



11 January 2021

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 Monday, 11 January 2021 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
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

5 - 164

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2019/0152/F	Retention of the storage building for packaging and storage of hand made dog treats at 19 Major's Lane, Moy for Bernard Mackle.	APPROVE

4.2.	LA09/2019/1305/F	8 two storey apartments within 2 blocks at 63 Thomas Street Dungannon, for Farasha Properties Ltd.	APPROVE
4.3.	LA09/2019/1318/O	Site of replacement dwelling and detached domestic garage at 440m S E of 28 Leitrim Road, Castledawson for Mr RJ Mawhinney.	APPROVE
4.4.	LA09/2020/0108/F	1 No. 1 2/3 storey dwelling house & associated screened utility yard at 50m N of 53A Ballymacombs Road, Portglenone, for Eunan Cassidy.	APPROVE
4.5.	LA09/2020/0147/F	Variation of condition 11 of previous LA09/2016/0470/F, to allow extension of time, at 111 Ballynakiilly Road Coalisland, for Formac Limited.	REFUSE
4.6.	LA09/2020/0864/F	Car parking and block of semi detached dwellings at lands approx 50m W of 39 Charlemont Street, Moy, for Hemel Ltd.	REFUSE
4.7.	LA09/2020/0991/O	Dwelling and domestic garage at 200m W of 115 Clonavaddy Road, Aghnagar, Cappagh, Dungannon for Plunkett Nugent	REFUSE
4.8.	LA09/2020/0992/O	Dwelling and domestic garage at 150m W of 115 Clonavaddy Road, Aghnagar, Cappagh, Dungannon for Plunkett Nugent.	REFUSE
4.9.	LA09/2020/1055/F	Renovation and extension of existing Clogher workhouse admin building and surroundings to accommodate new childcare centre, including the demolition of the existing mobile classrooms, outbuildings and walls at 6-7 Tullybroom Road, Clogher for Early Years.	APPROVE
4.10.	LA09/2020/1059/LBC	Renovation and extension of existing Clogher workhouse admin building and surroundings to accommodate new childcare centre, including the demolition of the existing mobile classrooms, outbuildings and walls at 6-7 Tullybroom Road, Clogher for Early Years	APPROVE
4.11.	LA09/2020/1082/O	Site for dwelling at 35m W of 33 Gortnaskea Road, Stewartstown, for Dr Rogers	REFUSE

4.12.	LA09/2020/1101/O	Dwelling at 286m NW of 1 Loveshill, Castledawson, for Noel and Marie Lennon.	APPROVE
4.13.	LA09/2020/1115/O	Site for dwelling at lands NNW of 162b Washingbay Road and E of 152a Cloghog Road, Coalisland, for Mr Brendan Corr.	REFUSE
4.14.	LA09/2020/1140/O	Infill dwelling and detached garage between 104 Ballygawley Road and an agricultural building 100m NE of 104 Ballygawley Road, Glenadush, for Mr Bernard Mc Aleer.	REFUSE

5. Receive Deferred Applications

165 - 254

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2019/0784/F	Farm shed to include feeding & shelter area, storage area and underground slurry tanks and new access to be taken from Drumlamph Lane at approx 130m SE of 9 Drumlamph Lane, Castledawson, for Cathal Shivers.	REFUSE
5.2.	LA09/2019/1402/O	Site for a dwelling & domestic garage at approx 50m NE of 45 Moneyneany Road, Draperstown for Mr Michael McWilliams.	APPROVE
5.3.	LA09/2020/0022/O	Dwelling in an infill site at land adjacent to and S of 14 Drumkee Road, Dungannon, for Mr Noel Stephenson.	REFUSE
5.4.	LA09/2020/0608/O	Dwelling and garage at site adjacent to 9a Falgortrevy Road, Maghera, for Shaun Kelly.	REFUSE
5.5.	LA09/2020/0801/O	Dwelling & detached domestic garage at site adjacent to & S of 19 Ballymaguigan Road, Magherafelt, for Niamh Young.	APPROVE
5.6.	LA09/2020/1484/O	Dwelling & garage 50m E of 91 Aughrim Road, Magherafelt for Keith Fulton.	APPROVE

Matters for Information

6 Minutes of Planning Committee held on 1 December 2020 255 - 284

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

7. Receive Report on correspondence from Fermanagh & Omagh Council
8. Receive Report on Consultation Response to DfI on draft Transport Study
9. Receive Report on Mid Ulster District Council's Response to Derry and Strabane District Council's Consultation for the submission of Counter representations
10. Receive Report on DfI correspondence on consultation from the Civil Aviation Authority (CAA)
11. Receive Enforcement Report

Matters for Information

12. Confidential Minutes of Planning Committee held on 1 December 2020
13. Enforcement Cases Opened
14. Enforcement Cases Closed



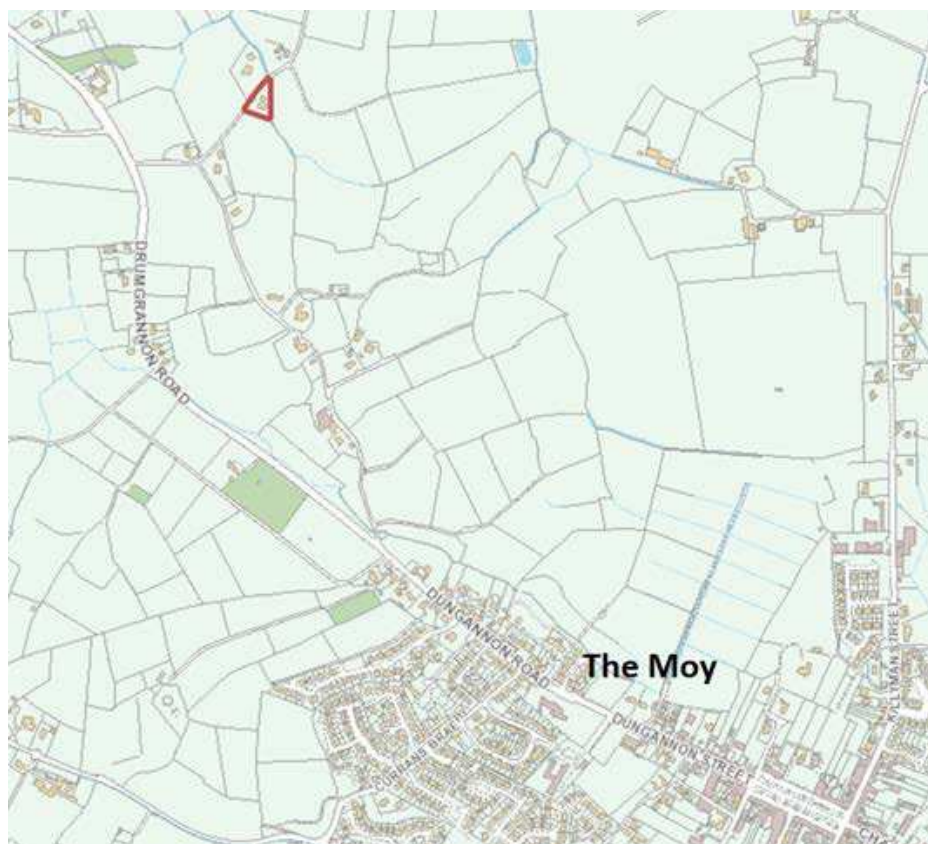
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0152/F	Target Date:
Proposal: Retention of the storage building and its use for the packaging and storage of hand made dog treats produced in the adjoining and attached garage	Location: 19 Major's Lane Moy Dungannon
Referral Route: Objection received	
Recommendation:	Approval
Applicant Name and Address: Bernard Mackle 19 Majors Lane Moy Dungannon	Agent Name and Address: Colm Donaghy Chartered Architects 43 Dungannon Street Moy BT71 7SH
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
Statutory	Environmental Health Mid Ulster Council	Additional Information Required
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

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



The red line of the site is triangular in shape and includes a large two storey dwelling with a large rear return, and decent garden space to both sides North and South. There is also a detached two storey garage with external stairs to the north with a further aluminium clad shed/garage type structure further North again. It is finished in a cream paint with dark coloured roof and a roller front door. This building is also internally linked to the garage.

Description of Proposal

The proposal seeks full planning permission for the retention of the storage building (5m x 10m) and its use for the packaging and storage of handmade dog treats produced in the adjoining and attached garage.

Planning Assessment of Policy and Other Material Considerations

History

LA09/2018/0132/LDE - Small Bakery producing handmade dog treats in garage attached to the house ? Permitted Development 12.09.2018

The site was granted a certificate of lawfulness in 2018 as the applicant had provided business invoices and receipts, bank accounts, phone bills, all relate to the pet bakery at number 19 Majors Lane, Moy spanning back to 2011.

Objections

One objection was received from the owner/occupier of the dwelling situated opposite and NW of the site. The main concerns are;

- Ongoing odour issues with the existing and permitted dog bakery.
- Location for the existing pet bakery is unsuitable
- Excess traffic caused by the existing pet bakery
- Use of objectors driveway for parking of vehicles associated with pet bakery
- General disruption and noise from the existing pet bakery



Assessment

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

- SPPS Strategic Planning Policy Statement for Northern Ireland
- Dungannon and South Tyrone Area Plan.
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- PPS 3 - Access, Movement and Parking

- PPS 4 - Planning and Economic Development
- PPS 21 - Sustainable Development in the Countryside

SPPS - Strategic Planning Policy Statement for Northern Ireland

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

There are no flooding issues or natural heritage issues affecting the site. The closest third party dwelling is located to the immediate North West of the site, number 20 Majors Lane. Given the nature of the development (ie) manufacturing and storage of pet food, it was necessary to consult with Environmental Health with regards to any impact on residential amenity. Environmental Health have visited and monitored the site, in addition they have also considered the submitted Odour report and responded stating they are satisfied that odour from the pet bakery has no adverse impact on nearby residential amenity and have no objection to the granting of any planning permission.

The SPPS does give specific provision for Economic Development, Industry and Commerce subject to a number policy provisions. It does not present any change in policy direction with regards to industrial development in settlements. As such, existing policy will be applied (ie) PPS4.

DSTAP 2010

The site lies just North of and outside the development limits of The Moy and in the open countryside. It is not subject to any key site requirements. I do not consider there any policies within the plan that deal with industrial development in the countryside.

Mid Ulster District Council Draft Plan Strategy 2030

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.

The 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 21 Sustainable Development in the Countryside

Policy CTY 1 of PPS21 allows a number of types of development in the countryside, where it relates to business development if the policies contained within PPS 4 - Planning and Economic Development are met then the proposal will meet with CTY1.

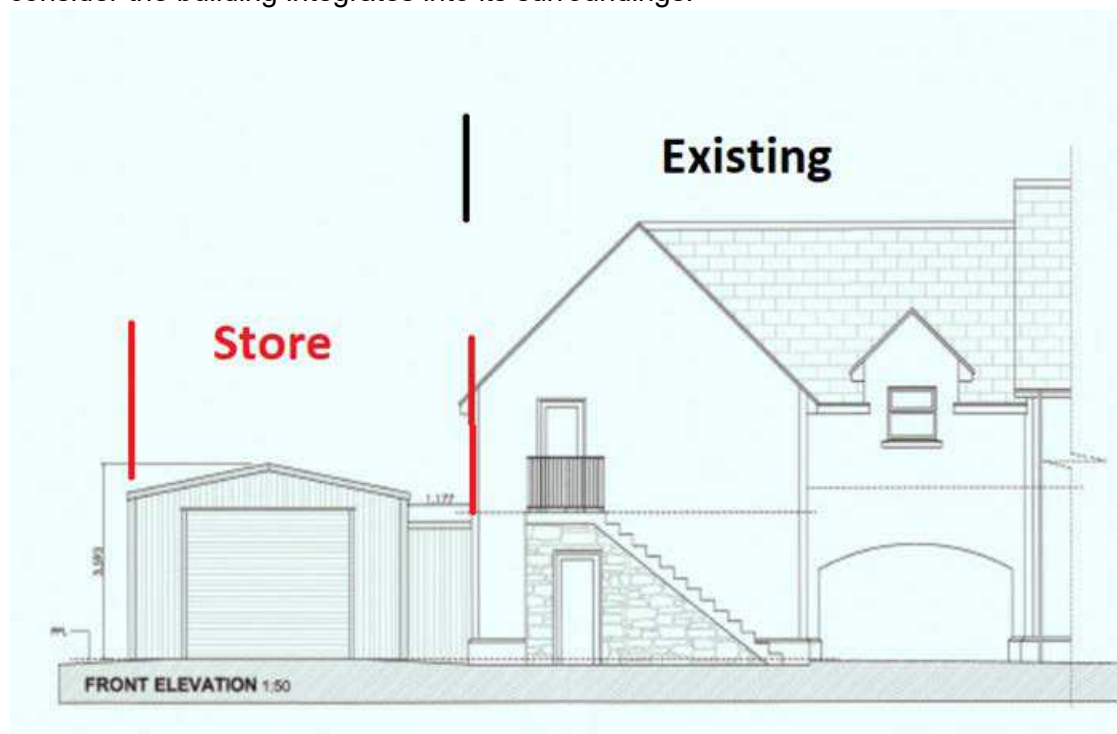
Policy PED2 of PPS4 allows economic development in the countryside where it meets with other specified criteria in policies PED3 - PED6 and the general criteria in PED9 is relevant to the consideration of all economic development proposals.

This proposal is for the retention of a building associated with an established business 'pet bakery? (established under CLUD - LA09/2018/0131/LDE) for the manufacturing and storage of pet food and as such I consider this is the expansion of an established economic development use, as such the provisions of Policy PED 3 apply.

PED3 - Expansion of an Existing Industrial Development in the Countryside.

Policy PED 3 states the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

Aerial photographs of the site indicate the footprint of the building to be retained is within the existing established site and as such there is no increase in the site area because of this development. The proposal is for the retention of a building with a floor space of approx. 50sqm in area. Views of the building from the surrounding public road network are somewhat limited with the existing buildings to the south and a mature backdrop of vegetation. As the building is relatively small and attached to the existing building, it appears as a small side extension. I consider the building integrates into its surroundings.



In addition to Policy PED 3, this proposal is required to meet the requirements of Policy PED 9 - General Criteria for Economic Development, which for the following reasons I consider it does:

- this proposal is considered compatible with the surrounding land uses given the existing the existing use on site, it is a small store to be used to keep up to a max of 10 pallets. This will avoid the need for constant delivery of completed product as well as cutting the need for any outside storage which would have more of an impact on surrounding residential amenity.
- The building is located within the existing yard, there may be issues relating to noise and odour, however I do not think, given the existing development and uses around it, as well as the distance from existing and approved residential properties, that this building will unduly exacerbate any existing issues. Environmental health comments are in agreement with this.

- It will not adversely affect features of the natural or built heritage as there are no features of built heritage on site or in the immediate vicinity.
- There are no flooding issues or natural heritage issues affecting the site.
- There will be no effluent and no concerns regarding emissions have been raised.
- This proposal does not involve the creation of a new access unto a public road or intensification of the site.
- The site is located within a rural area, access to the site is gained from the existing and there is a movement pattern providing acceptable links to public transport.
- The building does not include any new landscaping or infrastructure, it is of an appearance similar to a small domestic garage. It does not propose any outdoor storage.
- The proposal does not involve any new fences, as the site is self-contained and well secured, it is generally designed to deter crime and promotes personal safety.

Taking account if all of the above, I consider this proposed development can be considered to meet PED3 of PPS4 and can be approved.

Neighbour Notification Checked

Yes

Conditions

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

Reason: This is a retrospective application.

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	4th February 2019
Date First Advertised	21st February 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 19 The Major'S Lane,Dungannon,Tyrone,BT71 7FG The Owner/Occupier, 20 The Major'S Lane Dungannon Tyrone The Owner/Occupier, 22 The Major'S Lane,Dungannon,Tyrone,BT71 7FG The Owner/Occupier, 24 The Major'S Lane,Dungannon,Tyrone,BT71 7FG The Owner/Occupier, 91Major'S Lane, Dungannon, Tyrone, BT71 7FG Derek McMullan Email Address	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/0152/F Proposal: Retention of the storage building and its use for the packaging and storage of hand made dog treats produced in the adjoining and attached garage Address: 19 Major's Lane, Moy, Dungannon, Decision: Decision Date: Ref ID: LA09/2018/0131/LDE Proposal: Small Bakery producing handmade dog treats in garage attached to the house Address: 19 Majors Lane, Moy, Decision: PG Decision Date: Ref ID: M/2005/0596/O Proposal: Traditional dwelling Address: 90m South West of 93 Major Lane, Dungannon Decision: Decision Date: 20.09.2005	

Ref ID: M/2001/0922/O
 Proposal: Traditional Style Two Storey Dwelling & Garage
 Address: Adjacent to 93 Major Lane, Dungannon
 Decision:
 Decision Date: 25.10.2001

Ref ID: M/2006/0322/RM
 Proposal: Traditional dwelling
 Address: 90m South West of 93 Major Lane, Dungannon
 Decision:
 Decision Date: 03.05.2006

Ref ID: M/2008/0214/F
 Proposal: Retention of development from that previously approved under application M/2006/0322/RM namely removal one outshot to southern elevation and provide 2 no. windows of first floor on western elevation.
 Address: 90m South west of Major Lane, Dungannon
 Decision:
 Decision Date: 12.06.2008

Drawing Numbers and Title

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

Drawing No. 02
 Type: Proposed Plans
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



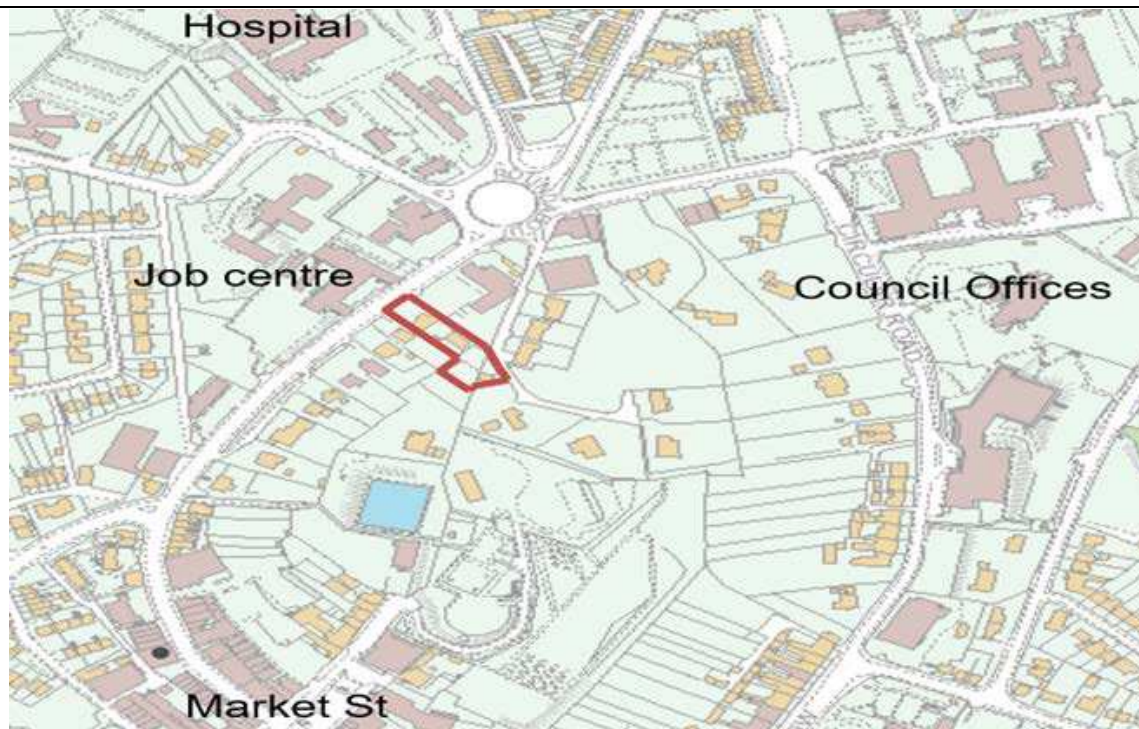
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1305/F	Target Date:
Proposal: 8 No. two storey apartments within 2 blocks (amended drawings)	Location: 63 Thomas Street Dungannon
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Farasha Properties Ltd 34 Culrevog Road Dungannon	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	17
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

The objections were received in two waves, the first 10 objections raised the following;

- Loss of privacy, overlooking
- Out of character with the area
- Additional traffic congestion on Castlefields
- Overdevelopment of site
- Lack of open space
- Refuge collection point
- Inadequate parking
- Lack of integration
- Red line incorporating part of Castlefields road outside of the natural boundary
- The P.A.P on to Castlefields
- Lack of proper boundary along Castlefields
- in turn leading to increased noise,
- residents using Castlefields as through road etc parking

After numerous amended drawings the new scheme the neighbours were re-notified and a further 7 objections were received, these letters raised some of the previous concerns but additionally;

- Lack of on site parking, reduction to 8 spaces not adequate.
- Further increase in railings and extend area covered
- Waste water treatment plant concerns e.g maintenance smells.

Characteristics of the Site and Area

The site lies within the settlement limits and the town centre boundary of Dungannon, the small triangular south eastern corner lies within zoned housing land, it lies outside all other areas of constraint as depicted by the DSTAP 2010.

The red line of the site sits between a multi use education centre to the north east and a line of residential buildings to the south west. The immediate dwelling to the south west is a mix use residential home and dental practice. At the time of site visit there were two buildings on the site, a two storey building towards the front of the site and a smaller single storey building toward the rear which is currently disused but was previously a doctors surgery. The larger building sits centrally on the site and has a large two storey front projection, it is finished in white dash and a tarred driveway. There is also a small low cropped hedgerow along the roadside. The single storey building to the rear is a mix of cream dash and red brick and sits gable ended to the road. There is also a small garage type building on the very rear corner of the site with two roller shutter doors. The land rises gradually from the roadside west to the east rear of the site.



Description of Proposal

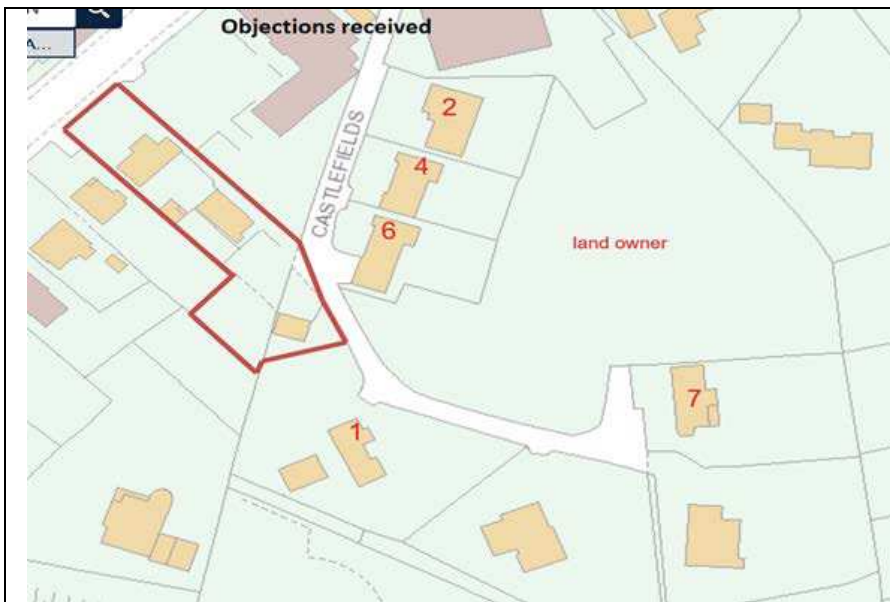
The proposal seeks full planning permission for 8 No. two storey apartments within 2 blocks



Planning Assessment of Policy and Other Material Considerations

Representations.

17 Objections have been received in total.
 Numbers 1(x2), 2(x2), 4(x2), 6(x3), 7 Castlefields.
 The owner of the land behind Castlefields (x2).
 There were two other objections giving their address as Castlefields Only.
 There were 3 objections from 71 The Grange.



Objectors concerns;

The objections were received in two waves, the first 10 objections raised the following;

- Loss of privacy, overlooking
- Out of character with the area
- Additional traffic congestion on Castlefields
- Overdevelopment of site
- Lack of open space
- Refuge collection point
- Inadequate parking
- Lack of integration
- Red line incorporating part of Castlefields road outside of the natural boundary
- The P.A.P on to Castlefields
- Lack of proper boundary along Castlefields
 - in turn leading to increased noise,
 - residents using Castlefields as through road etc parking

After numerous amended drawings the new scheme the neighbours were re-notified and a further 7 objections were received, these letters raised some of the previous concerns but additionally;

- Lack of onsite parking, reduction to 8 spaces not adequate.
- Further increase in railings and extend area covered
- Waste water treatment plant concerns e.g maintenance smells.

Consideration of objections.

-With regards overlooking, loss of privacy issues, - an amended scheme has been received with a lower ridge height, also the apartments have been orientated and designed so as to only have small narrow bedroom window overlooking Castlefields at first floor level. In addition the applicant has proposed a higher boundary along the rear to ease overlooking fears.

-With regards to the character of the area, the site lies within the TCB and many other examples of apartments are evident. I also feel that in this case the blocks of 4 apartments have been styled and designed so as to appear similar to the large detached properties along Thomas St.

-With regards to the objectors concerns relating to additional traffic on Castlefields, the applicant has an existing right of way onto Castlefields which they have chosen to keep closed up to avoid any outflow

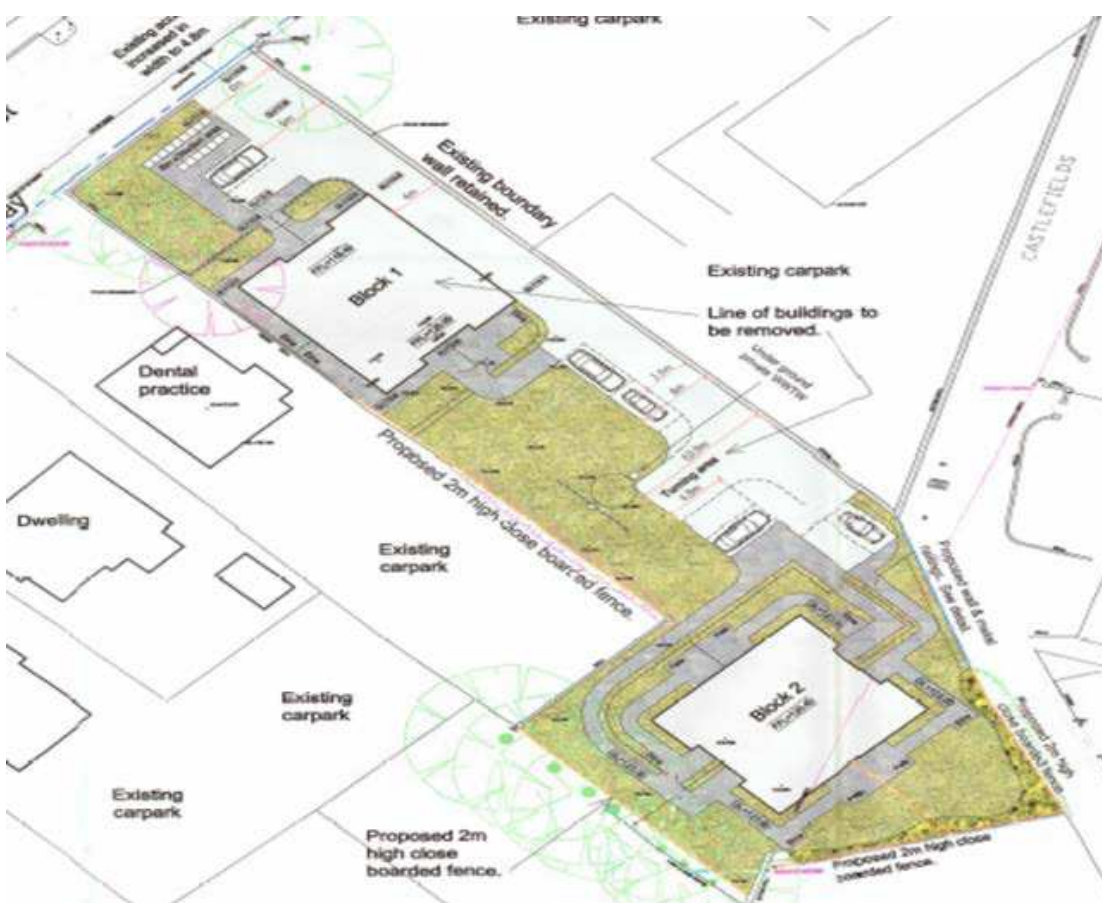
onto that small development. Furthermore since receiving the objections they have closed up the pedestrian access point and increase the boundary at the rear from 1.2 metres to 2 metres to further discourage anyone from hopping over that wall as per the concerns, in addition after the most recent meeting with the objectors, it was agreed to increase the 2 metre railing around the side boundary as well to further deter this movement.

-With regards to overdevelopment of the site, lack of open space and parking. The most recent layout has redone the parking to allow for a greater area of open space which meets the current required standards, including individual areas per apartment, as well as this DFI roads have been consulted and have no objections to the new scheme.

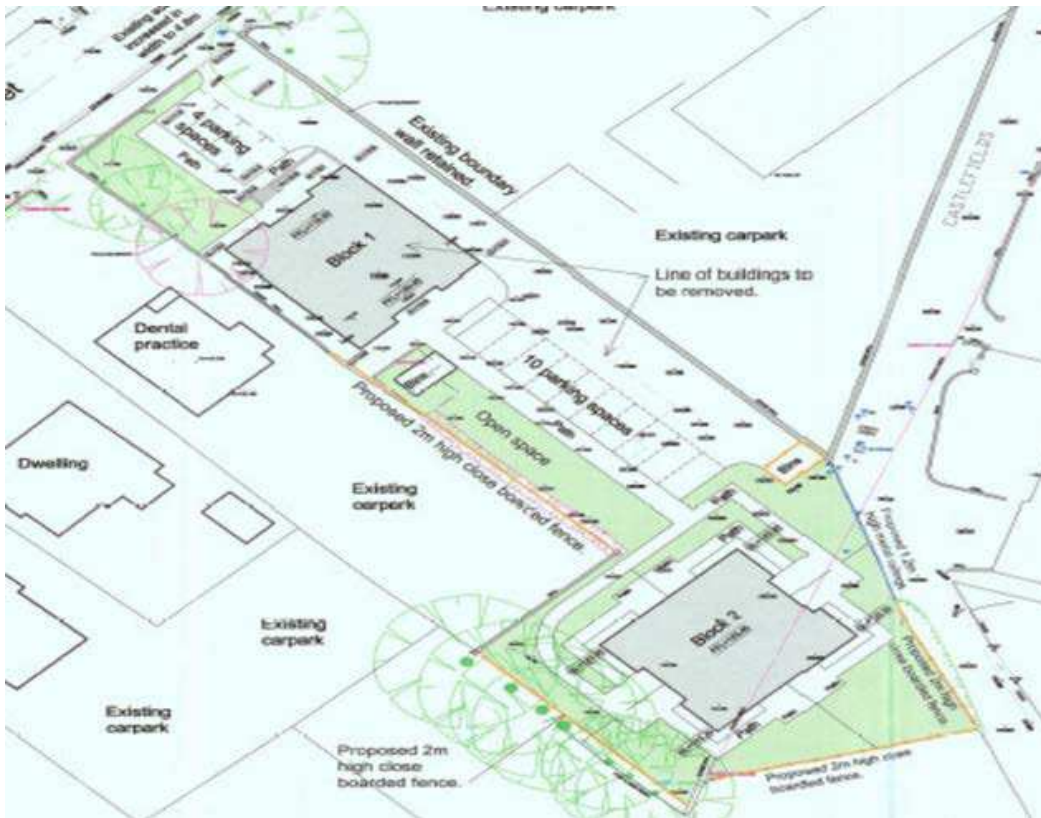
-With regards to the concerns over the bin collection point in close proximity to the houses at Castlefield, the recent layout has shown this to be moved to the front of the site at the furthest point from the objectors.

-With regards to the lack of integration, boundary definition, red line queries and P.A.P. The applicant has proposed to remove the P.A.P and increase the rear east boundary to a 2 metre high wall with railings to ease any fears of through flow on foot. In addition the scheme also proposes to retain the exiting vegetation and erect a 2 metre high closed board fence along the south and west boundaries. The applicant also provided land registry maps to prove ownership of all the land within the red line, this appears to include a small portion of the private lane to the rear.

-And finally with regards to the WWTP, as Dungannon WWTW are at capacity, the applicant has proposed a high quality Viltra Oxcrete sewerage treatment plant and has submitted all details pertaining to it. The Environmental health Department were consulted with these details and had no objections. The WWTP also comes with a 24 hour breakdown service in the case of emergency. This proposal is a viable alternative when connection to the mains sewers is not available.



Most recent scheme above



Original scheme above.

History

LA09/2019/0811/PAD - Proposed apartments - 63 Thomas Street, Dungannon.

Assessment

The following policy documents will be considered in this assessment:

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan 2010 (DSTAP)
- 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.
- Addendum to PPS 7 - Safeguarding the Character of Established Residential Area
- Planning Strategy for Rural NI
- DCAN 9 Residential and Nursing Homes
- Parking Standards

Strategic Planning Policy Statement (SPPS)

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 site is in an area of archaeological importance. Historic Environment

Division (HED) have been consulted and have advised that the proposal will not have a negative impact on archaeology in the area. The proposal will not impact on any priority habitat or designated sites. The proposal will not impact on residential amenity by way of overlooking, loss of light or unacceptable noise levels.

Dungannon and South Tyrone Area Plan 2010

The site is within the development limits of Dungannon as defined in the DSTAP 2010 and is outside the defined Town Centre Boundary. It is not subject to any Area Plan Designations or Zonings. As such, existing planning policy should be applied.

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. However 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. It should be noted that the proposal does not raise any conflict with either of these policies. Policy GP1 - General Principles Planning Policy and Policy COY1 - Community Uses is applicable to this application

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 use of an existing unaltered access to a public road. DFI Roads have been consulted and have raised no concerns in relation to road safety or traffic flow.

Policy AMP 7 deals with Car Parking and Servicing Arrangements. It advises that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Departments published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic. This site is not in an area of parking restraint and DFI Roads have not raised any concerns in relation to Parking. The TAF submitted with the application. 8 new spaces are being provided within the red line of the site which equates to over 1 space per unit which may be under the requirements. The original scheme provided 14 parking spaces, however, in order to accommodate a turning area for service vehicles a total of 6 spaces were dropped, however, it is my opinion that due to the town centre location, the availability of on street parking, existing car parks in the surrounding area as well as the style of development being apartments, a lower end of onsite parking standards can be accepted.

Planning Strategy for Rural NI (PSRNI)

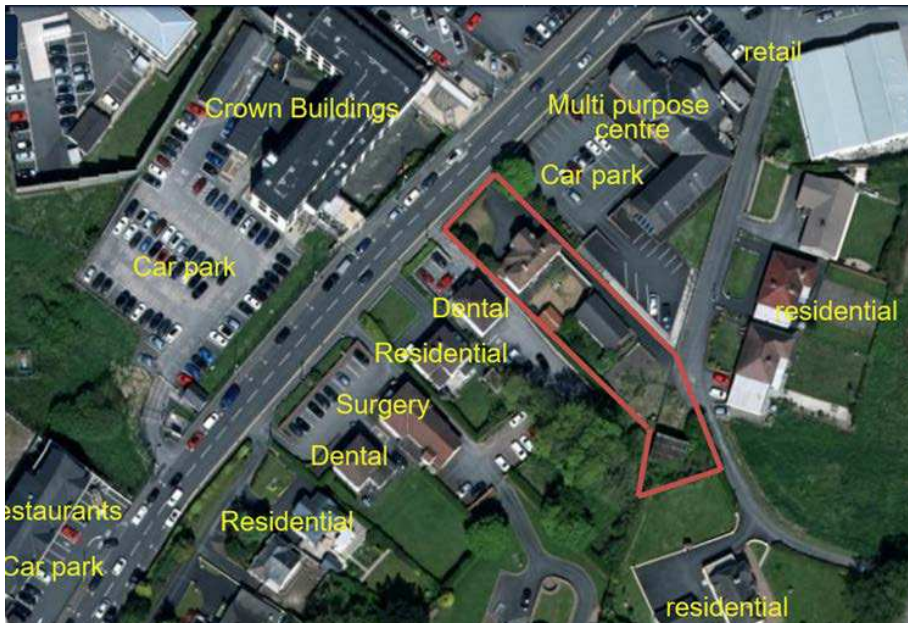
Policy DES 2 (Townscape) is relevant to this assessment. This proposal will not have a negative impact on the character of this area. It will not detract from any existing streetscape or architectural interest.

Planning policy Statement 7 - Quality residential Environments

Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments states all proposals for residential development will be expected to conform to all of the following criteria:

a) The immediate surrounding area is a mix of residential, offices and retail, all the surrounding buildings are a mix of two and three storeys with community and local facilities available close by with a local convenience shop, playing fields, supermarket, and restaurants all within the close proximity, there is a dental practice, doctor surgery, multi purpose centre and crown buildings all within the immediate vicinity.

The principle of residential development is generally acceptable within the development limit of Dungannon and this proposal respects the use of the surrounding area which is largely residential. Whilst this development is apartment style its design of two blocks is such that it will respect the building line along Thomas street. In addition the proposed building (block 1) will replace an existing building of similar size.



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

c) Based on the site plan the applicant has submitted it is clear that there is adequate space to provide adequate private amenity space for each unit.

d) Given the nature, scale and location of the development, there is no requirement for public open space to be provided as part of this application, however, the proposal involves a generous green area between the two blocks. In this case the site is also located within the town centre and close to other areas ie leisure centre, hill of oneill, highway to health

e) The location of this site within the settlement limits of Dungannon supports walking and cycling and there is convenient access to public transport.

f) In the previous Pre Application Discussions (LA09/2019/0811/PAD) parking was discussed and the proposal is deemed acceptable in terms of parking and turning areas for service vehicles when considering the town centre location and surrounding availability of alternative car parking. Additionally it is not considered that the proposal will conflict with existing land uses.

g) The proposed building recognises the original characteristics of the area in terms of size, scale, form and materials. The critical elevation which is onto Thomas street incorporates the appearance of a two storey dwelling with windows with vertical emphasis, 2 number traditionally panelled doors, cream

rendered walls on the ground floor and a red brick first floor drawing from the best local traditions of the surrounding area.

h) I am content this proposal should not have a significant detrimental impact on the adjacent land uses. I am content there will be no impact on the neighbouring property at Castlefields to the rear, or to the properties along Thomas Street in terms of noise disturbance and loss of privacy as the existing boundary wall is being retained and enhanced with fence and railings. I am satisfied there will be no issues with overlooking, overshadowing or loss of privacy at the neighbouring properties as previously discussed in the consideration of objections.

i) There are no concerns regarding crime and personal safety with this proposal.

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

(a) This proposed development would increase the density of the development with the previous use, however, I would not have any concerns this would considerably alter the character of this established area.

(b) The pattern of development in the immediate area is a mix of large two and three storey buildings and I consider the type of building proposed, would not have an impact on the overall character and environmental quality of this area.

(c) the units are built to a size not less than those set out in Annex A

Other considerations

The site is not subject to flooding and neighbouring land use will not be detrimentally impacted. There are no land contamination or public health issues to consider. The building is not listed therefore LBC is not required.

Environmental Health have been consulted with regard to smells/fumes, refuse and litter and have raised no objections. Based on this I am satisfied that the proposal is adequately designed to avoid a significant adverse impact on neighbouring amenity.

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 waste water treatment plant shall be located as per Drawing Site Layout Rev 06 date stamped 11th August 2020 and shall be installed and fully operational prior to the occupation of any dwellings hereby approved.

Reason: To safeguard public health and in the interest of safeguarding residential amenity.

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

Reason: To safeguard public health and in the interest of safeguarding residential amenity.

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

Reason: To safeguard residential amenity.

5. Any works required to resolve odour issues shall be carried out by an approved operator. The works shall be completed within a reasonable timeframe to the agreement of Mid Ulster District Council on identification of a nuisance. On completion of the works, the operator shall provide details of a monitoring survey to Mid Ulster District Council for written approval.

Reason: To safeguard residential amenity.

6. Prior to commencement of the development hereby permitted, visibility splays of 2.0 metres by 60.0 metres at the junction of the proposed access with the public road, shall be provided in accordance with the approved drawing No. 6 bearing the date stamp 11 August 2020, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

7. All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.6A dated 25th November 2020 and the appropriate British Standard or other recognised Codes of Practice. 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. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land

owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

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

A monetary deposit will be required to cover works on the public road.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	7th October 2019
Date First Advertised	22nd October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) Aileen McMorrow "Knocknarea", 4 Castlefields, Dungannon, BT71 6DZ The Owner/Occupier, 1 Castlefields Dungannon Tyrone Mary Watkins 1 Castlefields, Dungannon, Tyrone, Northern Ireland, BT71 6DZ . The Occupier 1 Castlefields, Dungannon, Tyrone, Northern Ireland, BT71 6DZ Veronica Knox 117 Drumnasoo Road, Portadown, BT62 4EX The Owner/Occupier, 2 Castlefields Dungannon Tyrone Charlotte McCaughan 2 Castlefields, Dungannon, Co Tyrone, BT71 6DZ Charlotte McCaughan 2 Castlefields, Dungannon, Tyrone, Northern Ireland, BT71 6DZ P Marshall 3 The Cairn, Bush Road, Dungannon, Co Tyrone, BT71 6QB P Marshall 3 The Cairn, Bush Road, Dungannon,BT71 6QB The Owner/Occupier, 4 Castlefields Dungannon Tyrone A McMorrow 4 Castlefields,Dungannon,BT71 6DZ The Owner/Occupier, 59 Thomas Street,Dungannon,Tyrone,BT70 1HW The Owner/Occupier, 6 Castlefields Dungannon Tyrone Mary McElroy 6 Castlefields, Dungannon, BT71 6DZ Mary McElroy 6 Castlefields, Dungannon, Tyrone, Northern Ireland, BT71 6DZ Mary McElroy 6 Castlefields,Dungannon,BT71 6DZ The Owner/Occupier, 61 Thomas Street,Dungannon,Tyrone,BT70 1HW The Owner/Occupier, 63 Thomas Street,Dungannon,Tyrone,BT70 1HW Steven White 7 Castlefields,Dungannon,BT71 6DZ	

Veronica Knox
 71 The Grange,Lurgan,BT67 9BU
 Veronica Knox
 71 The Grange,Lurgan,BT67 9BU
 D. Hanna
 Castlefield, Dungannon, BT71 6DZ
 D Hanna
 Castlefields,Dungannon,Co Tyrone,BT71 6DZ
 The Owner/Occupier,
 Crown Buildings Thomas Street Dungannon
 The Owner/Occupier,
 Crown Buildings,Thomas Street,Dungannon,Tyrone,BT70 1EN
 The Owner/Occupier,
 Multi Purpose Centre 65 Thomas Street Dungannon

Date of Last Neighbour Notification	18th November 2020
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2019/0811/PAD
 Proposal: Proposed apartments
 Address: Thomas Street, Dungannon,
 Decision:
 Decision Date:

Ref ID: LA09/2019/1305/F
 Proposal: 8No. two storey apartments within 2 blocks
 Address: 63 Thomas Street, Dungannon,
 Decision:
 Decision Date:

Ref ID: M/1976/0435
 Proposal: MULTI-PURPOSE EDUCATION CENTRE
 Address: DRUNGLASS PRIMARY SCHOOL, THOMAS STREET, DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/1991/6043
 Proposal: Bank Thomas Street
 Address: Thomas Street
 Decision:
 Decision Date:

Ref ID: M/2000/0541/F
 Proposal: Conversion and extension of dwelling to create dental surgery with provision of car parking

Address: 61 Thomas Street Dungannon

Decision:

Decision Date: 17.01.2001

Ref ID: M/2000/1314/F

Proposal: Erection of replacement dwelling.

Address: 1 Castlefields, Dungannon.

Decision:

Decision Date: 04.09.2001

Ref ID: M/1978/0781

Proposal: REPLACEMENT (MOBILE) WAITING-ROOM AND RECEPTION FOR SURGERY

Address: 63 THOMAS STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1976/043503

Proposal: CHANGE OF USE TO MULTI PURPOSE EDUCATION CENTRE

Address: DRUMGLASS PRIMARY SCHOOL THOMAS STREET, DUNGANNON

Decision:

Decision Date:

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

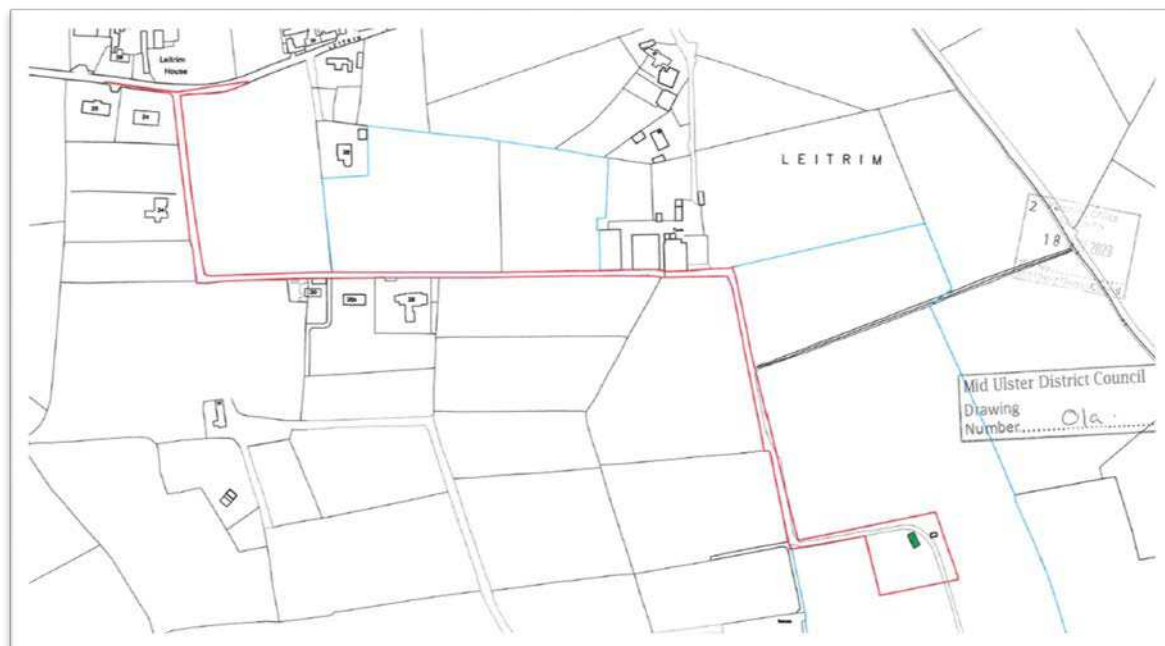


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1318/O	Target Date:
Proposal: (Amended Description and Plans) Proposed site of replacement dwelling and detached domestic garage	Location: 440m South East of 28 Leitrim Road Castledawson
Referral Route: Approval - objections received.	
Recommendation:	Approval
Applicant Name and Address: Mr R J Mawhinney 59 Leitrim Road Castledawson	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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

There were two objections received in relation to this proposal from neighbouring properties, 28 and 28a Leitrim Road. The issues raised within these objections include:

- Contrary to Policy CTY 3 of PPS 21
- Off site location for replacement
- Overlooking and amenity concerns

Characteristics of the Site and Area

The site is located at lands approx. 440m SE of 28 Leitrim Road, Castledawson in the rural countryside as defined by the Magherafelt Area Plan 2015. Within the red line of the site is the existing access arrangement and a portion of a larger agricultural field which has the remains of an old dwellinghouse. The proposed site is set back of the roadside a considerable distance and views of the site are limited as a result. There are a number of existing dwellings and agricultural buildings located along the existing laneway. The surrounding area is defined by agricultural land uses, interspersed with single dwellings and associated farm buildings.

Description of Proposal

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

Planning Assessment of Policy and Other Material ConsiderationsRepresentations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 24, 26, 28, 28a, 29, 30 and 34 Leitrim Road. At the time of writing, two objections were received. The contents of these objections will be discussed in detail later in the report.

Planning History

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

Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- The Local Development Plan 2030 - Draft Plan Strategy

The Magherafelt Area Plan 2015 identifies the site as being in the rural countryside, located North East of Castledawson Settlement Limit.

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 outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping. It doesn't offer any change in policy direction with regards to replacement dwellings.

Policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside, one of these being a replacement dwelling in accordance with Policy CTY 3. Policy CTY 3 of PPS 21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The remains of the structure in question are minimal in places, however I feel it can still demonstrate that there had been a dwelling on site at one time. There are the remains of a fireplace and portions of walls remaining which show how the dwelling was split up internally. The remains of the dwelling to be replaced can be seen the figure 1 below.



Figure 1 – Shows the walls remaining



Figure 2 – Fireplace evident on site

Particular attention was given to the Ministerial Statement which was published in 2013 following discussions with our Principal Planner, Melvin Bowman. This statement reviews the operation of PPS 21 with a section that deals solely with Replacement dwellings. The statement note that a greater degree of flexibility can be applied in relation to dwellings where all four walls may not be substantially intact. In terms of the application site, there is significant portions of the walls intact in comparison to the example referred to in the ministerial statement and this application also benefits from the other characteristics evident including door openings and fireplaces. On balance, I am content that the structure in question can be used for a genuine replacement opportunity.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the other dwellings in this vicinity. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted.

Representations

There were two objections received in relation to this proposal from neighbouring properties, 28 and 28a Leitrim Road. The issues raised within these objections include:

- Contrary to Policy CTY 3 of PPS 21
- Off site location for replacement
- Overlooking and amenity concerns

The objections both feel that the proposal is contrary to Policy CTY 3 of PPS 21 in that it doesn't exhibit the essential characteristics of a dwelling and is not substantially intact. I feel that this issue has been dealt with previously, referencing the ministerial statement which allows a degree of flexibility where all of the external walls may not be intact. They also noted that they felt it was unreasonable to site the proposed dwelling three fields away where it would overlook their properties.

Most of their concerns refer to the original site location plan which had a number of potential options for siting of a dwelling. The site location plan was amended to reduce the red line which also removed the 'preferred siting' which was located to the rear of both objectors properties. The amended plan also meant that the proposed replacement would be within the curtilage of the existing structure to be replaced. I feel that the amended site location plan, description and address change alleviates most of the concerns raised by the objectors. Re-neighbour notification was carried out following the amended plans and forms being received and no further comments were received.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:

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

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

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

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

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

3. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

Signature(s)

Date:

ANNEX	
Date Valid	9th October 2019
Date First Advertised	22nd October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 24 Leitrim Road, Castledawson, Londonderry, BT45 8BW The Owner/Occupier, 26 Leitrim Road, Castledawson, Londonderry, BT45 8BW F Morgan 28 Leitrim Road, Castledawson, BT45 8BW The Owner/Occupier, 28 Leitrim Road, Castledawson, Londonderry, BT45 8BW G McGlinchey 28A Leitrim Road, Castledawson, BT45 8BW The Owner/Occupier, 28a Leitrim Road, Castledawson, Londonderry, BT45 8BW The Owner/Occupier, 29 Leitrim Road, Castledawson, Londonderry, BT45 8BW The Owner/Occupier, 30 Leitrim Road, Castledawson, Londonderry, BT45 8BW The Owner/Occupier, 34 Leitrim Road, Castledawson, Londonderry, BT45 8BW	
Date of Last Neighbour Notification	26th November 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1318/O Proposal: Proposed off site replacement dwelling and detached domestic garage Address: 50m South of 28 Leitrim Road, Castledawson, Decision: Decision Date: Ref ID: LA09/2017/0448/NMC Proposal: Moving the approved dwelling by 3m to the north and 2m to the west and providing a linked carport and garage to the rear Address: 30 Leitrim Road, Castledawson, Decision: CG Decision Date:	

Ref ID: LA09/2016/1097/O

Proposal: Proposed site of infill dwelling and domestic garage for residential purposes

Address: 30m East of 30 Leitrim Road, Castledawson,

Decision: PG

Decision Date: 09.02.2017

Ref ID: H/1995/4007

Proposal: IMPROVEMENTS TO DWELLING

Address: 32 LEITRIM ROAD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2004/0435/O

Proposal: Site of dwelling and garage.

Address: Adjacent to 30 Leitrim Road, Castledawson.

Decision:

Decision Date: 01.11.2005

Ref ID: H/2000/0722/O

Proposal: Site of dwelling and garage

Address: 70m East of 30 Leitrim Road, Castledawson

Decision:

Decision Date: 12.03.2001

Ref ID: H/2002/1088/RM

Proposal: Dwelling and garage

Address: 70m East of 30 Leitrim Road, Castledawson.

Decision:

Decision Date: 25.02.2003

Ref ID: H/2003/0433/F

Proposal: Dwelling and garage.

Address: 120m North of, 30 Leitrim Road, Castledawson.

Decision:

Decision Date: 08.02.2005

Ref ID: H/2002/1164/O

Proposal: Site of dwelling and garage.

Address: 30m North East of 30 Leitrim Road, Castledawson.

Decision:

Decision Date: 23.03.2004

Ref ID: H/2000/0717/O

Proposal: Site of dwelling and garage

Address: 120m North of 30 Leitrim Road, Castledawson

Decision:

Decision Date: 12.03.2001

Ref ID: H/2004/0370/O

Proposal: Site of dwelling and garage.

Address: 90m North of 32 Leitrim Road, Castledawson.

Decision:
Decision Date: 25.11.2005

Ref ID: H/2000/0830/O
Proposal: Site of Dwelling and Garage
Address: Approx 170m NW of 32 Leitrim Road, Castledawson
Decision:
Decision Date: 18.02.2002

Ref ID: H/2004/1074/RM
Proposal: Dwelling and garage
Address: Approximately 170m North West of, 32 Leitrim Road, Castledawson
Decision:
Decision Date: 09.12.2004

Ref ID: H/2015/0022/F
Proposal: Replacement dwelling and domestic detached garage
Address: 30 Leitrim Road, Castledawson,
Decision: PG
Decision Date: 27.05.2015

Ref ID: H/2004/1253/F
Proposal: Dwelling & Garage
Address: Adjacent To 26 Letrim Road, Castledawson
Decision:
Decision Date: 20.11.2006

Ref ID: H/2001/0968/O
Proposal: Site of Bungalow & Garage
Address: Adjacent to 26 Leitrim Road, Castledawson
Decision:
Decision Date: 18.01.2002

Ref ID: H/2009/0474/F
Proposal: Change of house type to bungalow with bedrooms in roofspace and attached domestic garage
Address: Adjacent to No 26 Leitrim Road, Castledawson
Decision:
Decision Date: 09.03.2010

Ref ID: H/1984/0075
Proposal: BUNGALOW
Address: LEITRIM ROAD, CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/2003/0797/F
Proposal: New 33kv Overhead Electric Line and alterations to existing lines.
Address: Creagh, Leitrim, Killyberry, Edenreagh, Drumlamph, Rocktown, Drumard South, Gulladuff, Blachtbogy, Carricknakielt, Beagh, Knocknakielt, Mullagh.

Decision: Decision Date: 02.03.2005
Summary of Consultee Responses No consultees.
Drawing Numbers and Title
Drawing No. 01a Type: Site location Plan Status: Amended Plan Submitted Drawing No. 01 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:

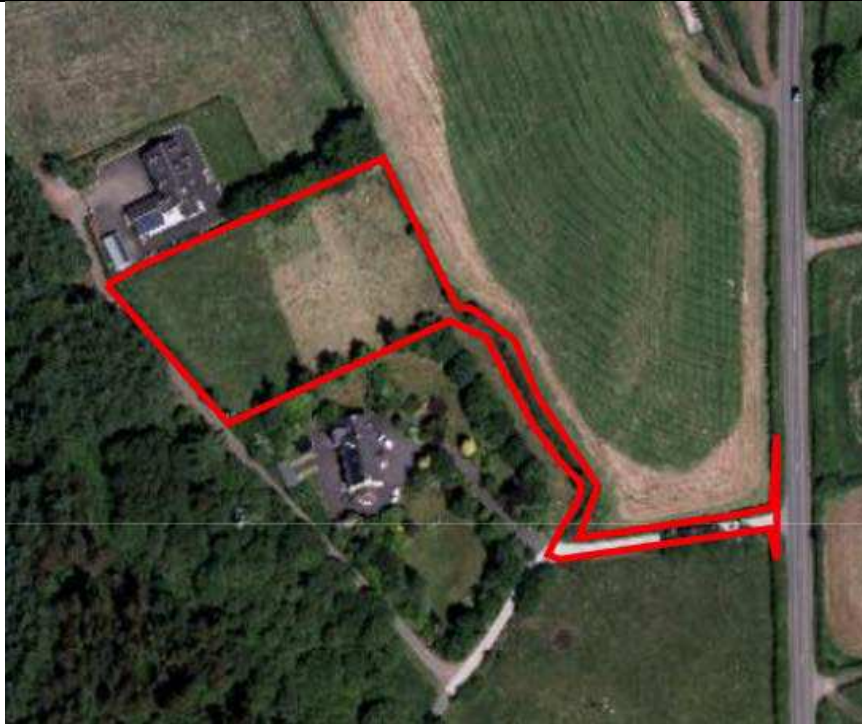


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0108/F	Target Date:
Proposal: Provision of 1 2/3 storey dwelling house and associated screened utility yard	Location: 50m North of 53A Ballymacombs Road Portglenone
Referral Route: Approval- Objections received	
Recommendation:	Approval
Applicant Name and Address: Eunan Cassidy 53A Ballymacombs Road Portglenone BT44 8NS	Agent Name and Address: Gerard Scullion Architects Ltd 23 Hawthorne Road Maghera BT46 5FN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DAERA - Coleraine	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

Neighbour notification and press advertisement was carried out in line with statutory requirements. Three written objections have been received at the time of writing in relation to this planning application. The main points of objection are based on the following issues:

- Privacy and shading issues due to the size and location of the proposed dwelling
- The proposal does not meet the policy criteria of CTY 8 in PPS 21
- The proposal does not meet policy CTY 10 of PPS 21 and an alternative site is available at other lands included in the farm maps.
- Alleges a development opportunity has been sold off from the farm and no further development should be granted for 10 years.

- The applicant owns 53A Ballymacombs Road and cannot be considered as a farmhouse.

Characteristics of the Site and Area

The site is located within the open countryside approximately 2km south of the settlement limits of Clady, as per the Magherafelt Area Plan 2015. The site is identified as being 50m north of 53A Ballymacombs Road, Portglenone. The red line of the site includes a private shared laneway, which is accessed from the Ballymacombs Road and leads into an existing agricultural field that is located between No. 53A and 53C Ballymacombs Road. The field rises gradually from the south eastern corner to the north west, until it reaches its highest point and levels out towards the corner of the site. The ground level sits above the dwelling to the south and at the highest point sits slightly higher than the ground level at the dwelling to the north. The site relatively well screened with existing hedgerows and trees located at all boundaries. The trees to the north of the site are weak in terms of screening benefit and given the topography of the site and surrounding areas, the site is visible from the Ballymacombs Road. The surrounding area is mainly agricultural land given the rural location, with two dwellings bounding the site and single dwellings located sporadically throughout the surrounding area.

Description of Proposal

This is a full planning application for a one and two thirds storey dwelling and associated screened utility yard.

Planning Assessment of Policy and Other Material Considerations

Planning History

H/2005/0306/F- Dwelling House and integral garage approximately 70m NW of 53A Ballymacombs Road, Bellaghy. Permission Granted- 23.12.2005.

Planning Assessment of Policy

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'.

The application was originally submitted to be assessed as an infill opportunity. However, during the course of the application, the previous case officer discussed the application at a group meeting and it was agreed the application did not meet the policy criteria of CTY 8 therefore, farm information was submitted by the agent for the application to be considered under policy CTY 10.

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 pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

I am content that the site is a small gap, which could accommodate up to a maximum of two houses. However, I do not believe the dwellings share a common frontage. The dwelling to the north is accessed via a private laneway to the west of the site, with the property facing eastwards. The dwelling to the south is accessed from the same laneway but from a southern access point. This application proposes taking access from the same shared laneway, adjacent to the access to No.53a and extending north to the site. I am of the opinion that the application site and the dwelling to the south would have frontage to the shared laneway but the dwelling to the north shares a separate frontage. Therefore, fails to meet policy CTY 8.

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 regards to criteria a, a consultation was issued to DAERA who have confirmed that the farm business ID provided has been in existence for more than 6 years and that claims have been made from the farm business in each of the last 6 years. From this I am content that the farm business provided is active and established and meets criteria a. It should be noted that the applicant is not the owner of the farm business ID, but instead owns lands that are being claimed under the farm business ID. The business ID has been offered up to the applicant and the P1C form has been completed and signed

by both the applicant and the farmer which is acceptable and in this case I am content the proposal meets criteria a.

In regards to criteria b, following a search of available records, no dwellings or development opportunities have been sold off from the farm holding. Objections received claim that an approval granted under LA09/2020/0103/O is a development opportunity which has been sold off. However, following a check, the site is not contained within lands included on the farm holding. A land registry check was also carried out and does not provide any further evidence to support the objection. The policy relates directly to the farm holding and no dwellings or development opportunities have been sold off from this farm holding, therefore I am content the application is in compliance with criteria b.

Regarding criteria c, the policy states that the dwelling must be visually linked or clustered with an established group of buildings on the farm. However, as the farm business has been offered up and the applicant is not the owner of the farm; and in this case, only owns a few fields claimed by the farmer, the siting potential of a dwelling is limited. As has become precedent, if there are no sites available which are visually linked to or cluster with an established group of buildings on the farm, an alternative site can be considered which is well screened and can meet the policy criteria of CTY 13 & CTY 14. From the maps and evidence provided, the applicant does not appear to own any buildings that are contained on the farmlands, provided as part of this application. Therefore, I am content with the siting of the proposed dwelling, being located adjacent to the applicants dwelling.

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. Upon review of the submitted plans and undertaking a site visit, I am of the opinion that the proposed building will integrate well into the surrounding area. Although the site rises from the northeast corner of the site to the north west corner, given the screening of the site and the two dwellings located either side, I do not believe the building will be a prominent feature in the landscape. I am content that the site has established natural boundaries and can integrate into the landscape, without the need to rely on new landscaping. I am content ancillary works will integrate with their surroundings. I am content that the design is of a high quality, appropriate for the countryside setting, and blends with the landform.

Policy CTY 14 states planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously mentioned the building is of a high quality design and will integrate well into the existing surroundings therefore, it will not be an unduly prominent feature in the landscape. It will not result in a suburban style build-up of development when viewed with existing and approved buildings.

A number of objections have been received which have raised concerns surrounding the design and position of the proposed dwelling. As a result, amended plans were received since the original submission, which have moved the dwelling further away from the northern boundary and slightly lower down the existing slope in the field. The objector also raised concerns regarding the size and location of the dwelling and that it would cause a loss of light and privacy issues. However, following the revised plans submitted I am content with the current proposed location. The proposed dwelling is now located

approximately 24m away from the dwelling to the north and is not in line with this dwelling. I am content that on balance, any concerns surrounding privacy and loss of light have been overcome with the repositioning of the dwelling and the re-design of the elevation, which now includes semi opaque glass, which will overcome any concerns surrounding lack of privacy. However, given the location of the dwelling I do not believe there will be any issues with overlooking or loss of privacy given the distance between the dwellings, the landscaping that is currently in place. In addition, the windows that face the property at a first floor level are not highly populated living spaces, in that it is a hallway linking the bedrooms and bathroom at this level.

PPS 3 - Access, Movement and Parking;

DfI Roads were consulted and offered no objection subject to conditions and informatives.

Other Material Considerations

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

I have no flooding or ecological concerns.

PPS 3 - Access, Movement and Parking;

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval subject to conditions

Conditions

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

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

2. No development shall take place within the approved site until the vehicular access, including visibility splays and any forward sight distance, has been provided in accordance with Drawing No. 02 REV 01 bearing the date stamp 03 JUL 2020. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The existing mature vegetation on all boundaries of the site shall be permanently retained.

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

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

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

5. All landscaping comprised in the approved details of landscaping on stamped drawing No. 02 REV 02 date stamped 03 JUL 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.

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

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

Informative

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

1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system

Signature(s)

Date:

ANNEX	
Date Valid	27th January 2020
Date First Advertised	11th February 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 53a Ballymacombs Road Portglenone The Owner/Occupier, 53b ,Ballymacombs Road,Bellaghy,Londonderry,BT44 8NS The Owner/Occupier, 53c Ballymacombs Road Bellaghy Joe McErlean Email Joe McErlean Email Joe McErlean Email Address	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2000/0285/RM Proposal: Dwelling and garage Address: 140 Metres South Of 53 Ballymacombs Road, Bellaghy Decision: Decision Date: 19.07.2000 Ref ID: H/1999/0010 Proposal: SITE OF DWELLING Address: 140M SOUTH OF 53 BALLYMACOMBS ROAD BELLAGHY Decision: Decision Date: Ref ID: H/2005/0306/F Proposal: Dwelling house and integral garage Address: Approx 70m NW of 53A Ballymacombs Road, Bellaghy Decision:	

Decision Date: 09.01.2006

Ref ID: H/2006/0692/F

Proposal: Change of house type

Address: Approx. 70m North West of 53A Ballymacombs Road, Bellaghy, Magherafelt

Decision:

Decision Date: 21.03.2007

Ref ID: H/1996/0562

Proposal: SITE OF DWELLING AND GARAGE

Address: OPP 46 BALLYMACOMBS ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/2006/0184/F

Proposal: Alts & Adds to dwelling.

Address: 53A Ballymacombs Road, Portglenone,

Decision:

Decision Date: 16.05.2007

Ref ID: H/1996/0693

Proposal: DWELLING AND GARAGE

Address: 400M SOUTH OF 43 BALLYMACOMBS ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/2005/0554/O

Proposal: Site of proposed for bungalow.

Address: Approx. 90m North West of 53 Ballymacombs Road, Bellaghy.

Decision:

Decision Date: 28.12.2006

Ref ID: LA09/2020/0108/F

Proposal: Provision of 1 2/3 storey dwelling house and associated screened utility yard

Address: 50m North of 53A Ballymacombs Road, Portglenone,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title
<p>Drawing No. 01 REV 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 02 REV 02 Type: Proposed Floor Plans Status: Submitted</p>
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: LA09/2020/0147/F	Target Date:
Proposal: Variation of condition 11 of previous planning permission, Ref LA09/2016/0470/F, to allow extension of time.	Location: 111 Ballynakiilly Road Coalisland
Referral Route: Objection received	
Recommendation:	Refusal
Applicant Name and Address: Formac Limited 22 Listamlet Road Moy Dungannon	Agent Name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

One objection has been received from a resident of the nearby Cranebrook Crescent, they raised concerns to the variation of any of the agreed conditions, stating that the conditions were put in place for the health and safety of surrounding residents and should be adhered too.

Characteristics of the Site and Area

The site is located within the settlement limits of Ballynakilly and outside all other areas of constraint as depicted by the DSTAP 2010. It lies just a short distance to the North of the M1

Motorway and south of the larger settlement of Coalisland. There is also a small lake directly south of the site.



The red line of the site includes a complex of buildings that are contained within the settlement limits for Ballynakilly, the east and south part of the site are outside the settlement limit. The buildings are currently used for a variety of industrial and storage purposes. The yards areas are to the east, north and south of the existing buildings. Currently the areas are used for car parking, storage of steel and materials, parking and turning areas to serve the buildings on the site and areas for loading and unloading.

There are 6 buildings in total on the site: There are 4 at the south west corner and they are linked together and have barrel roofs, these were former agricultural buildings and have openings on the west and east sides. The large shed in the middle of the site has an A line roof with grey walls and roof panels, it has 2 large roller doors that open towards the north east and one roller door to the north and south elevations. The building to the north of the site has grey cladding to the upper walls and roof, a roller door to the west and sliding doors to the south.



There is a mature hedge to the north of the site, with an electricity substation, a childrens play park and residential development to the north of it. Access is onto the Ballynakilly Road and is via an existing access to the east.

Description of Proposal

The proposal seeks full planning permission for Variation of condition 11 of previous planning permission, Ref LA09/2016/0470/F, to allow for an extension of time.

Condition 11 of planning application reference LA09/2016/0470/F stated that;
 ?The vehicular access, including visibility splays of 4.5m x 120.0m and any forward sight distance, shall be provided in accordance with Drawing No. 06 Rev 6 bearing the date stamp 26 OCT 2018 within 6 weeks of the date of this decision (06.06.2019). The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2016/0470/F - Retention of the change of use of existing buildings to Class B2 Light Industrial, Class B3 General Industrial and Class B4 Storage and Distribution ? GRANTED - 6.6.2019

LA09/2016/1223/F - Retention of 3 hard standing areas incidental to the use of the engineering workshop ie, storage provision, car parking, turning and circulation space ? GRANTED - 15.01.2019

Objections

One objection has been received from a resident of the nearby Cranebrook Crescent, they raised concerns to the variation of any of the agreed conditions, stating that the conditions were put in place for the health and safety of surrounding residents and should be adhered too.

Assessment

Development Plan and Key Policy Consideration

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan (DSTAP)
- Planning Policy Statement (PPS) 3 - Access, Movement and Parking

The Mid Ulster District Council Local Development Plan 2030 ? Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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 principle of development has already been approved on the site under planning application LA09/2016/0470/F and this application refers only to the variation of condition 11 of that planning permission.

Condition 11 under planning application reference LA09/2016/0470/F states:

The vehicular access, including visibility splays of 4.5m x 120.0m and any forward sight distance, shall be provided in accordance with Drawing No. 06 Rev 6 bearing the date stamp 26 OCT 2018 within 6 weeks of the date of this decision. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Members will be aware that application was a retrospective application for the retention of the uses on the site. The applicant proposed these amendments to the access to satisfy DfI Roads concerns about the safety of the access. The applicant had a 4 month period in which to appeal any conditions of the planning permission and did not do so, instead choosing to ask the Council for an extension of time. For the purposes of clarity, 6 weeks from the date of the decision notice was 16th July 2019 and the applicant now seeks to extend that date by 18 months to 16th January 2021.

Supporting statement 1

The applicant submitted a brief statement describing that the applicant sought the extension of time due to the complexity and onerous nature of the works to be carried out to comply with condition 11. They also detail that due to cabling along the site frontage, condition 11 required substantial enabling works to facilitate the road widening and that a 6 week timeframe was not reasonable. The applicant has not provided any evidence or proof to support this claim.

DfI Roads were consulted and responded;

It is noted that the reason for delay in complying with condition No 11 is due to relocating of services within the verge. DfI note that no information has been submitted detailing evidence of correspondence / negotiations with the various service providers to support this claim.

The applicant has not specified a timeframe for proposed works associated with the constructing the proposed access. DfI Roads therefore cannot agree a variation of condition No 11.

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. DfI Roads have considered the proposed amendments to the access and have advised the improvements are necessary to serve the operations and uses on the site. Members should note the applicant has had ample time in which to carry out these works and has not done so. The access to this site is dangerous as it does not meet the standards that are necessary for the volume and type of traffic that is attracted to the site. It is considered that the proposed variation in condition does not comply with policy AMP2 of PPS3.

Other considerations.

It must also be noted that the applicant has also submitted a second statement of support dated 16/06/2020, which outlines that due to the nature and extent of works associated with condition 11 and in particular the right hand turning lane a 6 week time frame was not reasonable. Within the supporting statement the agent has also suggest due to Covid 19 a further extension of time for a region of as additional 12 months is sought. The applicant however, has not specified an exact date of when the 12 months is sought from or too, nor amended the RCV1 form, therefore

it is my opinion that I consider the application based on the proposal described in question 6 on the RC1 Form.

Conclusion

Given current road speeds and the existing approved use of the site, it is my view that allowing a 30 month extension, or even the 18 month extension, is not considered acceptable in this instance given the clear danger this could pose to existing road users. Plus, our statutory consultee, DfI Roads, do not support this application and for this reason I advise that permission be refused.

The original approval was conditioned that the vehicular access be carried out in compliance with the approved drawings before the 16th July 2019, and 18 months later no attempt has been met to comply with said condition.

Refusal recommended.

Neighbour Notification Checked

Yes

Refusal Reasons

1. The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations in that it would, if permitted, result in the (creation of a new vehicular access/intensification of use of an existing access) onto a Main Traffic Route (Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.

Signature(s)

Date:

ANNEX	
Date Valid	4th February 2020
Date First Advertised	18th February 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 111 Ballynakilly Road, Coalisland, Tyrone, BT71 6HE The Owner/Occupier, 13 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 14 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 2 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 20 Coash Road, Dungannon, Tyrone, BT71 6JE The Owner/Occupier, 21 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 22 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 23 Cranebrook Crescent Dungannon Tyrone Kenny Montgomery 23, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH The Owner/Occupier, 24 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 25 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 26 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 27 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 28 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 29 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 3 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 30 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 31 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 4 Cranebrook Crescent Dungannon Tyrone	

The Owner/Occupier, 5 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 6 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, Nursery,Coash Road,Dungannon,Tyrone,BT71 6JE The Owner/Occupier, Unit 1,20a ,Coash Road,Dungannon,Tyrone,BT71 6JE The Owner/Occupier, Unit 2,20a ,Coash Road,Dungannon,Tyrone,BT71 6JE The Owner/Occupier, Unit 3,20a ,Coash Road,Dungannon,Tyrone,BT71 6JE The Owner/Occupier, Unit 4,20a ,Coash Road,Dungannon,Tyrone,BT71 6JE	
Date of Last Neighbour Notification	14th February 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1223/F Proposal: Retention of 3 hard standing areas incidental to the use of the engineering workshop ie, storage provision, car parking, turning and circulation space Address: 111 Ballynakilly Road, Coalisland, Decision: PG Decision Date: 23.01.2019 Ref ID: LA09/2020/0147/F Proposal: Temporary permission for the continuance of buildings and land for engineering purposes without compliance with a condition subject to a previous planning permission having been granted i.e., condition 11 of Planning Ref No LA09/2016/0470/F Address: 111 Ballynakilly Road, Coalisland, Decision: Decision Date: Ref ID: LA09/2016/0470/F Proposal: Retention of the change of use of existing buildings to Class B2 Light Industrial, Class B3 General Industrial and Class B4 Storage and Distribution Address: 111 Ballynakilly Road, Coalisland, Decision: PG Decision Date: 13.06.2019 Ref ID: M/2003/0010/F Proposal: Retention of boundary fence at 111 Ballynakilly Road, Coalisland Address: 111 Ballynakilly Road, Coalisland Decision: Decision Date: 11.11.2003	

Ref ID: M/2007/1571/F

Proposal: Alteration and upgrade of existing access to commercial premises.

Address: 111 Ballynakilly Road, Ballynakilly, Dungannon

Decision:

Decision Date: 14.08.2008

Ref ID: M/1980/0398

Proposal: AGRICULTURAL SHED

Address: 20 COASH ROAD, BALLYNAKELLY, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2002/0063/F

Proposal: Change of Use to provide Storage for Domestic Freezers and Fridges awaiting disposal

Address: 111 Ballynakilly Road, Ballynakilly, Dungannon

Decision:

Decision Date: 19.04.2002

Ref ID: M/2006/1138/F

Proposal: Housing development to consist of detached, semi-detached, townhouses & small shop

Address: Lands around 20 Coash Road, Ballynakilly

Decision:

Decision Date: 23.07.2007

Ref ID: M/2010/0348/F

Proposal: Rebuilding of existing commercial premises due to fire damage.

Address: Site 50m NE of 111 Ballynakelly Road, BallynaKelly, Dungannon. BT71 6JE

Decision:

Decision Date: 24.09.2010

Ref ID: M/2006/0188/Q

Proposal: Change of use from electrical goods store to an engineering building.

Address: 30 Metres south west of 11 Annaghmore Road, Coalisland

Decision:

Decision Date:

Ref ID: M/2009/0102/F

Proposal: 5no townhouses, two and three storey with private gardens and parking to rear of site and associated access

Address: Lands to the rear of 20 Coash Road, Ballynakilly, Dungannon, BT716JE

Decision:

Decision Date: 22.12.2009

Ref ID: M/1988/0515

Proposal: IMPROVEMENTS TO DWELLING

Address: 18 COASH ROAD, BALLYNAKILLY, COALISLAND

Decision:

Decision Date:

Ref ID: M/1976/0592
 Proposal: ERECTION OF PLAY PARK
 Address: BALLYNAKILLY, DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/1990/0183
 Proposal: Change of use from Snooker and Social Club to Licensed
 Premises and Function Rooms
 Address: 20 COASH ROAD, DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/1987/0268
 Proposal: TOILET BLOCK TO EXISTING SNOOKER HALL
 Address: 20 COASH ROAD, BALLYNAKILLY, DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/2014/0340/F
 Proposal: Proposed development of a 500kw centralised anaerobic digestion (CAD)
 plant, combined heat and power plant (CHP) to include change of use of existing
 building to facilitate feedstock storage, upgrade of existing access and ancillary site
 works (Reduced waste codes - plant tissues/slurries only)
 Address: Lands immediately adjacent and South of 111 Ballynakilly Road, Coalisland,
 Decision: PG
 Decision Date: 17.11.2015

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0864/F	Target Date:
Proposal: Proposed car parking and block of semi detached dwellings	Location: Lands approximately 50m West of 39 Charlemont Street Moy
Referral Route: Contrary to Policy	
Recommendation:	REFUSAL
Applicant Name and Address: Hemel Ltd Eurospar 45 Charlemont Street Moy	Agent Name and Address: Colm Donaghy Chartered Architects 43 Dungannon Street Moy BT71 7SH
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Objections

None

Characteristics of the Site and Area

The application site is a 0.16 hectare vacant plot of land located approx. 50 metres West of number 39 Charlemont Street, Moy, County Tyrone. It lies within the development limits of the village of Moy as designated in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). It lies just outside the designated Conservation Area.

The site sits below the level of Charlemont Street (which forms part of the A29 Protected Route) and is currently used as part agricultural field and part car park with the access coming off an existing concrete laneway which runs through the SW section of the site to a dwelling to the rear.



The fields is separated from the remainder of the site by a low wall along the north edge and a temporary chain link fence along the south and east sides. There is also an old derelict building situated in the most western point of the site.



This area is characterised by a mix of residential and commercial uses. To the NW of the site are terraced residential properties and a current planning application for apartments. To the NE of the site are hot food takeaways and a hairdressers. To the East and SE of the site is a large Listed derelict Mill Building (subject to a current planning application to stabilise and convert the ground floor into a restaurant) and a Eurospar. There is limited development to the SW of the site.

This area is also recognised as having archaeological potential. Historically the lands to the South of the site were occupied by a meander of the River Blackwater. Part of the site appears to fall within a designated Flood Plain as confirmed by Rivers Agency consultation response.

Description of Proposal

The proposal seeks full planning permission for block of semi-detached dwellings and car parking for the nearby Granary.

Planning Assessment of Policy and Other Material Considerations

History

There is no relevant history on the site however, there is an outline approval for residential development adjacent too and NE of the site, with a current RM proposal (ref LA09/2020/0486/RM) in for 18 apartments. To the South East of the site there is approval for works to the listed building to convert the Grain store into a restaurant (ref LA09/2016/0714/F & LA09/2017/1398/LBC).



- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan 2010 (DSTAP)
- 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.
- PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- PPS 15 - Planning and Flood risk.
- Creating Places

SPPS - Strategic Planning Policy Statement for Northern Ireland

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

The 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.

DSTAP 2010

The site sits within the existing settlement of The Moy as defined in the DSTAP. The site is not subject to any zonings or key site requirements. The proposal will therefore be assessed under relevant planning policy.

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. It does not present any change in policy direction from that contained within PPS 7.

PPS 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. DfI Roads were consulted and responded that "Council Planning should note that the design of the proposed road intended to service the proposed 2 number dwellings does not comply with Creating Places. If Council Planning are setting aside Creating Places then a note should be attached to road stating "Road Remaining Private." In addition they have also stated that access arrangements and visibility splays at the northern exit point on to Charlemont Street were approved under planning applications LA09/2016/0654 & LA09/2016/0714 (Euro Spar) and should be submitted to support this application.

PPS 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 would to a large degree respect the surrounding context and be 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 in an area where residential development, is prevalent. The area is characterised a varied mix of development, including semidetached dwellings to the north, apartments to the east and the euro spar to the south. The proposed semis are of a simple design and as such do not look out of character in the area. The site is flat and topography is not an issue. The general layout of the scheme is acceptable. In-curtilage parking is being provided. Given the location of the site within the Town of The Moy, the provision of landscape is not necessary. Hard surfacing is proposed but will not dominate the development.

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 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, approximately 45m² of private rear amenity space per dwelling is being provided which is in keeping with the Creating Place Standards (Minimum of 40m²). Public open space is available within the Town which can be utilised by residents and can be accessed by car or foot. No planting is proposed along site boundaries however it is my opinion that this is not necessary in this urban location.

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 The Moy and there are existing neighbourhood facilities already available in the locality (eg) parks, churches, shops 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 an urban settlement there is an existing movement pattern (eg) foot paths and bus routes. The level of traffic travelling through the settlement would be minimal and would be travelling a low speed.

Adequate and appropriate provision is made for parking within the site. Adequate in-curtilage parking is being provided for 2 cars, the application also proposes 16 spaces for the nearby Granary.

The design of the development must draw upon the best local traditions of form, materials and detailing. The design and finishes of the proposed dwellings do not concern me and are typical of the type of dwellings you would see in any development in the town. I have no issue with the proposed smooth grey render finish.

The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The proposed dwellings back onto the rear gardens of the properties along Charlemont Street. The closest third party dwelling is number 6 Cashel Grove. There is a gable to gable separation distance of 45m. I therefore have no concerns regarding overlooking, loss of light or loss of privacy. The residential nature of this proposal will not give rise to any unacceptable noise disturbance, emissions or odours. EH have been consulted and have no objection in principle.

The development is designed to deter crime and promote personal safety - I am satisfied that the development is considered to be designed to deter crime and promote personal safety within the area. Also, in-curtilage parking is provided and street lighting exists along the adjacent public roads.

PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas

I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this locality where there is a mix of dwelling types including terraced and detached dwellings. In terms of keeping with the established character of the area, the proposal is residential in nature which is in keeping with the area. Both proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

Rev PPS 15 - Planning and Flood Risk

Rivers Agency were consulted and responded; "Flood Maps NI indicate that the site is affected by floodplain. Surveys by the consultant and Dfi Rivers confirm that the floodplain affecting the site (and beyond) has been substantially infilled since the flood map was compiled. The loss of valuable floodplain storage can result in the displacement of flood waters and an increase in flood risk elsewhere."

"Development will not be permitted within the 1 in 100 year fluvial flood plain, unless the applicant can demonstrate that the proposal constitutes an exception to the policy."

It is clear from inspecting the DFI Rivers flood maps that the site lies within the flood plain and the proposal is therefore contrary to PPS 15 Policy FLD1.

FLD1 states that 'Development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

The applicant has not made any case to present the proposal as an exception;

The development is not on land protected by flood defences,
 The proposal does not involve the replacement of dwellings, there is a shed on the site (see below picture) however it is not a dwelling and would not be eligible for replacement,
 The development is not for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain.
 It is not for water compatible development which for operational reasons has to be located within the flood plain.
 It is not for the use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes.
 It is not for the extraction of mineral deposits and necessary ancillary development
 The proposal is not of regional economic importance.

Other Consultations

1. Transport NI were consulted in relation to access arrangements and responded ?Council Planning should note that the design of the proposed road intended to service the proposed 2 number dwellings does not comply with Creating Places. If Council Planning are setting aside Creating Places then a note should be attached to road stating ?Road Remaining Private.? In addition they have also stated that access arrangements and visibility splays at the northern exit point on to Charlemont Street were approved under planning applications LA09/2016/0654 & LA09/2016/0714 (Euro Spar) and should be submitted to support this application.?

2. NI Water were consulted and indicated that there is not sufficient sewage capacity within The Moy for the development to connect.

3. Environmental Health were consulted and like NIEA had no objections to this proposal based on the findings of the Contamination Report subject to planning conditions and informatives being attached to any subsequent decision notice.

Conclusion

As the site lies within the flood plain and the applicant has not demonstrated that the proposal should be considered an exception to the policy development will not be permitted.

Recommendation - Refusal

Neighbour Notification Checked **Yes**

Refusal Reasons

1. The proposal is contrary to Planning Policy Statement 15 - Policy FLD1 in that the development would, if permitted, result in development within the floodplain without demonstrating that the proposal constitutes an exception to the policy.

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, 25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27a ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27b ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27c ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27d ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 29a ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 31 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 35 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 39 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 1,25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 2,25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 3,25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 4,25 Charlemont Street,Moy,Tyrone,BT71 7SL	
Date of Last Neighbour Notification	13th August 2020
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2020/0486/RM

Proposal: Residential development for reserved Matters, outline permission LA09/2016/0697/O for 18 apartments

Address: Vacant site at lands between 39 - 27 Charlmont Street, Moy,

Decision:

Decision Date:

Ref ID: LA09/2020/0170/DC

Proposal: Discharge of Condition No5 of Planning Permission LA09/2016/0697/O.

Address: Lands between 39-27 Charlemont Street, Moy.,

Decision: AL

Decision Date:

Ref ID: LA09/2016/0697/O

Proposal: Residential Development

Address: Vacant site at lands between 39-27 Charlemont Street, Moy,

Decision: PG

Decision Date: 16.05.2017

Ref ID: LA09/2016/0699/LBC

Proposal: Stabilisation of existing building and reinstatement of roof, minor alterations to external appearance of buildings doors and windows.(application accompanies an application for full permission to change the use of ground floor to restaurant use and general site works surrounding the building to provide car parking and public access

Address: Former Grain Store 39-41 Charlemont Street Moy,

Decision: CG

Decision Date: 17.05.2017

Ref ID: LA09/2018/1007/F

Proposal: Single storey extension to front elevation with a 2 storey extension to one side to provide additional retail accommodation with offices above, reconfiguration of parking area and access arrangements and general site works including landscaping and pedestrian access routes and toilet block

Address: Eurospar 45 Charlemont Street, Moy,

Decision: PG

Decision Date: 13.11.2018

Ref ID: LA09/2016/0654/F

Proposal: Single storey extensions to front and one side of supermarket, repositioning of petrol pumps and canopy, reconfiguration of parking areas and access arrangements and general site works including landscaping and pedestrian access routes

Address: Eurospar, 45 Charlemont Street, Moy,

Decision: PG

Decision Date: 23.05.2017

Ref ID: LA09/2018/1596/NMC

Proposal: Amendment to internal retail floor layout from previously approved LA09/2018/1007/F

Address: Eurospar, 45 Charlemont Street, Moy,

Decision: CG
Decision Date:

Ref ID: LA09/2016/0714/F

Proposal: Stabilisation of existing building and reinstatement of roof, minor alterations to external appearance of the buildings doors and windows, provision of car parking area at rear, and partial change of use of lower ground floor (155.63sqm) to restaurant. General site works and building improvements.

Address: Former Grain Store, 39-41 Charlemont Street, Moy,

Decision: PG

Decision Date: 16.05.2017

Ref ID: LA09/2017/1398/LBC

Proposal: This application amends previously approved design Northern 3 bays re ordered, new lower ground floor unit formed with ground floor removed, First floor unit formed with portion of second floor removed and retained portion defined as mezzanine

Address: 39-41 Charlemont Street, Moy,

Decision: CG

Decision Date: 19.02.2018

Ref ID: LA09/2020/0780/O

Proposal: Proposed furniture storage/warehouse facility

Address: Site 80m West of 37 Charlemont Street, Moy, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2020/0863/F

Proposal: Proposed car parking and amenity space linking to existing river walk

Address: Lands approximately 100m South West of 39 Charlemont Street, Moy,

Decision:

Decision Date:

Ref ID: LA09/2020/0864/F

Proposal: Proposed car parking and block of semi detached dwellings

Address: Lands approximately 50m West of 39 Charlemont Street, Moy,

Decision:

Decision Date:

Ref ID: M/2009/0901/F

Proposal: The construction of 21 apartments and 3No. retail units with basement parking

Address: 29-37 Charlemont Street, Moy, Dungannon, BT71 7SF

Decision:

Decision Date: 13.06.2011

Ref ID: M/2002/1285/Q

Proposal: Proposed conversion of derelict Mill building into 4 No. retail shop units and 8 No. flats.

Address: 39 Charlemont Street, Moy

Decision:

Decision Date:

Ref ID: M/1990/0662

Proposal: Redevelopment of vacant site to form new shop unit
Address: ADJACENT TO NO 41 CHARLEMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/1992/0158

Proposal: Site for Dwelling

Address: REAR OF NO 27 CHARLEMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/1997/6002

Proposal: Housing Development Charlemont Street Moy

Address: Charlemont Street Moy

Decision:

Decision Date:

Ref ID: M/2015/0096/PREAPP

Proposal: Redevelopment of Lands at Charlemont Street, Moy

Address: 31-45 Charlemont Street, Moy, Co Tyrone,

Decision:

Decision Date:

Ref ID: LA09/2015/0620/F

Proposal: Extension, alterations and change of use from residential dwelling house to give 4 no self contained apartments. 1 per floor

Address: 25 Charlemont Street, Moy,

Decision: PG

Decision Date: 12.01.2017

Drawing Numbers and Title

Drawing No. 01

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0991/O	Target Date:
Proposal: Proposed dwelling and domestic garage	Location: Site 200m West of 115 Clonavaddy Road Aghnagar Cappagh Dungannon
Referral Route: This applications fails to meet any of the policy requirements of PPS 21 and refusal is recommended.	
Recommendation:	Refusal
Applicant Name and Address: Plunkett Nugent 126 Goland Road Ballygawley BT70 2LB	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	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 approximately 200 metres west of No 115 Clonavaddy Road and 3.5 kilometres south of Cappagh village. It occupies a rectangular parcel of land measuring 0.8 hectares with St Patrick's Church and graveyard sitting 100 metres to the south. The site is situated in the rural countryside as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is very rural in character with narrow roads winding through the undulating topography. Dwellings are interspersed throughout the locality with some single wind turbines taking advantage of the elevated surroundings. The site has been cleared to the bare topsoil and other earthworks have been undertaken. A levelled platform sits along to the western side of this plot where artificially created mounds created by spoil heaps from the earthwork operations are also present.

The western boundary of the site runs alongside the Annagher Road. There is a wide opening on the southern roadside boundary onto the Clonavaddy road, with the remainder of the boundary either side of this opening comprising a bank with a hedge atop. The eastern boundary of the site is hedgerow with small sparse trees. This separates the site from the adjacent plot of land which is subject to a separate planning application (LA09/2020/0991/O) for the same applicant.



Planning History

There is no relevant planning history associated with this site.

Description of Proposal

This application seeks outline planning permission for a dwelling and domestic garage at 200m West of 115 Clonavaddy Road, Cappagh, in the townland of Aghnagar.

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 commenced at 10am on 25th March and was to run for 8 weeks. Due to issues being faced with COVID-19, this period has been extended and it closed at 5pm on 24th September 2020.

In light of this the Draft Plan cannot currently be given any determining weight.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have any impact this proposal as PPS 21 is retained and it is this policy which this application will be assessed under.

Development in the Countryside is controlled under the provisions of Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside. Policy CTY1 provides clarification on which types of development are acceptable in the countryside and sets out where planning permission will be granted for an individual dwelling house in the countryside, subject to meeting certain criteria.

This application fails to meet the criteria of CTY 2 as the location of the site is not within a designated Dispersed Rural Community.

CTY 2a does allow permission for a dwelling in an existing cluster of development. A cluster is located at a crossroads or is associated with a focal point such as a social or community building/facility. Although St Patrick's Church would fulfil the community building part of this requirement, it is located on the Annagher Road and there is not an identifiable cluster of buildings surrounding it so it could be categorised as focal point in a cluster, thereby failing to fulfil CTY 2a.

CTY 3 - Replacement Dwellings is not applicable for this application. The applicant has not provided any information showing that the proposal would meet the essential needs of a Non-Agricultural Business Enterprise, thereby failing CTY 7. Development on a small gap site is assessed having regards to the particulars of CTY 8. No evidence has been provided to demonstrate this proposal would fulfil the criteria which is set out in CTY 10 for a dwelling on a farm. There are no non-residential buildings on the site which could be utilised thereby allowing the application to potentially fulfil the provisions of CTY4 - Conversion and Reuse of Existing Buildings.

The applicant did submit information as to why this application should be considered under CTY 6 - Special Personal and Domestic circumstances which is summarised below.

In November 2005, permission was granted for a dwelling and garage under application M/2004/1219/O (Site A) for M Nugent on lands at 200m SW of 126 Golan Road, Ballygawley. Another application M/2004/0804/O (Site B) was granted planning permission for Mr Seamus Nugent at 520m NW of 121 Golan Road, Ballygawley. Both applications were approved with siting restrictions as they met the provision requirements of PPS 14, which preceded PPS 21. The applicant claims that while the decision of these applications were pending, the land was vested in 2005 by the DOE. This land was acquired as part of the A4 and A5 Road Scheme.

The applicant has claimed both these approved applications have had numerous Reserved Matters restrictions which were redundant due to the removal of hedges and topsoil by DOE Contractors working on the road scheme. He states he was unable to comply with the conditions and after discussions with the Planning Service, he was verbally told that alternative/compensatory applications on other sites would be dealt with 'sympathetically'.

Due to the absence of any written evidence confirming this claim, it is not substantiated.

A planning history search at Site B shows application M/2004/1219/O was granted permission for a Dwelling and Garage for M Nugent at 200m South West of 126 Golan Road, Ballygawley in November 2005. Planning permission was refused for dwelling and garage for Plunkett Nugent on this site in May 2002. This was due to the extant permission on the site lapsing by 6 months and as PPS 21 was introduced in the interim, it failed to meet CTY 1 of the new policy.

I am not satisfied the information put forward by the applicant satisfies the requirements of CTY 6, and thus refusal is recommended.

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.

Transport NI were consulted and have no objection to this application subject to the provision of visibility splays of 2.4 metres by 60 metres as part of a Reserved Matters application. There were no objections to this proposal from the neighbour notification process or advertisement in the local media.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the criterion set out in CTY 1, this proposal fails to meet any of the criteria and therefore fails PPS 21

Refusal Reasons

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

Signature(s)

Date:

ANNEX	
Date Valid	14th August 2020
Date First Advertised	25th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 84 Aghnagar Road Galbally Dungannon	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/2004/0775/O Proposal: Proposed two storey dwelling & domestic garage Address: 140M N.W of 115 Clonavaddy Road, Galbally, Dungannon Decision: Decision Date: 07.09.2004 Ref ID: M/2005/0490/O Proposal: Proposed two storey dwelling & domestic garage. Address: 140m North West of 115 Clonavaddy Road, Galbally, Dungannon. Decision: Decision Date: 13.09.2005 Ref ID: LA09/2020/0991/O Proposal: Proposed dwelling and domestic garage Address: Site 200m West of 115 Clonavaddy Road, Aghnagar, Cappagh, Dungannon, Decision: Decision Date:	
Summary of Consultee Responses	

Drawing Numbers and Title
Drawing No. Type: Status: Submitted
Drawing No. Type: Status: Submitted
Drawing No. Type: Status: Submitted
Drawing No. Type: Status: Submitted
Drawing No. 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: LA09/2020/0992/O	Target Date:
Proposal: Proposed dwelling and domestic garage	Location: Site 150m West of 115 Clonavaddy Road Aghnagar Cappagh Dungannon
Referral Route: This application fails to meet any of the policy requirements of PPS 21 and refusal is recommended.	
Recommendation:	
Applicant Name and Address: Plunkett Nugent 126 Goland Road Ballygawley BT70 2LB	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	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 approximately 150 metres west of No 115 Clonavaddy Road and 3.5 kilometres south of Cappagh village. It occupies a parcel of land measuring 0.5 hectares and has a road frontage of 68 metres. The site is situated in the rural countryside as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is very rural in character with narrow roads winding through the undulating topography. Dwellings are interspersed throughout the locality with some single wind turbines taking advantage of the elevated surroundings. The site has been cleared with the southern roadside boundary is undefined on the ground. The western boundary of the site is hedgerow and separates this site from another application site for a dwelling and garage (LA09/2020/0991/O) for the same applicant. The eastern and northern boundaries are defined by hedgerow. The land beyond the eastern boundary has the frame of an agricultural building to the rear and this parcel of land has also been subject to some clearing also.



The site is situated in the rural countryside as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is very rural in character with narrow roads winding through the undulating topography. Dwellings are interspersed throughout the locality with some single wind turbines taking advantage of the exposed elevated surroundings.

Planning History

There are a couple of relevant planning histories associated with this site.

In September 2004, application M/2004/0775/O for a two storey dwelling & domestic garage for Ms Marion Mallon at 140metres NW of 115 Clonavaddy Road was withdrawn. This was recommended for refusal due to failure to comply with DES 5 because of prominence and lack of integration.

Then in September 2005 another application M/2005/0490/O for a two storey dwelling & domestic garage for Ms Marion Mallon was withdrawn due to the same reasons as the previous application was.

In the field to the east of the site subject of this planning application, the frame of an agricultural building which was partially constructed in 2005/6 sits to the rear of the plot. Here application M/2006/0767/O was refused planning permission for a dwelling and domestic garage in October 2006 for Mr Plunkett Nugent. This was subsequently appealed (Ref No 2007/A0049) and the Planning Appeals Commission dismissed the appeal in March 2006. This was on the grounds that it failed to meet DES 5 and DES 6 of the DOE's Planning Strategy (PSRNI), in terms of prominence, lack of integration and build up.

Description of Proposal

This application seeks outline planning permission for a dwelling and domestic garage at 150m West of 115 Clonavaddy Road, Cappagh in the townland of Aghnagar.

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 commenced at 10am on 25th March and was to run for 8 weeks. Due to issues being faced with COVID-19, this period has been extended and it closed at 5pm on 24th September 2020.

In light of this the Draft Plan cannot currently be given any determining weight.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have any impact this proposal as PPS 21 is retained and it is this policy which this application will be assessed under.

Development in the Countryside is controlled under the provisions of Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside. Policy CTY1 provides clarification on which types of development are acceptable in the countryside and sets out where planning permission will be granted for an individual dwelling house in the countryside, subject to meeting certain criteria.

This application fails to meet the criteria of CTY 2 as the location of the site is not within a designated Dispersed Rural Community.

CTY 2a does allow permission for a dwelling in an existing cluster of development. A cluster is located at a crossroads or is associated with a focal point such as a social or community building/facility. Although St Patrick's Church would fulfil the community building part of this requirement, it is located on the Annagher Road and there is not an identifiable cluster of buildings surrounding it so it could be categorised as focal point in a cluster, thereby failing to fulfil CTY 2a.

CTY 3 - Replacement Dwellings is not applicable for this application. The applicant has not provided any information showing that the proposal would meet the essential needs of a Non-Agricultural Business Enterprise, thereby failing CTY 7. Development on a small gap site is assessed having regards to the particulars of CTY 8. No evidence has been provided to demonstrate this proposal would fulfil the criteria which is set out in CTY 10 for a dwelling on a farm. There are no non-residential buildings on the site which could be utilised thereby allowing the application to potentially fulfil the provisions of CTY4 - Conversion and Reuse of Existing Buildings.

The applicant did submit information as to why this application should be considered under CTY 6 - Special Personal and Domestic circumstances which is summarised below.

In November 2005, permission was granted for a dwelling and garage under application M/2004/1219/O (Site A) for M Nugent on lands at 200m SW of 126 Golan Road, Ballygawley. Another application M/2004/0804/O (Site B) was granted planning permission for Mr Seamus Nugent at 520m NW of 121 Golan Road, Ballygawley. Both applications were approved with siting restrictions as they met the provision requirements of PPS 14, which preceded PPS 21.

The applicant claims that while the decision of these applications were pending, the land was vested in 2005 by the DOE. This land was acquired as part of the A4 and A5 Road Scheme.

The applicant has claimed both these approved applications have had numerous Reserved Matters restrictions which were redundant due to the removal of hedges and topsoil by DOE Contractors working on the road scheme. He states he was unable to comply with the conditions and after discussions with the Planning Service, he was verbally told that alternative/compensatory applications on other sites would be dealt with ?sympathetically?.

Due to the absence of any written evidence confirming this claim, it is not substantiated.

A planning history search at Site B shows application M/2004/1219/O was granted permission for a Dwelling and Garage for M Nugent at 200m South West of 126 Golan Road, Ballygawley in November 2005. Planning permission was refused for dwelling and garage for Plunkett Nugent on this site in May 2002. This was due to the extant permission on the site lapsing by 6 months and as PPS 21 was introduced in the interim, it failed to meet CTY 1 of the new policy.

I am not satisfied the information put forward by the applicant satisfies the requirements of CTY 6, and thus refusal is recommended.

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.

Transport NI were consulted and have no objection to this application subject to the provision of visibility splays of 2.4 metres by 60 metres as part of a Reserved Matters application.

There were no objections to this proposal from the neighbour notification process or advertisement in the local media.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the criterion set out in CTY 1, this proposal fails to meet any of the criteria and therefore fails PPS 21.

Reasons for Refusal:

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

Signature(s)

Date:

ANNEX	
Date Valid	14th August 2020
Date First Advertised	25th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 84 Aghnagar Road Galbally Dungannon	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/2004/0775/O Proposal: Proposed two storey dwelling & domestic garage Address: 140M N.W of 115 Clonavaddy Road, Galbally, Dungannon Decision: Decision Date: 07.09.2004 Ref ID: LA09/2020/0992/O Proposal: Proposed dwelling and domestic garage Address: Site 150m West of 115 Clonavaddy Road, Aghnagar, Cappagh, Dungannon, Decision: Decision Date: Ref ID: M/2005/0490/O Proposal: Proposed two storey dwelling & domestic garage. Address: 140m North West of 115 Clonavaddy Road, Galbally, Dungannon. Decision: Decision Date: 13.09.2005	
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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1055/F	Target Date: 17/12/2020
Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.	Location: 6-7 Tullybroom Rd Clogher Co.Tyrone BT76 0VW
Referral Route: One objection has been received	
Recommendation: APPROVAL	
Applicant Name and Address: Early Years 6c Wildflower Way Apollo Road Boucher Road Belfast BT12 6TA	Agent Name and Address: MMAs Conway Mill 5-7 Conway St Belfast BT13 2DE
Executive Summary: This application relates to a change in finishes for the previously approved redevelopment of the site, the principal of development is the same as that approved under LA09/2018/0734/F. One objection has been received which has been fully considered.	
Signature(s): 	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

One objection has been received citing road safety concerns, and concerns over the size and nature of the proposed renovation and extension having an adverse impact on the established character of the neighbourhood - see consideration of same below under representations.

Characteristics of the Site and Area

The site is located in the rural countryside approximately 400m from Clogher Village, outside any settlement designated by the Dungannon and South Tyrone Area Plan 2010. The proposal impacts upon the Former Poor Law Hospital, Tullybroom Road, Clogher, Co Tyrone, (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. The site outlined in red comprises the workhouse admin building fronting onto Tullybroom Road which is now used by the NIW for administrative purposes with a large tarmacked area to the front for parking. Behind this building is a further parking area, childcare access and parking point and the Clogher Valley Playgroup which occupy the temporary mobile childcare building. Over time the rear portion of the workhouse, to the west of the site, including the cemetery have been re-purposed as a nursing home and parking. Small residential dwellings have been built to the north of the site. The central wing of the workhouse is now in ruins.

Description of Proposal

Proposed renovation and extension of the existing Listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of the existing mobile classrooms, outbuildings and walls.

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.

Planning History

There are a large number of histories on site, the most relevant to this application being: LA09/2018/0728/LBC - Proposed renovation and extension of the existing listed clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls - Granted 20.02.2019

LA09/2018/0734/F - Proposed renovation and extension of the existing listed clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls - Granted 20.02.2019

LA09/2020/1059/LBC - Proposed renovation and extension of the existing Listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of the existing mobile classrooms, outbuildings and walls - currently under consideration alongside this application.

Representations

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty.

One objection has been received and has been uploaded against the LBC application as well. The objection is twofold; road safety concerns, and concerns over the size and nature of the proposed renovation and extension having an adverse impact on the established character of the neighbourhood. This proposal is the same principal as that previously approved under LA09/2018/0734/F and LA09/2018/0728/LBC. The only changes are the alteration of the pitched roofs along with the facade of the proposed two storey block from standing seam aluminium to corrugated fibre cement sheeting. The changes are to the proposed finishes, and not to the actual proposed redevelopment of the site. All road safety issues were examined and considered under these original proposals and it was not deemed that there was a danger to motorists or pedestrians. With regard to the impact on the character of the area, again it was not considered that the proposal would have any negative effect on character; rather it was felt that the socio-economic benefits of the scheme, coupled with the restoration and upkeep of an important historical listed building will breathe new life into this site, and will be an important asset to Clogher Village and the wider Clogher Valley catchment for years to come.

I spoke with the objector to ensure they understood that this is not a new proposal, merely an alteration to the finishes that were approved under LA09/2018/0728/LBC and LA09/2018/0734/F. Planning permission has already been granted on this site for the proposed re-development, and can still be implemented as they are within time. I explained that the issues raised were examined fully in the original planning applications and that conditions were in place to ensure road safety. HED is content with the

proposal, with conditions. The objector was satisfied that planning permission is already in place and that this proposal is for relatively minor changes, and understand that the original application was where their concerns perhaps should have been raised.

Dungannon and South Tyrone Area Plan 2010

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

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.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by PPS 21 Sustainable Development in the Countryside and PPS 6 - Planning, Archaeology & Built Heritage (as it is a Grade B1 Listed Building).

The proposal involves altering all the pitched roofs along with the facade of the proposed two storey block from standing seam aluminium to corrugated fibre cement sheeting. There are no other changes to the proposal other than this.

PPS21 - Policy CTY 4 The Conversion and Reuse of Existing Buildings

This policy allows for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses where this would secure its upkeep and retention. The principal of the proposed redevelopment was agreed under LA09/2018/0734/F, with this application seeking to alter the finishes to the building. No other changes to the original approval are proposed. The proposal itself will secure the ongoing viability and upkeep of this important building, and is acceptable.

PPS 6 - Planning, Archaeology & Built Heritage

As this is an application for alterations to a Listed Building it is assessed against the Policy provision contained within PPS 6 and in particular Policy BH8 - Extension or Alteration of a Listed Building of this policy.

Policy BH8 states that consent will normally only be granted to proposals for the extension or alteration of a listed building where all the following criteria are met:

(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;

(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
 (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Historic Environment Division (HED) of the Department of Communities were consulted, as the competent authority in assessing the impact of the proposal on the amenity of the listed building. Their response is as follows:

Historic Environment Division - (Historic Buildings) has considered the impacts of the proposal on the building and on the basis of the information provided, advises that it is content with the proposal with conditions.

They further state that should an approval be granted for this application, HED - Historic Buildings request that the following conditions be included in any approval document issued;

- 1) Replacement tiles for existing roofs shall be Welsh slate finish and the selection shall be agreed with HED - (Historic Buildings) prior to implementation on site.
- 2) The change of external finishes to new build sections of the proposal shall be as that detailed on planning drawing 10 (published 18.09.2020).

The reason for this is to ensure that the detailed design respects the character of the listed building in terms of scale, height, massing, the use of appropriate materials and that the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

PPS 3 - Access Movement and Parking

DFI Roads were consulted under the original application LA09/2018/0734/F and recommended approval subject to a number of conditions. I consider that provided the same conditions are applied in this instance there should be no road safety concerns given the fact this application is to amend finishes and all previous access arrangements are unchanged.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend approval as the proposal meets all policy requirements of BH8 of PPS6 as it respects the character and setting of the Listed Building, and will not have an adverse impact on it. The minor changes to the proposal approved under the original planning application are considered acceptable and therefore I recommend approval, subject to all the same conditions that were originally set down being applied.

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. Existing gate pillars and external walls as indicated on drawing No. 07 date stamp received 01 September 2020 shall be retained and protected throughout the works.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

3. Demolition work shall be carried out by hand or by tools held in the hand other than power-driven tools; internal openings formed in existing masonry walls shall retain a down-stand to match head-height of existing windows (2120mm above finished floor level) as annotated on drawing No.05 date stamp received 01 September 2020.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

4. Replacement tiles for existing roofs shall be Welsh slate finish and the selection shall be agreed with HED - (Historic Buildings) prior to implementation on site.

Reason: To ensure that the detailed design respects the character of the listed building in terms of scale, height, massing, the use of appropriate materials and that the detailed design is compliant with Policy BH11(Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

5. Before work begins on the existing building, drawings to a scale of 1:10 fully detailing the proposed eaves, ridge and verge details and including insulation and ventilation to the roof shall be approved in writing by HED through an application to council.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building

6. Before work begins on dismantling and reconstructing the existing chimneys, a photographic and drawn survey at a scale of 1:10 shall be undertaken to ensure accuracy / authenticity once reassembled.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

7. No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray shall take place unless agreed in writing with HED through and application to Council. Before any other cleaning begins, a method statement showing how the cleaning will conform to BS 8221-1:2012 (Code of practice for cleaning and surface repair of buildings. Cleaning of natural stone, brick, terracotta and concrete) shall be submitted. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded in writing to the approval of HED.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

8. A tap test shall be carried out to existing cement rendered walls to ascertain the extent of removal required and the result of same together with a sample panel of any new render proposed including details of the lime mix and final surface texture shall be approved in writing with HED through an application to council. The approved sample panel shall be retained on site until the work is completed and the Condition is discharged.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

9. Under no circumstances whatsoever shall powered tools (for example, air-driven tools; electric angle grinders and so forth) be used to remove render or to cut back masonry joints prior to repointing.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;

(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

10. Before work begins, a detailed justification for, and/ or methodology for inserting a damp proof course shall be approved in writing by HED through an application to Council.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

11. Replacement ground floor and dry-lining proposed to the existing building shall be of breathable construction in accordance with drawing No.21 date stamp received 30th January 2019.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

12. Existing eight-panelled timber double doors to entrance shall be retained and protected throughout the works (including door handle).

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

13. Existing windows shall be replaced throughout in hardwood in the style illustrated on Window Schedule drawing No. 03 date received 01 September 2020 with the following specification:

(a) slim profile double glazing units of maximum 12mm overall thickness fixed in place with putty (i.e. not timber slips);
(b) heavier transoms than mullions with tapered profile to both; and
(c) no visible trickle vents.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

14. All external joinery to the existing building to be finished on site with either dark coloured opaque paint or stain (i.e. not factory finished).

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

15. Before work begins on the glazed bridge connection to the listed building, drawings to a scale of 1:10 fully detailing the proposed abutment with existing eaves shall be approved in writing by HED through an application to council.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

16. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

17. No new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

18. The change of external finishes to new build sections of the proposal shall be as that detailed on drawing No. 10 date stamp received 01 September 2020.

Reason: to ensure that the detailed design respects the character of the listed building in terms of scale, height, massing, the use of appropriate materials and that the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

19. Height of new brick chimney shall be a minimum of 2m below the eaves of existing gables on the listed building.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment.

20. External landscaping materials shall be as specified on drawings No. 06 and No. 07 date stamp received 01 September 2020 with paving and band of setts to perimeter of listed building in natural stone and all new railings and gates in hardwood.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment.

21. Stone used in loose gabion walls shall match that in existing rubble stone walls.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment.

22. Within first available planting season following commencement of works on site, semi mature trees indicated on drawing No. 07 date stamp received 01 September 2020 shall be installed.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment. To assist with visual amenity.

23. No works shall be carried out on the building until a NIEA Wildlife Licence has been obtained and evidence of this has been provided to the Planning Authority in writing.

Reason: To minimise the impact of the proposal on bats.

24. Each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

25. Prior to the commencement of any development hereby approved visibility splays of 2.4 metres by 90.0 metres shall be provided in both directions at the junction of the proposed access with the public road, in accordance with Drawing No. 02 bearing date stamp 01 September 2020.

The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

26. 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.

27. No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02 bearing date stamp 01 September 2020 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

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 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.

4. Historic Environment Division advise;
-Legislation & policy 1. The Planning Act (NI) 2011

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

-Strategic Planning Policy Statement for Northern Ireland (SPPS NI) - Planning for Sustainable Development. Guidance

-Development Practice Note 5 -Historic Environment , September 2017 -
<https://www.planningni.gov.uk/index/advice/practice-notes/dmpn05-historicenvironment.pdf>

-Consultation Guide - A guide to consulting HED on development management applications- <https://www.communities-ni.gov.uk/publications/guide-consulting-heddevelopment-management-applications>

-Please also see new HED guidance <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/ourplanning-services-and-standards-framework.pdf>

-Technical Notes -
<https://www.communitiesni.gov.uk/publications/11%2B14/11%2B14/type/guidance/topic/10295?search=technical>

-British Standard - BS 7913:2013 Guide to the conservation of historic buildings

-HED Setting Guidance, Feb 2018
<https://www.communitiesni.gov.uk/publications/guidance-setting-and-historic-environment>

-Discussions with Building Control should be initiated at an early stage; changes may be required in relation to fire, sound, thermal insulation, etc that would affect the historic fabric of the building. If such requirements are not considered in this application, further revisions may be required that may not comply with Policy BH8 & BH11 of PPS6.

HED:HB caution against dry lining of traditional walls, as this has associated risks in connection with the long term health of the solid wall and the air quality, and as it interferes with the intended building physics of the structure. The contraindications for dry-lining include loss of the wall's breathability. The responsibility for outcomes associated with dry-lining falls to the professional consultant, who should satisfy themselves that it will not have a detrimental effect on the building fabric. See BRE research

http://www.bre.co.uk/filelibrary/pdf/projects/swi/UnintendedConsequencesRoutemap_v4.0_160316_final.pdf Fungicidal treatments involving fluid substances should also be used with caution and the building should be well ventilated and adequately dried out before

applying any finish to treated areas. Ongoing monitoring will be fundamental and therefore easy access to concealed voids is essential.

-It is a common misconception that only the exterior, the front or only a portion of a building is listed. The building is listed in its entirety, internally and externally (as are all listed buildings, irrespective of grade) and any alterations will require listed building consent, an application made through your local council. This includes any change to materials, details and arrangement (internal or external/setting). All listed buildings are afforded the same protection, irrespective of grade.

5. NIEA Natural Heritage advise;

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.

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:

- a) kill, injure or take any wild bird; or
 - b) take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - c) at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 - d) obstruct or prevent any wild bird from using its nest; or
 - e) take or destroy an egg of any wild bird; or
 - f) disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 - g) disturb dependent young of such a bird.
- Natural Heritage 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 between 1st March and 31st August.

NIEA Drainage and Water advise;

- The storm drainage of the site, during site clearance, construction and operational phases of the development, should be designed to the principles of Sustainable Drainage Systems (SuDS), where appropriate, in order to minimise the polluting effects of storm water on waterways.

- Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C753. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

- Should a sewage pumping station be required for this development then the applicant must apply to NIEA Water Management Unit (WMU) for Water Order (1999) Consent for an emergency overflow?.

- The applicant should consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the development works including the need for discharge consent. Discharged waters should meet appropriate discharge consent conditions. (Please refer to the Standing Advice link at the end of this document).

- The applicant must comply with the Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010.

- The applicant should ensure that the management of all wastes 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.netregs.org.uk/environmental-topics/waste/more-storage-handling-transportof-waste/>)

- General advice and guidance on private water supplies can be obtained from the DWI's information leaflet 'Is your private water supply safe?'

<https://www.daerani.gov.uk/sites/default/files/publications/doe/water-leaflet-is-your-private-water-supplysafe-2015.pdf> More detailed guidance can be obtained from the private water supplies technical manual at: <http://www.privatewatersupplies.gov.uk/>

- Borehole construction should be undertaken by a competent contractor taking account of best practice. Guidance on best practice can be accessed by the Institute of Geologists of Ireland (IGI) at: <http://igi.ie/publications/guidelines/> 9. The applicant should comply with all the relevant Pollution Prevention Guidance (PPG's) and the replacement guidance series, Guidance for Pollution Prevention (GPPs) in order to minimise the impact of the project on the environment, paying particular attention to:

- PPG 01 - Understanding Your Environmental Responsibilities - Good Environmental Practices

- New GPP 02 - Above ground oil storage tanks.

- PPG 04 - Treatment and disposal of sewage where no foul sewer is available.

- New GPP 05 - Works and maintenance in or near water.

- PPG 06 - Working at construction and demolition sites. Compliance with the advice in GPP 05 and PPG 06 will help to minimise the impact of the site clearance and construction phases of the project on the environment. These PPGs/GPPs can be

accessed by visiting the NetRegs website at
<http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines>

-The applicant should comply with all the relevant DAERA Standing Advice in order to minimise the impact of the project on the water environment, paying particular attention to Standing Advice- Pollution Prevention Guidance, which contains a link to all the current Pollution Prevention Guidelines (PPGs/GPPs). Standing Advice Notes are available on the DAERA website under the Topic: Environmental Advice for Planning. Alternately the following address can be copied and pasted to a web browser:
<https://www.daera-ni.gov.uk/publications/standing-advice/development-may-have-effect-water-environment-including-groundwater-and-fisheries>

6. DfI Roads Informatives

The applicant, future purchasers and their successors in title should note that any future requests to DfI Roads for footway infrastructure provision to the Child Care Centre will not be facilitated, and that the responsibility for provision of such infrastructure rests solely with the applicant.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	3rd September 2020
Date First Advertised	14th September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 12 Tullybroom Road, Clogher, BT76 0VW Dolores Moore 12 Tullybroom Road, Clogher, Tyrone, BT76 0UW Dolores Moore 12 Tullybroom Road, Clogher, Tyrone, Northern Ireland, BT76 0UW The Owner/Occupier, 14 Tullybroom Road, Clogher, BT76 0VW The Owner/Occupier, 16 Tullybroom Road, Clogher, BT76 0VW The Owner/Occupier, 18 Tullybroom Road, Clogher, BT76 0VW	
Date of Last Neighbour Notification	25th September 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/2007/0418/LB Proposal: Part demolition/alterations and extensions to the poor workhouse, clogher into 8 no.residential dwellings. Address: Poor workhouse, Tullybroom Road, Ballymagowan, Clogher Decision: Decision Date: 16.09.2008 Ref ID: M/2007/0475/F Proposal: Alterations/ Extensions to create 8 No. Residential dwellings Address: Poor Workhouse, Tullybroom Road, Clogher Decision: Decision Date: 12.09.2008 Ref ID: M/2002/0211/F Proposal: To improve vehicle access at Tullybroom Road & improve safety. Address: Old Union Workhouse, Tullybroom Road, Clogher Decision: Decision Date: 13.03.2003	

Ref ID: M/1981/0462
Proposal: ERECTION OF BUNGALOW
Address: BALLYMAGOWAN ROAD, CLOGHER
Decision:
Decision Date:

Ref ID: M/2014/0507/F
Proposal: Continuation of use of playgroup facility
Address: Old Union Workhouse, 7, Tullybroom Road, Clogher,
Decision: PG
Decision Date: 10.03.2015

Ref ID: M/1996/0225
Proposal: Extension to Nursing Home
Address: 8 TULLYBROOM ROAD CLOGHER
Decision:
Decision Date:

Ref ID: M/1997/0725
Proposal: Extension & Alterations to Nursing Home
Address: 8 TULLYBROOM ROAD CLOGHER
Decision:
Decision Date:

Ref ID: M/2006/1401/F
Proposal: Provision of EMI Nursing Unit
Address: 8 Tullybroom Road, Clogher
Decision:
Decision Date: 16.10.2006

Ref ID: M/2001/1291/F
Proposal: Alterations/extension to existing nursing home & replacement day centre.
Address: 8 Tullybroom Road, Clogher.
Decision:
Decision Date: 23.10.2002

Ref ID: M/1987/0537
Proposal: PROPOSED RE-ROOFING OF 2 NO SINGLE STOREY BLOCKS AT OLD PEOPLE'S HOME
Address: TULLYBROOM ROAD, CLOGHER
Decision:
Decision Date:

Ref ID: M/1985/0192
Proposal: MOBILE TYPE BUILDING
Address: NO 8 TULLYBROOM ROAD, BALLYMAGOWAN, CLOGHER
Decision:
Decision Date:

Ref ID: M/2006/1648/Q
Proposal: Re-development
Address: Poor Law Hospital, Clogher
Decision:
Decision Date:

Ref ID: M/1981/0461
Proposal: ERECTION OF BUNGALOW
Address: BALLYMAGOWAN ROAD, CLOGHER
Decision:
Decision Date:

Ref ID: M/2006/2002/F
Proposal: To continue use of Playgroup Facility which was granted temporary Planning permission on 2001
Address: Old Union Workhouse, Tullybroom Road, Clogher
Decision:
Decision Date: 17.08.2007

Ref ID: M/2001/0397/F
Proposal: Erection of pre-fabricated, temporary classroom on site to serve as pre-school playgroup.
Address: Old Union Workhouse, Tullybroom Road, Clogher.,
Decision:
Decision Date: 16.08.2001

Ref ID: M/2009/0864/F
Proposal: Continuation of use of Playgroup facility which had granted temporary planning permission in 2002 and again in 2007 at Old Union Workhouse, Tullybroom Road, Clogher
Address: Old Union Workhouse, Tullybroom Road, Clogher
Decision:
Decision Date: 11.12.2009

Ref ID: M/2010/0085/F
Proposal: Proposed extension to existing temporary playgroup facility
Address: Old Union Workhouse, Tullybroom Road, Clogher
Decision:
Decision Date: 08.03.2010

Ref ID: M/1978/0281
Proposal: CONVERSION FROM MUSHROOM HOUSE TO DWELLING
Address: BALLYMAGOWAN, CLOGHER
Decision:
Decision Date:

Ref ID: LA09/2018/0728/LBC

Proposal: Proposed renovation and extension of the existing listed clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Road, Clogher, Co Tyrone, BT76 0UW.,

Decision: CG

Decision Date: 20.02.2019

Ref ID: LA09/2018/0734/F

Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Road, Clogher, Co Tyrone,

Decision: PG

Decision Date: 20.02.2019

Ref ID: LA09/2020/1059/LBC

Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Rd, Clogher, Co.Tyrone, BT76 0VW,

Decision:

Decision Date:

Ref ID: LA09/2020/1055/F

Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Rd, Clogher, Co.Tyrone, BT76 0VW,

Decision:

Decision Date:

Summary of Consultee Responses

HED (Historic Buildings) has considered the impacts of the proposal on the building and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 07
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 06
Type: Landscaping Plan
Status: Submitted

Drawing No. 05
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 04
Type: Proposed Elevations
Status: Submitted

Drawing No. 08
Type: Cross Sections
Status: Submitted

Drawing No. 09
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 10
Type: Proposed Elevations
Status: Submitted



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1059/LBC	Target Date: 17/12/2020
Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.	Location: 6-7 Tullybroom Rd Clogher Co.Tyrone BT76 0VW
Referral Route: One objection has been received	
Recommendation: APPROVAL	
Applicant Name and Address: Early Years 6c Wildflower Way Apollo Road Boucher Road Belfast BT12 6TA	Agent Name and Address: MMAs Conway Mill 5-7 Conway Street Belfast BT13 2DE
Executive Summary: This application relates to a change in finishes for the previously approved redevelopment of the site, the principal of development is the same as that approved under LA09/2018/0728/LBC. One objection has been received which has been fully considered.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

One objection has been received citing road safety concerns, and concerns over the size and nature of the proposed renovation and extension having an adverse impact on the established character of the neighbourhood - see consideration of same below under representations.

Characteristics of the Site and Area

The site is located in the rural countryside approximately 400m from Clogher Village, outside any settlement designated by the Dungannon and South Tyrone Area Plan 2010. The proposal impacts upon the Former Poor Law Hospital, Tullybroom Road, Clogher, Co Tyrone, (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. The site outlined in red comprises the workhouse admin building fronting onto Tullybroom Road which is now used by the NIW for administrative purposes with a large tarmacked area to the front for parking. Behind this building is a further parking area, childcare access and parking point and the Clogher Valley Playgroup which occupy the temporary mobile childcare building. Over time the rear portion of the workhouse, to the west of the site, including the cemetery have been re-purposed as a nursing home and parking. Small residential dwellings have been built to the north of the site. The central wing of the workhouse is now in ruins.

Description of Proposal

Proposed renovation and extension of the existing Listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of the existing mobile classrooms, outbuildings and walls.

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.

Planning History

There are a large number of histories on site, the most relevant to this application being: LA09/2018/0728/LBC - Proposed renovation and extension of the existing listed clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls - Granted 20.02.2019

LA09/2018/0734/F - Proposed renovation and extension of the existing listed clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls - Granted 20.02.2019

LA09/2020/1055/F - Proposed renovation and extension of the existing Listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of the existing mobile classrooms, outbuildings and walls - currently under consideration alongside this application.

Representations

Press advertisement has been carried out in line with the Council's statutory duty. No neighbours were notified as this is an application for Listed Building Consent, however one objection was received on the accompanying Full application LA09/2020/1055/F and has been uploaded against this application as well. The objection is twofold; road safety concerns, and concerns over the size and nature of the proposed renovation and extension having an adverse impact on the established character of the neighbourhood. This proposal is the same principal as that previously approved under LA09/2018/0734/F and LA09/2018/0728/LBC. The only changes are the alteration of the pitched roofs along with the facade of the proposed two storey block from standing seam aluminium to corrugated fibre cement sheeting. The changes are to the proposed finishes, and not to the actual proposed redevelopment of the site. All road safety issues were examined and considered under these original proposals and it was not deemed that there was a danger to motorists or pedestrians. With regard to the impact on the character of the area, again it was not considered that the proposal would have any negative effect on character; rather it was felt that the socio-economic benefits of the scheme, coupled with the restoration and upkeep of an important historical listed building will breathe new life into this site, and will be an important asset to Clogher Village and the wider Clogher Valley catchment for years to come.

I spoke with the objector to ensure they understood that this is not a new proposal, merely an alteration to the finishes that were approved under LA09/2018/0728/LBC and LA09/2018/0734/F. Planning permission has already been granted on this site for the proposed re-development, and can still be implemented as they are within time. I explained that the issues raised were examined fully in the original planning applications and that conditions were in place to ensure road safety. HED is content with the

proposal, with conditions. The objector was satisfied that planning permission is already in place and that this proposal is for relatively minor changes, and understand that the original application was where their concerns should have been raised.

Dungannon and South Tyrone Area Plan 2010

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

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.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by PPS 6 - Planning, Archaeology & Built Heritage (as it is a Grade B1 Listed Building).

The proposal involves altering all the pitched roofs along with the facade of the proposed two storey block from standing seam aluminium to corrugated fibre cement sheeting. There are no other changes to the proposal other than this.

PPS 6 - Planning, Archaeology & Built Heritage

As this is an application for alterations to a Listed Building it is assessed against the Policy provision contained within PPS 6 and in particular Policy BH8 - Extension or Alteration of a Listed Building of this policy.

Policy BH8 states that consent will normally only be granted to proposals for the extension or alteration of a listed building where all the following criteria are met:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Historic Environment Division (HED) of the Department of Communities were consulted, as the competent authority in assessing the impact of the proposal on the amenity of the listed building. Their response is as follows:

Historic Environment Division - (Historic Buildings) has considered the impacts of the proposal on the building and on the basis of the information provided, advises that it is content with the proposal with conditions.

They further state that should an approval be granted for this application, HED - Historic Buildings request that the following conditions be included in any approval document issued;

- 1) Replacement tiles for existing roofs shall be Welsh slate finish and the selection shall be agreed with HED - (Historic Buildings) prior to implementation on site.
- 2) The change of external finishes to new build sections of the proposal shall be as that detailed on planning drawing 10 - (published 18.09.2020).

The reason for this is to ensure that the detailed design respects the character of the listed building in terms of scale, height, massing, the use of appropriate materials and that the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

I recommend approval as the proposal meets all policy requirements of BH8 of PPS6 as it respects the character and setting of the Listed Building, and will not have an adverse impact on it. The minor changes to the proposal approved under the original planning application are considered acceptable and therefore I recommend approval, subject to all the same conditions that were originally set down being applied

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. Existing gate pillars and external walls as indicated on drawing No. 07 date stamp received 01 September 2020 shall be retained and protected throughout the works.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

3. Demolition work shall be carried out by hand or by tools held in the hand other than power-driven tools; internal openings formed in existing masonry walls shall retain a down-stand to match head-height of existing windows (2120mm above finished floor level) as annotated on drawing No. 07 date stamp received 01 September 2020.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building

4. Prior to the commencement of any development the developer shall provide the council with written agreement from HED for the selection of replacement tiles for existing roofs which shall be Welsh slate finish.

Reason: To ensure that the detailed design respects the character of the listed building in terms of scale, height, massing, the use of appropriate materials and that the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

5. Prior to the commencement of any development the developer shall provide the council with written agreement from HED for drawings to a scale of 1:10 fully detailing the proposed eaves, ridge and verge details and including insulation and ventilation to the roof.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building

6. Before work begins on dismantling and reconstructing the existing chimneys, a photographic and drawn survey at a scale of 1:10 shall be undertaken to ensure accuracy / authenticity once reassembled.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

7. No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray shall take place unless agreed in writing with HED through and application to Council. Before any other cleaning begins, a method statement showing how the cleaning will conform to BS 8221-1:2012 (Code of practice for cleaning and surface repair of buildings. Cleaning of natural stone, brick, terracotta and concrete) shall be submitted. At the commencement of the cleaning, a test panel shall be

undertaken in an inconspicuous position and the method recorded in writing to the approval of HED.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

8. A tap test shall be carried out to existing cement rendered walls to ascertain the extent of removal required and the result of same together with a sample panel of any new render proposed including details of the lime mix and final surface texture shall be approved in writing with HED and provided to council. The approved sample panel shall be retained on site until the work is completed and the Condition is discharged.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

9. Under no circumstances whatsoever shall powered tools (for example, air-driven tools; electric angle grinders and so forth) be used to remove render or to cut back masonry joints prior to repointing.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

10. Prior to the commencement of any development the developer shall provide the council with written agreement from HED for a detailed justification and/ or methodology for inserting a damp proof course.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and

(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

11. Replacement ground floor and dry-lining proposed to the existing building shall be of breathable construction in accordance with drawing No.21 date stamp received 30th January 2019.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

12. Existing eight-panelled timber double doors to entrance shall be retained and protected throughout the works (including door handle).

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

13. Existing windows shall be replaced throughout in hardwood in the style illustrated on Window Schedule drawing No. 03 date received 01 September 2020 with the following specification:

- (a) slim profile double glazing units of maximum 12mm overall thickness fixed in place with putty (i.e. not timber slips);
- (b) heavier transoms than mullions with tapered profile to both; and
- (c) no visible trickle vents.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural

14. All external joinery to the existing building to be finished on site with either dark coloured opaque paint or stain (i.e. not factory finished).

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

15. Prior to the commencement of the glazed bridge connection to the listed building, the developer shall provide the council with written agreement from HED for drawings to a scale of 1:10 fully detailing the proposed abutment with existing eaves.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

16. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

17. No new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

18. The change of external finishes to new build sections of the proposal shall be as that detailed on drawing No. 10 date stamp received 01 September 2020.

Reason: to ensure that the detailed design respects the character of the listed building in terms of scale, height, massing, the use of appropriate materials and that the detailed

design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

19. Height of new brick chimney shall be a minimum of 2m below the eaves of existing gables on the listed building.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment.

20. External landscaping materials shall be as specified on drawings No. 06 and No. 07 date stamp received 01 September 2020 with paving and band of setts to perimeter of listed building in natural stone and all new railings and gates in hardwood.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment.

21. Stone used in loose gabion walls shall match that in existing rubble stone walls.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment.

22. Within first available planting season following commencement of works on site, semi mature trees indicated on drawing No. 07 date stamp received 01 September 2020 shall be installed.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment. To assist with visual amenity

Informatives

1. 1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

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 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.

4. Historic Environment Division advise;
-Legislation & policy 1. The Planning Act (NI) 2011

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

-Strategic Planning Policy Statement for Northern Ireland (SPPS NI) - Planning for Sustainable Development. Guidance

-Development Practice Note 5 -Historic Environment , September 2017 -
<https://www.planningni.gov.uk/index/advice/practice-notes/dmpn05-historicenvironment.pdf>

-Consultation Guide - A guide to consulting HED on development management applications- <https://www.communities-ni.gov.uk/publications/guide-consulting-heddevelopment-management-applications>

-Please also see new HED guidance <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/ourplanning-services-and-standards-framework.pdf>

-Technical Notes -
<https://www.communitiesni.gov.uk/publications/11%2B14/11%2B14/type/guidance/topic/10295?search=technical>

-British Standard - BS 7913:2013 Guide to the conservation of historic buildings

-HED Setting Guidance, Feb 2018
<https://www.communitiesni.gov.uk/publications/guidance-setting-and-historic-environment>

-Discussions with Building Control should be initiated at an early stage; changes may be required in relation to fire, sound, thermal insulation, etc that would affect the historic fabric of the building. If such requirements are not considered in this application, further revisions may be required that may not comply with Policy BH8 & BH11 of PPS6. HED:HB caution against dry lining of traditional walls, as this has associated risks in connection with the long term health of the solid wall and the air quality, and as it interferes with the intended building physics of the structure. The contraindications for dry-lining include loss of the wall's breathability. The responsibility for outcomes associated with dry-lining falls to the professional consultant, who should satisfy themselves that it will not have a detrimental effect on the building fabric. See BRE research

http://www.bre.co.uk/filelibrary/pdf/projects/swi/UnintendedConsequencesRoutemap_v4.0_160316_final.pdf Fungicidal treatments involving fluid substances should also be used with caution and the building should be well ventilated and adequately dried out before applying any finish to treated areas. Ongoing monitoring will be fundamental and therefore easy access to concealed voids is essential.

-It is a common misconception that only the exterior, the front or only a portion of a building is listed. The building is listed in its entirety, internally and externally (as are all listed buildings, irrespective of grade) and any alterations will require listed building consent, an application made through your local council. This includes any change to materials, details and arrangement (internal or external/setting). All listed buildings are afforded the same protection, irrespective of grade.

5. NIEA Natural Heritage advise;

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.

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:

- a) kill, injure or take any wild bird; or
 - b) take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - c) at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 - d) obstruct or prevent any wild bird from using its nest; or
 - e) take or destroy an egg of any wild bird; or
 - f) disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 - g) disturb dependent young of such a bird.
- Natural Heritage 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 between 1st March and 31st August.

NIEA Drainage and Water advise;

- The storm drainage of the site, during site clearance, construction and operational phases of the development, should be designed to the principles of Sustainable Drainage Systems (SuDS), where appropriate, in order to minimise the polluting effects of storm water on waterways.

- Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C753. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

- Should a sewage pumping station be required for this development then the applicant must apply to NIEA Water Management Unit (WMU) for Water Order (1999) Consent for an emergency overflow?.

- The applicant should consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the development works including the need for discharge consent. Discharged waters should meet appropriate discharge consent conditions. (Please refer to the Standing Advice link at the end of this document).
- The applicant must comply with the Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010.
- The applicant should ensure that the management of all wastes 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.netregs.org.uk/environmental-topics/waste/more-storage-handling-transportof-waste/>)
- General advice and guidance on private water supplies can be obtained from the DWI's information leaflet 'Is your private water supply safe??' <https://www.daerani.gov.uk/sites/default/files/publications/doe/water-leaflet-is-your-private-water-supplysafe-2015.pdf> More detailed guidance can be obtained from the private water supplies technical manual at: <http://www.privatewatersupplies.gov.uk/>
- Borehole construction should be undertaken by a competent contractor taking account of best practice. Guidance on best practice can be accessed by the Institute of Geologists of Ireland (IGI) at: <http://igi.ie/publications/guidelines/> 9. The applicant should comply with all the relevant Pollution Prevention Guidance (PPGs) and the replacement guidance series, Guidance for Pollution Prevention (GPPs) in order to minimise the impact of the project on the environment, paying particular attention to:
 - PPG 01 - Understanding Your Environmental Responsibilities - Good Environmental Practices
 - New GPP 02 - Above ground oil storage tanks.
 - PPG 04 - Treatment and disposal of sewage where no foul sewer is available.
 - New GPP 05 - Works and maintenance in or near water.
 - PPG 06 - Working at construction and demolition sites. Compliance with the advice in GPP 05 and PPG 06 will help to minimise the impact of the site clearance and construction phases of the project on the environment. These PPGs/GPPs can be accessed by visiting the NetRegs website at <http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines>
- The applicant should comply with all the relevant DAERA Standing Advice in order to minimise the impact of the project on the water environment, paying particular attention to Standing Advice- Pollution Prevention Guidance, which contains a link to all the current Pollution Prevention Guidelines (PPGs/GPPs). Standing Advice Notes are available on the DAERA website under the Topic: Environmental Advice for Planning. Alternately the following address can be copied and pasted to a web browser: <https://www.daera-ni.gov.uk/publications/standing-advice/development-may-have-effect-water-environment-including-groundwater-and-fisheries>

6. DfI Roads Informatives

The applicant, future purchasers and their successors in title should note that any future requests to DfI Roads for footway infrastructure provision to the Child Care Centre will

not be facilitated, and that the responsibility for provision of such infrastructure rests solely with the applicant.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	3rd September 2020
Date First Advertised	14th September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
<p>Planning History</p> <p>Ref ID: M/2007/0418/LB Proposal: Part demolition/alterations and extensions to the poor workhouse, clogher into 8 no.residential dwellings. Address: Poor workhouse, Tullybroom Road, Ballymagowan, Clogher Decision: Decision Date: 16.09.2008</p> <p>Ref ID: M/2007/0475/F Proposal: Alterations/ Extensions to create 8 No. Residential dwellings Address: Poor Workhouse, Tullybroom Road, Clogher Decision: Decision Date: 12.09.2008</p> <p>Ref ID: M/2002/0211/F Proposal: To improve vehicle access at Tullybroom Road & improve safety.</p> <p>Address: Old Union Workhouse, Tullybroom Road, Clogher Decision: Decision Date: 13.03.2003</p> <p>Ref ID: M/1981/0462 Proposal: ERECTION OF BUNGALOW Address: BALLYMAGOWAN ROAD, CLOGHER Decision: Decision Date:</p>	

Ref ID: M/2014/0507/F

Proposal: Continuation of use of playgroup facility

Address: Old Union Workhouse, 7, Tullybroom Road, Clogher,

Decision: PG

Decision Date: 10.03.2015

Ref ID: M/1996/0225

Proposal: Extension to Nursing Home

Address: 8 TULLYBROOM ROAD CLOGHER

Decision:

Decision Date:

Ref ID: M/1997/0725

Proposal: Extension & Alterations to Nursing Home

Address: 8 TULLYBROOM ROAD CLOGHER

Decision:

Decision Date:

Ref ID: M/2006/1401/F

Proposal: Provision of EMI Nursing Unit

Address: 8 Tullybroom Road, Clogher

Decision:

Decision Date: 16.10.2006

Ref ID: M/2001/1291/F

Proposal: Alterations/extension to existing nursing home & replacement day centre.

Address: 8 Tullybroom Road, Clogher.

Decision:

Decision Date: 23.10.2002

Ref ID: M/1987/0537

Proposal: PROPOSED RE-ROOFING OF 2 NO SINGLE STOREY BLOCKS AT OLD PEOPLE'S HOME

Address: TULLYBROOM ROAD, CLOGHER

Decision:

Decision Date:

Ref ID: M/1985/0192

Proposal: MOBILE TYPE BUILDING

Address: NO 8 TULLYBROOM ROAD, BALLYMAGOWAN, CLOGHER

Decision:

Decision Date:

Ref ID: M/2006/1648/Q

Proposal: Re-development

Address: Poor Law Hospital, Clogher

Decision:

Decision Date:

Ref ID: M/1999/0296

Proposal: Extension to dwelling

Address: 16 TULLYBROOM ROAD CLOGHER

Decision:

Decision Date:

Ref ID: M/1981/0461

Proposal: ERECTION OF BUNGALOW

Address: BALLYMAGOWAN ROAD, CLOGHER

Decision:

Decision Date:

Ref ID: M/2006/2002/F

Proposal: To continue use of Playgroup Facility which was granted temporary Planning permission on 2001

Address: Old Union Workhouse, Tullybroom Road, Clogher

Decision:

Decision Date: 17.08.2007

Ref ID: M/2001/0397/F

Proposal: Erection of pre-fabricated, temporary classroom on site to serve as pre-school playgroup.

Address: Old Union Workhouse, Tullybroom Road, Clogher.,

Decision:

Decision Date: 16.08.2001

Ref ID: M/2009/0864/F

Proposal: Continuation of use of Playgroup facility which had granted temporary planning permission in 2002 and again in 2007 at Old Union Workhouse, Tullybroom Road, Clogher

Address: Old Union Workhouse, Tullybroom Road, Clogher

Decision:

Decision Date: 11.12.2009

Ref ID: M/2010/0085/F

Proposal: Proposed extension to existing temporary playgroup facility

Address: Old Union Workhouse, Tullybroom Road, Clogher

Decision:

Decision Date: 08.03.2010

Ref ID: M/1978/0281

Proposal: CONVERSION FROM MUSHROOM HOUSE TO DWELLING

Address: BALLYMAGOWAN, CLOGHER

Decision:

Decision Date:

Ref ID: LA09/2018/0734/F

Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Road, Clogher, Co Tyrone,
Decision: PG
Decision Date: 20.02.2019

Ref ID: LA09/2020/1059/LBC

Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Rd, Clogher, Co.Tyrone, BT76 0VW,
Decision:
Decision Date:

Ref ID: LA09/2020/1055/F

Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Rd, Clogher, Co.Tyrone, BT76 0VW,
Decision:
Decision Date:

Ref ID: LA09/2018/0728/LBC

Proposal: Proposed renovation and extension of the existing listed clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Road, Clogher, Co Tyrone, BT76 0UW.,
Decision: CG
Decision Date: 20.02.2019

Summary of Consultee Responses

HED (Historic Buildings) has considered the impacts of the proposal on the building and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Elevations
Status: Submitted

Drawing No. 04
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 05
Type: Landscaping Plan
Status: Submitted

Drawing No. 06
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 07
Type: Cross Sections
Status: Submitted

Drawing No. 08
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 09
Type: Proposed Plans
Status: Submitted

Drawing No. 10
Type: Proposed Elevations
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

-



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

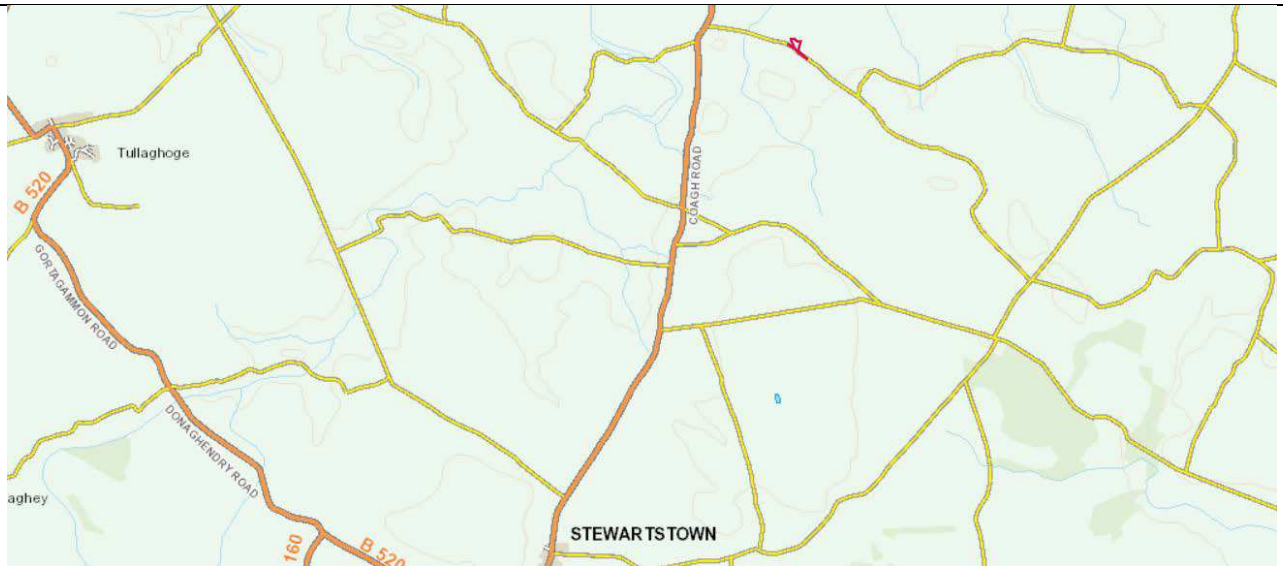
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1082/O	Target Date:
Proposal: Proposed site for dwelling based on policy CY2a (new dwelling in existing cluster)	Location: 35m West of 33 Gortnaskea Road Stewartstown
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Dr Rogers 33 Gortnaskea Road Stewartstown	Agent Name and Address: Arcen 3A Killycolp Road Cookstown BT80 9AD
Executive Summary: <p>The proposal is contrary to Policy CTY1 and CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; the cluster does not appear as a visual entity in the local landscape; and the cluster is not associated with a focal point or located at a cross-roads.</p> <p>Whilst I acknowledge a cluster of development may be considered to exist to the north and south of the Gortnaskea Rd immediately east of its junction with the Coagh Rd, encompassing 'Ballytrea Primary School' as the focal point, the site is too far removed by intervening lands to be associated with this potential cluster.</p> <p>Additionally, the intervening lands along the Gortnaskea Rd between 'Ballytrea Primary School' and just beyond the site, which the agent identified within this cluster, in my opinion comprises largely agricultural lands interspersed with a loose pattern of development in the form single dwellings, garages and farm groups, typical of the rural countryside. This loose pattern of development, could not be considered a cluster, as it does not read as a visual entity in the local landscape. Nor does it associate with the development at the Gortnaskea Rd / Coagh Rd junction.</p>	
Signature(s):	

Case Officer Report

Site Location Plan





Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	0
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, which lies outside any settlement defined under the Cookstown Area Plan 2010, is located in the rural countryside approx. 2.2 miles northeast of Stewartstown and 500 metres east of Ballytreea Primary School.

The site is a flat, triangular shaped plot, comprising an agricultural field, nestled between nos. 33 and 35 Gortnaskea Rd.

No. 33 Gortnaskea Rd is a bungalow dwelling bound to its rear / east side by a number of outbuildings, set on mature grounds accessed directly off, but well enclosed and screened from the adjacent Gortnaskea Rd d by mature vegetation. No. 35 Gortnaskea Rd is a more recently constructed bungalow with garage located to its rear, set back from and accessed off the Gortnaskea Rd via a short gravelled lane.

The site sits within the expansive grounds of no. 33 Gortnaskea Rd. The site is well-enclosed by a mix of mature hedgerows and trees along its south / southeast boundary adjacent Gortnaskea Rd and short lane off it; and along its north / party boundary with no. 35 Gortnaskea Rd. The eastern boundary of the site is undefined opening up onto the host grounds of no. 33 Gortnaskea Rd.

Views of the site are screened by on the eastern approach to it and passing along its roadside frontage by existing vegetation bounding the grounds of 33 Gortnaskea Rd and along the roadside frontage of the site. Views of the site are on the western approach to it along the Gortnaskea Rd.

This area of countryside is typically rural in nature consisting by enlarge of agricultural land interspersed by single dwellings and farm groups.

Description of Proposal

This is an outline application for a dwelling and garage (based on policy CY2a New dwelling in existing clusters) to be located on lands 35m West of 33 Gortnaskea Road Stewartstown.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 15 (Revised): Planning and Flood Risk

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.

Representations

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

Planning History

On Site - None

Adjacent

- I/2005/0030/O - Proposed dwelling & garage - 100 metres north west of 33 Gortnaskea Rd Stewartstown - Granted 9th February 2005
- I/2005/1050/RM - Proposed dwelling & garage - 100 metres north west of 33 Gortnaskea Rd Stewartstown - Granted 15th December 2005

Above applications relate to no. 35 Gortnaskea Rd, located to the north of the site.

Consultees

1. DfI Roads were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives.

2. DfI Rivers Agency were consulted as Flood Maps indicated surface water flooding along the frontage of the site on to the Gortnaskea Rd. Rivers Agency responded with no objections to the proposal subject to standard informatives. Accordingly I have no concerns in this regard.

Consideration

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland - advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21: Sustainable Development in the Countryside - is the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 of PPS21. One instance, and that which the applicant has applied under, is a new dwelling in an existing cluster in accordance with Policy CTY2a New Dwellings in Existing Clusters. Policy CTY 2a New Dwellings in Existing Clusters states planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria bullet pointed criteria are met:

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

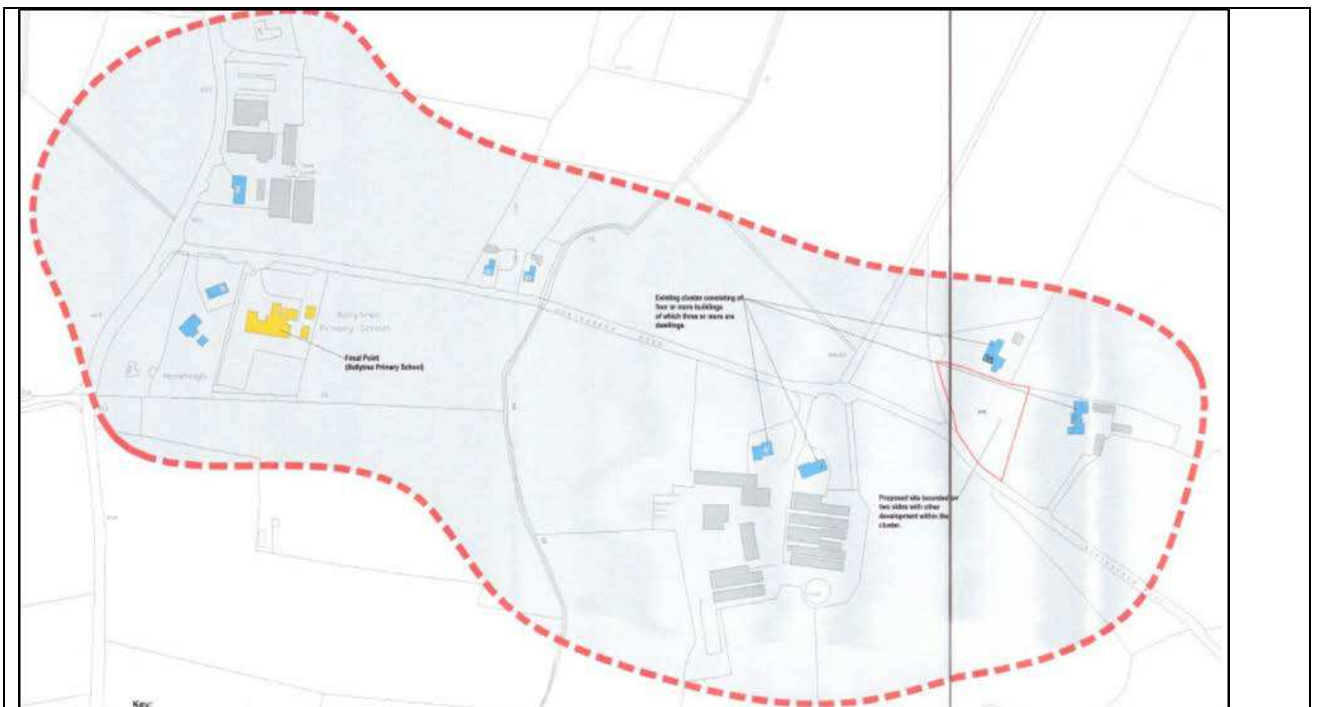


Fig 1: Red dash line around existing cluster identified by agent

Bearing in mind the above bullet points. In support of this application, the agent submitted a scaled drawing showing a red dashed line around what he considers to be the existing cluster of development the site sits within, extending approx. metres along the Gortnaskea Rd to and including its junction with the Coagh Rd (see Fig 1 above). Within the cluster, he has highlighted a number of existing dwellings blue and outbuildings / garages grey; and identified 'Ballytrea Primary School', yellow, as the focal point.

Having assessed the site and taken into account the information in support of this application, I do not consider the site meets with the requirements of Policy CTY2a. The site in my opinion is not located within an existing cluster of development lying outside of a farm and consisting of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.

Whilst I acknowledge a cluster of development may be considered to exist to the north and south of the Gortnaskea Rd immediately east of its junction with the Coagh Rd, encompassing 'Ballytrea Primary School' as the focal point, the site is too far removed by intervening lands to be associated with this potential cluster.

Additionally, the intervening lands along the Gortnaskea Rd between 'Ballytrea Primary School' and just beyond the site, which the agent identified within this cluster, in my opinion comprises largely agricultural lands interspersed with a loose pattern of development in the form single dwellings, garages and farm groups, typical of the rural countryside. This loose pattern of development, could not be considered a cluster, as it does not read as a visual entity in the local landscape. Nor does it associate with the development at the Gortnaskea Rd / Coagh Rd junction.

Whilst the site does not in my opinion meet with the policy requirements of Policy CTY2a, I acknowledge that had it, it would have provided a suitable degree of enclosure to accommodate a dwelling and garage of an appropriate size, scale, design. As it is well

enclosed by existing vegetation and bound on two sides by 2 existing dwellings one of which, the applicants home, is bound by a substantial no. of outbuildings. Furthermore, an indicative block plan submitted with this application showed adequate separation distances between the proposed property and existing could be readily achieved, so the residential amenity of neighbouring properties would not be significantly adversely impact by the proposal.

I have considered other instances listed under CTY1 of PPS21 whereby the development of a dwelling in the countryside is considered acceptable however this proposal fails to meet with any of these instance including a dwelling under Policy CTY8 - Ribbon Development. Policy CTY 8 permits 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. The proposed site is not located with the definition of a substantial built up frontage – a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Additional, I have been in contact with the agent via phone and email on the 19th November 2020 to advise Planning's opinion is that the case submitted does not comply with Policy CTY2a of PPS21 as the site is not located within an existing cluster of development in the countryside. Given the aforementioned opinion the agent was asked, has all other cases for a dwelling in the countryside been explored? E.g. does the applicant farm, is there any opportunity under Policy CTY 10 of PPS21 for a dwelling on a farm? The agent was advised to submit the additional information on a without prejudice basis within 14 days from the date of this email (by the 3rd December 2020) or the application would proceed to the next available committee meeting based on the information on file. To date no additional information has been received.

Other Policy and Material Considerations

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked and whilst there are no built heritage features of significance on site, NED's map viewer shows the site to be within an area known to breeding waders. However, I am content that as this site is on improved grassland, bound on two sides by development, this proposal is not likely to harm a European protected species in accordance with Policy NH 2 - Species Protected by Law European Protected Species.

Recommend: Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse

Refusal Reasons

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; the cluster does not appear as a visual entity in the local landscape; and the cluster is not associated with a focal point or located at a cross-roads.

Signature(s)

Date:

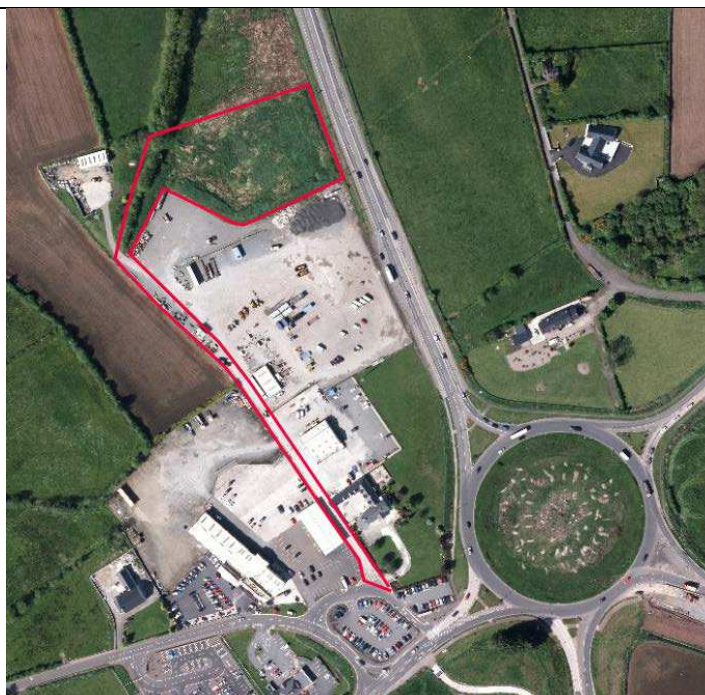


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1101/O	Target Date:
Proposal: Proposed dwelling as part of a cluster.	Location: Site 286m NW of 1 Loveshill Castledawson BT45 8DP.
Referral Route: Approval- Exception to policy.	
Recommendation:	Approve
Applicant Name and Address: Noel & Marie Lennon 1 Loveshill Castledawson BT45 8DP	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
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

The proposal does not fully comply with Policy CTY 2a of PPS 21. The application should be considered as an exception to policy.

Characteristics of the Site and Area

The site is located approximately 0.75km south west of the settlement limits of Castledawson and is located in the open countryside as per the Magherafelt Area Plan 2015. The site is identified as being located 286m NW of 1 Loves Hill, Castledawson. Access to the site is from the Castledawson road, behind Castledawson Park and Ride. The access is taken through the existing Mid Ulster Auctions development, which is a long established business at this location. The red line takes in a section of a field, which sits adjacent to the Glenshane road and is a flat agricultural field. The northern red line boundary is undefined with a small electric field fence in place on the day of the site visit. The eastern boundary is defined by a post and wire fence and runs adjacent to the Glenshane Road. The southern and western boundaries are defined by overgrown mounds of soil, which are now covered in vegetation. The surrounding area is a mixture

of agricultural lands to the north and west and commercial businesses to the south, located in and around Castledawson Park and Ride.

Description of Proposal

This is an outline planning application for a proposed dwelling as part of a cluster.

Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy
-

The Magherafelt Area Plan identifies the site as being outside any defined settlement limits, located west of Castledawson settlement limit. There are no other specific designations or zonings.

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

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

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

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

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

I am content that the application site is located within an existing cluster, which lies outside of a farm. However, I would disagree with the agent's extent of the cluster and contend that the cluster is located solely to the west of the Castledawson roundabout

and does not include the three dwellings identified to the east of Glenshane Road, as these are too far removed from the existing cluster. The cluster includes a substantial amount of development including Mid Ulster Auctions, including the associated yards, Moe's Grill Restaurant, KFC fast food outlet, car sales and electrical wholesalers as well as a public park and ride and two dwellings.

Although not visible on the submitted plans, an additional dwelling is located in lands adjacent to the most recent park and ride facility, as well as an approval for a restaurant, drive thru and motel. Within the approval for the aforementioned development, it was agreed that a substantial amount of built development was in the area. Taking the same opinion, I am content that the cluster lies outside a farm and consists of four or more buildings. However, it fails as it does not consist of at least three dwellings as the third dwelling is a farm dwelling and cannot be considered in this policy. I do however believe given the extent of the existing built development, this application should be considered an exception to policy.

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

I am content that the cluster appears as a visual entity in the local landscape. Whilst approaching the Castledawson Roundabout from the roads meeting at this point, the cluster of development appears and can be read within the local landscape. However, as previously mentioned the cluster of development is all located in the lands located between the Glenshane Road and the Magherafelt Road.

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

The agent has identified the existing Castledawson Roundabout and new parkland walkway as the focal point, which the cluster is associated with. I am content that the Castledawson roundabout can be considered a focal point as it is a well-known local landmark and meeting point that provides a sense of identity to the area.

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

There is an existing hardcore area associated with Mid Ulster Auctions which adjoins the southern boundary of the planning application. As the policy is worded, it does not require the development to be a building or dwelling. The hardcore area has a landscape bund surrounding it at the boundary, so it provides suitable degree of enclosure at this side. Given the shape of the existing development boundary being Mid Ulster Auctions, and following discussions with the Planning Manager, it was agreed the site was bounded on 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;

I am content that a well designed building can be absorbed into the existing cluster and this development provides a rounding off opportunity at this site. I do not believe a dwelling would significantly alter the existing character or visually intrude into the open countryside so long as it is a well designed dwelling.

- Development would not adversely impact on residential amenity.

I am content that the development would not adversely impact on residential amenity.

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. There is a strong visual buffer to the south and west of the site, although additional planting would be required to the north and eastern boundaries, therefore a landscaping scheme would be required as part of any reserved matter application. Given the surrounding landscape and development nearby, I feel it necessary to restrict the ridge height of the building to a maximum of 6m 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	11th September 2020
Date First Advertised	22nd September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Loves Hill Castledawson Londonderry The Owner/Occupier, 1a ,Loves Hill,Castledawson,Londonderry,BT45 8DP The Owner/Occupier, 1b ,Loves Hill,Castledawson,Londonderry,BT45 8DP The Owner/Occupier, 2a ,Loves Hill,Castledawson,Londonderry,BT45 8DP The Owner/Occupier, 2b ,Loves Hill,Castledawson,Londonderry,BT45 8DP	
Date of Last Neighbour Notification	30th September 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1554/A Proposal: Proposed advertising board Address: Lands 165m North East of 1 Loves Hill, Castledawson, Decision: CG Decision Date: 07.04.2017 Ref ID: LA09/2016/1088/A Proposal: Proposed advertising board Address: Lands 70m North East of Loves Hill, Castledawson, Decision: CG Decision Date: 20.10.2016 Ref ID: LA09/2018/0062/F Proposal: Extension to petrol/filling station unit by a change of 79m2 of existing electrical wholesalers to storage and restaurant/ cafe with cafe with seating, new facade to front ,rear and both sides of building Address: Unit A and B ,1 Loves Hill, Castledawson, Decision: PG	

Decision Date: 18.04.2018

Ref ID: LA09/2016/0304/F

Proposal: Renovations and alterations to existing dwelling

Address: 1 Loves Hill, Castledawson,

Decision: PG

Decision Date: 24.05.2016

Ref ID: LA09/2016/0042/F

Proposal: Change of use from Tyre Store to Petrol Filling Station including Forecourt and Canopy with Retail Sales, Cafe and Ancilliary areas along with Associated Parking Facilities

Address: Unit 1(b), 1 Loves Hill, Castledawson,

Decision: PG

Decision Date: 11.01.2017

Ref ID: LA09/2016/0057/F

Proposal: Extension to small plant and hand tool store and associated offices in connection with existing auction sales business

Address: Unit 2, 25m NW of 1 Loves Hill, Castledawson,

Decision: PG

Decision Date: 12.12.2016

Ref ID: H/1988/0079

Proposal: CHANGE OF USE OF DWELLING AND OUTBUILDING TO HOTEL

Address: 1 LOVESHILL TAMNADEESE CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2014/0255/F

Proposal: Retrospective relocation of existing dwelling access

Address: 1 Loves Hill, Castledawson. BT45 8DP,

Decision: PG

Decision Date: 30.09.2014

Ref ID: LA09/2020/0921/F

Proposal: Proposed dwelling and garage on the farm

Address: Site 286m North West of 1 Loveshill, Castledawson, BT45 8DP,

Decision:

Decision Date:

Ref ID: LA09/2020/1101/O

Proposal: Proposed dwelling as part of a cluster.

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

Ref ID: H/2011/0249/F

Proposal: Erection of boathouse to rear of dwelling
Address: 6 Glenshane Road, Castledawson, BT45 8DP,
Decision:
Decision Date: 01.09.2011

Ref ID: H/1998/0438

Proposal: ALTERATIONS AND EXTENSION TO AUCTION ROOM
Address: ADJACENT TO 1 LOVES HILL CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1997/0499

Proposal: CHANGE OF USE FROM SHED TO AUCTION ROOM AND ASSOCIATED
CAR PARKING
Address: LAND ADJ TO 1 LOVES HILL CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1999/0368

Proposal: REPLACEMENT AUCTION ROOMS & ASSOCIATED CAR PARKING
Address: ADJ. TO 1 LOVE HILL CASTLEDAWSON
Decision:
Decision Date: 24.05.2000

Ref ID: H/2011/0494/F

Proposal: Retrospective application for covered seated area to provide safe viewing area
for customers, associated with existing auction sales business
Address: 55 metres North West of 1 Loves Hill, Castledawson,
Decision:
Decision Date: 26.04.2012

Ref ID: H/2009/0639/F

Proposal: Retrospective perimeter fencing to Glenshane Road boundary of existing yard
to commercial premises
Address: Existing yard to commercial premises 55m north west of 1 Loves Hill,
Castledawson
Decision:
Decision Date: 03.03.2010

Ref ID: H/2011/0144/F

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

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

Decision:

Decision Date: 26.06.2012

Ref ID: H/2005/0293/F

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

Address: 1 Loves Hill, Castledawson, Magherafelt

Decision:

Decision Date: 19.07.2007

Ref ID: H/2011/0489/F

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

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

Decision:

Decision Date: 25.04.2012

Ref ID: H/1995/0018

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

Address: ADJACENT TO 1 LOVES HILL CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1980/0443

Proposal: EXTENSION TO EXISTING WORKSHOP

Address: KILLYNEESE, CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2010/0394/F

Proposal: Demolition of existing dwelling and erection of new replacement dwelling

Address: 6 Glenshane Road, Castledawson

Decision:

Decision Date: 30.12.2010

Ref ID: H/1990/0272

Proposal: CHANGE OF USE FROM DWELLING TO HOTEL

Address: 1 LOVE'S HILL CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2002/0345/F

Proposal: Proposed Sun Lounge.

Address: 1 Loves Hill, Castledawson.

Decision:

Decision Date: 15.06.2002

Ref ID: H/1978/0316

Proposal: HV O/H LINE BM 2262

Address: KILLYNEESE AND TAMNADEESE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1984/0196

Proposal: REPLACEMENT HOUSE WITH DOUBLE GARAGE AND OUTBUILDINGS

Address: LOVESHILL, KILLYNESE, CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1991/6077

Proposal: PROPOSED HOTEL LOVES HILL CASTLEDAWSON

Address: LOVES HILL

Decision:

Decision Date:

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

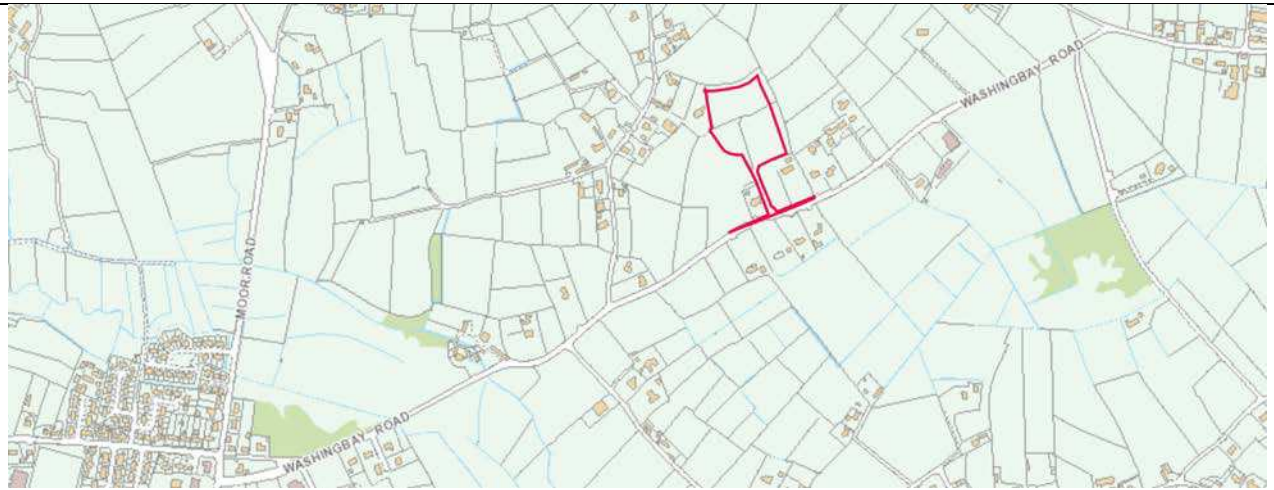
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1115/O	Target Date:
Proposal: Proposed site for dwelling and garage based on policy CTY2a (New dwellings in existing cluster)	Location: Lands N/North West of 162b Washingbay Road and East of 152a Cloghog Road Coalisland
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr Brendan Corr Magheracastle Lonin 2 Mountjoy Road Coalisland	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: This proposal is contrary to Policy CTY1 and CTY2a of PPS 21, New Dwellings in Existing Clusters in that the proposed dwelling and garage is not located within an existing cluster of development associated with a focal point or located at a cross-roads. There is a high degree of development pressure in the form of dwellings extending along both sides of the Washingbay Rd to the south of the site and Cloghog Rd further west of the site, which I would consider two separate clusters of development. Neither cluster is associated with a focal point or located at a cross-roads. Additionally, I do not believe the site sits within either aforementioned cluster, rather comprises lands (3 relatively large fields) located between. I note the overall site would be bounded on two sides by development within the Cloghog Rd and Washingbay Rd clusters located to its west and south, respectively. But you can make a site as big as you like to make it have development on two sides, as is the case here, but this is not in my opinion within the spirit of the policy.	
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
Statutory	Historic Environment Division (HED)	Content
Representations:		
Letters of Support	None Received	
Letters of Objection	0	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Characteristics of the Site and Area		
<p>The site is located in the rural countryside as designated within the Dungannon and South Tyrone Area Plan 2010, approx. 1km northeast of Annaghmore.</p> <p>The site comprises the majority of three large fields set back on lands elevated from and accessed off the Washingbay Rd to south, via a short recently gravelled and steep lane.</p> <p>Whilst the site does not take in all the outer boundaries of the three fields within it, namely the most northern and eastern field boundaries, they are all generally bound by and separated from each other by a mix of post and wire fencing and mature vegetation.</p> <p>The aforementioned lane, runs between no.160b Washingbay Rd, a 1 ¾ storey dwelling and an excavated site comprising foundations. It is bound to its west / party boundary with no. 160b by a mix of mature hedgerow and tree vegetation and to its east / party boundary with the site by low post and wire fencing.</p> <p>No. 162b Washingbay Rd, a bungalow set back on elevated lands adjacent the Washingbay Rd and no. 152a Cloghog Rd a 1 ½ storey dwelling set well back from the Cloghog Rd bounds the site to the south and west, respectively.</p> <p>Views of the site are over a short distance on the western and eastern approach to the site from the Washinbay Rd and passing along its roadside frontage.</p> <p>Whilst the wider area surrounding the site is rural in nature comprising predominantly undulating agricultural landscape interspersed with single dwellings and farm groups, there is a high degree of development pressure in the form of dwellings extending along both sides of the Washingbay Rd to the south of the site and Cloghog Rd further west of the site.</p>		
Description of Proposal		
<p>This is an outline application for a dwelling and garage on lands North / North West of 162b Washingbay Road and East of 152a Cloghog Road Coalisland, based on policy CTY2a (New dwellings in existing cluster)</p>		
Planning Assessment of Policy and Other Material Considerations		
<p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the</p>		

determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 6: Planning, Archaeology and The Built Heritage

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Planning History

On Site

None

Adjacent

- M/1999/0420 - Dwelling and garage - Approx. 160m south west of 166 Washingbay Rd Coalisland - Granted 4th October 1999
- M/2001/0970/RM - Dwelling house - 160m south west of 166 Washingbay Rd Coalisland - Granted 15th 2002

The above applications relate to no.162b Washingbay Rd Coalisland located to the south of the site.

- M/2004/2190/O - Dwelling - 170m west of 162 Washingbay Rd Coalisland - Granted 6th April 2005
- M/2007/0608/RM - Dwelling house with integral garage - 170m west of 162 Washingbay Rd Coalisland - Granted October 2007
- M/2009/0941/F - Domestic garage - 170m west of 162 Washingbay Rd Coalisland - Granted December 2009
- M/2011/0299/F - Amendment to house under construction in relation to siting - 170m west of 162 Washingbay Rd Coalisland - Granted 6th June 2011

The above applications relate to no. 160b Washingbay Rd Coalisland located to the south of the site.

- M/2005/0696/O - Dwelling house – 125m west of 162 Washingbay Rd Coalisland - Withdrawn 11th October 2005

- M/2010/0628/F - Proposed Gap Site Dwelling and Detached Garage - West of & Adjacent to 162b Washingbay Rd Coalisland – Granted 29th September 2010
- LA09/2020/0799/F - Proposed change of house type to that Previously approved to provide two storey dwelling and domestic garage (ground floor built into hill - first floor at existing ground level) - Site West and adjacent to 162B Washingbay Rd Coalisland – ongoing

The above applications relate to an excavated site comprising foundations located to the south of site between nos. 160b and 162b Washingbay Rd

- M/2009/0295/O - Replacement bungalow - 110m E of 152 Washingbay Rd Coalisland - August 2009
- M/2011/0059/F - Proposed replacement dwelling and garage - 110m E of 152 Washingbay Rd Coalisland - 9th August 2011

The above applications relate to no. 152a Washingbay Rd located to west of site accessed off the Cloghog Rd.

- M/2008/0400/O - Dwelling - 100m SE of 152 Washingbay Rd Coalisland - Granted 17th May 2012
- LA09/2015/0828/F - Proposed dwelling and garage and change of access as approved under M/2008/0400/O - 100m SE of 152 Washingbay Rd Coalisland - Granted 15th November 2016

The above applications relate to a site accessed off the Washingbay Rd located adjacent western boundary of site just south of no. 152a Washingbay Rd. This site was approved for CTY10 of PPS21 Dwellings on a Farm.

Consultees

1. DfI Roads – were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives.
2. Historic Environment Division (HED) – were consulted as the site is located is located within an archaeological site and monument (TYR047:011, TYR047:023). HED assessed the application and responded that they were content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
3. DETI Geological Survey of Northern Ireland (GSNI) – were consulted as the site was located within an area of constraint on abandoned mines, in view of stability issues relating to abandoned mine workings. GSNI responded that a search of the GSNI “Shafts and Adits Database” indicates that the proposed site contains no known abandoned mine workings or known underground works.

Consideration

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

The Strategic Planning Policy Statement for Northern Ireland - advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21: Sustainable Development in the Countryside - is the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 of PPS21. One instance, which the applicant has applied under, is a new dwelling in an existing cluster in accordance with Policy CTY2a New Dwellings in Existing Clusters.

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

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

I believe there is a high degree of development pressure in the form of dwellings extending along both sides of the Washingbay Rd to the south of the site and Cloghog Rd further west of the site (see Fig 1 below) which I would consider two separate clusters of development. That said I do not believe the site sits within either cluster rather comprises lands in between.



Fig 1: Map showing Washingbay Rd to the south and Cloghog Rd to the west of site

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

The two clusters of development referred to above along the Washingbay Rd and Cloghog Rd, would in my opinion, appear as two separate visual entities in the local landscape, separated by intervening agricultural lands including fields within the current site.

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

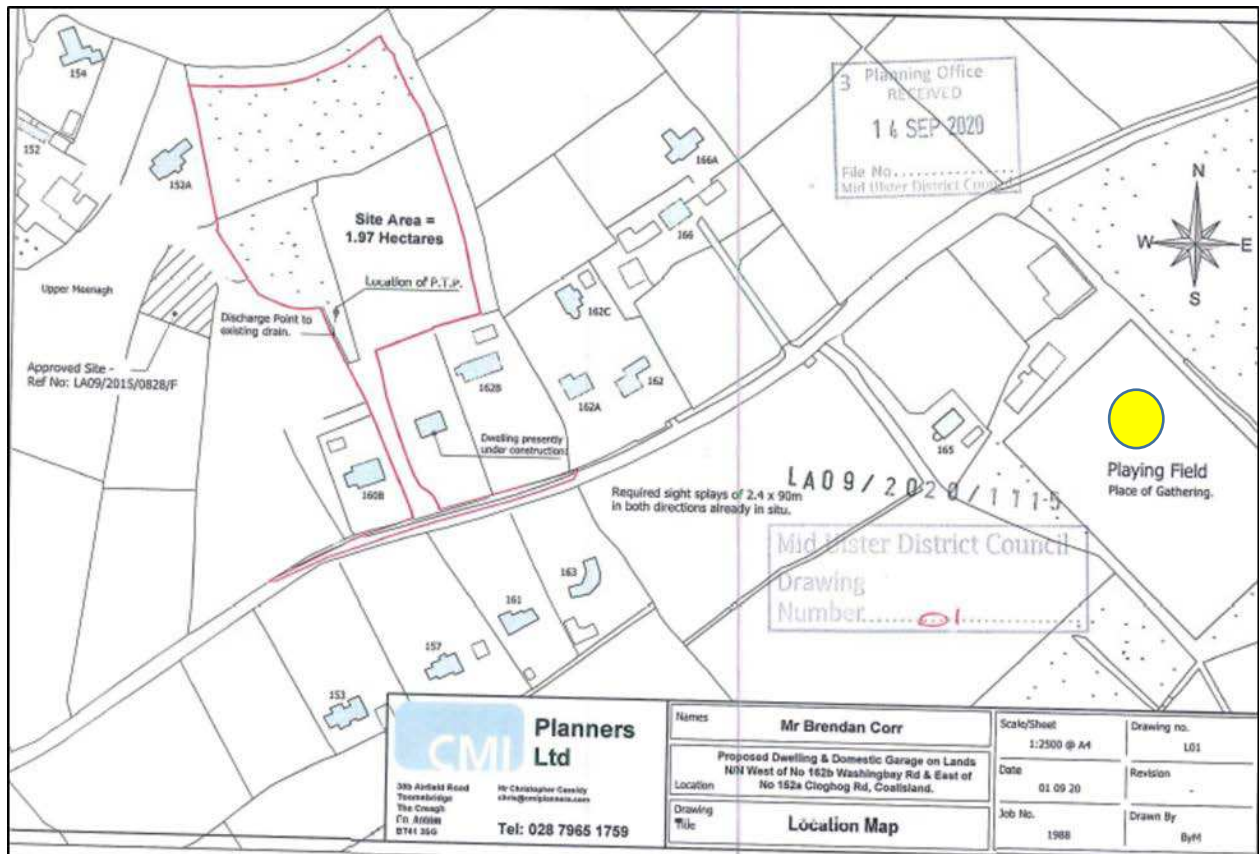


Fig 2: Site Location Plan identifying focal point to east of site.

Neither the two clusters in my opinion are associated with a focal point such as a social / community building / facility, or located at a cross-roads. Whilst the agent has identified a playing field as a focal point on the submitted site location plan above (Fig 2) and I believe this could be considered a focal point when on site it feels too far removed from the site and cluster of development to associate with it.

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

Given the site takes in three fields bound by a mix of hedgerows and trees, parts of it, namely the 2 most northern and eastern fields would provide a suitable degrees of enclosure, in my opinion, for a dwelling. The remaining field, located immediately to the rear of no. 162b Washingbay Rd, would not benefit from the same sense of enclosure as unlike the other fields it is open and exposed to views given only post and wire and some young trees bound its most southern / party boundary with 162b.

The above said, no matter which field within the site, a dwelling was sited, it would not be bounded on at least two sides by development within either cluster. I note the dwelling approved under LA09/2015/0828/F (see area to west of site hatched grey in Fig 2 above) was not commenced on the date of site inspection and the dwelling noted as being under construction immediately south of the site in Fig 2 comprises only footings. The site as a whole would be bounded on two sides by development within the Cloghog Rd cluster (no.152a Cloghog Rd, a 1 ½ storey dwelling) and Washingbay Rd cluster (nos160b and 162b Washing Rd a 1 ¾ story dwelling and bungalow, respectively) located to its west

and south, respectively. But you can make a site as big as you like to make it have development on two sides, as is the case here, but this is not in my opinion within the spirit of the policy.

- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

I do not believe a dwelling on this site would be absorbed into either cluster through rounding off and consolidation and that if permitted it would significantly alter the existing character of particularly the Washinbay Rd cluster (which it is to be accessed through) by visually extending / intruding development into the open countryside.

- Development would not adversely impact on residential amenity.

Given the scale of the site, parts of it could accommodate a dwelling and garage of an appropriate siting, size, scale and design without significant adverse impact on the residential amenity of neighbouring properties.

Overall, it is my opinion that the proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development associated with a focal point or located at a cross-roads and if permitted would visually intrude into the open countryside.

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

Additionally, I have been in contact with the agent via phone and email on the 19th November 2020 to advise Planning's opinion is that the case submitted does not comply with Policy CTY2a of PPS 21 as the site is not located within an existing cluster of development. That no matter where on site a dwelling was situated it would not be bound on two sides by development within a cluster. Given the aforementioned opinion the agent was asked, has all other cases for a dwelling in the countryside been explored? E.g. does the applicant farm, is there any opportunity under Policy CTY 10 of PPS21 for a dwelling on a farm? The agent was advised to submit the additional information on a without prejudice basis within 14 days from the date of this email (3rd December 2020) or the application would proceed to the next available committee meeting based on the information on file. To date no additional information has been received.

Other Policy and Material Considerations

Flood Maps NI indicate no flooding on site.

Natural Environment Division (NED) map viewer available online identified no natural heritage features of significance on site.

Recommend: Refuse

Neighbour Notification Checked	Yes
Summary of Recommendation:	Refuse
Refusal Reasons	
<ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development associated with a focal point or located at a cross-roads. 	
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: LA09/2020/1140/O	Target Date: 01/01/2020
Proposal: An infill dwelling and detached garage	Location: Between 104 Ballygawley Road and an agricultural building 100m North East of 104 Ballygawley Road Glenadush
Referral Route: Objections, recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Mr Bernard Mc Aleer 7 Glenree Avenue Dungannon	Agent Name and Address: Blackbird Architecture Ltd 4 Glenree Avenue Dungannon BT71 6XG
Executive Summary: Contrary to CTY1, 8, 13 and 14 of PPS21. The site does not meet the criteria for a gap site, is prominent, lacks integration and will further erode rural character.	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Support	None Received
Letters of Objection	4
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

A number of 3rd party representations have been received on this proposal. Issues raised are summarised below;

-One representation states that they have no objection to the proposal as long as it does not impinge on the properties of No. 102 and 104 and that all the existing planning regulations and laws are adhered to;

I am not treating this proposal as an objection as, with every case, I aim to process objectively in line with planning regulations and laws.

Another objection received from Joe McNulty is summarised as follows;

-The main body of the objection concentrates on how this proposal does not meet the planning criteria of an infill dwelling (policy CTY8 of PPS21) and is accompanied by a number of photographs to demonstrate this interpretation of policy;

I will consider these objections later in my report.

-some of the objection relates to a previously approved application LA09/2018/1349/F for an agricultural shed to the east of the site. These objections relate to how this application was granted permission. As a decision has been reached and no further challenge is outstanding on this decision it is my view that these points are not relevant

or material to my assessment as the decision has been made and the agricultural building in place.

The agent has provided an e-mail rebutting some of these objections. In his e-mail the agent states that Mr. McNulty's objection does not state any grounds for objection. Since this e-mail Mr McNulty has provided a further objection which does expand on his concerns and will be considered later. The agent also makes it clear that his Statement of Case clearly demonstrates how his site meets the criteria of CTY8 of PPS21.

Description of proposal

This is an outline planning application for an infill dwelling and detached garage in the countryside.

Characteristics of Site and Area

This site is located in the SE corner of a larger agricultural field, and is access via an existing gravel access which runs along the SW boundary of the field. The NE and NW boundaries of the site are not clearly defined, the boundary to the west to the access lane is defined by a mature tree lined hedgerow approx. 4-5m high while the SE boundary is defined by a 2m high maintained hawthorn hedge.

The application site is located between number 102 Ballygawley Road to the west and a newly constructed shed which was granted permission under LA09/2018/1349/F to the west. Access to the shed runs along the western and southern boundaries of the site, this right of way is not shown on the site location map.

The red line of the site includes a narrow access along the Western boundary of the field, wraps around the rear and opens into a small rectangle in the East corner of the field. The field is bound on each of its sides by vegetation and hedgerows, however, the small red line of the rectangle is only bounded by vegetation on the NE side. The shed and the remainder of the agricultural field are within the applicants ownership/control and are highlighted in blue. In terms of elevation the site is elevated in the landscape when viewed from the public road as land rises steadily from roadside up the lane towards the site to the top of a local drumlin. No land rises beyond the site and there is little or no backdrop.

Nos 102, 104, 106 Ballygawley Road are residential dwellings located to the west of the site. These dwellings are located along an existing laneway from Ballygawley Road and are accompanied by associated outhouses, garages and sheds. On the opposite side of the road there are 2 detached single dwellings separated by agricultural land.

The site is some 1.25km west of Dungannon and approx. 130m east of the nearby Eskragh Lough. This area is categorised as open countryside within the Dungannon & South Tyrone Area Plan 2010.

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

Relevant Planning History

LA09/2018/1349/F- full planning permission was granted for proposed cattle handling facilities and cattle isolation facilities to take the form of a cattle shed, force pen, cattle crush, collecting pen and hard-standing area for a new hobby farm holding for raising rare cattle and sheep breeds. Granted 03.10.2019. At the time of my site visit this building and access was in place.

LA09/2017/0899/F- permission was refused for cattle handling facilities and cattle isolation facilities to take the form of a cattle shed, force pen, cattle crush, collecting pen and hard-standing areas for a new hobby farm holding for raising rare cattle and sheep breeds on 11.09.2018 for the following reason;

1. The proposal is contrary to Policy CTY 12 of Planning Policy Statement 21, sustainable development in the countryside in that it has not been demonstrated that the farm business has been established for a period of at least 6 years and that the development, if permitted, would result in a detrimental impact on the amenity of nearby residential dwellings by reason of noise, odour and flies due to its close proximity.

The decision was never appealed.

M/2010/0554/O- Proposed 2 dwellings (detached), Adjacent to 102 Ballygawley Road, Eskragh, Dungannon, Co Tyrone, for Bernard McAleer. This permission was refused on 09.11.2010 for the following reasons;

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and / 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; the dwellings would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.

3.The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that new dwellings are a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and/ or it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

4.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.

5.The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape.

6.The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing buildings would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.

This site incorporated both LA09/2018/1349/F and this subject application site LA09/2020/1140/O. The decision was never appealed.

Representations

A number of 3rd party representations have been received on this proposal. Issues raised are summarised below;

-One representation states that they have no objection to the proposal as long as it does not impinge on the properties of No. 102 and 104 and that all the existing planning regulations and laws are adhered to;

I am not treating this proposal as an objection as, with every case, I aim to process objectively in line with planning regulations and laws.

Another objection received from Joe McNulty is summarised as follows;

-The main body of the objection concentrates on how this proposal does not meet the planning criteria of an infill dwelling (policy CTY8 of PPS21) and is accompanied by a number of photographs to demonstrate this interpretation of policy;

I will consider these objections later in my report.

-some of the objection relates to a previously approved application LA09/2018/1349/F for an agricultural shed to the east of the site. These objections relate to how this application was granted permission. As a decision has been reached and no further challenge is outstanding on this decision it is my view that these points are not relevant

or material to my assessment as the decision has been made and the agricultural building in place.

The agent has provided an e-mail rebutting some of these objections. In his e-mail the agent states that Mr. McNulty's objection does not state any grounds for objection. Since this e-mail Mr McNulty has provided a further objection which does expand on his concerns and will be considered later. The agent also makes it clear that his Statement of Case clearly demonstrates how his site meets the criteria of CTY8 of PPS21.

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 and 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 adjacent and west of an existing agricultural building. This building is set back approx.. 120m from the public road, with the land between the building and the roadside being defined as an existing undeveloped agricultural field. The proposed site is also set back approx. 120m from the public road, and proposes to share the existing access to the agricultural shed. In my view neither the agricultural shed or proposed site represents road frontage development.

This proposed gap site also relies on buildings to the west for consideration as a gap site. No. 102 does not have a frontage to the road, as there is a small agricultural field

between its curtilage and the public road. Plus, No. 102 has accompanying development to the rear, including No 104 and 106 and accompanying sheds, outhouses and garages. The policy is clear that the frontage, which in my view this is not, cannot have accompanying development to the rear which this clearly does.

Given the setback from the public road, and the nature and context of other development in this area, it is my view that this site does not represent a gap within an otherwise continuous and built up frontage.

M/2010/0554/O was refused for 2 dwellings on this site, however, CTY8 did not seem to form part of the assessment and was not included as a reason for refusal in the decision notice. Policy CTY2a and other personal circumstances seemed to form the basis of the assessment. It is my view that this proposal does not meet that criteria of CTY2a in that the site is not associated with a focal point, does not provide a suitable degree of enclosure and the dwelling would if permitted significantly alter the existing character of this area of countryside.

No personal circumstances have been provided in this instance and no other case has been forwarded by the agent for consideration.

In the agents assessment of the gap, he relies on buildings that clearly do not have a road frontage or shared frontage, and are set behind existing development which the policy resists (see building 01 and 02 indicated on drawing No. 03). Plus, building No. 4 indicated on drawing No. 03 is not visible in the landscape and is not read as a visual entity in the landscape when assessing the built up frontage, as it cannot be clearly viewed from public vantage points and in my view is not road frontage.

In terms of policy CTY13 and 14, it is my view that a dwelling of any size or scale cannot satisfactorily integrate onto this site. The site is elevated from the public road, any dwelling will break the skyline and there is no backdrop when viewed from the public road. There is insufficient vegetation to assist with integration. Plus a dwelling will read with other dwellings and development in the area which will lead to a further erosion of rural character.

Previously on the site under M/2010/0554/O for 2 dwellings, it was considered by the then Department under the same policy PPS21, that development on this site would be contrary to;

- Policy CTY13 of Planning Policy Statement 21 in that the proposed buildings would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape.

- Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing buildings would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.

This decision or reasons for refusal were never appealed by the applicant and I am of the same view that the proposal would be contrary to CTY13 and 14.

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 90m in both directions and a forward sight distance of 90m with no blind spots where the access is on the inside of a bend.

Other considerations

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 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The proposal would not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and as a result would have a detrimental impact on the character of this area of countryside.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for it to integrate into the landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to, and further erode, the rural character of this area of countryside.

Signature(s)

Date:

ANNEX	
Date Valid	21st September 2020
Date First Advertised	6th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 101 Ballygawley Road,Dungannon,Tyrone,BT70 1TA The Owner/Occupier, 102 Ballygawley Road Dungannon Tyrone Brian Quinn 102 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Joe McNulty 104 Ballygawley Road, Dungannon, Tyrone, BT70 1TA Joe McNulty 104 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA The Owner/Occupier, 104 Ballygawley Road,Dungannon,Tyrone,BT70 1TA The Owner/Occupier, 105 Ballygawley Road,Dungannon,Tyrone,BT70 1TA The Owner/Occupier, 106 Ballygawley Road,Dungannon,Tyrone,BT70 1TA Brian Donoghue Carraig Na Moil, Glendadush, 105 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Eamonn Cushnahan Email Address	
Date of Last Neighbour Notification	10th December 2020
Date of EIA Determination	No need to screen as not schedule 1 or 2 development, nor is the site located within a sensitive area
ES Requested	No



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2019/0784/F	Target Date: 20 th September 2019
Proposal: Proposed farm shed to include feeding & shelter area, storage area and underground slurry tanks - new access to be taken from Drumlamph Lane	Location: Approx 130m South East of 9 Drumlamph Lane Castledawson
Applicant Name and Address: Mr Cathal Shivers 33 Drumlamph Road Castleawson BT45 8EJ	Agent name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt, BT41 3SG
Summary of Issues: <p>The main issue with this application was that insufficient information was submitted in order for the Council to fully consider the impacts of the proposal in line with relevant policy (ie) CTY 12 of PPS 21 – A supporting statement to demonstrate that the shed was necessary for the efficient use of the active and established agricultural holding and that there were no suitable buildings on the holding that could be utilised. A 14 day deferral was granted at February 2020 Planning Committee so that the applicant could submit all outstanding information.</p> <p>The supporting information was submitted on the 7th February 2020 which demonstrated that the shed was necessary and that there were no suitable buildings that could be utilised.</p> <p>The applicant was then advised that a bio-diversity check list was required for consultation with NIEA. This was due to the fact that the site is within 7.5km of Curran Bog ASSI/SAC, Ballynahone Bog ASSI/SAC/Ramsar, Moneystaghan Bog ASSI, Ballymacombs More ASSI, Culnfay ASSI, Lough Beg ASSI, Lough Neagh ASSI and Lough Neagh and Lough Beg SPA/Ramsar. A Preliminary Ecological Appraisal was submitted on the 12th May 2020 and forwarded to NIEA for their consideration.</p>	

NIEA also have requested the submission of Air Dispersion Modelling which the agent has refused to submit. Further clarification was sought from NIEA as to need for this Modelling and NIEA have re-iterated that it is necessary and they cannot comment further without it.

In the absence of this information the Council cannot make a confident and informed decision on the application and the impact it will have on the aforementioned designated sites.

Summary of Consultee Responses:

Response dated 7th October 2020: NIEA (Natural Heritage) have requested the submission of Air Dispersion Modelling specifically on the following activities;

Maximum number proposed facility can accommodate for the relevant period,

Grazing period of livestock

Landspreading of the slurry (if within N. Ireland). Modelling must include emissions on all designated sites within 7.5 km of identified locations including third party land (land must be suitable for fertiliser application). All landspreading grid references must be submitted.

The maximum storage capacity of the slurry tank

Indirect/direct effects of the proposal on wider farm activities i.e. the increased capacity that will be supported if planning permission is granted e.g. new slurry store facilitating an increase in herd size.

This should determine the potential impacts on all designated sites within 7.5 km of the proposal.

Air Dispersion Modelling should also be completed on all priority habitat/SLNCIs located within 2km of the facility, as identified above.*

**Air Dispersion Modelling can include Simple Calculation of Atmospheric Impact Limits (SCAIL) modelling, a free online tool; <http://www.scaill.ceh.ac.uk/>. Input and output datasheets for all designated sites should be provided.*

SCAIL is a conservative modelling tool. If the Process Contribution is $\geq 1\%$, detailed Air Dispersion Modelling should be considered. The provision of detailed Air Dispersion Modelling will not guarantee recommendation for approval of this application, therefore the applicant should fully consider the additional expense to further this application.

Response dated 8th December 2020: NIEA (Natural Heritage) have stated that all plans and projects require assessment with the only exemption being a project that is necessary for the management of the site. This proposal does not fit that exemption therefore NED remain unable to undertake a full assessment of the proposal and any adverse impacts to all designated sites. NED would reiterate that their previous response remains valid.

Characteristics of the Site and Area:

The application site is a 0.53 hectare plot of agricultural land located approximately 130m SE of a dwelling located at 9 Drumlamph Lane, Castledawson. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. The site is set back off Drumlamph lane, with access to the site coming via a laneway which connects the site to a dwelling at number 33 and farms buildings to the West of the site. The site is flat and has a semi mature Southern and Western Boundary. The Northern and Eastern boundaries are void of any mature vegetation.

This area is rural in character with a dispersed settlement pattern. To the SE of the site is a large detached dwelling and garage which is shown to be in the applicants control. To the West of the site are several dwellings and outbuildings. This area is recognised as being an area of archaeological importance (LDY 037:042, LDY 037:043, LDY 037:044).

Description of Proposal

Proposed farm shed to include feeding & shelter area, storage area and underground slurry tanks - new access to be taken from Drumlamph Lane

Deferred Consideration:

This application was first presented to Planning Committee in February 2020. Planning Committee were advised that despite requests on the 13th November 2019, 10th December 2019 and 13th January 2020, the applicant had failed to submit the following information so that the Council could make an informed recommendation:

- Supporting Statement showing compliance with Policy CTY 12 of PPS 21.

Refusal was recommended for the following reasons:

1. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal. This is in respect of an adequate statement showing compliance with Policy CTY 12 of PPS 21.
2. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not be demonstrated that the proposed development is:
 - necessary for the efficient use of the active and established agricultural) holding

Additionally in cases where a new building is proposed - the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used

The Planning Committee agreed with the Planning Managers recommendation to defer this application for a period of 14 days from the date of Committee in order that all outstanding information to be submitted. The supporting statement was submitted on the 7th February 2020 and the addressed the initial concerns raised.

The applicant was then requested to submit a bio-diversity check list for consultation with NIEA. He was not requested to submit this at the outset as it was important to determine the acceptability of the proposal in principle. A bio-diversity checklist was requested due to the fact that the site is within 7.5km of Curran Bog ASSI/SAC, Ballynahone Bog ASSI/SAC/Ramsar, Moneystaghan Bog ASSI, Ballymacombs More ASSI, Culnfay ASSI, Lough Beg ASSI, Lough Neagh ASSI and Lough Neagh and Lough Beg SPA/Ramsar. A Preliminary Ecological Appraisal (PEA) was submitted on the 12th May 2020 and forwarded to NIEA for their consideration. NIEA responded on the 7th October 2020. They advised that they were satisfied with the findings of the PEA but they requested the submission of Air Dispersion Modelling due to the fact that the proposal has the potential to produce Nitrogen Emissions which can have a negative impact on designated sites.

The agent was emailed on the 19th October 2020 and was requested to submit this information. He replied with the following comments:

I have seen these responses and have no intention of submitting anything further. These issues were pursued by SES until a recent judicial review found them unlawful. The new consultees seem to be following on from the SES, making it impossible for a farmer to build a shed. I will have no hesitation on taking a Judicial review if a permission is not granted based on illegality, procedural unfairness, failure to consult, irrationality, material considerations and lack of adequate reasons for why guidance was changed.

Regards,

Chris

Following discussions with the Planning Manager I re-consulted NIEA and asked them for more detailed reasoning as to why they were requesting the submission of this modelling. On the 8th December 2020 NIEA (NED) responded advising that this proposal does not fit any exemptions therefore NED remain unable to undertake a full assessment of the proposal and any adverse impacts to all designated sites. NED reiterated that their previous response remains valid.

It is my opinion that in the absence of this modelling information NIEA will be unable to complete an assessment of the potential impacts of the proposal on designated site features and the Council will be unable to undertake a robust Habitats Regulations Assessment. For these reasons I have no option only to recommend the refusal of the application. The refusal reasons are listed below.

Refusal Reasons

1. The proposal is contrary to paragraph 6.192 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) as the applicant has not demonstrated that

the development proposal will not result in an unacceptable adverse impact on, or damage to known designated sites of International and National Importance

2. The proposal is contrary to Policy NH1 (European and Ramsar Sites – International) of Planning Policy Statement 2, Natural Heritage in that it has not been demonstrated that the development would not have a significant effect on Curran Bog SAC, Ballynahone Bog SAC/Ramsar, Lough Neagh and Lough Beg SPA/Ramsar
3. The proposal is contrary to Policy NH3 (Sites of Nature Conservation Importance - National) of Planning Policy Statement 2, Natural Heritage in that it has not been demonstrated that the development would not have an adverse effect on the integrity of Curran Bog ASSI, Ballynahone Bog ASSI, Moneystaghan Bog ASSI, Ballymacombs More ASSI, Culnfay ASSI, Lough Beg ASSI and Lough Neagh ASSI.
4. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal. This is in respect of information for NIEA to undertake a complete assessment of the potential impacts on the designated site features and in order for Mid Ulster Council to undertake a robust Habitats Regulations Assessment.
5. The proposal is contrary to Policy CTY1 and CTY 12 (d) of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal will not have an adverse impact on natural heritage.

Signature(s):

Date



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4/2/2020	Item Number:
Application ID: LA09/2019/0784/F	Target Date: 20/9/2020
Proposal: Proposed farm shed to include feeding & shelter area, storage area and underground slurry tanks - new access to be taken from Drumlamph Lane	Location: Approx 130m South East of 9 Drumlamph Lane Castledawson
Referral Route: Refusal recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Cathal Shivers 33 Drumlamph Road Castleawson BT45 8EJ	Agent Name and Address: CMI Planners 38b Airfiled Road Toomebridge BT41 3SG
Executive Summary: Despite requests on the 13th November 2019, 10th December 2019 and the 13th January 2020, the applicant has failed to submit adequate information so that the Council can make an informed recommendation in line with Policy CTY 12 of PPS 21. Refusal is therefore recommended under Section 40 of the Planning Act (Northern Ireland) 2011 and under Policy CTY 12 of PPS 21.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DAERA - Coleraine	Advice
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	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

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 of the proposal. To date there has been no objections.

Characteristics of the Site and Area

The application site is a 0.53 hectare plot of agricultural land located approximately 130m SE of a dwelling located at 9 Drumlamph Lane, Castledawson. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. The site

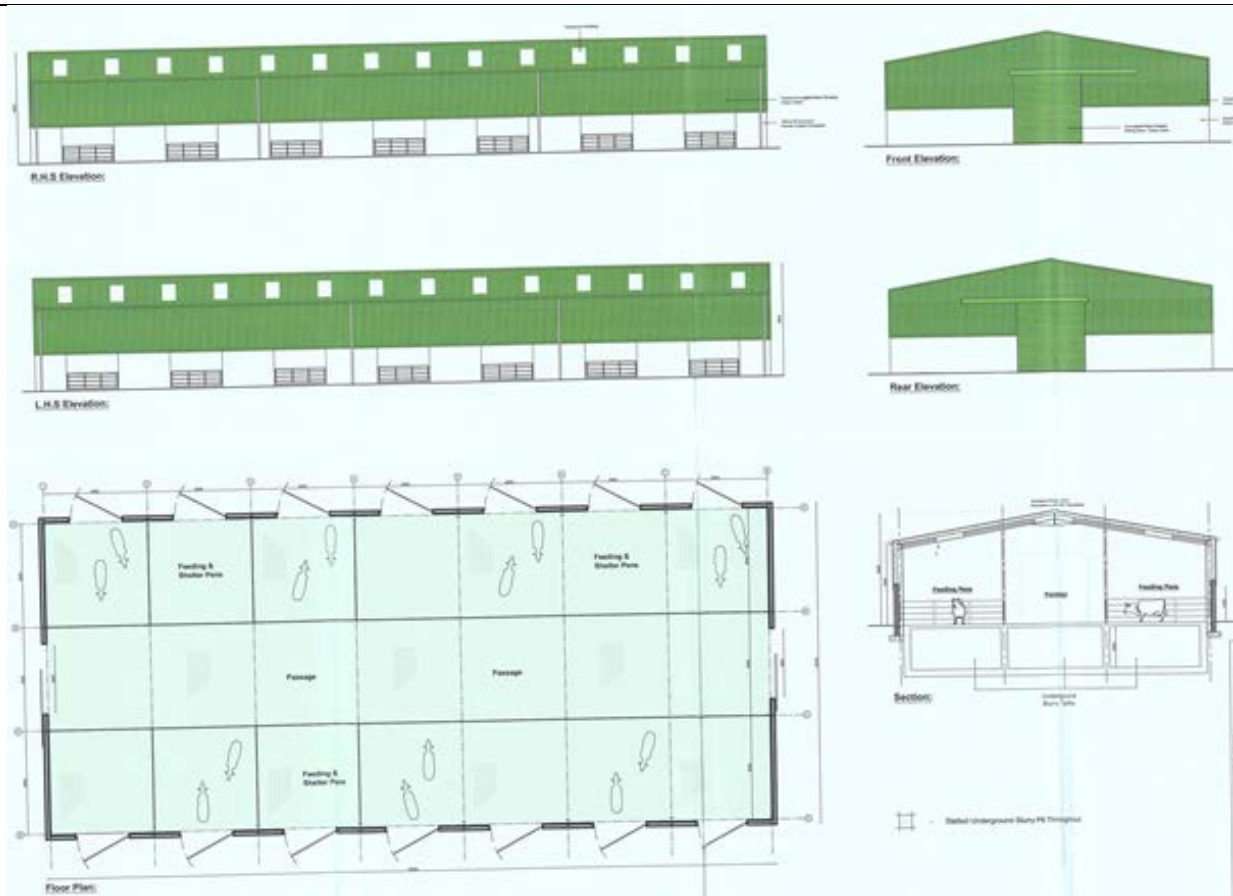
is set back off Drumlamph lane, with access to the site coming via a laneway which connects the site to a dwelling at number 33 and farms buildings to the West of the site. The site is flat and has a semi mature Southern and Western Boundary. The Northern and Eastern boundaries are void of any mature vegetation.

This area is rural in character with a dispersed settlement pattern. To the SE of the site is a large detached dwelling and garage which is shown to be in the applicants control. To the West of the site are several dwellings and outbuildings. This area is recognised as being an area of archaeological importance (LDY 037:042, LDY 037:043, LDY 037:044).

Description of Proposal

This is a full application for a proposed farm shed to include feeding & shelter area, storage area and underground slurry tanks. It also involves the creation of a new access to be taken from Drumlamph Lane. The shed measures 6.6m in height x 42.2m in length x 18.7m in width and will be finished in a mix of green corrugated metal sheeting and cement plastered unpainted walls.





Planning Assessment of Policy and Other Material Considerations

The following policies will be considered in this assessment:

- SPPS – Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 21 – Sustainable Development in the Countryside

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS gives provision for Agriculture and Forestry Development subject to a number policy provisions. It does not present any change in policy direction with regards to this type of development in the Countryside. As such, existing rural policy will be applied (ie) CTY 12 of PPS 21

Magherafelt Area Plan 2015

This site is located outside any settlement defined in the Magherafelt Area Plan 2015. It is not subject to any area plan designations or constraints. As such, existing planning policy will be applied.

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 Feb 2019. Policy GP1 - General Principles Planning Policy and Policy AFR1 –Agriculture and Forestry Development and Development Ancillary to Commercial Fishing are applicable to this application.

Policy AFR 1 has provision for agricultural buildings on an active and established agricultural holding. These must be located next to existing farm buildings on the holding and where they do not appear incongruous to the rural setting. They can be sited away from existing buildings in exceptional circumstance. This does not present any change in policy direction from current policy. This proposal would therefore be in conflict with Policy AFR 1 due to the lack of supporting information submitted. The proposal is in compliance with all parts of Policy GP1.

It is however acknowledged that no weight can be given to this document as it is only at early public consultation stage.

PPS 2 – Natural Heritage

This site is within 7.5km of Lough Neagh/Lough Beg RAMSAR, Ballynahone Bog, Curran Bog and Moneystaghan Bog. Given the fact that the proposed development includes an underground slurry tank, it has the potential to produce ammonia emissions which may impact on these designated sites. A consultation has yet to be carried out with NIEA until the principle of this development is deemed acceptable.

PPS 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the construction of a new access onto Drumlamph Lane. DFI Roads have been consulted have no objections to the proposal subject to standard conditions being attached to any approval.

PPS 6 – Planning, Archaeology and the Built Heritage

This site is located in an area of archaeological importance. Consultation has been carried out with HED who have advised they have no objections to the proposal from an archaeological perspective.

PPS 21 – Sustainable Development in the Countryside

Policy CTY 12 of PPS 21 states that planning permission will only be granted for development on an active and established agricultural holding subject to certain criteria. Paragraph 5.56 of the policy advises that for the purposes of CTY 12 the determining criteria for an active and established business will be that set out under policy CTY 10 (ie) is currently active and is established for a period of at least 6 years. DAERA have been consulted with the applicant's farm details. They have confirmed that the farm business ID provided has been in existence for more than 6 years and that claims have been made in the last 6 years. On the basis of this response from DAERA I would contend that the farm business is currently active and has been established for the required period of time.

CTY 12 goes on to list several other criteria that must be adhered to for this type of development. I am content that the proposal does comply with criteria (b) in that its character and scale is appropriate to the rural location (c) the development will visually integrate in the local landscape and (e) the proposal will not have a detrimental impact on residential amenity. This has been confirmed following consultation with EH. Furthermore I am satisfied that the design of the building and materials proposed are sympathetic to the locality and adjacent buildings.

The applicant has submitted a supporting statement to demonstrate compliance with policy CTY 12. It has however not been adequately demonstrated in this statement that a new shed is necessary and why existing sheds cannot be utilised. There is also clarification needed in relation to whether or not 5 Drumlamph Lane is part of this holding and whether farm buildings adjacent to number 7 Drumlamph Lane are in the applicants control. This information is necessary in order to carry out a full and proper assessment under CYY 12. It has been requested on the 13th November 2019, 10th December 2019 and the 13th January 2020 but to date has not been forthcoming.

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

As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal. This is in respect of an adequate statement showing compliance with Policy CTY 12 of PPS 21.

Refusal is therefore recommended

Refusal Reasons

1.As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council

to determine this proposal. This is in respect of an adequate statement showing compliance with all criteria contained within Policy CTY 12 of PPS 21.

2. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been adequately demonstrated that the proposed development is:

- necessary for the efficient use of the active and established agricultural holding

Additionally in cases where a new building is proposed

- The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used

Signature(s)

Date:

ANNEX	
Date Valid	7th June 2019
Date First Advertised	20th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 9 Drumlamph Lane Castledawson Londonderry	
Date of Last Neighbour Notification	18th June 2019
Date of EIA Determination	
ES Requested	n/a
Planning History Ref ID: LA09/2019/0784/F Proposal: Proposed farm shed to include feeding & shelter area, storage area and underground slurry tanks - new access to be taken from Drumlamph Lane Address: Approx 130m South East of 9 Drumlamph Lane Castledawson, Decision: Decision Date:	
Ref ID: H/2005/1173/RM Proposal: Single storey dwelling with attic conversion and single garage. Address: 200m East of 15 Drumlamph Lane, Knockloughrim Decision: Decision Date: 11.05.2006	
Ref ID: H/2004/1212/O Proposal: Site Of Dwelling & Garage Address: 200 Metres East Of 15 Drumlamph Lane Knockloughrim Decision: Decision Date: 15.05.2005	
Ref ID: H/2007/0888/O Proposal: Site for dwelling and garage Address: 280m East of 10 Drumlamph Lane, Castledawson Decision:	

Decision Date: 16.09.2010

Summary of Consultee Responses

EH – No objections
DFI Roads – No objections
DAERA – No Objections
HED – No objections

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/1402/0	Target Date:
Proposal: Proposed dwelling and garage on a farm	Location: Approx. 50m NE of 45 Moneyneena Road, Draperstown
Applicant Name and Address: Michael McWilliams 28 Dunmurray Road Draperstown	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge
Summary of Issues: The application was originally recommended as refusal on the basis that it was not demonstrated that the farm business has been established for at least 6 years. Following the submission of additional information, an approval with conditions is now being recommended.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located approx. 50m NE of Moneyneena Road, Draperstown. The site is in the rural countryside on relatively flat land. It is the set back in the second field from the main road. There are mature trees to the west boundary and post and wire fencing on the south. On the site, in one corner, exists single storey agricultural buildings, which had been pig sheds. The site is located within a Local Landscape policy area (LLPA), Area of Outstanding Natural Beauty (AONB) and Site of Local Natural Conservation (SLNC). A design and access statement was submitted with the proposal.	

Description of Proposal

This is an outline application for a proposed dwelling and garage on a farm.

Deferred Consideration:

The application was first presented as a refusal to Planning Committee in Feb 2020 for the following reason;

‘The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established and active for at least six years.’

However it was deferred in Feb 2020 to allow 30 days for additional farm information to be submitted, in order to prove the farm business was established for the required period of time of 6 years under CTY10. It was then presented as a refusal for a second time in March 2020 for the same reason, as it was deemed the information submitted was sufficient to demonstrate an active farm business. It was subsequently deferred for an office meeting, which was held on 12th March 2020 with the Area Planning Manager. The agent was advised at the meeting he needed to demonstrate the farm business was active and established and that any leases provided were verified.

Previously the receipts and invoices that were submitted showed the farm was currently active and established, but not that a farm business had been for the required period of 6 years and so therefore had been deemed insufficient to demonstrate a farm business.

Since the second deferral, a P1c form was submitted and two lease agreements, which have been verified by a solicitor's affidavit dated 18th March 2020. The first lease, dated 29-3-20 is for 5 years and signed by Charles McShane and Brian McEldowney (tenant farmer), the second lease is for period 29-03-15 to 28-03-22 signed by the same parties. This shows continuous farming activity for the required period of 6 years and demonstrates a business on the farm land.

The P1c form has been signed by the owner of the Farmland, Charles McShane and the applicant, Michael McWilliams (his son in law), and Certificate C has been duly signed. There was a farm survey number (established in 1996) and a client ID provided but there is no Farm Business ID. The agent has advised this is because they do not receive single farm payments and they have had no animals since 2000. Previous to this they kept pigs and the pig sty's still remain on the site and are in reasonable condition. The proposed dwelling will be visually linked and clustered with these buildings, in keeping with criteria c of CTY10. DEARA were unable to provide comment as no farm business ID was able to be provided.

Policy CTY10 states in its justification and amplification, in paragraph 5.38, that new houses will not be acceptable unless the existing farm is both active and established, and that the applicant will be required to provide a farm business ID along with other evidence to prove active farming over the required period.

However in this case, as there is no farm ID and valid reasons have been given why this is, the other evidence provided must be assessed in terms of establishing if the farm business is currently active and established for at least 6 years, as outlined in the main policy consideration under criteria (a) of CTY10.

The land is kept in good agricultural condition and is well maintained and together with the submitted information there is sufficient evidence to demonstrate a farm business for the last 6 years, therefore it has been agreed that criteria c of CTY10 can now be met and approval is being recommended with the conditions stated 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.

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. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

5. The proposed dwelling shall have a ridge height of less than 6 .5 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.

6. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development,

Reason: In the interests of visual amenity.

7. 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.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Gerard Lynch	
Application ID: LA09/2019/1402/O	Target Date: 07/02/2020
Proposal: Site for a dwelling & domestic garage. Based on Policy CTY10 (dwelling on a farm)	Location: Approx 50m NE of 45 Moneyneany Road Draperstown
Applicant Name and Address: Mr Michael McWilliams 28 Dunmurray Road Draperstown BT45 7ED	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: Site for a dwelling & domestic garage. Based on Policy CTY10 (dwelling on a farm). The proposal is contrary to policies CTY1 and CTY10 of Planning Policy Statement, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established for at least six years.	
Summary of Consultee Responses: There have been no objections from any third party or Consultee.	

March '20

Characteristics of the Site and Area:

The application site is located approx. 50m NE of 45 Moneyneany Road, Draperstown. The site forms a section of a field located to the rear of No 45 Moneyneany, which is the dwelling associated with the farm. This site is in the countryside off a minor road a short distance north west of Moneyneany. The site's topography is relatively flat. Boundaries comprise mature trees and low level vegetation on the west; post and wire fencing and sporadic vegetation on the south; the other to the west boundary is defined by hedgerow and wire and post fencing and farm shed. The surrounding landform is one of undulating countryside and the land falls south from the site towards Moneyneany Road. Immediately adjacent to the application site is a detached dwelling No 43 to the southwest. Views of the site from the public road network are limited to the Moneyneany Road travelling from a westerly direction. The site is just outside the settlement limits of Moneyneany as defined within the Magherafelt Area Plan 2015. The site is also located within a Local Landscape Policy Area; and Site of Local Natural Conservation of Importance and an Area of Outstanding Natural Beauty.

An Assess and Design Statement has been submitted with the application.

Description of Proposal

The applicant is seeking outline planning approval for a dwelling on a farm. The site's redline is shown on drawing no 01 bearing stamp date 25/10/2019.

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 indicate no planning history associated with the proposed site.

Hazards and Constraints.

DEARA were consulted and responded with advice;
NI water were consulted and responded no objections subject to standard informatives;
DFI Roads were consulted and responded with standard conditions and informatives.

PPS 3 ? Access, Movement and Parking.

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves alterations for an existing access to Moneyneany Road. DFI Roads have been consulted and have no concerns regarding road safety or traffic flow resulting from this proposal subject to provision of 2.4m x 120m splays in both directions. This will involve the removal of hedgerow.

The applicant signed Certificate C of the P1 form P2 serving notice on Mr Charles McShane to the provide third party lands visibility splays.

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 4th November 2019 (publication date 5th November 2019) Two (2) neighbouring properties were notified on 1st November 2019; 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, under the Habitats Regulations is not required for this proposal. There are no waterways directly abutting this site and there are no trees or landscape features which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

Deferred Consideration:

The application was first presented as a refusal to Planning Committee on 4th February 2020 and subsequently deferred for 14 days to allow the agent to allow outstanding information to established the farm is active and established will be submitted within 14 days. No information was received and on this basis the application is referred to MUDC Planning Committee as a refusal.

1. The proposal is contrary to policies CTY1 and CTY10 of Planning Policy Statement, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established for at least six years.

DAERA in their initial consultation response confirmed that the applicant does not hold a business ID number. The agent had submitted documentation that included a Licence Agreement between Mr McWilliams the (Licensee) with a neighbouring farmer Mr McShane dated 29th March 2015.

The Case Officer re-consulted DAERA on 16/01/2020 for further clarification concerning data submitted dated 12/06/2018. DAERA confirmed this related to is an old DARD print out on customer/applicant information and relates to Mr Charles McShane the (Lensor) not the applicant. Historically, DARD maintained a record of all land owners under individual applicant reference numbers. DAERA further confirmed that Mr McShane's land is recorded under Farm Survey Number 5/03/236 but does not hold a farm business ID. No grants or subsidies were claimed by the applicant.

A copy of the Conacre Agreement between Mr McShane (the Licensor) and the applicant covering the period from 29/03/2015 to 28/03/2022. Under the terms of this agreement allows Mr. Shane the use the lands to take one cut of hay / silage per year and have full responsibility for all maintenance including hedgerows.

The agent provided invoices for cutting hedgerows and general farm maintenance dated 09/07/2015, 19/07/2016, 10/08/2017, and 17/07/2018 as well as an invoice for grass topping dated 11/02/2014. He also provided invoices for cutting hedgerows dated 03/07/2014, 17/06/2016, 24/01/2017 and 02/07/2018 with further invoices for spreading slurry dated 15/07/2015, 26/07/2016, 27/08/2017 and 24/07/2018

On the basis of DAERA's response and evidence provided by the applicant and my observations noted on site I am content that the land is kept in good condition and that there is evidence of maintenance having been carried out on the land.

However, the test posed by Criterion (a) is not whether the applicant is an active farmer but whether the farm business is active and established. There is no farm business ID and therefore I

am not persuaded that the applicant's farm business has been established in line with paragraph 5.38 that the farm business has been established for at least 6 years.

The recommendation to refuse the application has not changed and the refusal reasons remain as previously.

Refusal Reasons

1. The proposal is contrary to policies CTY1 and CTY10 of Planning Policy Statement, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established for at least six years.

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: LA09/2019/1402/O	Target Date:
Proposal: Site for a dwelling & domestic garage. Based on Policy CTY10 (dwelling on a farm)	Location: Approx 50m NE of 45 Moneyneany Road Draperstown
Referral Route: Refusal	
Recommendation:	
Applicant Name and Address: Mr Michael McWilliams 28 Dunmurray Road Draperstown BT45 7ED	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: This proposal fails to comply with CTY 1 and CTY 10 of PPS 21 in that it has not been demonstrated that the farm business has been established for the required 6 year period	

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DAERA - Coleraine	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 have been no objections from any third party or from any consultee.

Characteristics of the Site and Area

The application site is located approx. 50m NE of 45 Moneyneany Road, Draperstown. The site forms a section of a field located to the rear of No 45 Moneyneany, which is the dwelling associated with the farm. This site is in the countryside off a minor road a short distance north west of Moneyneany. The site's topography is relatively flat. Boundaries comprise mature trees and low level vegetation on the west; post and wire fencing and sporadic vegetation on the south; the other to the west boundary is defined by hedgerow and wire and post fencing and farm shed. The surrounding landform is one of undulating countryside and the land falls south from the site towards Moneyneany Road. Immediately adjacent to the application site is a detached dwelling No 43 to the southwest. Views of the site from the public road network are limited to the Moneyneany Road travelling from a westerly direction.

The site is just outside the settlement limits of Moneyneany as defined within the Magherafelt Area Plan 2015. The site is also located within a Local Landscape Policy Area; and Site of Local Natural Conservation of Importance and an Area of Outstanding Natural Beauty. An Assess and Design Statement has been submitted with the application.

Description of Proposal

The applicant is seeking outline planning approval for a dwelling on a farm. The site's redline is shown on drawing no 01 bearing stamp date 25/10/2019.

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

Hazards and Constraints.

DEARA were consulted and responded with advice;
NI water were consulted and responded no objections subject to standard informatives;
DFI Roads were consulted and responded with standard conditions and informatives.

PPS 3 – Access, Movement and Parking.

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves alterations of an existing access to Moneyneany Road. DFI Roads have been consulted and have no concerns regarding road safety or traffic flow resulting from this proposal subject to provision of 2.4m x 120m splays in both directions. This will involve the removal of hedgerow.

The applicant signed Certificate C of the P1 form P2 serving notice on Mr Charles McShane.

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 4th November 2019 (publication date 5th November 2019) Two (2) neighbouring properties were notified on 1st November 2019; 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, under the Habitats Regulations is not required for this proposal. There are no waterways directly abutting this site and there are no trees or landscape features

which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

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 operates in the area where the site lies. There are no plan policies pertinent to the application site within the MAP.

Strategic Planning Policy Statement 21 (SPPS) retains the policies of Planning Policy Statement 21 (PPS21) and consequently PPS 21 provides the relevant policy context for this application.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan.

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.

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. PPS 21 – Sustainable Development in the Countryside.
4. PPS 3 – Access, Movement and Parking.
5. Building on Tradition – A Sustainable Design Guide for Rural NI.

The SPPS points out that provision should be made for a dwelling house on an active and established farm business. The farm business must be currently active and have been established for a minimum of 6 years. Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The circumstances wherein planning permission will be granted for an individual dwelling house are outlined. This includes a dwelling on a farm in accordance with Policy CTY 10. This policy states that planning permission will be granted where three criteria are met.

The Magherafelt Area Plan 2015 is the statutory local development plan for the proposal. In it, the site lies in the countryside. There are no policies or proposals in the MAP of relevance to the application. In respect of the application proposal there is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) and those of PPS21. PPS21 remains the applicable policy context to consider the proposed development under.

This site is outside any settlement defined within the Magherafelt Area Plan, therefore relevant existing planning policy must be adhered to.

Policy Assessment.

PPS21 - Sustainable Development in the Countryside.

Policy CTY 10 – Dwellings on Farms of PPS 21 grants planning permission for a dwelling at an existing cluster of development subject to 6 criteria:

- (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 where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - Demonstrable health and safety reasons; or
 - Verifiable plans to expand the farm business at the existing building group(s).

In addition to the criteria above, applications of this nature must also demonstrate that they meet the policy requirements of policies CTY 13, CTY 14 and CTY 16 of PPS 21.

Based on the details presented on the PIC form, as confirmed by DAERA's response the applicant does not hold a business ID number. The agent has submitted documentation that included a Licence Agreement between Mr McWilliams the (Licensee) with a neighbouring farmer Mr McShane dated 29th March 2015.

The agreement states that the land is let in conacre for 12 months and runs from 29.03.2015 to 28.03.2022. Under the terms of this agreement signed on dated 29.03.2015, it is agreed that the licensor farmer Mr McShane would use the land area of 5 acres for 12 months (field Nos 1 and 2) and reserves the right to take one cut of hay per year and is responsible for all maintenance of the land, including hedge cutting.

The agent provided invoices for cutting hedgerows and general farm maintenance dated 28.02.2013, 05.06.2014, 18.08.2015, 22.09.2016, 22.09.2016, 06.03.2018 and 14.02.2019, all relate to the applicant's land.

The Case Office email DAERA on 16/01/2020 for further clarification concerning data submitted by the applicant dated 12/06/2018. DAERA confirmed this related to is an old DARD print out on customer/applicant information and relates to Mr Charles McShane the (Lensor) not the applicant. Historically, DARD maintained a record of all land owners under individual applicant reference numbers. It is noted from this information that Mr McShane's land is recorded under Farm Survey Number 5/013/236.

The department no longer maintains a record of land owners.

DAERA's email also confirmed that Mr McShane does not have a farm business registered with them.

DAERA does not produce farm maps for any farm business not in receipt of SFP, the applicant in this case was not able to produce a more up to date farm map.

No grants or subsidies were claimed by the applicant.

On the basis of DAERA's response and evidence provided by the applicant and my observations noted on site I am content that the land is kept in good condition and that there is evidence of maintenance having been carried out on the land.

However, the test posed by Criterion (a) is not whether the applicant is an active farmer but whether the farm business is active and established. I am therefore content the land is actively farmed. However, it has not been demonstrated that the farm business has been established in line with paragraph 5.38 that the farm business has been established for at least 6 years. With respect to (b) I am content that there has not been any development opportunities sold off the farm holding in the previous 10 years of this application. Criterion (b) has been complied with.

I note the corn-acre Agreement only commence on 29/03/2015 even if I was to regard the Agreement as demonstrated the existence of a farm business this date is short of the required 6 years.

With respect to (c) it is noted that there are two buildings on the farm one relates to a general farm shed located to the rear of the main farm dwelling No 45. I am satisfied that a new dwelling can be visually linked to an existing farm grouping subject to siting and ridge height conditions. Criterion (c) has been complied with.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is noted that this application is an outline application therefore exact siting and design have not be submitted at this stage.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommendation is to refuse.

Reasons for Refusal:

1. The proposal is contrary to policies CTY1 and CTY10 of Planning Policy Statement, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established for at least six years.

Signature(s)

Date:

16. 01. 2020



ANNEX	
Date Valid	25th October 2019
Date First Advertised	5th November 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 43 Moneyneany Road Draperstown Londonderry The Owner/Occupier, 45 Moneyneany Road Draperstown Londonderry	
Date of Last Neighbour Notification	1st November 2019
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1402/O Proposal: Site for a dwelling & domestic garage. Based on Policy CTY10 (dwelling on a farm) Address: Approx. 50m NE of 45 Moneyneany Road, Draperstown, , Decision: Decision Date: Ref ID: H/2004/0896/O Proposal: Site of Dwelling and Garage. Address: To the Rear of 43 Moneyneany Road, Moneyneany. Decision: Decision Date: 24.11.2005 Ref ID: H/1988/0425 Proposal: BUNGALOW WITH GARAGE Address: MONEYNEANY ROAD DRAPERSTOWN Decision: Decision Date: Ref ID: H/1987/0536 Proposal: SITE OF DWELLING WITH GARAGE Address: ADJ TO 45 MONEYNEANY ROAD MONEYNEANY DRAPERSTOWN Decision: Decision Date:	

Summary of Consultee Responses

DFI Roads – no objection subject to conditions

DAERA – advice issued

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Further Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0022/O	Target Date:
Proposal: Proposed dwelling in an infill site	Location: Land adjacent to and South of 14 Drumkee Road Dungannon
Applicant Name and Address: Mr Noel Stephenson Homer House School Road Preston near Hull	Agent Name and Address: Darcon Architectural Services 23 Tobin Park Moortown BT80 0JL
Summary of Issues: No justification for a dwelling in the countryside.	
Summary of Consultee Responses: DFI Roads – access to be provided in accordance with RS1 form sight lines of 2.4m x 60.0m required	
Characteristics of the Site and Area: The site is located at lands approx. 14 Drumkee Road, Dungannon. The site is located within the countryside as designated within the Dungannon and South Tyrone Area Plan 2010. The red line of the site includes a roadside agricultural field. The site sits on an elevated position when travelling along the Drumkee Road in an easterly direction. The boundaries of the site range from post and wire fencing with some hedging in parts. The surrounding area is generally rural in nature with scattered dwellings and their associated outbuildings.	
Description of Proposal Outline planning permission is sought for a proposed dwelling in an infill site.	

Deferred Consideration:

This application was last before the Planning Committee in November 2020 where it was agreed to defer the application for a members site visit. This took place on Friday 4th December 2020 and members were able to see the existing structures on the site, the extent of and relationship between the site and the surrounding development and its proximity to the crossroads of Tartlaghan Road, Coash Road and Drumkee Road.

The members were able to see the dwelling behind the site, accessed off the existing lane, does not have a frontage with Drumkee Road and as such is not considered to meet with the exception to CTY8 for an infill opportunity. It was pointed out that a dwelling on the opposite side of the lane may well meet the policy for an infill as the lane would be the frontage.

At the site visit it was noted there had been a dwelling on this site in the past and the remains of the 3 walls were visible:

- one fronting Drumkee Road which had window cills, door jambs, an air brick and threshold,
- and at the 2 sides, along the lane to the east and in the field.

It was also noted the old floors were still in situ and the remains of another building were on the site.



Vent brick in existing front wall, middle of picture



Floors of former dwelling

Members will be aware from the previous report that it has always been accepted there was a dwelling here at some point in the past. It is clear the existing structures on the site do not constitute a replacement dwelling, as all external walls are not substantially intact. My recommendation takes into account of the Review of PPS21 that was publicised on 16 July 2013 by the then Minister, Mr Attwood. In that review a building on Monaghan Road, Armagh was deemed to meet the replacement criteria, after careful interrogation of the policy. In that case, as can be seen from the google street view image, there were 4 walls standing. This is not the case here and as such I do not consider this constitutes a replacement opportunity under CTY3.



Image of building approved as acceptable for a replacement dwelling under policy CTY3, by the Dept under file ref O/2009/0175/O.

At the site visit members were able to see the separation between the site and the crossroads, and appreciate the proposed site is well away from the crossroads and as such is not 'at a crossroads' as required by within the criteria in CTY2a.

From the roadway in front of the site members could see the proposed site with the development immediately to the north and east. It was also noted that further to the east, separated by an agricultural field, there is another string of development along the same side of the Drumkee Road. In my view that development, further east, is distinct from the proposed site and the development in its immediate vicinity.



Site and surroundings

Members may take into account that a modest dwelling located in the north east corner of the site would:

- have limited visual impact on the character of the area,
- not have any significant impact on the character of the area given the amount of development around it,
- not have any significant impact on the amenity of the existing dwelling to the north as there are no windows facing the site and it is on the other side of an existing lane.

All that said if a dwelling were built in the NE corner, members are advised that it could open up the potential for further development in the south part of the field.

Having visited the site with the members and reviewed the information I do not consider this application meets with any of the policies for a dwelling as provided in PPS21 and as such it is recommended for 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.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0022/O	Target Date:
Proposal: Proposed dwelling in an infill site	Location: Land adjacent to and South of 14 Drumkee Road Dungannon
Applicant Name and Address: Mr Noel Stephenson Homer House School Road Preston near Hull	Agent Name and Address: Darcon Architectural Services 23 Tobin Park Moortown BT80 0JL
Summary of Issues: No justification for a dwelling in the countryside.	
Summary of Consultee Responses: DFI Roads – access to be provided in accordance with RS1 form sight lines of 2.4m x 60.0m required	
Characteristics of the Site and Area: The site is located at lands approx. 14 Drumkee Road, Dungannon. The site is located within the countryside as designated within the Dungannon and South Tyrone Area Plan 2010. The red line of the site includes a roadside agricultural field. The site sits on an elevated position when travelling along the Drumkee Road in an easterly direction. The boundaries of the site range from post and wire fencing with some hedging in parts. The surrounding area is generally rural in nature with scattered dwellings and their associated outbuildings.	
Description of Proposal Outline planning permission is sought for a proposed dwelling in an infill site.	

Deferred Consideration:

This application was before the Planning Committee in August 2020 and it was agreed to defer the application for a meeting with the Planning Manager to further discuss the proposal. This meeting took place on 18 August 2020 where other possibilities in relation to clustering under CTY2a and replacement dwelling under CTY3 were discussed. It was agreed the applicant would clear away existing vegetation to allow a further assessment of the existing building on the site and what impacts this would have on the proposal.

I visited the site on 11 September and noted that vegetation had been removed from the front of the site which exposed a low wall and threshold. This was most likely from an old dwelling and the Public Records Office Maps (Appendix 1) indicate there has been a building here for some considerably time. That said the building has more or less been demolished and removed with little more than 2 low walls remaining to the front and side of what may have been a dwelling, as can be seen in the photos below. I do not consider the existing structures on the site to be the substantially intact remains of a former dwelling and would not meet the criteria for a replacement dwelling.



The site is on an elevated location when viewed from the Coash Road to the west and from Drumkee Road to the east. To the rear and north of the site is a chalet bungalow with a detached garage and to the east is a bungalow with sheds to the rear that are accessed off a private lane. Other development located to the east is set back from the roadside with roadside fields that I consider provide a visual break from the proposed site and the development to the east. I consider the site and the immediate development around it can only be assessed for the purposes of Policy CTY2a. The proposed site is therefore located with a group of 6 buildings, 2 of these are dwellings, 2 are domestic garage and 2 are agricultural buildings. I do not consider the group of buildings meets the definition of a cluster in the first criteria of CTY2a as there are really only 4 buildings that can be counted and only two of them are dwellings. This group of buildings is not associated with any focal point or at a cross roads and while the site does have development on 2 sides, due to its hilltop location I do not consider that it benefits from a suitable degree of enclosure. I do not consider the site can be assessed against the policies in CTY2a.



Site behind and to the left of the bungalow above (Drumkee Road View)



Site to the right of the chalet bungalow above (Coash Road View)

As has been explained in the above considerations the proposed site is on an elevated site in the countryside and does not have vegetation or features that would integrate a dwelling. That said, integration can be achieved using vegetation, landform and other development. I do not consider a modest sized dwelling in the NE corner of the site would be so prominent as to result in a loss of rural character and that the existing buildings

could give it a reasonable degree of integration and grouping with them. This only relates to integration and the principle of a dwelling has not been established under any of the policies.

The planning history of this site is a material consideration that members should be aware of. Outline planning permission was granted for a dwelling on this site in 1988, at that time there were buildings on the site and a condition was attached requiring the removal of those buildings. I am unable to find any Reserved Matters application and as such the permission lapsed and I do not consider the planning history can be determining in this case. Members are advised they must consider the site as it currently is and not how it may have been.

Having taken into account additional information, I do not consider this application meets with any of the policies for a dwelling as provided in PPS21 and as such it is recommended for refusal.

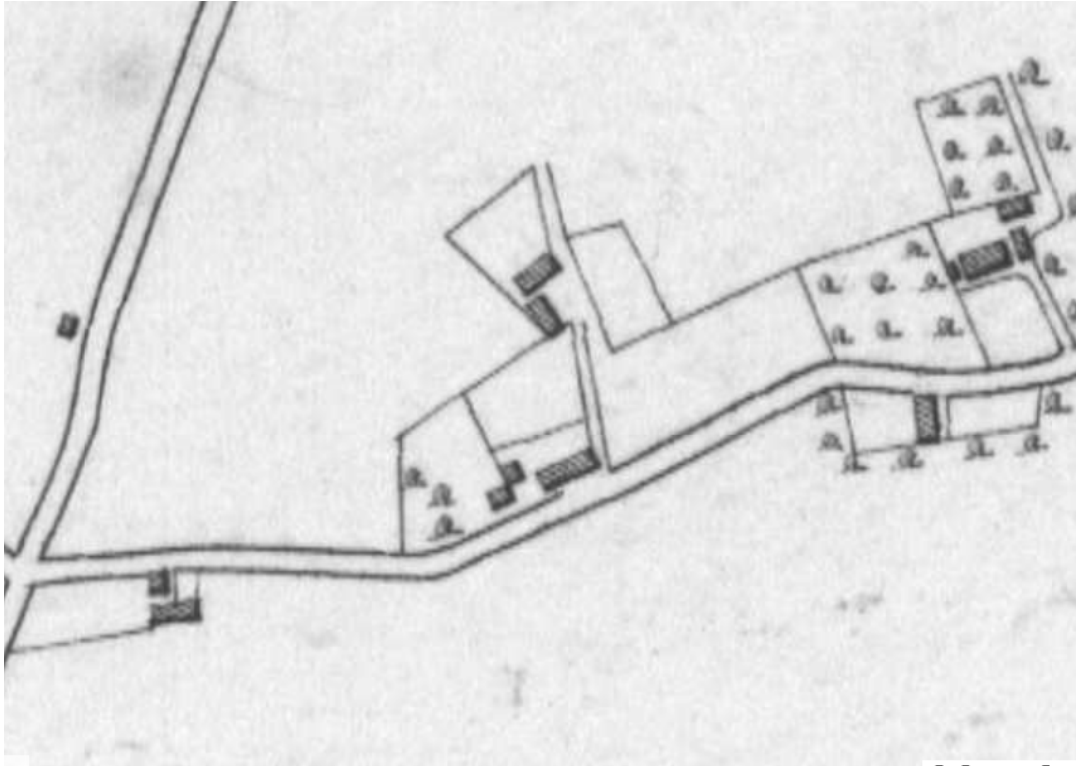
Reasons for Refusal:

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.

Signature(s)

Date:

PRONI HISTORICAL MAPS
First Edition 1832 - 1846



Second Edition 1846 - 1862



Third Edition 1900 – 1907



Forth Edition 1905 -1957







Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0022/O	Target Date: 06/04/2020
Proposal: Proposed dwelling in an infill site	Location: Land adjacent to and South of 14 Drumkee Road Dungannon
Referral Route: Refusal - Contrary to PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Mr Noel Stephenson Homer House School Road Preston near Hull	Agent Name and Address: Darcon Architectural Services 23 Tobin Park Moortown BT80 0JL
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



(Area shaded red highlighted to show preferred siting)

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

No representations received.

Characteristics of the Site and Area

The site is located at lands approx. 14 Drumkee Road, Dungannon. The site is located within the countryside as designated within the Dungannon and South Tyrone Area Plan 2010. The red line of the site includes a roadside agricultural field. The site sits on a slightly elevated position when travelling along the Drumkee Road in an easterly direction. The boundaries of the site range from post and wire fencing with some hedging in parts. The surrounding area is generally rural in nature with scattered dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for a proposed dwelling in an infill site.

Planning Assessment of Policy and Other Material Considerations

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 14 and 16 Drumkee Road. At the time of writing, no representations were received.

Planning History

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

Planning Assessment of Policy and Other Material Considerations

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

The Dungannon and South Tyrone Area Plan identify the site as being outside any defined settlement limits, located South of Coalisland Settlement Limit. There are no other specific designations or zonings.

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd Feb 2019. It is currently going through a further consultation period which commenced on 25th March 2020. Due to the COVID19 Pandemic there is currently no end date or timetable for public events in relation to this re-consultation. During the initial consultation period a number of objections to Policies contained in the Plan were received. In light of this the Draft Plan cannot be given any determining weight at this time.

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

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A

range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

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

It is considered that the proposed site does not meet the policy tests in that there is not a continuous built up frontage along this stretch of Drumkee Road. At present, there is a dwelling and garage north of the site and a dwelling and associated outbuildings to the rear east of the site. The dwelling to the east of the site has a frontage to the road but none of the outbuildings to the rear have any further frontage. The dwelling to the north of the site is accessed via a laneway which runs east of the site and therefore does not have a frontage to Drumkee Road (**Shown above in Figure 1**). The site is relying on this dwelling (No.14) which is set back from the road and it is my view that this site would extend a ribbon of development rather than round off development. On the site location plan it appears there is a building within the site itself, however from the site visit conducted it noted that this was an overgrown area with minimal parts of the walls remaining and therefore cannot be considered as a building (**Shown in Figure 2**).



Figure 1



Figure 2

The agent referred to a previous application ref: H/2010/0303/O, which he felt was similar to this case however after taking a look at the drawings from the history file I did not find there was any correlation between the application site and the history file. It should also be noted that this application was recommended for refusal from the case officer originally and was later approved after a deferral where the site specific case was put forward. Therefore from the site visit, the maps and justification provided from the agent I am not satisfied that there is a line of three or more buildings along this road frontage and therefore the proposal does not meet the policy requirements of CTY 8.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted however in this instance I feel the proposal fails on criterion (d) of CTY 14 in that it would add to a ribbon of development and thus is recommended for refusal.

DfI Roads were consulted and have no objection to the proposal subject to condition.

Neighbour Notification Checked

Yes

Summary of Recommendation:

It is considered that the proposal is contrary with the relevant planning policy and thus 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 there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2.The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not located within a small gap site within an otherwise substantial and continuously built up frontage.
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 add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)**Date:**

ANNEX	
Date Valid	24th December 2019
Date First Advertised	21st January 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 14 Drumkee Road Dungannon Tyrone The Owner/Occupier, 16 Drumkee Road Dungannon Tyrone	
Date of Last Neighbour Notification	20th January 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0022/O Proposal: Proposed dwelling in an infill site Address: Land adjacent to and South of 14 Drumkee Road, Dungannon, Decision: Decision Date: Ref ID: M/1988/0299 Proposal: DWELLING Address: 140 M WEST OF 23 DRUMKEE ROAD, DRUMKEE, DUNGANNON Decision: Decision Date: Ref ID: M/2000/0382/F Proposal: Dwelling Address: Rear of 16 Drumkee Road, Coalisland. Decision: Decision Date: 26.07.2000 Ref ID: M/1992/4025 Proposal: Extension to Dwelling Address: M16 DRUMKEE ROAD DRUMKEE DUNGANNON Decision:	

Decision Date:
Ref ID: M/1999/0703/O
Proposal: Dwelling
Address: Rear of 16 Drumkee Road Coalisland
Decision:
Decision Date: 17.11.1999

Summary of Consultee Responses

DfI Roads – No issue.

Drawing Numbers and Title

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

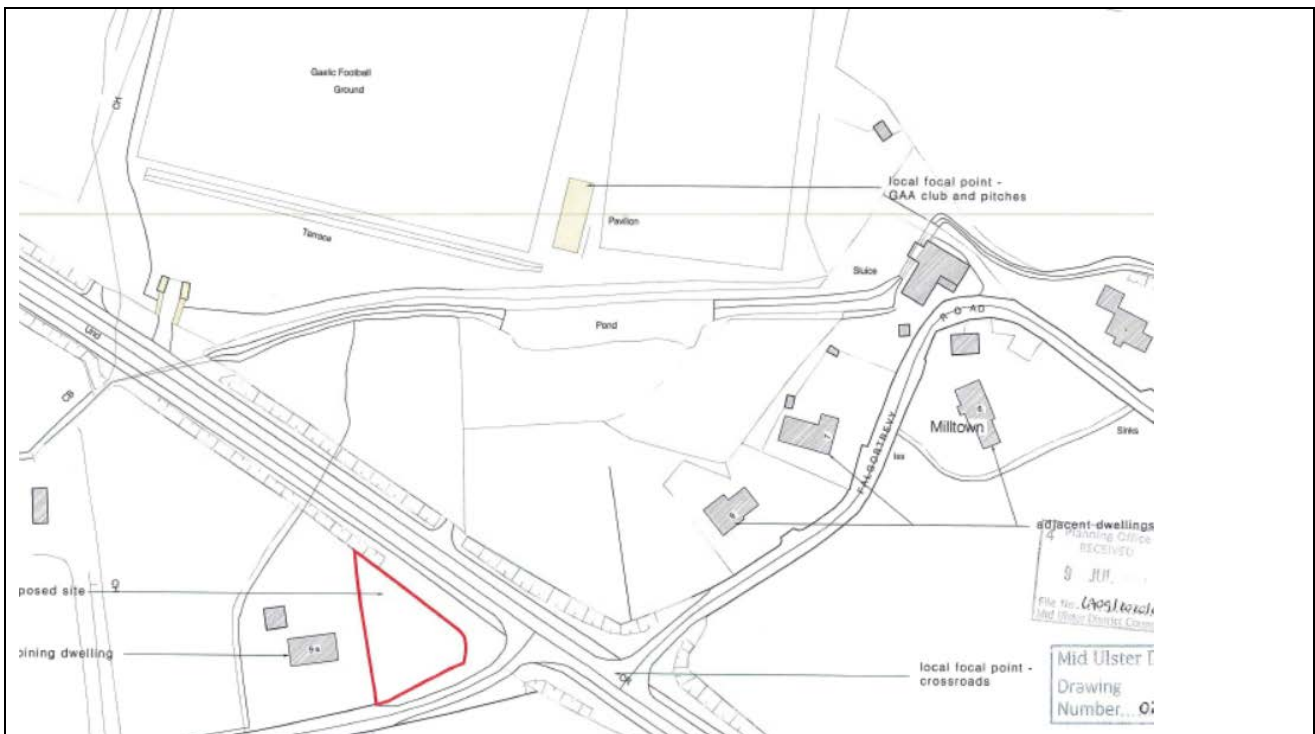
Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0608/0	Target Date:
Proposal: Dwelling and Garage.	Location: Site adjacent to 9a Falgortrevy Road Maghera
Applicant Name and Address: Shaun Kelly 29 Hawthorne Road Maghera BT46 5FN	Agent name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Summary of Issues: Following the deferral of the above application, the issues remain and refusal is recommended as for the reasons given. An objection has been received since the application was deferred.	
Summary of Consultee Responses: No objections from consultees.	
Characteristics of the Site and Area: The site is located within the open countryside. The site is a roadside plot accessed by Falgortrevy Road adjacent to the junction with A6 Glenshane Road, a protected route. The immediate area is rural in character, with agricultural fields, farm complexes and residential dwellings. On the opposite of the road on the Glenshane Road, is Maghera GAA football grounds. The site sits lower than the Glenshane Road and is triangular in shape. Mature trees and hedging surrounds the site boundaries. A recently trimmed low hedge exists to the western boundary.	



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 September 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 policy CTY2a of PPS21, New Dwellings in existing clusters in that;
 - the identified site is not located within an existing cluster of development consisting of four or more buildings of which at least 3 are dwellings;
 - the identified site is not located within an existing cluster which appears as a visual entity in the local landscape;
 - the identified site is not bounded on at least two sides with other development in the cluster; and
 - the development of the site cannot be absorbed into an existing cluster through rounding off and consolidation.

It was subsequently deferred for an office meeting with the Area Planning Manager and the meeting was held on 10/9/2020. It was agreed the site would be re-visited to consider it as a cluster site, in particular in relation to the GAA grounds and to assess any impact on the adjacent dwelling.

An objection was received from the adjacent dwelling No.9a Falgortrevy Road on 4th Sept 2020, further to the application being presented to the Planning Committee. The objectors consider the site does not meet all of the criteria under Policy CTY2a and because of this permission should not be granted.

In terms of Policy CTY2a, permission will only be granted for a dwelling at an existing cluster of development provided all the following criteria are met;

- *the cluster of development lies outside of a farm and consists of 4 or more buildings (excluding ancillary buildings such as garages) of which at least 3 are dwellings;*

The application site sits at a road junction. To the west adjacent to the site is dwelling and garage of No.9a Falgortrevy Road, however only the dwelling can be counted. The 3 dwellings (No.6, 7 & 9) on the opposite side of the Glenshane Road, cannot be viewed or visually linked with the site and could not be counted as part of a cluster. There are also GAA pitches located further up Glenshane Road which although can't be viewed when at the site, comes into view when travelling past it towards Derry. There would appear to be a cluster of development here, including the existing dwellings and pitches/club, however, the Glenshane Road provides a major visual break which prevents the site being associated with this cluster.

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

The cluster of development at the GAA pitches would be a visual entity, the crossroads would not be included within this cluster, and as previously mentioned the site is too far removed to be included within this existing cluster.

- *The cluster is associated with a focal point such as crossroads/community building or is located at a crossroads.*

The site is located at a crossroads which would be considered as an acceptable focal points in terms of meeting this part of the criteria.

- *The identified site provides a suitable degree of enclosure and is bounded on at least 2 sides with other development in the cluster;*

The site is bound to the west by the dwelling No.9a. However is not bound by development on any other side and so does not meet this test of CTY2a.

- *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;*

The site itself has adequate screening and is limited from long ranging public views due its location. A low storey dwelling on the site would not significantly alter the existing character of the area or appear overly prominent or visually intrude into the landscape. However, it is not considered the site is located within any existing cluster. The dwellings relied on No.6, 7 and 9 and the GAA pitches/club do not have a strong enough visual linkage with the site to be seen as being part of a cluster of existing development, and therefore this criteria is not being met.



Site on left and GAA pitches on right in the distance

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

From the site inspection carried out on 16th Oct 2020, I would have concerns of the impact a dwelling on the site would have on the neighbouring dwelling No.9a. The boundary between the site and No.9a (shown below) is just a low hedge, offering little in the way of separation, on quite a tight site. A dwelling would be imposing on the existing house and impact on their enjoyment and privacy, detrimentally affecting their residential amenity.



In light of the above a refusal is therefore being recommended.

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 policy CTY2a of PPS21, New Dwellings in existing clusters in that;
 - the identified site is not located within an existing cluster of development consisting of four or more buildings of which at least 3 are dwellings;
 - the identified site is not located within an existing cluster which appears as a visual entity in the local landscape;
 - the identified site is not bounded on at least two sides with other development in the cluster; and

- the development of the site cannot be absorbed into an existing cluster through rounding off and consolidation; and
- development would adversely impact on residential amenity of the neighbouring property.

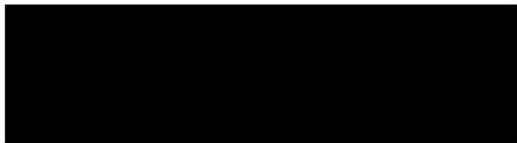
Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0608/O	Target Date: 11/09/20
Proposal: Proposed dwelling and garage	Location: Site adjacent to 9a Falgortrevy Road Maghera
Referral Route: Recommended refusal – contrary to PPS21 Policy CTY2a	
Recommendation:	Refusal
Applicant Name and Address: Shaun Kelly 29 Hawthorne Road Maghera BT46 5FN	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

For committee consideration





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Characteristics of the Site and Area

The application site lies within the rural area outside any defined settlement limits as defined in the Magherafelt Area Plan 2015. The proposal site comprises a small roadside plot of land currently accessed via an agricultural gate on to Falgortrevy Road, adjacent to the junction with the A6 Glenshane Road, a protected route. The immediate surrounding context is rural, characterised by single detached dwellings, sprawling agricultural fields and dispersed farm complexes. Located in proximity to the application site to the north, on the opposite side of the A6 Glenshane Road, is Maghera GAA grounds. There is a gentle incline when travelling easterly on this section of Falgortrevy Road and the proposal site is located on land slightly lower than the ground level of the adjacent Glenshane Road. On the date of the site inspection, it was noted that there has been a recent clearing and levelling of the site. The southeastern boundary is currently relatively undefined and the remaining boundaries are well defined by established trees and hedging.

Description of Proposal

This is an outline planning application for a dwelling and garage adjacent to 9a Falgortrevy Road, Maghera.

The dwelling is being applied for as a dwelling in an existing cluster under Planning Policy Statement 21, Policy CTY 2a.

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
Magherafelt Area Plan 2015
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

No relevant planning history.

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 – 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.

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.

It was unclear from Drawing No.01 date stamped 29th May 2020 which policy under PPS21 the agent was relying on for this proposal therefore justification was sought. A Supporting Statement and Concept Plan (Drawing No.02) were received on 09/07/20 which detailed the proposal was being sought as a new dwelling in an existing cluster as per Policy CTY2a of PPS21.

Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all of the following criteria are met.

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

The application site abuts the existing road network to the east and south. Immediately west of the application site is the detached dwelling of No.9a Falgortrevy Road. It is noted further northeast of the application site at the opposite side of the A6 Glenshane Road, there are three detached dwellings. However these are located over 100 metres away and when viewed on the ground there does not appear to be a visual linkage with these dwellings due to the separation distances, landform and siting.

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

Given the separation distance with the properties of No.6, 7 and 9, I do not consider the proposal site is located within a cluster which appears as a visual entity.

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

The application site is located adjacent to a cross-roads which is considered as an acceptable focal point for the purposes of satisfying this criterion of Policy CTY2a.

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

The site is bound to the west by the detached dwelling, No.9a Falgortrevy Road. However, the site is not bounded by development on any other side therefore fails to meet this criterion.

- *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*

The proposal site has existing established screening which provides an acceptable degree of enclosure meaning public views are minimised to close range when approaching and travelling on Falgortrevy Road and Glenshane Road. Therefore, I do not consider the proposal would significantly alter the existing character or appear overly prominent or visually intrude in the landscape.

However, I do not consider the proposal is located within an existing cluster therefore the proposal would not constitute rounding off or consolidating an existing cluster. The agent has relied on the properties of no. 6, 7 and 9 Falgortrevy Road and Watty Graham GAA facilities as the cluster within the local landscape. I do not consider on the ground that the proposal site has a visual linkage with these buildings which are located a minimum of 100 - 200 metres away on the other side of the A6 Glenshane Road.

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

Given the separation distance with neighbouring properties and existing natural screening of the site, I do not have concerns with respect adverse impact on residential amenity.

Overall, I do not consider that the proposed development meets all the criteria outlined under CTY2a to merit the granting of permission under this policy.

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The application site is located along the roadside however given the existing, established vegetation to the southeast and western 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. It is considered a dwelling could visually integrate into the surrounding landscape, however the site would require further landscaping and vegetation to the northeast boundary but would not rely primarily on this for integration. I consider the principle of development is unacceptable as it does not meet the criteria within Policy CTY1 and CTY2a, however should planning permission be granted, the design of the proposed dwelling would be a matter for consideration at the Reserved Matters stage. I consider it would be necessary to condition a maximum ridge height of 6 metres, which would be in keeping with the existing built form to ensure integration into the setting.

In terms of policy CTY14, planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and the surrounding environment is suitable for absorbing a dwelling without significantly impacting on rural character and therefore complies with Policy CTY14.

PPS 3: Access, Movement and Parking

DfI Roads have been consulted and have raised no objections to the proposal subject to conditions. Therefore, it is not consider a dwelling on the site satisfying Policy AMP2 of PPS3 and would not prejudice road safety or significantly inconvenience the flow of traffic.

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.

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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that;
 - the identified site is not located within an existing cluster of development consisting of four or more buildings of which at least three are dwellings;
 - the identified site is not located within an existing cluster which appears as a visual entity in the local landscape;
 - the identified site is not bounded on at least two sides with other development in the cluster; and
 - the development of the site cannot be absorbed into an existing cluster through rounding off and consolidation.

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0801/O	Target Date:
Proposal: Dwelling & detached domestic garage	Location: Site adj to & South of 19 Ballymaguigan Road Magherafelt
Applicant Name and Address: Niamh Young 22 Lough Road Ballymaguigan	Agent name and Address: E C Birt 72 Main Street Toomebridge BT42 3NJ
Summary of Issues: This proposal had failed to comply with CTY 1, CTY8 & 14 of PPS. Following a deferral meeting, taking the history into account, an approval with conditions has been recommended.	
Summary of Consultee Responses: No objections.	
Characteristics of the Site and Area: This site is located approximately 0.7km south east of the development limits of Gracefield, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site comprises a flat rectangular shaped plot which is defined by a Leylandii hedgerow 5 m in height along its western boundary, mixed bushes approximate 3m in height along southern our dry with scattered trees, eastern boundary is undefined and northern roadside boundary consists of a row of trees 5-6m in height. There is a 2m roadside verges along the site frontage	

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 3 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, Sustainable Development in the Countryside in that there is no valid gap site and that the proposal would, if permitted, result in the addition of ribbon development along Ballymaguigan 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 add to a ribbon of development and would therefore result in 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 12th November 2020.

The previous history on the site was discussed with the Planning Manager. H/2014/0302/F & H/2010/0303/0, which were both approved under CTY8. Both have now expired and no start was made on site for either approval.

In the interests of administrative fairness an approval is recommended in this instance. This should however been seen as an exceptional case due to the past histories on the site from by the same applicant that were previously approved as a gap site.

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

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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. 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.

3. 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.

4. This permission is granted solely as a substitute for the permission for a dwelling previously granted on the site under H/2010/0300/0 & H/2014/0302/F and only one dwelling shall be constructed on the site.

Reason: To ensure that only one dwelling is constructed on the site in accordance with the Department's policies for the control of residential development in the countryside.

5. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted a 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.


6. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

Signature(s):
Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0801/O	Target Date:
Proposal: Dwelling & detached domestic garage	Location: Site adj to & South of 19 Ballymaguigan Road Magherafelt
Referral Route: Refusal - To Committee – Contrary to CTY 1, 8 and 14 of PPS 21.	
Recommendation:	
Applicant Name and Address: Niamh Young 22 Lough Road Ballymaguigan Magherafelt BT45 6LE	Agent Name and Address: E C Birt 72 Main Street Toomebridge BT42 3NJ
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Refusal - To Committee - Application has failed under CTY 1 and 8 of PPS 21.		
Characteristics of the Site and Area		
<p>This site is located approximately 0.7km south east of the development limits of Gracefield, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site comprises a flat rectangular shaped plot which is defined by a Leylandii hedgerow 5 m in height along its western boundary, mixed bushes approximate 3m in height along southern our dry with scattered trees, eastern boundary is undefined and northern roadside boundary consists of a row of trees 5-6m in height. There is a 2m roadside verges along the site frontage</p> <p>Relevant planning history H/2014/0302/F - Erection of dwelling and detached garage in a gap site with associated access and landscaping - Land adjacent to and south east of 19 Ballymaguigan Road Magherafelt BT45 6LE - Permission Granted - 05.11.2014</p> <p>H/2010/0303/O - Proposed dwelling in a gap site. - Land adjacent to and south east of 19 Ballymaguigan Road, Ballymaguigan - Permission granted - 30.12.2010</p>		

Representations

Four neighbour notifications were sent out however no representations were received.

Description of Proposal

This is an outline application for a dwelling & detached domestic garage located site adj. to & South of 19 Ballymaguigan Road, Magherafelt.

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 1- Development in the Countryside

CTY 8 - Ribbon Development

CTY 13 - Integration and Design of Buildings in the Countryside; and

CTY14 - Rural Character

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

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes 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 first note that there is a history on the site, with previous approvals H/2014/0302/F and H/2010/0303/O, which have been approved under CTY 8 but have both unfortunately expired and neither appear to have been started within time.

With regards to the continuous and built up frontage, I note that to the west sits two detached dwellings both with associated garages. I note that to the east that the applicant is relying on what is noted No. 19b, however upon site inspection that No.19b is not constructed in that it only appears to have footings dug out. With this in mind I am of the opinion that this cannot be counted towards the built up frontage. I note that there are two other dwellings further east approximately 155m away and not read as part of the built up frontage. With this in mind, I do not hold the opinion that there is even a gap site within a built up and continuous frontage as a result and the application would fail under CTY 8 as it would extend the ribbon of development along the Ballymaguigan Road.

I note that this was relayed to the applicants agent who referred back to the history on the site, I note that this was discussed at group. It was agreed that whilst the policy itself has not changed it is the interpretation of the policy that has changed. Back in 2010, it was allowed that approved development mainly that of No.19b whether built or not to constitute as part of the built up frontage. It is felt that ample time has been passed for No. 19b to be further developed and built and for this reason does not constitute as a part of the built up frontage anymore.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore no design details have been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. I note that as much of the existing landscaping should be retained as possible and supplemented with additional landscaping where necessary. Therefore a landscaping scheme will be required in any 'Reserved Matters' application. Finally given the site, landform and surrounding development I feel it necessary to restrict the ridge height to be no more than 6.5m above finished floor level. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not appear prominent in the landscape. I am content that the development would not lead to a sub-urban style build-up of development when viewed with existing and approved development. I am content that the ancillary works would not damage rural character. As noted above if approved this application would result in the addition of a ribbon of development along the Ballymaguigan Road, in which this would adversely change the rural character of the area as a result. From this, it would fail under CTY 14.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and in their response confirmed that they were content subject conditions and informatives.

I note that no other case have been put forward to the Council, in that the site is not a valid farm site, cluster, for social housing, no domestic and personal circumstances have

been submitted, the site isn't in a DRC, there is no valid replacement or conversion on site and it is not for a non-agricultural business enterprise.

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.

I have no flooding or residential amenity concerns.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

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 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 there is no valid gap site and that the proposal would, if permitted, result in the addition of ribbon development along Ballymaguigan 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 add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	8th July 2020
Date First Advertised	21st July 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 17 Ballymaguigan Road Magherafelt Londonderry The Owner/Occupier, 18 Ballymaguigan Road Magherafelt Londonderry The Owner/Occupier, 19 Ballymaguigan Road Magherafelt Londonderry The Owner/Occupier, 19b Ballymaguigan Road Magherafelt	
Date of Last Neighbour Notification	31st July 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0801/O Proposal: Dwelling & detached domestic garage Address: Site adj to & South of 19 Ballymaguigan Road, Magherafelt, Decision: Decision Date: Ref ID: H/1986/0243 Proposal: BUNGALOW Address: BALLYMAGUIGAN ROAD, MAGHERAFELT Decision: Decision Date: Ref ID: H/2003/1018/O Proposal: Site of dwelling and garage. Address: Approx 90m South East of 19 Ballymaguigan Road, Magherafelt. Decision: Decision Date: 17.06.2004 Ref ID: H/2001/0787/Q Proposal: Site Of Dwelling Address: Adjacent To 19 Ballymaguigan Road, Magherafelt. Decision:	

Decision Date:

Ref ID: H/1988/0307

Proposal: SITE OF DWELLING AND GARAGE

Address: 70M SE OF NO 17 BALLYMAGUIGAN ROAD BALLYMAGUIGAN
MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2003/0932/O

Proposal: Site of dwelling and garage.

Address: 50m South East of 19 Ballymaguigan Road, Magherafelt.

Decision:

Decision Date: 16.09.2004

Ref ID: H/2010/0303/O

Proposal: Proposed dwelling in a gap site.

Address: Land adjacent to and south east of 19 Ballymaguigan Road, Ballymaguigan

Decision:

Decision Date: 30.12.2010

Ref ID: H/1986/024301

Proposal: SITE OF BUNGALOW

Address: BALLYMAGUIGAN ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2014/0302/F

Proposal: Erection of dwelling and detached garage in a gap site with associated access and landscaping

Address: Land adjacent to and south east of 19 Ballymaguigan Road Magherafelt BT45
6LE,

Decision: PG

Decision Date: 05.11.2014

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:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/1484/O	Target Date:
Proposal: Proposed site for dwelling	Location: 50m East of 91 Aughrim Road Magherafelt
Applicant Name and Address: Keith Fulton 50 Gracefield Road Magherafelt	Agent name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Summary of Issues: This proposal had failed to comply with CTY 1 and CTY 2a of PPS 21 in that it had not met all criteria for a new dwelling in an existing cluster. Following a deferral and re-assessment of the proposal, an approval as a farm dwelling, with conditions has been recommended.	
Summary of Consultee Responses: No objections.	
Characteristics of the Site and Area: The application site is positioned 50m East of 91 Aughrim Road, Magherafelt. The site comprises the northeast portion carved out of a large grassed field located at a crossroads. To the north are two dwellings Nos 101 and 99 Annaghmore Road further northeast is Aughrim Gospel Hall. Further east are two further dwellings Nos 91 and 91a Aughrim Road and further northeast is an Orange Hall.	

The north and west boundaries are defined by low level hedgerows with a similar roadside hedge runs along the Ballynagarve Road. The south and east boundaries are undefined. The sites topography is relatively flat and sits approximately 0.5 of a metre below road level. The surrounding area is characterised by an undulating landscape with the predominant land use agricultural with individual dwellings and associated farm outbuilding peppered throughout the area. The site is not relocated within any designated zones classified as open countryside as defined in the Magherafelt Area Plan 2015.

Description of Proposal

Proposed site for dwelling

Deferred Consideration:

This application was presented to Planning Committee as a refusal for the following reasons ;'

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

It was subsequently was deferred for an office meeting which was held with the Area Planning Manager 14th August on 2020. Following discussion with the agent, a farm case was submitted for the site.

The proposal will now be assessed against CTY10 – dwellings on farms,

Permission will be granted in this case where all of the following criteria have been met;

(a) The farm business if currently active and has been established for at least 6 years- DEARA have confirmed the farm business has been in existence for more than 6 years and that farm business payments have been claimed for this period. Therefore this part of the criteria has been met.

(b) No 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.

Following a history search of the farm land, this part of the criteria has also been met.

(c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable access should be taken from an existing laneway. 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, and where either there are;

Demonstrable health and safety reasons or Verifiable plans to expand the farm.

The farm buildings and associated yard is located to the NE of the site and there is an agricultural field adjacent to this complex, directly opposite the site on the other side of the Aughrim Road.

In this case although there are no verifiable plans to expand the farm, health and safety reasons have been put forward to support the given location. There is an existing open slurry silo adjacent to the farm house, which has been designed to discharge into the hollow of the field next to it, should there ever be an accident. There would mean no development of a dwelling could take place in this field in terms of health and safety issues for the occupants.

With this being the case, the chosen site would be next closest field to the farm buildings and a dwelling here can still be visually linked with the farm complex. The site sits lower than the road level and is tucked into the corner of the road junction. A siting condition and ridge height restriction will further reduce issues with prominence and aid in integration for a dwelling located here. It would not cause a detrimental impact to the character of the area and would be seen as suitable site in line with criteria c of CTY10.

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.

An approval is now recommended with the conditions outlined below.

Conditions

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

- the expiration of 5 years from the date of this permission; or
- 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. 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.

5. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

7. 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.

8. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

9. The proposed dwelling shall be sited in the area shaded green on the approved plan 01 date stamped 8 Nov 2019.

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21.

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: LA09/2019/1484/O	Target Date:
Proposal: Proposed site for dwelling	Location: 50m East of 91 Aughrim Road Magherafelt
Referral Route: Proposal fails to comply with criteria 4 contained within Policy CTY 2a of PPS 21, no third party representations received and all other material considerations have been taken into consideration.	
Recommendation:	
Applicant Name and Address: Keith Fulton 50 Gracefield Road Magherafelt	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

For Committee
decision



5/13/2020

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

Representations:

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

Summary of Issues

No third party representations received and all other material considerations have been taken into consideration

Characteristics of the Site and Area

The application site is located 50m East of 91 Aughrim Road, Magherafelt. The site comprises the northeast portion carved out of a large grassed field which is adjacent to a crossroads. To the north are two dwellings Nos 101 and 99 Annaghmore Road further northeast is Aughrim Gospel Hall. Further east are two further dwellings Nos 91 and 91a Aughrim Road and further northeast is an Orange Hall. Both the north and west boundaries are defined by low level hedgerows supported by post and wire fencing. The south and east boundaries are undefined. The site's topography is relatively flat and sits approximately 0.5 of a metre below road level.

The surrounding area is characterised by an undulating landscape with the predominant land use agricultural with individual dwellings and associated farm outbuilding peppered throughout the area. The site is not relocated within any designated zones classified as open countryside as defined in the Magherafelt Area Plan 2015.

Description of Proposal

The applicant is seeking outline planning for a dwelling and garage.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves the creation of a new access and entrance to a public road and therefore DFI Roads were 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 Site History:

MUDC records indicate that there is no relevant planning history associated with this site.

I have no ecological, flooding or residential amenity concerns.

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 25th November 2019 (publication 26th November 2019). Five (5) neighbouring properties were notified on 15th November 2019; 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.

Constraints:

DFI: Roads no objection apply standard conditions;

NIW: No objections standard Informatives

Planning Assessment of Policy and Other Material Considerations

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

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations.

Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain any policies in regards to this site.

1. Magherafelt Area Plan 2015.
2. Draft- Mid Ulster District Council Local Development Plan 2030 ? draft plan
3. Strategic Planning Policy Statement (SPPS).
4. PPS 3 Planning Policy Statement 3 Access, Movement and Parking.
5. PPS 21 - Sustainable Development in the Countryside.
6. Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

The Magherafelt Area Plan 2015 (MAP) operates as the statutory local development plan for the area the site lies in. The MAP offers no other specific policy or guidance in respect of the proposed development. The MAP does not contain any specific policies relevant to the application. The principal planning policies are therefore provided by PPS 21 and the SPPS.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan.

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.

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. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under the SPPS and provides the appropriate policy context.

Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is CTY 2a development in clusters. 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 (CTY2a, CTY 13 & 14) and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

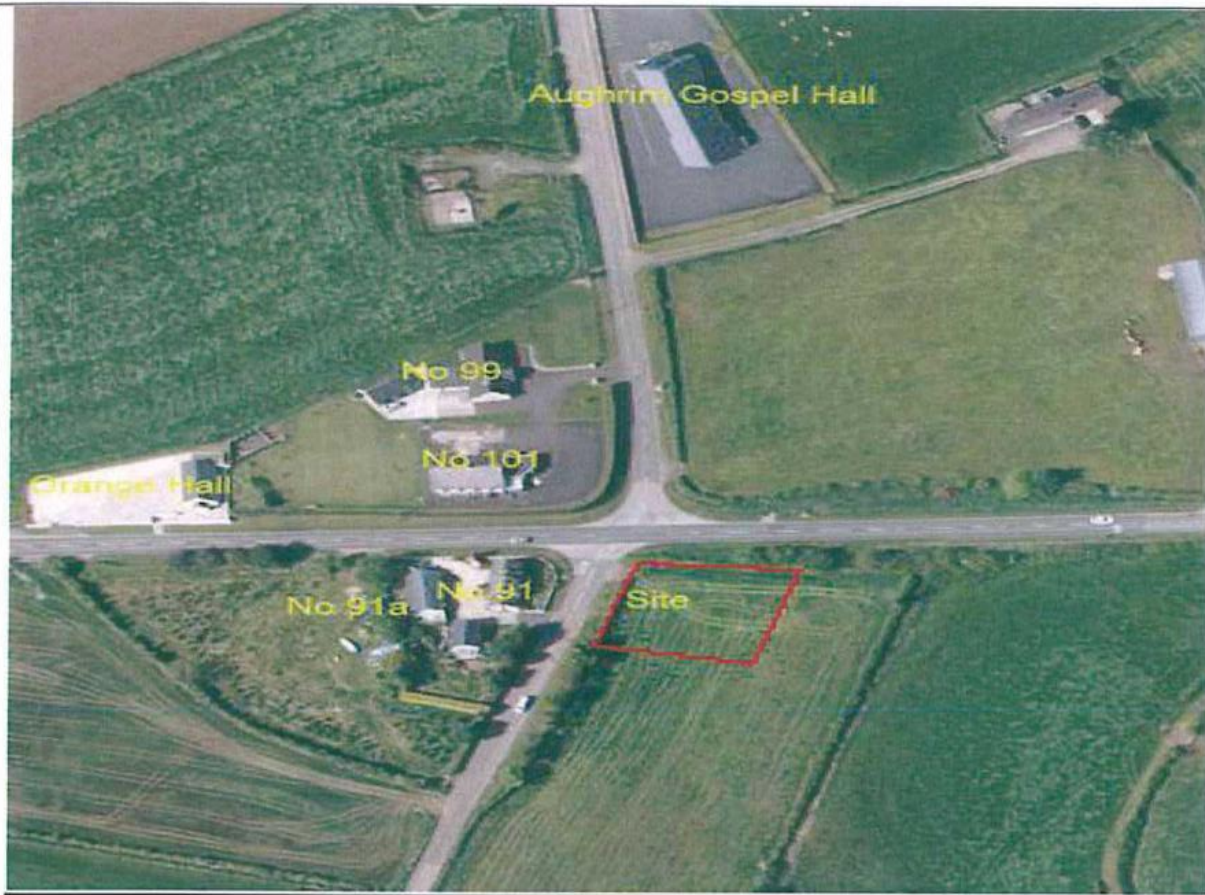


Fig 1 Spatial map

Assessment.

The agent has requested in an email to the case officer dated 24/02/2020 that he feels strongly the site is within the spirit of the policy of CTY2a and request that Council Planning Committee considers the site as an exception to policy, in that the site exhibits 5 out of the 6 criteria. The agent's comments have been taken into consideration along with other material considerations.

PPS 21, Policy CTY 1, establishes that planning permission will be granted for a dwelling house based on CTY2a development within a cluster is acceptable, subject to meeting the following policy criteria:-

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

I am satisfied that the proposed development is in compliance with criteria 1, 2, 3, 5 and criteria 6.

I have carried out an inspection of overhead historical orthographic imagery, along with street view imagery confirms the site is located within an associated cluster of development with the exception of criteria 4.

With regard to the fourth criterion I am satisfied that the application site could provide a suitable degree of enclosure for the development subject to ridge height not exceeding 6.5m above finish floor level. That said, the site is not bounded on two sides with other development criteria 4 states at least two sides bounded by existing development is the minimum acceptable degree of physical relationship between the site and adjacent existing development in the cluster. Whilst I accept that the site has two boundaries that abut the Aughrim and Ballynagarve Roads however roads and laneways do not in my opinion constitute development as set down in the 2011 Planning Act.

CTY 13

Considering the requirements of CTY 13 - Integration and Design of Buildings in the Countryside planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:


- a) It is a prominent feature in the landscape; - the proposal site is not in a prominent location.
- b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; - the site has mature and established boundaries to all sides.
- c) It relies primarily on the use of new landscaping for integration - the site has mature and established boundaries on two sides
- d) Ancillary works do not integrate with their surroundings - as this is an outline application no ancillary works have been indicated, access would be directly off Ballynagarve Road should an approval be granted.
- e) The design of the building is inappropriate for the site and its locality - as this is an outline application no design has been proposed at this stage.
- f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop - the site is flat and surrounded by mature vegetation thus could comply with this criteria.
- g) In the case of a proposed dwelling based on CTY2a development in cluster will rely on additional landscaping measures for integration.

Thus having considered the points above the proposal adheres to the criteria of CTY 13.

CTY 14

In terms of Policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environment is suitable for absorbing a dwelling subject to a ridge height not exceeding 6.5m above finish floor level. Thus having considered the points above the proposal adheres to the criteria of CTY 14.

Having considered all of the information presented it is my professional opinion that the proposal does not adhere to the requirements of CTY 1 and CTY 2a of PPS21 and as such a refusal should be issued.

Neighbour Notification Checked	Yes
Summary of Recommendation: On the basis of the above assessment I recommend that this application be refused by the Planning Committee as it fails to comply with criteria 4 contained within CTY 2a of PPS 21.	
Reasons for Refusal: 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.	
Signature(s)  Date: 7.3.2020	

ANNEX	
Date Valid	8th November 2019
Date First Advertised	26th November 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 101 Aughrim Road Magherafelt Londonderry The Owner/Occupier, 91 Aughrim Road Magherafelt Londonderry The Owner/Occupier, 91a Aughrim Road Magherafelt The Owner/Occupier, 97 Aughrim Road Magherafelt Londonderry The Owner/Occupier, 98 Aughrim Road, Magherafelt, Londonderry, BT45 6JZ	
Date of Last Neighbour Notification	15th November 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/1484/O Proposal: Proposed site for dwelling Address: 50m East of 91 Aughrim Road, Magherafelt, Decision: Decision Date:	
Summary of Consultee Responses DFI Roads – no objections subject to standard condition NIW no concerns raised	

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: N/A Response of Department:

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 1 December 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* (7.31 pm), Robinson*	
Officers in Attendance	Dr Boomer, Planning Manager Ms Doyle, Senior Planning Officer** Ms Donnelly, Solicitor Mr Marrion, Senior Planning Officer** Ms McAllister, Senior Planning Officer** Ms McCullagh, Senior Planning Officer** Ms McKearney, Senior Planning Officer** Ms McNally, Council Solicitor Miss Thompson, Democratic Services Officer	
Others in Attendance	Applicant Speakers	
	LA09/2019/0232/F	Mr Gourley
	LA09/2020/0677/F	Mr Lagan
		Councillor B McGuigan
	LA09/2020/1020/O	Mrs Donnelly
	LA09/2019/1373/O	Mr Finlay
		Councillor B McGuigan
	LA09/2020/0194/O	Mr Quinn
	LA09/2020/0499/O	Mr Cassidy

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

The meeting commenced at 7.02 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.

P111/20 Apologies

None.

P112/20 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

P113/20 Chair's Business

The Planning Manager presented previously circulated report which was circulated as part of the addendum and advised of the Department's agreement of the Council's Revised Timetable (August 2020) for the production of the new Local Development Plan (LDP) for Mid Ulster District Council Area.

Proposed by Councillor Clarke
Seconded by Councillor Bell and

Resolved That a copy of the revised timetable (August 2020) be made available for inspection in the three principal offices, that it is published on the Council website and that notice is given by local advertisement that the timetable is available for inspection along with the details as specified by Regulation 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

The Planning Manager referred to the number of planning applications received during the Autumn and stated that this number was consistent with what has been received in other years. The Planning Manager stated that Mid Ulster appears to be resilient in the construction and business sectors and that this hopefully bodes well for the future given the nature of industries situated within Mid Ulster. The Planning Manager stated that whilst the national climate is not healthy he felt that provided the government ensures there is commitment to provide mortgages with 5% deposit that the construction industry will remain healthy.

The Chair, Councillor S McPeake stated it was heartening to hear that a high level of applications were continuing to be received despite uncertainty and hoped that this would carry on being the case.

The Chair, Councillor S McPeake welcomed Kathryn Donnelly who would observe the meeting tonight and will be joining the legal team to cover the Council Solicitor's maternity leave.

Matters for Decision

P114/20 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

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

Members considered previously circulated report on planning application LA09/2017/1579/O which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/1579/O be approved subject to conditions as per the officer's report.

LA09/2018/0954/F Housing development of 24 dwellings and associated site works at land adjacent to 11 Bawnmore, Mullaghboy Road, Bellaghy for Marald Prime Developments

Members considered previously circulated report on planning application LA09/2018/0954/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/0954/F be approved subject to conditions as per the officer's report.

LA09/2018/1694/F Repower existing wind turbine (permitted under H/2009/0501/F) to increase turbine blade lengths to 27m and increase hub height to 60m at approx 750m NW of Drumard Road/Cullion Road junction, Straw Mountain, Draperstown for PJT Power

Members considered previously circulated report on planning application LA09/2018/1694/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/1694/F be approved subject to conditions as per the officer's report.

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

Members considered previously circulated report on planning application LA09/2019/0135/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2019/0135/F be approved subject to conditions as per the officer's report.

The Planning Manager referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda item 4.8 – LA09/2019/1375/O – Dwelling and garage on a farm at 60m SW of 35 Ardagh Road, Coagh for Francis Donnelly.

Agenda item 4.11 – LA09/2020/0399/O – Dwelling and domestic garage at 60m NW of 58 Annaghquinn Road, Rock, Dungannon for Patrick McGuire.

Agenda item 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.

Agenda item 4.16 – LA09/2020/0877/O – Site for dwelling at lands approx. 25m E of 22 Blackrock Road, Dunnamore, Cookstown for Mr M Mallon.

Agenda item 4.18 – LA09/2020/0935/O – Site for dwelling at approx. 60m SW of 90 Ballinderry Bridge Road, Coagh for Mr Pat McGuckin.

Agenda item 4.21 – LA09/2020/1027/F – Infill site for 2 dwellings and garages between 11B and 11E Hillside Road, Upperlands for Mr Danny McMaster.

Proposed by Councillor D McPeake
Seconded by Councillor Brown and

Resolved That the planning applications listed above for deferral be deferred for an office meeting.

LA09/2019/0232/F 8 Semi detached dwellings at lands to the rear of 65-69 Oldtown Street, Cookstown for Mr Malcolm Thom

Ms McCullagh (SPO) presented a report on planning application LA09/2019/0232/F advising that it was recommended for approval.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Gourley to address the committee.

Mr Gourley advised that he was speaking on behalf of objectors (Greer family) and pointed out that there were some things on the report which were slightly out of date. Mr Gourley advised that works have been carried out to the frontage onto the street where buildings were there beforehand and that access has been altered. In terms of frontage which provides access to the archway Mr Gourley stated he had been

made aware of some issues of non compliance in relation to gradients of access and also the TAS approval in relation to the archway. Mr Gourley stated that the objectors are keen to point out that the access does not seem to be in compliance. Mr Gourley stated that the primary objection relates to the Right of Way which has not been resolved despite the objectors attempts to discuss the matter with the applicant. Mr Gourley stated that the Right of Way is accepted by both parties and that the developer has not formalised the relocation of the Right of Way which causes issues in relation to legal title.

Mr Gourley stated there were also issues in relation to visibility splays and although it was stated that no works are required in relation to these it was advised that there is a 1.2m high fence that is obstructing visibility to the south of the access which will require consent to remove before any works can take place with possible legal impediment in terms of this. Mr Gourley stated that a resident of 63 Oldtown Street is currently seeking consent through NIHE for a disabled access ramp and some car parking which will have implications for the visibility splays as well. Mr Gourley stated that discussions between both parties have not come to any fruition and that the objectors feel their objections are falling on deaf ears which they feel are fundamental in terms of providing safe access. Mr Goulrey stated that objectors feel the application should be deferred in order to get some resolution to the issues raised in order to try to avoid problems later on.

The Planning Manager asked if the dispute in relation to the Right of Way was between the two parties.

Mr Gourley stated that there is a Right of Way running through the middle of the row of houses, this Right of Way was to be relocated by legal agreement onto the proposed access road and this has not been done. Mr Gourley stated that the bigger issue was with the visibility splays, the fence in situ and the proposed works to the front of the property. Mr Gourley stated that the developer had indicated in the past that there is no works required in relation to visibility splays however Mr Gourley stated that there are works required and consent will be required in relation to this.

The Planning Manager asked if Roads Service had commented on the plans.

Ms McCullagh advised that Roads Service had commented that the part of the land affected by the access was not in Roads Service control.

Mr Gourley stated that the fence was in private ownership of 63 Oldtown Street and that there are plans for a disabled access ramp and parking.

The Planning Manager stated that if there are issues with land this is for the landowners to resolve not the Planning Committee.

Ms McCullagh advised that Roads Service have provided conditions in relation to the application and were content with movement.

The Planning Manager stated that in relation to the fence there appeared to be different parties claiming ownership but that again this is a civil matter and would not be a rational reason for refusing the application.

The Council Solicitor stated that private law issues, such as rights of way/access, between landowners are not a material consideration for the Committee and that the issues in relation to visibility splays could be conditioned by way of a pre commencement negative condition.

Councillor McKinney proposed the recommendation to approve the application as the committee cannot get involved in civil matters.

Councillor Colvin seconded Councillor McKinney's proposal.

Resolved That planning application LA09/2019/0232/F be approved subject to conditions as per the officer's report.

Councillor Quinn joined the meeting at 7.31 pm

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**

Members considered previously circulated report on planning application LA09/2019/0533/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2019/0533/F be approved subject to conditions as per the officer's report.

LA09/2019/1165/F **Retention of house and erection of 3 no. detached dwellings (reduction from 5 no. dwellings - M/2010/0522/F) and change adopted road to private road adjacent and 25m S of 54B Old Eglish Road Dungannon for Patrick Keogh**

Members considered previously circulated report on planning application LA09/2019/1165/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2019/1165/F be approved subject to conditions as per the officer's report.

LA09/2019/1375/O **Dwelling and garage on a farm at 60m SW of 35 Ardagh Road, Coagh for Francis Donnelly**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/0156/F New access to dwelling at 50m S of 30 Loughdoo Road, Pomeroy, for Karl Heron

Members considered previously circulated report on planning application LA09/2020/0156/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0156/F be approved subject to conditions as per the officer's report.

LA09/2020/0307/O Erection of replacement dwelling within the curtilage of existing site at 12 Drumbolg Road, Upperlands, 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 Black
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0307/O be approved subject to conditions as per the officer's report.

LA09/2020/0399/O Dwelling and domestic garage at 60m NW of 58 Annaghquin Road, Rock, Dungannon for Patrick McGuire

Agreed that application be deferred for an office meeting earlier in meeting.

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

Members considered previously circulated report on planning application LA09/2020/0448/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Colvin and

Resolved That planning application LA09/2020/0448/F be approved subject to conditions as per the officer's report.

Ms McCullagh (SPO) presented a report on planning application LA09/2020/0677/F advising that it was recommended for approval.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Lagan to address the committee.

Mr Lagan stated he was occupier of 9b Ballyhagan Road which is adjacent to the application site. Mr Lagan stated he also had full planning permission for a replacement dwelling which would also be adjacent to the proposed dwelling. Mr Lagan expressed his concerns in relation to overlooking from the proposal to his permission for replacement dwelling and that this had not been an issue with the original planning approval but that the changes to the siting of the proposal now meant that the two dwellings would be facing each other and that these changes could have a negative impact on the occupiers of both properties.

Mr Lagan also referred to recent correspondence from Rivers Agency following recent flooding in the area which indicated that they felt there would be little benefit in reconstructing the rampart but would continue to be available to provide assistance should future flooding occur. Mr Lagan advised that he had photographs of flooding in the area in 2008 and more recently this year and highlighted that the site is affected by flooding.

Councillor B McGuigan stated that this application is for a change of house type and that the original planning had commenced and was still live. Councillor B McGuigan stated that the application was deferred from the October planning committee due to a neighbour not being notified but that this has now been addressed. Councillor B McGuigan stated that the applicant is keen to start construction as soon as possible and asked for the Committee's approval of the application.

The Planning Manager asked if Rivers Agency had been contacted in relation to flooding.

Ms McCullagh advised that as the development is outside of the flood plain Rivers Agency were not consulted as it was not felt it was required.

The Planning Manager asked what the distance was between the dwellings.

Ms McCullagh stated that the site is 13m back from the edge of the road.

The Planning Manager confirmed with Ms McCullagh that the neighbours house is a two storey house.

Ms McCullagh stated that the neighbour also had a permission for no.11 to be replaced.

The Planning Manager stated that the objection related to overlooking and asked if windows would overlook into key habitable rooms.

Ms McCullagh provided pictures of site plan and design and layout of dwelling.

Councillor Clarke stated that Members have not seen the relationship between the two sites and design of dwelling prior to the meeting and that this information should be provided to the Committee in adequate time.

The Planning Manager stated that the dwelling was now facing the road and that the objection was to the front windows of the proposal which would be facing the other property. The Planning Manager stated that the distance between the two properties would not be unusual in an urban setting but indicated that it would not be difficult for the applicant to orientate the dwelling so that it was not facing the other property and asked if this would satisfy the objector.

Mr Lagan stated he would be satisfied with dwelling being orientated in a different direction.

The Planning Manager stated it would not be unreasonable to ask the developer if they would be prepared to orientate the dwelling to a more north easterly direction (which was the orientation of the original application).

Councillor McKinney stated he understood the orientation issues but that this did not resolve that flooding problems which affect the area. Councillor McKinney stated that he had seen the flooding on that road for himself and if Rivers Agency are not going to repair the rampart then he felt the area will be prone to flooding more quickly in the future.

The Planning Manager stated that there is already an approval for a dwelling on the site and that Rivers Agency did not identify the siting of the dwelling as being in a flood plain. The Planning Manager stated he could not see how the application can be refused unless the Council is prepared to compensate the applicant.

Councillor McKinney asked for a further opinion from Rivers Agency as there are pictures to show flooding in the area.

Councillor Colvin stated that everyone was aware of climate change and how it is impacting the environment and asked how old the data is that Rivers Agency are working with as information can quickly become out of date and he would have some concern with approving the application.

The Planning Manager highlighted that a dwelling had already been approved on the site and that this application was to change the type of dwelling. The Planning Manager stated that if the Committee were proposing that the previous permission be revoked on the basis of flood risk then there would be a compensation issue.

Councillor Colvin stated that his question had not been answered and asked how up to date the information is from Rivers Agency.

The Chair, Councillor S McPeake stated that there already was a permission for a dwelling on the site.

The Planning Manager advised that Rivers Agency regularly review flood plains.

Councillor Bell proposed to approve the application.

Councillor Mallaghan seconded Councillor Bell's proposal.

Councillor McKinney stated he was not in agreement with this as there was photographic evidence of flooding and asked if Rivers Agency would stand over this considering ramparts are not going to be repaired in the area. Councillor McKinney stated that a second opinion should be obtained from Rivers Agency.

Members voted on Councillor Bell's proposal –

For – 6

Against – 6

Abstained – 4

The Chair, Councillor S McPeake used his casting vote and therefore declared Councillor Bell's proposal carried.

Resolved That planning application LA09/2020/0677/F be approved subject to conditions as per the officer's report.

LA09/2020/0824/O **Gap site for dwelling and garage adjacent to 7a Killycurragh Road, Orritor, Cookstown, for Wesley Carson**

Councillor Glasgow declared an interest in the application and withdrew to the public gallery.

Councillor Cuthbertson also declared an interest in this application.

Members considered previously circulated report on planning application LA09/2020/0824/O which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0824/O be approved subject to conditions as per the officer's report.

Councillor Glasgow rejoined the meeting.

LA09/2020/0862/F **Replacement dwelling and garage at site 400m E of Fairview, 221 Hillhead Road, Castledawson, for Jason Thompson and Julie Espie**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/0877/O **Site for dwelling at lands approx. 25m E of 22 Blackrock Road, Dunnamore, Cookstown for Mr M Mallon**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/0920/RM **Dwelling and garage at land approx. 100m N of 17 Carricklongfield Road, Aughnacloy, for Mr John Burton**

Members considered previously circulated report on planning application LA09/2020/0920/RM which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0920/RM be approved subject to conditions as per the officer's report.

LA09/2020/0935/O **Site for dwelling at approx. 60m SW of 90 Ballinderry Bridge Road, Coagh for Mr Pat McGuckin**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/0954/F **Renewal of planning permission for housing development approved under LA09/2015/1242/F at site adjacent to and rear of 260 Coalisland Road, Dungannon for Mr and Mrs E Watterson**

Members considered previously circulated report on planning application LA09/2020/0954/F which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2020/0954/F be approved subject to conditions as per the officer's report.

LA09/2020/1020/O **Two infill dwellings and associated garages at lands N of 53 Tullaghmore Road, Coalisland, for Mr Gerard O'Neill**

Mr Marrion (SPO) presented a report on planning application LA09/2020/1020/O advising that it was recommended for approval.

The Chair advised the committee that a request to speak on the application had been received and invited Mrs Donnelly to address the committee.

Mrs Donnelly stated that the new development will affect the privacy of householders as there will be overlooking, the new development will also affect the objectors enjoyment of the countryside and rural character. Mrs Donnelly stated that there is an existing cluster and the filling in of the site it was felt constitutes ribbon development. Mrs Donnelly stated that the road on which the development is to be sited is very narrow and is currently used by agricultural vehicles, vehicles of occupiers on the road and those vehicles using a nearby daycare nursery. Mrs Donnelly stated that it was felt the road will not support further traffic as there are already road safety issues.

Mrs Donnelly stated that it is felt there are pollution implications with the application and that at the moment there are problems with pollution from a farm at the top of the hill. Mrs Donnelly felt that there would be further pollution caused by run off from septic tanks from the proposed development and highlighted that run off drains into Roughan Lough. Mrs Donnelly asked Members to be mindful not to cause any further pollution to the Lough and the nearby countryside.

Councillor Colvin stated that the road did appear to be narrow and that the objectors point was pertinent and asked for a response in relation to this.

Mr Marrion advised that this is a public road and that Roads Service had been consulted on the application and raised no concerns with the application.

The Planning Manager stated that as Roads Service have been consulted and raised no objection there is no reason why two dwellings would make the road unsafe.

Councillor Bell stated that having listened to the debate tonight he would propose the officer recommendation to approve the application.

Councillor Gildernew seconded Councillor Bell's proposal.

Councillor Cuthbertson asked what the gradient of the hill is as the objector had raised concern in relation to overlooking.

The Planning Manager stated that there was an objection in relation to privacy but that he was conscious that this is an outline application and that a better judgement could be taken when full designs and levels have been received.

Resolved That planning application LA09/2020/1020/O be approved subject to conditions as per the officer's report.

LA09/2020/1027/F **Infill site for 2 dwellings and garages between 11B and 11E Hillside Road, Upperlands for Mr Danny McMaster**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/1049/O

Dwelling and garage at lands to rear of 195 Coalisland Road Dungannon for Patrick Mallon

Members considered previously circulated report on planning application LA09/2020/1049/O which had a recommendation for refusal.

Councillor Gildernew stated that having read the officer report Roads Service have an issue with the application. Councillor Gildernew proposed a deferral of the application to further discuss road safety issues with Roads Service.

Councillor Bell seconded Councillor Gildernew's proposal.

The Planning Manager asked if roads is the only issue relating to the application.

Mr Marrion advised that there was a further issue regarding no reason for the development in the countryside. Mr Marrion stated that Roads Service have raised an issue in relation to sightlines which may be able to be addressed but has not been discussed in detail.

The Planning Manager stated that the substantive issue is in relation to justification which has not been given. The Planning Manager stated he was content to defer for an office meeting to explore whether there is justification for the development, if there is no justification then the Planning Manager felt it was pointless getting involved with resolving the sightline issue.

Resolved That planning application LA09/2020/1049/O be deferred for an office meeting.

LA09/2020/1071/O

Dwelling and domestic garage at land between 171 and 175 Pomeroy Road, Donaghmore for Sean McAleer

Members considered previously circulated report on planning application LA09/2020/1071/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2020/1071/O be approved subject to conditions as per the officer's report.

LA09/2020/1086/O

Infill dwelling and garden area at approx. 25m SW of 35 Cabragh Road, Dungannon for Mr and Mrs Noel Staunton

Mr Marrion (SPO) presented a report on planning application LA09/2020/1086/O advising that it was recommended for refusal.

Proposed by Councillor Colvin
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2020/1086/O be refused on grounds stated in the officer's report.

LA09/2017/0810/F Dwelling at Coltrim Lane, Moneymore (approx. 220m from junction with Cookstown Road) for Mr M Hamilton

Ms Doyle (SPO) presented a report on planning application LA09/2017/0810/F advising that it was recommended for refusal.

Councillor Black stated that the applicant had recently changed their agent and in addition the person within the family who had been looking after the application has also been unwell recently and for those reasons he felt it would be advantageous to defer the application for a month. Councillor Black proposed that the application be deferred for one month to allow for outstanding issues to be resolved.

The Planning Manager urged the Committee not to defer the application any further. The Planning Manager advised that the application has been considered and there is a legal opinion which states there is no planning permission on the site and that this opinion has not been challenged. On that basis, the Planning Manager stated there is nothing further to consider.

The Chair, Councillor S McPeake stated that it is a complex situation.

The Planning Manager stated he did not think the situation was complex as it has been legally resolved. The Planning Manager stated that the position is that there is no planning permission on the site and that this has not been challenged. The Planning Manager stated that the applicant has the right to a planning appeal.

Councillor Black stated he took on board the Planning Manager's comments but that the application had been ongoing for three years and he did not feel a deferral for one month would make any significant difference given a new agent has come on board.

Councillor Brown seconded Councillor Black's proposal to defer the application for one month.

The Planning Manager stated that he found it perturbing that the applicant goes to another agent and another story is then put forward. The Planning Manager stated he was not prepared to meet again as he had already met and had heard the case. The Planning Manager stated that Members have all the information to make a decision.

Councillor Brown asked why the application had taken so long to come back to Committee.

The Planning Manager stated that the application was brought back to Committee and that it was further deferred. The Planning Manager stated that the applicant and agents have been afforded every opportunity and that a legal determination has been made. The Planning Manager stated that no case as to why a dwelling should

be approved has been made other than the claim a permission was once granted, Members were advised that a permission was once granted but it did not commence in accordance with the permission and therefore a certificate of lawful development was not issued.

Councillor Brown asked how many other applications were in the planning process that could have been resolved and were being held on the chance they could be changed.

The Chair, Councillor S McPeake stated he had used the word complex previously in so far as the application has been in the process for three years. The Chair referred to the change of agent and felt that the application should be deferred for one month and asked if it was correct that the agent wanted the application to be deferred.

Mr Cassidy stated he had requested a deferral as he had only recently come on board as agent for the application.

The Planning Manager stated that what was happening tonight was not the right image to give the public. The Planning Manager asked what the basis for the deferral was and what Members were to be asked to consider by permitting a deferral.

The Chair, Councillor S McPeake stated that the agent has new information which he wants time to collate and bring forward.

The Planning Manager stated the agent must have a basis for their request for deferral and asked that a reason for deferral be provided.

Mr Cassidy stated that there is a farm case for the application, that there is evidence that the previous permission was started within the time and that he had not been able to speak to the coach operators due to COVID19.

The Planning Manager stated that the issues in relation to the coach operator and whether a lawful start has been made have been considered and resolved. The Planning Manager stated that it was reasonable for the Committee to consider a farm case which has not been put forward before but it should not keep considering what has already been considered.

Councillor Gildernew asked if the deferral was to consider if there is a farming case.

The Planning Manager stated it was reasonable to defer the application to consider a farming case as the other two issues have been dealt with and resolved, if the applicant does not agree then they are free to make a planning appeal.

Resolved That planning application LA09/2017/0810/F be deferred for one month to allow for further information to be submitted regarding a farm case.

Councillor S McPeake declared an interest in the following application, vacated the Chair and withdrew from the meeting for the following application.

Councillor Glasgow took the Chair.

LA09/2019/1373/O

Dwelling and Garage 55m E of 32a Mulnavoo Road, Moneyneany Road, Draperstown for Michael Bradley Esq

Ms McCullagh (SPO) presented a report on planning application LA09/2019/1373/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Finlay to address the committee.

Mr Finlay stated that the planning reasons for refusal of the application is that the application is contrary to policies CTY1, CTY8 and CTY14.

Mr Finlay stated that the foundation of the application lies within CTY8 – Infill and that the policy 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 to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage providing this respects existing development pattern along the frontage in terms of size, scale, siting and plot size. For the purposes of this policy, a substantial built up frontage will be a line of three buildings along a road frontage. Mr Finlay stated that maps show existing dwellings, frontages and the gap site.

Mr Finlay stated that CTY14 deals with rural character and prominence and that in this case, using the existing established building line as a reference then he felt the proposal could be situated to the rear of the existing ridge line which runs across the field parallel to the Mulnavoo Road and would make any dwelling on this site less prominent than that of no.32a.

CTY1 deals with justification and Mr Finlay stated that the applicant's father owns a small holding and that the applicant is the only one at home to help with repairs and maintenance.

Mr Finlay concluded that under policy CTY1 there was a need for the applicant to provide help with repairs and maintenance in relation to their father's small holding. Under policy CTY8 an easily integrated infill site is evident on the maps attached to the application and CTY14 a dwelling could be cradled on the site between the adjacent dwellings and the existing lie of the land. On this basis Mr Finlay stated that he felt the recommendation to refuse the application should be overturned.

Councillor B McGuigan stated that the applicant is the only son left at home to help his father on the farm and that he hopes to be able to build beside the family home. The Councillor stated that the issue related to whether no.32a has a frontage onto the Mulnavoo Road but that he did not believe a dwelling at the proposed site would impact rural character. Councillor B McGuigan asked Members to consider the location of the red line drawing to the Mulnavoo Road, the frontage of no.32a and its laneway onto the Mulnavoo Road.

The Planning Manager stated that the application as it stands does not meet policy but that Members can consider other material considerations. The Planning Manager referred to the previous comments that the dwelling is for a son and asked what the surrounding land is used for.

Mr Finlay stated that the applicant's father is a small holder and the surrounding land is used for a farm.

The Planning Manager asked why a farm case had not been made.

Mr Finlay stated that the land is not a registered farm.

The Planning Manager asked the size of the land and if it is used for farming.

Mr Finlay stated that the land covers about 10 acres and is used for farming.

The Planning Manager asked if the farm is used as a farm business.

Mr Finlay stated that it was not a registered farm business and there was no farm business id.

The Planning Manager asked if animals were kept.

Mr Finlay stated that the farm is currently let out.

The Planning Manager asked if the landowner keeps the land in good condition for agricultural purposes and if he takes money for letting the land out.

Mr Finlay stated that the land is well maintained and that he had not asked if the landowner takes money for letting out the land but he would assume he does.

The Planning Manager stated that he felt an assumption had been made in that because there is no farm business id a case for a farm dwelling has been ruled out. The Planning Manager stated that he felt there may be a farm case and that the applicant and agent should consider and explore this.

Councillor Bell stated that having looked at the maps and listened to the debate he felt that another house at the proposed location would be in keeping with rural character. Councillor Bell referred to a previous application on the Grange Road, Dungannon in which a house was passed which was to be sited amongst a number of other houses on the road and felt it was a similar case and was approved.

The Planning Manager stated that he had suggested that the application could be deferred to consider an agricultural case.

Councillor McKinney stated that the last time this application was brought before Committee he had proposed that it be approved and that he felt nothing had changed in the interim and was content to still propose the approval of the application.

The Chair, Councillor Glasgow stated there was the scope to defer the application.

The Planning Manager stated that this was not an infill application however he felt that the applicant has not appreciated that a farm case could be made and suggested that the applicant/agent work with the planning officer in putting forward a farm case.

Councillor Gildernew stated that as the applicant has thought they could not put forward a farm case it was only fair that the application be deferred to explore this option. Councillor Gildernew proposed that the application be deferred to consider a farm case.

Councillor Black stated he agreed with Councillor Gildernew's comments and would second his proposal to defer the application.

Resolved That planning application LA09/2019/1373/O be deferred for the applicant/agent to work with the planning officer to explore the option of a farm case.

Councillor S McPeake rejoined the meeting and took the Chair.

LA09/2019/1387/O Infill site for dwelling and domestic garage at site approx. 10m S of 11 Reenaderry Road, Coalisland for Mr Sean Robinson

Members considered previously circulated report on planning application LA09/2019/1387/O which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2019/1387/O be approved subject to conditions as per the officer's report.

LA09/2020/0194/O Dwelling and Domestic Garage 100m SW of 4 Moboy Road, Pomeroy for Dean McNally

Ms McCullagh (SPO) presented a report on planning application LA09/2020/0194/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Quinn to address the committee.

Mr Quinn stated that although a more suitable site has been identified this is not an option available to the applicant. Mr Quinn referred to policy CTY10 which states that planning permission will be granted for a dwelling house on a farm where all of the criteria can be met and that there appeared to be some flexibility within this where one or more of the criteria cannot be met. In this case, the site does not cluster or visually link with the farm building group however it does occupy a site that was once a dwelling with a cluster of out house farm buildings which are visible and

date back to 1832. Mr Quinn stated that the remains of these buildings are still present with some walls being 6-8ft high. Mr Quinn stated that the rationale for visually linking a dwelling beside a farm cluster is to minimise impact on character and landscape. Mr Quinn stated that siting the dwelling in field no.1 would result in the dwelling being more exposed and highly visible from the Cavanoneill Road with additional hedgerow requiring to be planted and boundaries defined. Mr Quinn stated that the application site was picked as it is capable of integrating a dwelling into the landscape in accordance with policy CTY13 and will not undermine rural character. Mr Quinn stated that the site occupies a location that was once a dwelling with a defined curtilage and that it utilises existing vegetation.

Mr Quinn stated that part c of policy CTY10 states that where practical access to the dwelling should be obtained from an existing lane and in this case there is an existing tree lined lane which will be maintained to screen the development from any vantage points along Moboy Road. Given the flexibility within the wording of policy CTY10 Mr Quinn considered that the application site is suitable and that planning permission could be granted under policy CTY10.

Councillor Mallaghan stated that a farm case has been established for this application however he felt that the application could have been approached in a different way and could have fitted the case of a replacement dwelling. Councillor Mallaghan stated that in relation to this application two policies are being blended together – a farm case has been established and there is the potential of replacing an existing dwelling although it does not meet the criteria as it sits at the minute. Councillor Mallaghan stated that the site is well integrated, there are no objections and he did not feel there would be any harmful effect on the countryside. Under those circumstances Councillor Mallaghan stated he would propose that the application be approved.

The Planning Manager asked if officers have accepted that there is a farm case.

Ms McCullagh stated that a farm case has been accepted the only issue relates to visual linkage and clustering.

The Planning Manager stated given there is a farm case it is reasonable for the Committee to say there was once a dwelling there.

The Chair, Councillor S McPeake stated that it is clear there was a building there whether this was once a dwelling is unclear but it was a building within a farm.

The Planning Manager stated that the definition of a building within the Act is any structure. The Planning Manager stated he did not think it was unreasonable to state that the proposal will be sited at the location of an old farm building.

Councillor McKinney seconded Councillor Mallaghan's proposal.

Ms McCullagh asked what conditions should be attached to the approval.

The Council Solicitor suggested that the conditions be delegated to the Planning Manager.

Resolved That planning application LA09/2020/0194/O be approved and that conditions of approval be delegated to the Planning Manager.

LA09/2020/0484/O **Off-site replacement dwelling and garage at approx. 60m NE of 18 Ballynakilly Road Cookstown for Mr Seamus Nugent**

Members considered previously circulated report on planning application LA09/2020/0484/O which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0484/O be approved subject to conditions as per the officer's report.

LA09/2020/0499/O **Site for a Dwelling and Domestic Garage at approx. 51m SE of No. 86 Iniscarn Road, Keenaght, Desertmartin for Emmet O'Hagan**

Ms McCullagh (SPO) presented a report on planning application LA09/2020/0499/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy stated he believed the site meets with policy on two levels – cluster and infill. Mr Cassidy stated that infill is defined as a line of three or more buildings with a gap and that to the north of the site at no.86 there are three buildings all with frontage to the road, to the south of the site is no.82 which has a dwelling and detached garage and frontage to the road. Mr Cassidy stated that the applied site sits between these five buildings and that officers have accepted that a carefully designed dwelling would not significantly alter the character of the area.

Mr Cassidy stated he believed the site in general also meets the criteria of cluster and policy states that a cluster should lie outside a farm and consist of four or more buildings of which three are dwellings. In this case Mr Cassidy advised that the cluster is outside the farm, consists of six buildings however only two of these are dwellings. The site is bounded on two sides, is associated with a focal point, provides a suitable degree of enclosure and can be absorbed into the existing cluster. Mr Cassidy stated that in essence the application is being refused because there are only two dwellings and not three however he stated that in the past Council and PAC have taken a view that if an application meets the thrust of the policy it can be approved as an exception. In this case, Mr Cassidy stated he believed that the application was meeting the thrust of the policy.

Mr Cassidy advised that the site is located adjacent to a historic church and that historical buildings have been consulted. It was advised that HED have stated that on the basis of the information provided they are content and have requested further

detail on the design of the dwelling and its siting, Mr Cassidy advised this information will be supplied if an approval is granted, that this can be conditioned and the applicant is happy to accept this. Mr Cassidy stated there are no objections to the proposal and all consultees are content. Mr Cassidy asked that Members reconsider the application as being in the spirit of policy.

The Planning Manager stated that along a road frontage more than three buildings are required and that this appears to be met in this case. The Planning Manager stated that whilst the application does not read as an automatic infill he did not think it was a stretch to say there was an infill opportunity at that location. The Planning Manager stated that the Church is a dominant feature which gives a focal point and although there are only two dwellings he felt that all things considered the arguments were not unreasonable.

Councillor McFlynn stated that she felt this was a good site and a dwelling at this location would cluster well with the other dwellings and the Church. Councillor McFlynn proposed that the application be approved

Referring to the case officer's report, the Council Solicitor asked if HED needed to be consulted for a substantive response as this had not been requested previously as the application was being recommended for refusal and also asked whether the response from HED was required prior to approval by the Committee rather than conditioning it.

The Planning Manager stated that this is an outline application and HED have asked for the details of the design and siting of the proposal which are a design matter. The Planning Manager stated he did not think the application could be refused on this basis and that details of design can be requested at Reserved Matters.

Councillor Clarke stated that he felt it was appropriate to approve the application and seconded Councillor McFlynn's proposal.

The Council Solicitor stated that as this application had been recommended for refusal the Committee may wish to delegate the details of the conditions of an approval to the Planning Manager.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/0499/O be approved and that conditions of approval be delegated to the Planning Manager.

LA09/2020/0564/O Storey and a half dwelling and garage at lands between 121 and 127 Thornhill Road, Pomeroy for Cathal Hayden

Members considered previously circulated report on planning application LA09/2020/0564/O which had a recommendation for refusal.

Councillor Mallaghan stated that he had been contacted by MP Francie Molloy today who had been in contact with the applicant to make them aware that their application was up for refusal. Councillor Mallaghan stated that this application had previously been deferred for an office meeting and the agent had previously requested speaking rights and had not used them. Councillor Mallaghan stated that the agent had missed the opportunity to request speaking rights for tonight's meeting.

Councillor Mallaghan stated that it was his understanding that discussion at the office meeting centred around presenting a farm case. Councillor Mallaghan requested that given the circumstances a deferral of one month be permitted for the agent to be able to use their speaking rights at the next planning Committee to present a farm case.

Councillor McKinney proposed that the application be deferred for one month.

The Planning Manager referred to the office meeting and Ms McCullagh stated that this meeting took place in August and that the agent was to check a farm case option but that this has not been provided in the interim.

The Planning Manager stated that given there may be a matter to be considered he had no issue with a deferral in this case.

The Council Solicitor referred to speaking rights being granted previously and not being exercised and that in the interests of fairness speaking rights for this application should be in place the next time this application is brought forward.

Councillor Gildernew seconded Councillor McKinney's proposal.

The Planning Manager stated it is up to the agent and applicant to request speaking rights for an application and no prompting is given by officers in that regard. The Planning Manager stated that the application is being deferred in order to allow the applicant/agent to make a farm case.

Resolved That planning application LA09/2020/0564/O be deferred for a farm case to be put forward.

P115/20 Receive response to consultation from DfC on Draft Information Guide – Listed Buildings

The Planning Manager presented previously circulated report which set out Council's proposed response to consultation from Department for Communities, Historic Environment Division regarding their proposed draft guidance for Councils in relation to the listed building process.

Proposed by Councillor Brown
Seconded by Councillor Clarke and

Resolved That it be recommended to Council to agree that the response as set out at appendix to report regarding proposed draft guidance in relation to the listed building process be issued to Department for Communities, Historic Environment Division.

Matters for Information

P116/20 Minutes of Planning Committee held on 3 November 2020

Members noted minutes of Planning Committee held on 3 November 2020.

Live broadcast ended at 9.22 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Brown
Seconded by Councillor McFlynn 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 P117/20 to P124/20.

Matters for Decision

- P117/20 Receive report on the Council's consideration of Fermanagh and Omagh LDP Draft Plan Strategy – Consultation on Proposed Changes
- P118/20 Receive response to SONI's consultation on the Transmission Development Plan for Northern Ireland (2020-29)
- P119/20 Receive Enforcement Report

Matters for Information

- P120/20 Confidential Minutes of Planning Committee held on 3 November 2020
- P121/20 Enforcement Cases Live Case List
- P122/20 Enforcement Cases Opened
- P123/20 Enforcement Cases Closed
- P124/20 Staffing Issues

P125/20 Duration of Meeting

The meeting was called for 7 pm and concluded at 9.43 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.

- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 1st Dec 2020

Additional information has been received on the following items since the agenda was issued.

Chairs Business ;

- **Mid Ulster District Council - Local Development Plan 2030 - Revised LDP Timetable**

ITEM	INFORMATION RECEIVED	ACTION REQUIRED

Report on	Mid Ulster District Council
Date of Meeting	1st December 2020
Reporting Officer	Chris Boomer - Planning Manager
Contact Officer	Roisin McAllister - Senior Planning Officer (Acting)

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	To inform members of the Department's agreement of our Revised Timetable (August 2020) for the production of the new Local Development Plan (LDP) for Mid Ulster District Council Area.
2.0	Background
2.1	Legislation, namely the Planning (NI) Act 2011, requires the council to produce and review such a timetable when preparing and adopting a LDP. Regulation 7 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 requires that the timetable is approved by resolution of the council prior to submission to the Department for its agreement and submitted to the Department. It also requires the Department to respond within four weeks of receipt of the timetable, unless it has, before the expiry of that period, notified the council that it requires more time to consider the timetable.
3.0	Main Report
3.1	The revised timetable (August 2020) was agreed by resolution of the council on 1 st September 2020. We wrote to the Department on 11 th September 2020 who responded on 18 th September 2020 confirming their agreement of our Revised LDP Timetable (August 2020).
3.2	It subsequently transpired that the Timetable submitted to the Department was not that which has been agreed by the Council but an earlier draft. The correct Revised Timetable (agreed by members on 1 st September 2020) was submitted to the Department on 5 th November 2020. The Department responded on 23 rd November confirming their agreement to the Revised Timetable 2020.
3.3	Regulation 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 requires that the where a timetable is agreed under regulation 7, the Council must make a copy of the agreed timetable available for inspection during normal offices hours at its principal offices, such other places within its district as it considers appropriate; and give notice by local advertisement that the timetable is available for inspection, the place and times at which it can be inspected; and publish the timetable on its website.

3.3	Consequently, the next step is to make the revised timetable available for inspection in the three principal offices, publish it on our website and give notice by local advertisement that the timetable is available for inspection along with the details as specified by Regulation 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial:
	Human:
	Risk Management:
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications:
	Rural Needs Implications:
5.0	Recommendation(s)
5.1	Members are requested to note the contents of this report.
6.0	Documents Attached & References
	<ul style="list-style-type: none"> - Appendix A: Letter outlining the Department's agreement to Mid Ulster District Councils Revised LDP Timetable (August 2020) – Dated 23rd November 2020

Strategic Planning Directorate



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Dr Chris Boomer
Planning Manager
Mid Ulster District Council
Planning Department
50 Ballyronan Road
MAGHERAFELT
BT45 6EN
chris.boomer@midulstercouncil.org
roisin.mcallister@midulstercouncil.org

Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Tel: 0300 200 7830

Email: susan.wilkin@infrastructure-ni.gov.uk
fiona.mccartan@infrastructure-ni.gov.uk

Your Reference:
Our Reference:

23 November 2020

Dear Chris

Re: Mid Ulster District Council – Local Development Plan 2030 – Revised LDP Timetable

Thank you for your correspondence received 5 November 2020 enclosing Mid Ulster District Council's revised Local Development Plan timetable for agreement.

In accordance with Section 7(2) of The Planning Act (Northern Ireland) 2011 and regulation 7 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the Department hereby agrees the Council's Local Development Plan timetable.

It is noted that the Council has acknowledged a number of factors that could impact upon the timescale for LDP delivery, particularly the impact of the COVID-19 pandemic upon LDP preparation and the Department would encourage the Council to continue to monitor the wider situation in respect of any impact on the LDP programme as a consequence of the current pandemic.

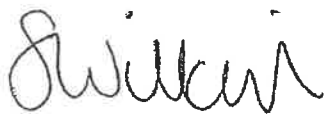
The Council must also be satisfied that any changes made to the timetable are, where necessary, reflected in the Statement of Community Involvement.

You are reminded of the publicity requirements regarding availability of the timetable under regulation 8 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

E-mail: planning@infrastructure-ni.gov.uk
Website: www.planningni.gov.uk

If you have any further queries regarding this matter please do not hesitate to contact myself, Suzanne Bagnall or Claire Patton.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'S Wilkin'.

SUSAN WILKIN
Deputy Director