry Heron**

Members considered previously circulated report on planning application LA09/2020/0849/F which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/0849/F be approved subject to conditions as per the officer's report.

LA09/2020/0933/RM **Dwelling and detached garage 500m SE of 19 Drumimerick Road, Kilrea for T Kelso**

Members considered previously circulated report on planning application LA09/2020/0933/RM which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0933/RM be approved subject to conditions as per the officer's report.

LA09/2018/0176/F Retrospective shed for the storage of boats and working nets to the rear of 140 Kilmascally Road, Dungannon for Mr M O'Neill

To be taken in Confidential Business.

LA09/2018/1458/O Dwelling 50m SW of 55 Kanes Rampart, Derrylaughan, Coalisland for Owen Campbell

Members considered previously circulated report on planning application LA09/2018/1458/O which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/1458/O be approved subject to conditions as per the officer's report.

LA09/2019/0423/F Retention of single storey domestic garage, storage and annex building, to be used in association with the existing dwelling house and an increase in the curtilage of the site at 63a Ballymacombs Road, Bellaghy for Donal O'Cearnaigh

To be taken in Confidential Business.

LA09/2019/0539/F Site for a dwelling and garage, 35m S of 98 Desertmartin Road, Magherafelt for John Tohill

Members considered previously circulated report on planning application LA09/2019/0539/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2019/0539/F be approved subject to conditions as per the officer's report.

LA09/2019/1418/F

Site for dwelling & domestic garage at approx. 60m NW of 124 Lurgylea Road, Dungannon for Christopher Kelly

Members considered previously circulated report on planning application LA09/2019/1418/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Colvin and

Resolved That planning application LA09/2019/1418/F be approved subject to conditions as per the officer's report.

LA09/2020/0022/O

Dwelling in an infill site at land adjacent to and S of 14 Drumkee Road, Dungannon for Noel Stephenson

The Head of Development Plan presented previously circulated report on planning application LA09/2020/0022/O which had a recommendation for refusal.

The Chair advised that a request to speak in support of the application had been received and invited Mr Coney to address the committee.

Mr Coney advised that this proposal for a dwelling infill site

Mr Coney said that this proposal was for dwelling in an infill site, and when he first looked at the site he was confident in taking this on as he had already a benchmark case which he had based it on H/2010/0303 which was also for an infill site. He said that this application bears striking similarities to application H/2010/0303 which was previously approved and felt that this should be also approved. He stated that he doesn't do any applications where he wasn't confident of obtaining a positive result as he cares too much for people's money and fees and doesn't want them throwing their money around them. He felt that this applicant was hard done by as previously there as a building here and a new building would not be detrimental to the rural character of the area due to considerable cluster, although not all made up with all housing but with some agricultural sheds and garages which meets the criteria of an infill opportunity. He felt that if his client had built in 1988 the building would be there now and there would be no conversion about it tonight.

Mr Coney advised that this dwelling was for his client's daughter who wished to come back home to live as she currently resides in England and requested that the map of H/2010/0303 be produced to members of the Council.

In response to a query, the Head of Development Management advised that there was no specific reference to the permission but he had the file in front of him in which Mr Coney was referring to and was aware of that permission was received for a renewal. He said that the key difference he could see here was in 2010 when permission was granted, planning was allowing for a building which hadn't been built but had committed themselves in the way of permissions to be counted and interpretation did not pay much regard to the set back or the lack of a frontage and that was one of the

reasons why the Ballymaguigan Road was approved. He advised that he couldn't see direct parallels with the current case as it was relying on the buildings which didn't seem to appear to have direct frontage with the road.

The Planning Manager enquired if there were any permissions neighbouring this site.

The Head of Development Management advised that he was not aware of any.

The Planning Manager stated that there was a need to work with what was there currently and what policy states. In terms of infill this was between two buildings with road frontages so wouldn't be classed as an infill, but would have some sympathy for these types of applications but went through the tests in terms of rounding off clustering 2A but doesn't meet due to the number and nature of buildings within the cluster apart from having a development on two sides. He said that officers wished to bring forward a policy which was more sympathetic within the Draft Plan but this was not the case yet. In terms of replacement the policy it was quite clear that it needs to be substantially intact and clearly it wasn't because it has been demolished.

The Chair said that both the Planning Manager and the Head of Development Plan had provided an in-depth discussion on the differences and asked if Mr Coney had he anything further to add.

Mr Coney referred to the overhead map and advised that the shaded area behind the red line was just a site which was approved and construction hadn't even began at that time but Planning considered it to be a dwelling in the future. He said that site had permission and formed the basis of an infill, but on the current application the dwelling that he believes forms the infill was also set back just like this site here with a fence and vegetation and although not on top of the hill but as the crow flies, both sites were pretty much the same.

The Planning Manager advised that the site wasn't taken up and therefore Mid Ulster was not obliged to reissue that approval and if a planning application was submitted that would be considered at the current time, but what was presented was based on an argument on an access to a dwelling and a building based on a permission, but it was now understood that there was no permission. He said although the committee would have great sympathy for this application, policy cannot be rewritten and it does not meet policy.

Councillor Gildernew said that by looking at the map it seemed like a cluster to him and was not too far away from another small cluster. He enquired if there was a crossroads to the right of the site and asked if there was any merit for going towards a cluster rather than refusing the application and felt that another house would not make any difference.

The Planning Manager stated that policy could not be rewritten to make something fit as there would be always reasons why something could be classed as an exception.

Councillor Bell sought referred to the existing crossroads and one field in between the proposed site and the crossroads and asked if there was anything in the policy which states that it has to be 50m or so.

The Planning Manager advised that it required four buildings in this instance and asked that members not to go by the premise of trying to make a policy fit but this shouldn't stop members from coming to a conclusion.

The Council Solicitor referred to the planning history and the fact that if the original had been implemented or commenced that this application wouldn't be before committee tonight. It is a material consideration but shouldn't be given determinative weight.

In referring to Chris' comments about not meeting policy, the Council Solicitor advised that the report was clear about the policy tests not being met of which there was a number of criteria within that and would suggest that members exercise caution if considering there was any exception to policy because the exceptions would have to be truly exceptional.

Councillor Gildernew agreed that there was a need to be careful, but felt there was an exception by the way the overhead map portrays the crossroads and the amount of buildings that around the proposed site. He said that he would have some sympathy for this person as they wished to return home to live and felt that this application should be considered.

The Planning Manager suggested that a site meeting be arranged so that members can see for themselves before making a definite decision.

Councillor Bell agreed that a site visit would be the most appropriate way forward.

The Chair also agreed that a site visit would be the best option in this instance.

Proposed by Councillor Bell
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/0022/O be approved for a site visit.

LA09/2020/0047/O **Site for dwelling and garage approx. 60m W of 121A Desertmartin Road, Moneymore for Henry and Mark Miller**

Members considered previously circulated report on planning application LA09/2020/0047/O which had a recommendation for approval.

Councillor McKinney withdrew from the meeting during the discussion.

Proposed by Councillor Colvin
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0047/O be approved subject to conditions as per the officer's report.

Councillor McKinney returned to the meeting.

**LA09/2020/0446/F Change of house type to previous approval
(M/2006/1301/RM) at land opposite and SW of 165
Favour Royal Road, Augher for Finbar McQuaid**

The Head of Development Management presented previously circulated report on planning application LA09/2020/0446/F which had a recommendation for refusal.

The Chair advised that a request to speak in favour of the application had been received and invited Mr Gourley to address the committee.

Mr Gourley agreed with the Head of Development Management's comments regarding the development having to be completed before the 14 November 2008 and advised that the applicant's father had purchased the site at a cost of £50,000 for his son to live beside the family home and the family business. He advised that the applicant's father was fully aware of the expiry date and employed a contractor to carry out the development but due to the economic crisis, the father had been working in Dublin at the time and the contractor which carried out the entrance works had cleared the site for the works in September 2008 but as the recession took hold no further works had proceeded. The applicant's father had a clear intention to develop the site, with receipts and invoices being retained for the excavation works etc., with the applicant's father being confident there was enough done to secure the permission. Receipts and invoices for works carried out in September 2008 were submitted with the application although there doesn't seem to be any mention of them within the planning report, but Mr Gourley advised he had them on his possession tonight detailing works which were carried out by a local contractor on works to the entrance and clearance of the site.

Mr Gourley stated that there was a clear intention for the development to be commenced due to the amount of money given to purchase the site and did agree that there may be issues around compliance relating to the entrance, but the critical issue here was that development had commenced and if there were issues with compliance regarding the entrance then this should be seen as a compliance matter rather than a commencement matter. He advised that the street view photographs relate to March 2009 which clearly indicate that works were done in the previous growing season due to the evidence of grass growing on the piles of soil and around the disturbed earth. The entrance itself demonstrates that it wasn't a fielded access as it was a wide bell-mouth which shows a clear intent of being a development site and to set out the visibility splays at the bell-mouth to the entrance. He referred to an example from a previous planning approval K/2010/0354/F a change of house type was permitted even though access was constructed differently to the permission which shows precedent there in terms of compliance.

The Chair enquired how often google earth updated these photographs as a previous year could've told a different story.

The Council Solicitor sought clarification on why the applicant wasn't asked to prove commencement by way of a CLUD application as this was critical to keep the permission alive on a planning history or as a fall-back and felt that this was important

to get this right. She said that she did not entirely agree with the Agent's suggestion that with something that has been carried out but not in compliance with the permission should be a compliance issue rather than a commencement issue as in case-law this in itself may not be sufficient. She referred to the issue around a pre-commencement condition around access not being developed and said that this would need to be teased out and also the suggestion that the site was cleared as sufficient to constitute commencement of the permission and wasn't fully convinced that this has been fully explored.

The Planning Manager said that if a certificate of development had been obtained then this would be make this decision easy but the fact that no certificate has been obtained then it would be reasonable for the committee to refuse the application. However, if members were content that sufficient evidence that works had commenced the absence of a CLUD is not a reason to refuse an application, but this doesn't help the application in any shape or form if there was a dispute which we currently have.

The Head of Development Plan confirmed that receipts were on file, 1st receipt dated 18th September 2008 indicated the supply of hard-core and fill for the entrance for new private house at Gallagher paid in full, 2nd receipt dated 18th September 2008 indicated clearing top spill from site at Gallagher for new private house, preparing entrance and levelling.

The Planning Manager stated that these receipts indicated works were carried out in September 2008. In terms of probability the proof and receipts and google earth photos indicate that works had been done.

Councillor Clarke stated that the first thing to do with a development would be to put sightlines in place, so quite clearly the sightlines have been put in place and from the evidence presented the work was done prior to November 2008 with evidence of a large gated entrance approx. 25ft in width.

Councillor Gildernew said that by looking at the dates and the work carried out, who in their right mind would think that this work was going to be carried out without building a house. The applicant's father paid £50,000 for a house and the only intention was to build a house and felt that this was a case of splitting hairs and proposed to agree to approve the application.

Councillor McFlynn referred to earlier discussion regarding by the Planning Manager in regards to English law on development and Councillor Clarke's comment regarding the commencement of development and advised when you open your gates, clear your entrance and open your site that she would agree with Councillor Gildernew and would be happy to second his proposal.

The Planning Manager advised that English Law basically states that if a development has commenced within 5 years and the creation of an access, that planning approval would commence development and there was case law to state that access was suffice. He said that Northern Irish law was written differently and was written to say that where a development consists of works in the course of erection of a building. The contention here is that no work on the building had taken place. Where it comes to

visibility splays, this in itself may not be development and advice is that work relating to pre-commencement conditions does not in itself constitute a start. He said that his take on this was that the creation of the access needed more than cutting a hole in the hedge and placing a bit of gravel, it would need to be demonstrated that it was in connection with the erection of the building. Based on the probability that this access had started he would be prepared to allow this, but cannot guarantee that this was correct and a decision purely based on this could be subject to legal challenge.

The Council Solicitor said that to keep the committee right even not by way of a CLUD application, a full and proper assessment should be carried out on the information discussed and consideration taken back to committee with an overall view on the balance of whether development had commenced or not. She would have some concerns around the consideration of adhoc and in her view it would be more appropriate if a full assessment was carried out with a view to advising the committee one way or the other.

The Chair enquired from the Council Solicitor what more information was needed in terms of a full assessment as there was photographs and heard from the agent who was there for the actual build and commence, evidence of dates, receipts and photographs and asked what additional would be required for the full assessment.

The Council Solicitor advised that it would include matters such as evidence as to what has been suggested and what is evidenced as to having been carried out and what constitutes a development, the latter being a legal consideration. She said that she would concerns around the pre-commencement condition about access, in her view, that in itself wouldn't be development that would commence that permission and the clearing of the site needs to be teased out more to see if this was an act of development to commence it. She said that until all the relevant information was presented as a full package then in her view it was difficult to give a definitive view this evening. The lawfulness aspect was a legal query unlike planning applications which were all about planning merits and wouldn't be comfortable advising the committee based on information provided or the time given to actually consider it until a full and proper assessment is carried out.

Councillor Colvin stated that he felt really uncomfortable around the uncertainty around this as he hoped that it was legal and trying to make a very significant decision on the hoof and that the proposed application be deferred until a full legal opinion be sought to inform the committee going forward so members were not in the same position again.

Councillor Gildernew thanked the Council Solicitor for her advice and stated that he had anticipated seeking a deferral at the start of the meeting but didn't proceed as it was already a deferral and thought there would be no possibility. He agreed with Councillor Colvin that the application be deferred and come back when there was a better understanding and then a decision can be made due to a the frank discussion taking place tonight and just tidying up the loose ends.

Councillor McFlynn confirmed that she was happy to agree to a deferral.

Councillor Cuthbertson felt there was no need for anymore legal advice but to hold the application until the applicant sought a CLUD application and once that was dealt with the application would still be sitting as a way forward.

The Planning Manager advised that he wasn't convinced that a CLUD was necessary and broke the issue down into two parts, first was what the works were and did they relate to the planning permission. Secondly when were they carried out and was this sufficient to constitute a start. He said that his inclination is to go with the English case-law, but this is not the view taken across the board and therefore to take this legal advice.

Proposed by Councillor Colvin
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2020/0446/F be deferred for further clarification.

Matters for Information

P103/20 Minutes of Planning Committee held on 6 October 2020

Members noted minutes of Planning Committee held on 6 October 2020.

P104/20 The Department's Agreement of Mid Ulster Council's LDP – Revised Timetable (August 2020)

Members noted update on the Department's Agreement of Mid Ulster Council's LDP – Revised Timetable (August 2020).

Live broadcast ended at 9.30 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Quinn
Seconded by Councillor Colvin 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 P105/20 to P109/20.

Councillor Cuthbertson left the meeting at 9.30pm.

Councillor Quinn left the meeting at 9.30 pm and returned at 9.31 pm.

Councillor Mallaghan left the meeting at 9.30 pm and returned at 9.31 pm.

Matters for Decision

P105/20 Planning Applications for Determination – (Continued)
P106/20 Miscellaneous Matters

Matters for Information

P107/20 Confidential Minutes of Planning Committee held on
6 October 2020
P108/20 Enforcement Cases Opened
P109/20 Enforcement Cases Closed

P110/20 Duration of Meeting

The meeting was called for 7 pm and concluded at 11.10 pm.

Chair _____

Date _____

Speaking Notes for Chairperson

Meeting Type: Committee (Planning)

From 6.45pm before meeting Commences

A good evening to members and officers joining us this evening I will take a few minutes to go through some housekeeping to help with the running of our meeting.

- You are reminded that the meeting is being transmitted as a live broadcast with the public and press watching and listening into our proceedings either remotely and/or in the public gallery
- I want to keep how we do business broadly the same as how we have been transacting our meetings to date. To help with this can you please observe the following when we start the meeting:
 - At the start of the meeting I will be taking a roll call of members in attendance to ensure that any member attending remotely is correctly marked present. Please ensure that when your name is called you turn on your audio to confirm that you are present and that you put your audio to mute immediately thereafter.
 - Raise your hand in the meeting or on screen if you wish to speak and keep raised until observed by an Officer or myself. If you are on the screen, please ensure that your hand can be seen on your video feed and I will verbally let you know when I have seen you so you can lower your hand
 - If you have joined us remotely, please leave your audio on mute unless invited to speak and have your camera on. Remember to put it back onto mute when finished speaking
 - If you are having problems with bandwidth or good quality internet connection, please turn your video off as this may assist
 - Only speak when invited to do so by the Chair
 - Should we have to take a vote, whether you are in the room or have joined remotely, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting. If you are joining remotely, please ensure that when your name is called you turn on your audio to indicate your voting preference and that you put your audio to mute immediately thereafter. Unless, specifically called for, this will not constitute a recorded vote.
 - When invited to speak please start by saying your name to help those who have joined the meeting remotely and the public watching the Live Broadcast

- Lastly, when we move into Confidential Business, can I remind those who have joined the meeting remotely that it is your responsibility to ensure that no other person can hear or see any confidential matters being transacted

I will recap on these points at the start of the meeting but we will pause there and come back at 7pm.

Commencement of Meeting at 7pm

Good evening and welcome to the Councils meeting of its 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, that you are confirming that you were in attendance for the duration of, and 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 any 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 earlier today. If any member has not received the Addendum or has not had sufficient time to review it, please let me know now or as soon as the application is called this evening.
- If referring to a specific report, page, slide etc., mention and clearly reference the report, page, slide etc. so that all members have a clear understanding of what is being discussed at all times

- 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.

Notes to the Chair to assist in running the meeting:

- **The Agenda:** please read out the Agenda Item Number and the item itself to assist those who have joined remotely and the public listening
- **Members Speaking:** When calling upon Members and Officers to speak please introduce them by their full name to assist those who have joined remotely and the public listening
- **The Addendum:** When calling out an Agenda Item Number that has corresponding information/documentation on the Addendum, please advise members of this and ask that they advise you immediately if they require any time to read that additional information
- **Member of the public speaking remotely:** At the start of each item where someone has requested remote speaking rights, please confirm the points above highlighted yellow to those members of the public that are exercising speaking rights remotely
- **Visual Aids:** When officers are using visual aids, they will be sharing their screen. Please ensure that members on Webex as well as members in the Chamber can clearly see the visual aids
- **Voting:** If a vote is taken please declare the result to the meeting provided by the Planning Manager/Senior Officer attending before moving to the next item to assist those listening and the committee clerk for accuracy of the minute
- **Moving to Confidential Business:** When we conclude Open Business and before we take a Proposer and Seconder to go into Confidential Business, thank the public for listening in and advise that the Live Broadcast will now end. It may take a few seconds for this to end so please wait until it is confirmed to you that the Live Broadcast has ended. Note that we might have some in the Public Gallery at the back of the Chamber and thank them for attending

