



03 December 2024

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means at Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 03 December 2024 at 18:00 to transact the business noted below.

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

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

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

Matters for Decision

Development Management Decisions

5. Receive Planning Applications 9 - 400

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2020/1409/F	Retrospective change of use from work shop to veterinary surgeons	REFUSE

		office, with proposed alterations at 57B Station Road, Clogher for Farm Vet Services	
5.2.	LA09/2021/0008/LBC	Retrospective change of use from work shop to veterinary surgeons office, with proposed alterations at 57B Station Road, Clogher for Farm Vet Services	REFUSE
5.3.	LA09/2023/0382/F	Extension to existing yard for the storage of materials associated With existing business at 45 Cravenny Road, Ballygawley for Acrow Formwork	REFUSE
5.4.	LA09/2023/0766/F	Variation of condition 9 LA09/2021/0185/O (demolition of existing dwelling) at SE of 31A Corvanaghan Road, Cookstown for Mr Oliver McKenna	APPROVE
5.5.	LA09/2023/1364/O	Dwelling on a farm at lands 30m NW of 182 Gulladuff Road, Bellaghy for Mr Hugh Graham	REFUSE
5.6.	LA09/2024/0032/F	Dog boarding kennels at 16 Lisbeg Road, Ballygawley, for Mr Paul Adamson	APPROVE
5.7.	LA09/2024/0049/F	Retention of extension of agricultural yard and associated development including; hardstanding yard area with a landscaped bund along northern boundary; and partially open sided building to provide a livestock shelter and associated works (retrospective) at lands at and immediately W of 101 Dungannon Road, Cookstown for Mr Niall Bell	REFUSE
5.8.	LA09/2024/0084/O	Dwelling and domestic garage at site 100m N of 20B Bockets Road, Ballygawley, for Mr Owen Trainor	REFUSE
5.9.	LA09/2024/0211/F	Change of use from domestic garage, general domestic garden and tool store to garage for carrying out general mechanical repairs cars and van. at 15B Annaghnaboe Road , Meenagh, Coalisland for Mr Ryan O'Neill	REFUSE
5.10.	LA09/2024/0393/F	2 glamping pods with 4 parking spaces, new access track and associated planting at 62m and	REFUSE

		75m NE of 33 Dunnabraggy Road, Moneymore for Mrs Ruth Ruddell	
5.11.	LA09/2024/0479/F	Residential development for 22 dwellings (14 semi-detached and 8 maisonettes). Includes landscaping, car parking and all associated site and access works (amendment to LA09/2021/1330/F) at 3 Mullagh Lane, Maghera, for JFM Construction Ltd	APPROVE
5.12.	LA09/2024/0560/F	Change of use from former beauty salon to office accommodation (Class A2 Professional Services) at 18 Church Street, and reconfiguration, refurbishment and alterations to premises at 16 and part of 18 Church Street at 16-18 Church Street, Dungannon for Mr Jonathan Ruddell	APPROVE
5.13.	LA09/2024/0666/O	Dwelling, detached garage and new access laneway onto Gorteade Road at 30m NE of 41 Gorteade Road, Upperlands, Maghera for Cathy Alexander	REFUSE
5.14.	LA09/2024/0698/O	Infill dwelling and garage at land adjacent to and immediately W of 41 Cavan Road, Dungannon for Mr Ian Montgomery	REFUSE
5.15.	LA09/2024/0839/F	Sunroom extension to rear of dwelling at 40 Roxborough Manor, Moy for Mark Gribben	REFUSE
5.16.	LA09/2024/0862/F	Retention of domestic garage/work area and first floor apartment over at 3C Northland Place, Dungannon for Mr Namik Saygi	REFUSE
5.17.	LA09/2024/0894/O	2 dwellings as part of an existing ribbon at lands between 23, 21A and 21 Cloane Road, Draperstown for Mr Sean McKenna	REFUSE
5.18.	LA09/2024/0994/O	Dwelling and Garage (Revised Land Ownership Certificate) at land adjacent to and NW of 52 Kilycolpy Road, Ardboe for Mr Ryan Quinn	REFUSE

5.19.	LA09/2024/1000/F	5m x 22.5m concrete ball wall with 2.4m high paladin fencing above. 3G surface of pitch to be extended into new ball wall area. at Holy Trinity College, 9-29 Chapel Street, Cookstown for St Patrick's Educational Trust	APPROVE
5.20.	LA09/2024/1005/F	Alterations to shared lane and existing access to form new access at land 50m NE of 97 Coash Road, Ballynakilly, Dungannon for Mr and Mrs Simon Nixon	APPROVE
5.21.	LA09/2024/1008/O	2 dwellings and garages at approx 140m SW of 39 Castle Road, Cookstown for Mrs Vicky Boyd	REFUSE
5.22.	LA09/2024/1011/O	Dwelling and garage on a farm at 10m E of 39 Tullycullion Road, Dungannon for Ms Una Corrigan	REFUSE
5.23.	LA09/2024/1012/O	Dwelling and garage adjacent to 105 Drummurrer Lane, Drummurrer, Coalisland, for Mr Ferghal O' Donnell	REFUSE
5.24.	LA09/2024/1084/O	Dwelling on a farm at 250m E of 16 Gortnaglogh Road, Stewartstown for Mr Alan Kee	REFUSE
5.25.	LA09/2024/1104/O	Dwelling & domestic garage (dwelling in existing cluster) immediately N and adj to 13 Tullyglush Road, Ballygawley for Stephen Canavan	REFUSE
5.26.	LA09/2024/1327/A	The festive greeting 'Merry Christmas' displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Burnavon Arts and Cultural Centre in Cookstown at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning. at 7 Burn Road, Cookstown, for Mid Ulster District Council	APPROVE

5.27.	LA09/2024/1329/A	The festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Cornmill Building at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning. at Cornmill Heritage Centre, Lineside, Coalisland, for Mid Ulster District Council	APPROVE
5.28.	LA09/2024/1330/A	The festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Ranfurly House Arts and Visitor centre at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning. at 26 Market Square, Dungannon, for Mid Ulster District Council	APPROVE
5.29.	LA09/2024/1331/A	The festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Bridewell centre at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning. at 6 Church Street, Magherafelt, for Mid Ulster District Council	APPROVE

6. Receive Deferred Applications

401 - 568

	Planning Reference	Proposal	Recommendation
6.1.	LA09/2020/0992/O	Dwelling and domestic garage at site 150m W of 115 Clonavaddy Road, Aghnagar, Cappagh, Dungannon for Plunkett Nugent	REFUSAL
6.2.	LA09/2020/1387/O	Dwelling and domestic garage (revised access) at site 40m E of 26 Washingbay Road, Coalisland for Mr Declan McClure	REFUSE
6.3.	LA09/2020/1533/F	Retention of steel framed building with cladded roof for storage for the public house (amended proposal) at 9-10 The Square, Moy, for Mr Barry McNeice	APPROVE
6.4.	LA09/2022/0230/O	Site for dwelling and garage at lands approx. 30m SE of 99 Mullaghboy Road, Bellaghy for Mr Hugh Glackin	REFUSE
6.5.	LA09/2023/0340/F	Dwelling and garage at lands approx 40m S of 117 Cavanakeeran Road, Pomeroy for Ms Kate McAleer	APPROVE
6.6.	LA09/2023/0659/O	Infill site for dwelling and garage at lands approx. 50m N of 152 Moneymore Road, Magherafelt for Mrs Dorothy Bradley	APPROVE
6.7.	LA09/2023/0752/F	Variation of Condition 2 (sight lines) of LA09/2020/0318/RM domestic bungalow with domestic garage at 63B Anneeter Road, Coagh, for Mr Oliver Conlon	APPROVE
6.8.	LA09/2023/1279/F	Extension to curtilage to provide garden space and domestic storage shed at 96 Mullan Road, Coagh for Mr Terence Maynes	APPROVE
6.9.	LA09/2023/1286/F	Extension and alterations to dwelling at 22 Ballynagowan Road, Stewartstown, for Mr and Mrs Enda and Nuala Devlin	APPROVE
6.10.	LA09/2024/0536/O	Site for a dwelling and domestic garage(Cluster) at 30m N of Sessiagh Lodge, 80 Annaghone Road, Stewartstown, for Mr James Wilkinson	APPROVE

7. Receive Report on Planning Validation Checklists 569 - 578

Matters for Information

8. Minutes of Planning Committee held on 5 November 2024 579 - 602
9. Receive Report on Older Planning Application Numbers 603 - 604

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

Matters for Decision

Matters for Information

10. Confidential Minutes of Planning Committee held on 5 November 2024
11. Enforcement Cases Opened
12. Enforcement Cases Closed
13. Enforcement Live Case List



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.1
Application ID: LA09/2020/1409/F	Target Date: 22 December 2020
Proposal: Retrospective change of use from work shop to veterinary surgeons office, with proposed alterations	Location: 57B Station Road Clogher
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Farm Vet Services 50 Tullybroom Road Clogher BT76 0XS	Agent Name and Address: Quinn Design And Engineering Services 36 Carrogs Road Burren Warrenpoint BT34 3PY
Executive Summary: The agent has failed to provide the requested information from DfI Roads to demonstrate this proposal complies with AMP 2 & AMP 7 in PPS 3. Failure to submit the information requested by HED has resulted in Officers being unable to determine the proposal meets the requirements of Policies BH 7, BH 8 and BH 11 in PPS 6. This has also resulted in the proposal not complying with PED 9 in PPS 4, SPPS and Policy SETT 1 in the Dungannon and South Tyrone Area Plan.	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NI Water - Single Units West	Substantive: YResponseType: FR
	NI Water - Strategic Applications	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Historic Environment Division (HED)	Substantive: TBCResponseType: PR

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site is located at No 57b Station Road, Clogher. It sits within the development limits of the northern portion of Clogher village and is whiteland in the Dungannon and South Tyrone Area Plan (DSTAP). The immediate area includes a mixture of uses, there are some residential properties close by and the popular Clogher Mart which operates a weekly cattle and sheep auction is located on the opposite side of the road 100 metres to the south west.

This site sits to the east of at a higher elevation above Station Road and is occupied by a stone building which is single story with metal sheeting roof. The front elevation which is north west facing has a canopy over the 3 window openings. The central window is small and arched with a red brick surround which contrasts from the natural stone facades. The same type of window is also located on each gable of the building. The rear of the building has 2 large, glazed openings which have grills over them. These are accessed by a double-sided ramp with a large red canopy overhang.

This building and the wider site was constructed as part of the Clogher Valley Railway Station which operated from 1887-1942 and it is of architectural and historical importance, originally being utilised to store railway goods. It is offered protection due to its status as a Grade B2 Listed Building. A small, grassed bank sits between this building and the road which defines the western boundary. The northern boundary of the site is a close board fence and a large wall with a gate connecting the two which allows access to the yard area beyond. A number of small out buildings sit outside of the north eastern boundary. No 47 which is a red brick building also known as the Clogher Railway Station House sits to the south of the site and is a Grade B2 listed building also. The southern boundary is black metal railing which continues to the roadside.

Planning History

Application M/2013/0264/F was granted planning permission for alterations and improvements to the listed railway house at No 47 Station Road, Clogher in July 2013. Listed Building Consent was also granted under application M/2013/0008/LBC. Application LA09/2021/0008/LBC for the change of use from work shop to veterinary surgeon's office includes the building subject of this application and will be determined concurrently.

Description of Proposal

This application seeks retrospective full planning permission for works which entails for the change of use to work shop to veterinary surgeon's office at No 57B Station Road, Clogher.

It proposes a number of elements externally;

- Replace the 3 small arched windows with new hardwood sliding sash windows painted white.
- Replace all remaining larger windows and doors with hardwood windows
- Install ventilation grills in the upper gables of the building walls

- Provide new steps, ramps and hand rails.

Internally the mezzanine floor is to be removed and some reconfiguration to provide for a sales counter.

Access to the inside of the property was not gained at the time of the site inspection to see if any changes have occurred. However, a notice on the door displayed the applicant's opening hours of 9 - 5 Monday to Saturday. This confirms the applicant currently utilises the building for the use this proposal is assessing and the agent was asked to amend the description of the proposal to include this retrospective element.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

The Strategic Planning Policy Statement for Northern Ireland "Planning for Sustainable Development" (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

Paragraph 6.12 of the SPPS states it is important that development proposals impacting upon Listed Buildings such and their settings must be assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses. It also states in Paragraph 6.13 that any development involving a change of use and or works of extension / alterations, may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired.

Policy DES 2 - Townscape in the Planning Strategy for Rural NI (PRSNI) requires development proposals in towns and villages to make a positive contribution to the townscape while being sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. Provided it is done in compliance with advice and guidance from Historic Environment Division (HED), the redevelopment of this old station building would bring back into use and revitalise a redundant building which played an important role in the history of the village.

The agent has stated the applicant provides a veterinary service which treats animals in situ which means there will be no animals coming to or from this application site. The building would be occupied during normal office hours by staff answering calls offering veterinary assistance, scheduling appointments, taking payment and selling a range of veterinary supplies. As this veterinary office is not classified as either a financial or professional service use as within Class A2, it is regarded as Class B1 (Business) use in Part B of the Use Classes Order 2015.

PPS 4 - Planning and Economic Development deals with economic development uses as defined in the Use Classes Order 2015. Policy PED 1 - Economic Development in Settlements allows for development proposals in town centres having regard to the local plan. In villages and smaller rural settlements, B1 business uses will be permitted where it can be demonstrated that the nature and design of the proposal are appropriate to the character of the settlement and it is centrally located. PPS 4 mentions restricting the floor space of such proposals to less than 200 metres squared in settlements where the population is less than 2250.

Para 6.86 in the SPPS when referring to economic development in villages and smaller settlements has replaced this quantifiable requirement with the wording "subject to meeting normal planning criteria", which takes precedence over this part of policy PED 1. Clogher would be regarded as a small settlement where the LDP will not normally zone land for economic development purposes, as this could inhibit flexibility. However, favourable consideration should be given to an economic development proposal where it is of a scale, nature and design appropriate to the character of the particular settlement. Due to the established Mart presence in the village since the 1950s, it is thought this veterinary office use would complement this while also providing a convenient and accessible service for farmers.

PED 9 - General Criteria for Economic Development states any proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

The section of the town where this site is located is slightly removed from the town centre and this is also reflected in the surrounding landuse. Although still within the settlement limits of Clogher the intervening open fields give it a rural appearance with a residential focus to the east of the site. Through discussion at Group it was concluded that this type of business, at this location opposite Clogher Market would make it convenient for both the applicant and potential customers.

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

I do not have any concerns regarding impacts on any residents and there were no

objections received from the neighbour notification or advertising in the local media.

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

This change of use involves mostly internal works and a separate application seeking Listed Building Consent is being processed concurrently under LA09/2021/0008/LBC. However due to the absence of information as explained more in detail below, it has not demonstrated compliance with this criteria.

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

The site is not located within any designated flood plain.

(e) it does not create a noise nuisance;

The office nature of this application is seeking to change to, by its nature should not create any noise nuisance and therefore it was not deemed necessary to consult the Environmental Health section.

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

From the information submitted on the P1 form, this proposal states this will not change from what is currently on the site. NI Water were consulted and stated that although Clogher WWTW is operating above capacity, as it is for a change of use it is acceptable as a like for like development.

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

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

This is discussed in more detail below under the assessment for PPS 3.

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

This site is along the main road network and town centre making it accessible for car users.

As the building subject of this application at No 57B Station Road, Clogher is a Grade B2 Listed Building, parts j-m of PED 9 are not really applicable due to the protection the curtilage surrounding this building is afforded by the status.

Due to the Listed Building status of the building subject of this application, a separate consent is required to undertake work to this protected buildings. This proposal has also been assessed in the application LA09/2021/0008/LBC for Listed Building Consent. Historic Environment Division - HED were consulted to assess if this development is in compliance with PPS 6 - Planning, Archaeology and the Built Heritage. Policy BH 7 - Change of Use of a Listed Building in PPS 6 states permission will normally be granted where it secures its upkeep and survival, and the character and architectural/historic interest of the building would be preserved or enhanced. Proposals should incorporate details of all intended alterations to the building and its curtilage, to demonstrate their effect on its appearance, character and setting.

Extensions or Alterations to a Listed Building are to be assessed under BH 8 where it is demonstrated;

- (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.

Policy BH 11 - Development affecting the Setting of a Listed Building says that development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

HED requested the submission of a Design and Access Statement which is a statutory requirement for any Listed Building Consent application and the agent submitted this. The Archaeology and Built Heritage section of HED having examined the information submitted were unable to give a final response on this proposal and additional information was requested as below;

- Survey of existing building including a detailed photographic survey showing all existing internal features.

- Drawings should clearly detail all

- i) Historic fabric to be retained

- ii) Historic fabric to be removed

- iii) New interventions and construction

- Indicate the position of all proposed drainage runs, SVPs, fan extraction points, M&E installations generally and the impact this has on the existing historic fabric.

- Justification and method statement for the replacement of the ground floor, including any proposals for the eradication of damp

- Detailed information on the Room Schedule - clearly identifying the extent of work to be undertaken for each element within the space (walls, joinery, ceilings etc.), highlighting its impact on the historic fabric.

- Confirmation if any work is proposed to the historic canopies.

- Show all existing PVC rain water goods to be replaced with aluminium or cast iron.

- HED note the proposed insertion of ventilation grilles on the gables and request that other options (locations) be explored for this.

- HED 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 interferes with the intended building physics of the structure. 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

Amended drawings were submitted and HED were reconsulted. They commented that not all the information requested was received and they had been in direct contact with the agent providing clarification on what exactly was required as part of this application. They advised against a Vapour Barrier being installed across the entire face of the walls.

HED sent information to the agent regarding rising damp and energy efficiency in historic buildings and information was requested as below;

1. Information on how you will detail the dry lining and floor insulation we would not recommend excavating the floor like you would in a new building.
2. Information on the material of the handrail, this should be in keeping with the listed building, painted metal or stainless steel.
3. The ventilation grilles should also be metal - number of grilles reduced to 1 or 2 these should be located so as to not interfere with the brick detail on the existing gable.
4. The rainwater pipes and gutters to be aluminium.
5. We would recommend leaving the existing ramp to minimise disruption to existing historic fabric.
6. All new doors and windows to be timber like for like replacements.

The agent has failed to provide the requested information following several requests and reminders. Therefore, HED having considered the impacts of the proposal on the building and on the basis of the information provided, advises that it has incomplete information which does not allow a substantive response that the proposals may have an adverse impact, subject to requested information being provided. As it has not been demonstrated this proposal would not have a detrimental impact on this Listed Building or its setting, it fails to comply with the provisions of PPS 6.

The agent on the P1 form has indicated this proposal is to utilise an existing access to the public road. Policy AMP 2 in PPS 3 - Access, Movement and Parking, allows access onto public roads where it will not prejudice road safety or significantly inconvenience traffic flow. Policy AMP 7 requires proposals to provide adequate provision for car parking and appropriate servicing arrangements while not prejudicing road safety or significantly inconveniencing traffic flow.

DfI Roads were consulted and requested amended drawings showing visibility splays of 2/2.4 metres by 70 metres and a 70 metre Forward Sight Distance. They also noted that parking must be detailed on the drawings as per Parking Standards. The agent contested DfI Roads' response saying they had failed to take into consideration the Supporting Statement and requested they looked at the proposal again.

DfI Roads then reiterated their request for the splays as mentioned above in the interests of road safety. They have also said that PPS 3 does allow flexibility for parking in a number of instances such as to assist in the conservation of the built or natural heritage, to aid rural regeneration, facilitate a better quality of development or beneficial re-use of an existing building and would only be permitted in exceptional circumstances. DfI Roads do state that parking on this site could be assessed as an office building, but as road safety takes priority, the applicant must detail a reduced parking scheme from what has been detailed in Question 25 of the P1 form.

The agent was requested on a number of times to address this issue, however no amended information was submitted. Officers are not convinced this proposal is an exceptional circumstance and feel this application fails to comply with the policy provisions of PPS 3, potentially jeopardising road safety on this stretch of Station Road.

As the site is within the settlement limits of Clogher as defined in the above plan, Policy SETT 1 must be met also. DSTAP identifies railway features in particular as being of interest which add to the distinctiveness of their localities and must be protected them as an important part of an areas industrial heritage.

As has been assessed above, there are some concerns regarding design elements and

the use of materials in this proposal. As the building has Listed Building status it is afforded protection, however it has not been demonstrated there is no significant conflict with recognized conservation interests, nor that satisfactory arrangements are provided for access and parking. Therefore, this proposal fails to comply with SETT 1 in the Dungannon and South Tyrone Area Plan.

In line with the Council's statutory duty, 2 neighbouring residents were notified about this application and it was advertised in the local press. There were no objections to this proposal.

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.

Summary of Recommendation:

Refuse is recommended

The agent has failed to provide the requested information from DfI Roads and therefore it has not been demonstrated that the access onto Station Road would not prejudice road safety, thereby failing to achieve the requirements of AMP 2 in PPS 3. It has not been demonstrated that appropriate car parking and service arrangements are provided on this site as required by AMP 7 in PPS3. Failure to submit the information requested by HED has resulted in a failure to confirm if the proposal is in compliance with the provisions of PPS 6, therefore it fails to meet these requirements, specifically of Policies BH 7, BH 8 and BH 11.

This proposal also fails to meet the requirements in Policy SETT 1 in the Dungannon and South Tyrone Area Plan as assessed above.

It is worth noting the application for Listed Building Consent for this proposal is also being presented to Member of the Committee with a recommendation to refuse.

Refusal Reasons

Reason 1

The proposal is contrary to Policy AMP 2 in PPS 3- Access, Movement and Parking in that insufficient information has been provided to demonstrate that the access onto Station Road will not prejudice road safety.

Reason 2

The proposal is contrary to Policy AMP 7 in PPS 3- Access, Movement and Parking in that insufficient information has been provided to demonstrate that appropriate car parking and service arrangements are provided.

Reason 3

The proposal is contrary to PPS 6 - Planning, Archaeology and the Built Heritage in that insufficient information has been provided to demonstrate that this proposal would not have any adverse impact on this listed building or its setting.

Reason 4

The proposal is contrary to Policy PED 9 Part c in PPS 4 - Planning and Economic Development in that insufficient information has been provided to demonstrate that this proposal does not adversely affect features of built heritage.

Reason 5

The proposal is contrary to Policy PED 9 Part h in PPS 4 - Planning and Economic Development in that insufficient information has been provided to demonstrate that adequate access arrangements, parking and manoeuvring areas are provided within this proposal.

Reason 6

The proposal is contrary to SETT 1 in Dungannon and South Tyrone Area Plan in that it has failed to demonstrate it there is no significant conflict with recognised conservation interests and there are satisfactory arrangements for access and parking.

Case Officer: Cathy Hughes

Date: 19 November 2024

ANNEX	
Date Valid	27 October 2020
Date First Advertised	3 December 2020
Date Last Advertised	1 December 2020
Details of Neighbour Notification (all addresses) The Owner / Occupier 57A Station Road, Clogher, Tyrone, BT76 0AQ The Owner / Occupier 47 Station Road Clogher Tyrone BT76 0AQ	
Date of Last Neighbour Notification	26 January 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR NI Water - Single Units West-Substantive: YResponseType: FR NI Water - Strategic Applications-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: TBCResponseType: PR	

Drawing Numbers and Title

Proposed Elevations Plan Ref: 06 Version: Final
Existing Elevations Plan Ref: 05
Proposed Floor Plans Plan Ref: 04 Version: Final
Existing Floor Plans Plan Ref: 03
Site and Detailed Drawings Plan Ref: 02 Version: Final
Site Location Plan Plan Ref: 01 Version: Final

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.2
Application ID: LA09/2021/0008/LBC	Target Date: 1 March 2021
Proposal: Retrospective change of use from work shop to veterinary surgeons office, with proposed alterations	Location: 57B Station Road Clogher
Referral Route: Consent Refused is recommended	
Recommendation: Consent Refused	
Applicant Name and Address: Farm Vet Services 50 Tullybroom Road Clogher	Agent Name and Address: Quinn Design And Engineering Services 36 Corrags Road Burren Warrenpoint BT34 3PY
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	Historic Environment Division (HED)	Substantive: TBCResponseType: PR

Representations:

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

Summary of Issues**Characteristics of the Site and Area**

This application site is located at No 57b Station Road, Clogher. It sits within the

development limits of the northern portion of Clogher village and is whiteland in the Dungannon and South Tyrone Area Plan (DSTAP). The immediate area includes a mixture of uses, there are some residential properties close by and the popular Clogher Mart which operates a weekly cattle and sheep auction is located on the opposite side of the road 100 metres to the south west.

This site sits to the east of at a higher elevation above Station Road and is occupied by a stone building which is single story with metal sheeting roof. The front elevation which is north west facing has a canopy over the 3 window openings. The central window is small and arched with a red brick surround which contrasts from the natural stone facades. The same type of window is also located on each gable of the building. The rear of the building has 2 large, glazed openings which have grills over them. These are accessed by a double-sided ramp with a large red canopy overhang.

This building and the wider site was constructed as part of the Clogher Valley Railway Station which operated from 1887-1942 and it is of architectural and historical importance, originally being utilised to store railway goods. It is offered protection due to its status as a Grade B2 Listed Building. A small, grassed bank sits between this building and the road which defines the western boundary. The northern boundary of the site is a close board fence and a large wall with a gate connecting the two which allows access to the yard area beyond. A number of small out buildings sit outside of the north eastern boundary. No 47 which is a red brick building also known as the Clogher Railway Station House sits to the south of the site and is a Grade B2 listed building also. The southern boundary is black metal railing which continues to the roadside.

Planning History

Application M/2013/0264/F was granted planning permission for alterations and improvements to the listed railway house at No 47 Station Road, Clogher in July 2013. Listed Building Consent was also granted under application M/2013/0008/LBC. Application LA09/2020/1409/F for the change of use from work shop to veterinary surgeon's office includes the building subject of this application and will be determined concurrently.

Description of Proposal

This application seeks Listed Building Consent for retrospective works for the change of use to work shop to veterinary surgeon's office at No 57B Station Road, Clogher. The planning permission LA09/2020/1409/F for this proposal is being assessed concurrently with this application.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

The Strategic Planning Policy Statement for Northern Ireland "Planning for Sustainable Development" (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

Paragraph 6.12 of the SPPS states it is important that development proposals impacting upon Listed Buildings such and their settings must be assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses. It also states in Paragraph 6.13 that any development involving a change of use and or works of extension / alterations, may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired.

As the building subject of this application at No 57B Station Road, Clogher is a Grade B2 Listed Building, Historic Environment Division - HED were consulted to assess if this development is in compliance with PPS 6 - Planning, Archaeology and the Built Heritage.

Policy BH 7 - Change of Use of a Listed Building in PPS 6 states permission will normally be granted where it secures its upkeep and survival, and the character and architectural/historic interest of the building would be preserved or enhanced. Proposals should incorporate details of all intended alterations to the building and its curtilage, to demonstrate their effect on its appearance, character and setting.

Extensions or Alterations to a Listed Building are to be assessed under BH 8 where it is demonstrated;

- (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.

Policy BH 11 - Development affecting the Setting of a Listed Building says that development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing

and alignment;

(b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and

(c) the nature of the use proposed respects the character of the setting of the building.

HED requested the submission of a Design and Access Statement which is a statutory requirement for any Listed Building Consent application and the agent submitted this. The Archaeology and Built Heritage section of HED having examined the information submitted were unable to give a final response on this proposal and additional information was requested as below;

- Survey of existing building including a detailed photographic survey showing all existing internal features.

- Drawings should clearly detail all

- i) Historic fabric to be retained

- ii) Historic fabric to be removed

- iii) New interventions and construction

- Indicate the position of all proposed drainage runs, SVPs, fan extraction points, M&E installations generally and the impact this has on the existing historic fabric.

- Justification and method statement for the replacement of the ground floor, including any proposals for the eradication of damp

- Detailed information on the Room Schedule - clearly identifying the extent of work to be undertaken for each element within the space (walls, joinery, ceilings etc.), highlighting its impact on the historic fabric.

- Confirmation if any work is proposed to the historic canopies.

- Show all existing PVC rain water goods to be replaced with aluminium or cast iron.

- HED note the proposed insertion of ventilation grilles on the gables and request that other options (locations) be explored for this.

- HED 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 interferes with the intended building physics of the structure. 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

Amended drawings were submitted and HED were reconsulted. They commented that not all the information requested was received and they had been in direct contact with the agent providing clarification on what exactly was required as part of this application. They advised against a Vapour Barrier being installed across the entire face of the walls. HED sent information to the agent regarding rising damp and energy efficiency in historic buildings and information was requested as below;

1. Information on how you will detail the dry lining and floor insulation we would not recommend excavating the floor like you would in a new building.

2. Information on the material of the handrail, this should be in keeping with the listed building, painted metal or stainless steel.

3. The ventilation grilles should also be metal - number of grilles reduced to 1 or 2 these should be located so as to not interfere with the brick detail on the existing gable.

4. The rainwater pipes and gutters to be aluminium.

5. We would recommend leaving the existing ramp to minimise disruption to existing historic fabric.

6. All new doors and windows to be timber like for like replacements.

Summary of Recommendation:

Consent Refused is recommended

The agent has failed to provide the requested information following several requests and reminders. Therefore, HED having considered the impacts of the proposal on the building and on the basis of the information provided, advises that it has incomplete information which does not allow a substantive response that the proposals may have an adverse impact, subject to requested information being provided. As it has not been demonstrated this proposal would not have a detrimental impact on this Listed Building or its setting, it fails to comply with the provisions of PPS 6.

Approval Conditions

Case Officer: Cathy Hughes

Date: 19 November 2024

ANNEX	
Date Valid	4 January 2021
Date First Advertised	21 January 2021
Date Last Advertised	19 January 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 57A Station Road, Clogher The Owner / Occupier 47 Station Road, Clogher	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Historic Environment Division (HED)-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: TBCResponseType: PR	

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 02

Existing Plans Plan Ref: 05

Proposed Plans Plan Ref: 04

Site Location Plan Plan Ref: 01

Levels and Cross Sections Plan Ref: 05

Notification to Department (if relevant)

Not Applicable

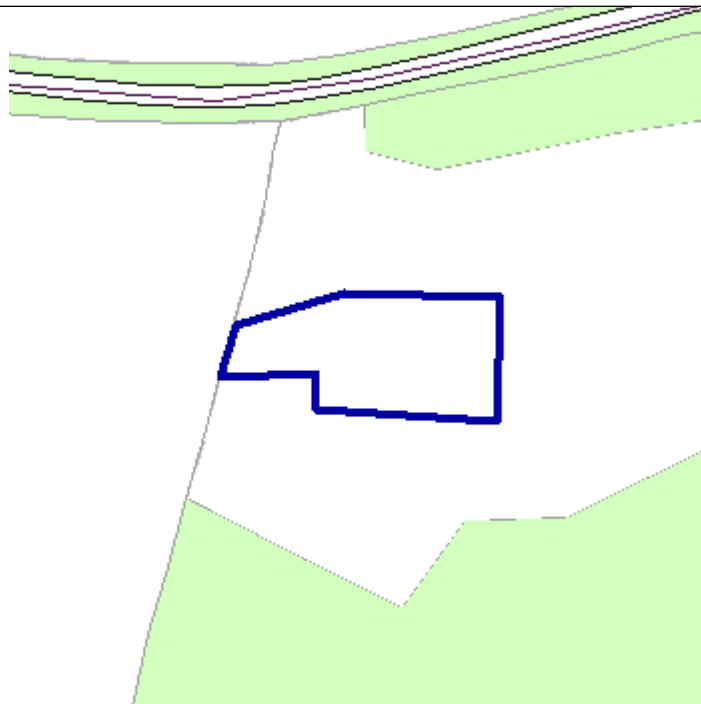


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.3
Application ID: LA09/2023/0382/F	Target Date: 17 July 2023
Proposal: Extension to Existing Yard for the Storage of Materials Associated With Existing Business	Location: 45 Craveny Road Ballygawley BT70 2LQ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Acrow Formwork 105 Eglis Road Dungannon BT70 1LB	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: This proposal is contrary to Policy CTY 1 in PPS 21 as it fails to meet the requirements of PPS 4 - Planning and Economic Development. As no lawful business use has been established on the land adjacent to this application site, it cannot apply to extend this unauthorised use, thereby failing to comply with PPS 4.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	13-06-2023.docx

Representations:

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

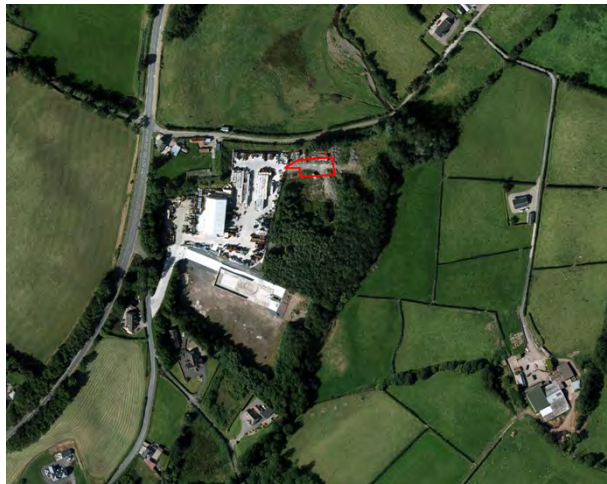
Summary of Issues

Characteristics of the Site and Area

This application site is located just off and east of the B34 Old Dungannon Road, at 45

Cravenny Road, Martray, Ballygawley. It sits less than 2 kilometres north of Ballygawley village, approximately 800 metres west of the A4 Protected Route and it is whiteland located in the rural countryside as defined in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area is mostly agricultural with single residential properties scattered throughout. Tyrone Fabrication are situated just under 1.5 km to the east of this site along the Goland Road.

The access to this application site is gained via the yard area which surrounds the single building which sits parallel to the A4. This yard area is utilised for the external storage of steel products and the access to the wider site is close to the main road. It is a wide concreted lane which leads to the business at No 45 to the west of this application site and is shared with another development site to the east of the entrance to this business. This development site is a concreted yard area which has been cleared and developed but does not appear to be in use. The planning histories of this area are also included below.



This application site sits below the public road and its boundaries are undefined on the ground. To the east of this site is an established area of woodland. A number of steel products are also stored on land adjacent and to the north of this proposed site. At the time of the site inspection, it was noted a concreted area has already been developed which connects this application site to the existing yard area.

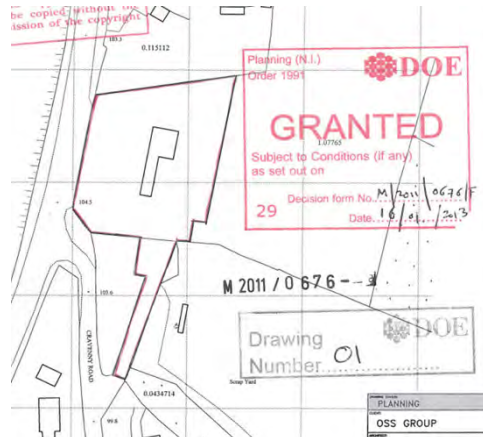
Planning History

There is an extensive planning history on the land surrounding this application site. For the purposes of this report, the area has been divided into 3 sections as below and the histories will be associated with each parcel of land to provide clarity. The applicant for this proposed development is Acrow Formwork of 105 Eglis Rd, Dungannon and the application site is small parcel of land to the east of Section B.



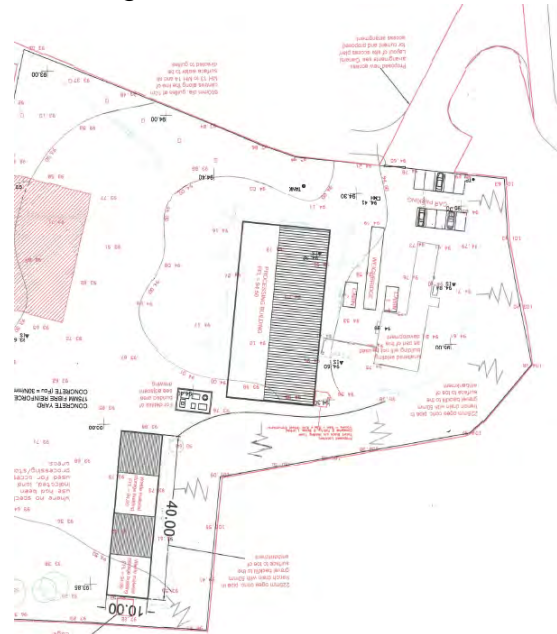
Section A

M/2011/0676/F - Development for the storage of waste oil and other garage type waste, including but not limited to vehicle fluids (brake fluid, antifreeze, etc), mixed waste fuels, oil filters, batteries, friction pads, paints, thinners, aerosols and grease containers, used rags, wipes and other absorbents - Adjacent To 45 Cravenny Road, Ballygawley - 16.01.2013 – Approval - OSS Group



Section A & B

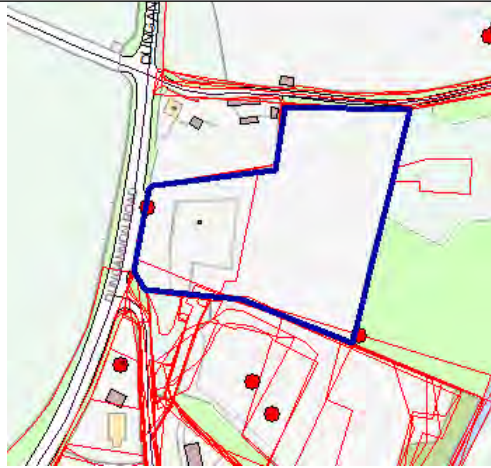
- M/2007/0547/F - Proposed development of an End-of-Life Vehicle Depollution and Authorised Treatment Facility - Land At 45 Cravenny Road, Ballygawley - 28.09.2009 – Approval - Eamon Jordan & PJ Hughes



- M/2006/1546/F - Existing scrapyards where vehicles are bulked up prior to transportation for processing off site. No Processing takes place at the facility - Land At 45 Cravenny Road, Ballygawley – Withdrawn



- M/1989/0454 - Retention of Car Dismantling Compound - 45 Cravenny Road, Martray, Ballygawley – Approval



Section C

- LA09/2021/0717/F - Proposed storage warehouse for use in association with proposed peat storage and distribution yard (currently being assessed under LA09/2020/1239/F) with associated single storey canteen, toilets, office reception area and ancillary works - 45 Cravenny Road, Ballygawley - 07.07.2022 – Approval - Harte Peat Ltd



- LA09/2020/1239/F - Change of use of enclosed yard from disused vehicular storage yard for DRD, to an area for the storage and bagging of peat - 45 Cravenny Road, Ballygawley - 07.07.2022 – Approval - Harte Peat Ltd



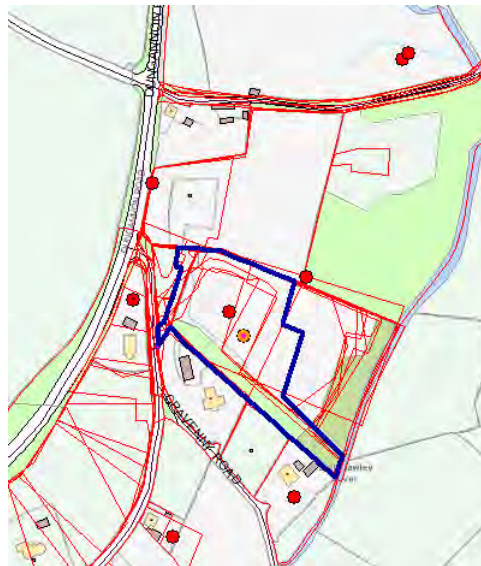
- LA09/2017/0588/F - Proposed general engineering workshop for the manufacture of quarry plant and general engineering - 45 Cravenny Road, Ballygawley - 26.11.2018 – Approval - Capital Engineering Ltd



- M/2011/0561/F - Proposed amendment to Condition No 1 of M/2010/0728/F - 45 Cravenny Road, Ballygawley - 07.12.2011 – Approval - Capitol Reinforcing (Ireland) Ltd
- M/2010/0728/F - Amendment and revision of Condition No.1 of M/2009/0971/F - 45 Cravenny Road, Ballygawley - 14.12.2010 – Approval - Capitol Reinforcing (Ireland) Ltd
- M/2009/0971/F - Proposed removal of Condition No1 of M/2007/0843/F - 45 Cravenny Road, Ballygawley - 15.04.2010 – Approval - Capitol Reinforcing (Ireland) Ltd
- M/2007/0843/F - Proposed general engineering workshop for general engineering - 45 Cravenny Road, Ballygawley - 26.02.2009 – Approval - Capitol Reinforcing (Ireland) Ltd



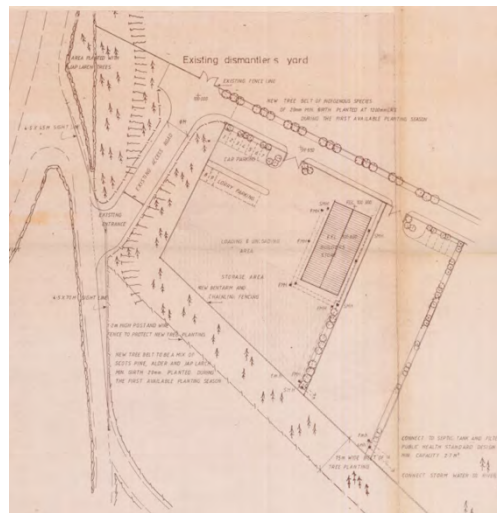
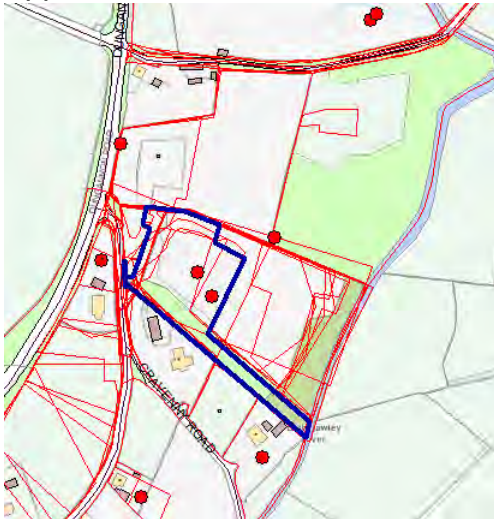
- M/2005/2248/F - Proposed light engineering workshop- Site of previously approved application -M/1994/0589/B.(Amended Plans) - 45 Craveny Road, Ballygawley – Withdrawn



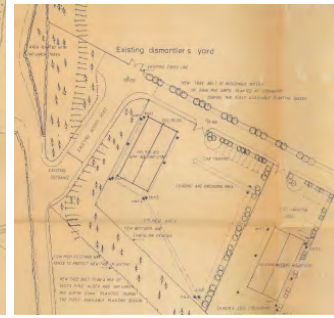
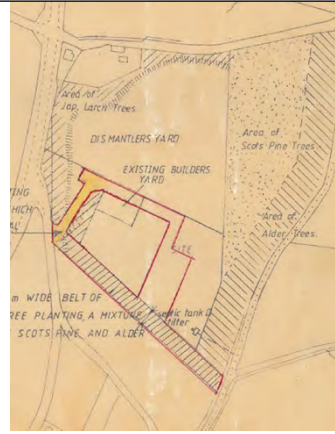
- M/2003/0472/F - Proposed light engineering workshop (amended to provide 9.8M ridge height) - 45 Craveny Road, Martray, Ballygawley – Withdrawn



- M/2002/0202/F - Proposed Builders Store for the Storage of Builders Plant, Materials and Equipment - 45 Cravenny Road, Martray, Ballygawley - 24.07.2002 – Approval – Maurice Girvan



- M/1994/0589B - Proposed Light Engineering Workshop - 45 Cravenny Road, Martray, Ballygawley – Approval



- M/1991/0606 - Proposed store for builders plant and equipment - 45 Cravenney Road, Martray, Ballygawley – Approval



Description of Proposal

This application seeks full planning permission for an extension to Existing Yard for the Storage of Materials Associated With Existing Business at 45 Cravenney Road, Ballygawley



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

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

The Area Plan identifies a number of sites which are zoned as being suitable for industrial business use development and these are located within the larger settlement limits. It also considers the range of existing sites and new zonings provides flexibility in choice of site for developers, and highlights there may also be potential for industrial business use development of an appropriate scale within the villages. Proposals for industrial uses on unzoned land will be assessed on their merits, having regard to published guidance and policy, particularly PPS 4 – Planning and Economic Development.

The Strategic Planning Policy Statement (SPPS) states “the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS”. Para 6.88 goes on to say that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted. Exceptions to this general

principle may be justified outside a village or small settlement where there is no suitable site within the settlement. The SPPS retains the policy provisions of PPS 3 - Access, Movement and Parking, PPS 4 - Planning and Economic Development and PPS 21 – Sustainable Development in the Countryside.

Policy CTY 1 - Development in the Countryside of PPS 21 outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a Development Plan. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. One type of development outlined in PPS 21 which in principle is considered acceptable in the countryside and that will contribute to the aims of sustainable development, is industry and business uses in accordance with PPS 4.

Policy PED 2 - Economic Development in the Countryside states proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- The Expansion of an Established Economic Development Use – Policy PED 3
- The Redevelopment of an Established Economic Development Use – Policy PED 4
- Major Industrial Development – Policy PED 5
- Small Rural Projects – Policy PED 6

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

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

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

A proposal for the major expansion of an existing industrial enterprise that would not

meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that:

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

In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site, whilst also complying with the provisions of PED 9 in this Policy.

As is illustrated above in the planning history, there are many applications in and around this application site. The applicant for this proposed development is Acrow Formwork of 105 Eglish Rd, Dungannon and the site lies to the east of and adjacent to Section B as above.

This application site measures 0.07 hectares and there is no planning history on this parcel of land subject of this application. The agent has submitted this application as an “extension to an existing yard for the storage of materials associated with the existing business”. The P1 form states this proposal will utilise an unaltered access to the public road. There are 3 staff vehicles attending the site daily and 1 goods/service vehicle and there would be no expected increase in these daily vehicular movements.

The land which is within the applicant’s ownership includes Section A & B and this site area to the east also. As can be seen from the planning history, the only authorised use on the land outlined in blue and under the applicant’s control is for the storage of automotive waste granted in 2013 in Section A. This development was for the storage of waste oil and other garage type waste, including but not limited to vehicle fluids (brake fluid, antifreeze, etc), mixed waste fuels, oil filters, batteries, friction pads, paints, thinners, aerosols and grease containers, used rags, wipes and other absorbents. Prior to this on land within Section A & B, permission was granted for the retention of a Car Dismantling Compound some 30 years ago.

Permission was granted under M/2001/0676/F for an End-of-Life Vehicle Depollution facility which included a building. This permission therefore expired in September 2014. There did not appear to be any buildings constructed for a period as can be seen in the Ortho photos below.

2004

2007

2010



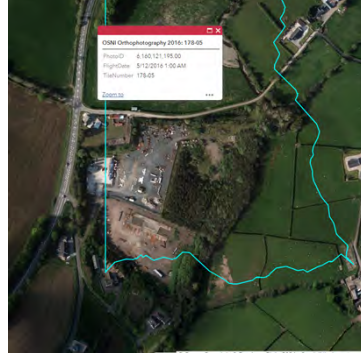
2013



2016



2019



2021



The most recent ortho photo taken in July 2021 shows a building has been constructed on the site. As seen in the planning history, an Enforcement Case was opened under LA09/21/0103/CA for alleged unauthorised site works at 45 Craveny Road, Ballygawley. Through the investigation of this case, Mid Ulster District Council's Building Control Department confirmed that foundations had been excavated prior to the expiration of planning permission M/2007/0547/F. This Enforcement Case was closed in March 2023 as it deemed the building which sits to the west of this application site as having been lawfully constructed as per the planning permission.

As it is only the "building" which has been considered lawful, the ongoing "use" which is currently occurring within Section A & B is not authorised. Therefore, the agent was

asked to either demonstrate the use of the business on the wider site through the submission of a Certificate of Lawful Use Development Existing (CLEUD) or to withdraw this proposal and submit another planning application to retain the existing use which is currently on the wider site and to include the extension proposed as part of that application.

The agent argued the site has been utilised for commercial activities on the site over 20 years. The ortho photographs do show there was a scrapyard use once on this site, however it appears the site was vacant and utilised for a long period from circa 2007 – 2019 thereafter. The agent mentions how the enforcement case LA09/21/0103/CA considered the development on the wider site lawful. In part this is correct in that the closure of the enforcement case confirmed the building which had been granted planning permission many years prior to its construction was deemed lawful as explained above. However, although the building may have been considered as being lawful, that does not permit the use for which it is currently used for and the associated yard area which is very different to the use which it was granted planning permission for initially.

Therefore, as there is no authorised use of the existing operations which are ongoing on the site, this unauthorised business cannot be assessed as an extension, therefore this proposal does not comply with the provisions of PPS 4, namely PED 2, PED 3 and PED 9.

Policy PED 9 General Criteria for Economic Development states any proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet a list of criteria. Although this proposal has failed to meet any other policies within PPS, it was decided to assess it against this general criteria nonetheless.

(a) it is compatible with surrounding land uses;

The parcel of land to which this application applies to is a small rectangular portion which sits to the east of an existing yard area. As discussed above, there is no authorised use on this site or the surrounding area and it would not be considered appropriate to grant an extension to an unauthorised development. Therefore it cannot be determined this proposal is compatible with surrounding land uses in this rural area.

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

Mid Ulster Council's Environmental Health Department (EHD) were consulted and note there are 3 nearby third-party sensitive receptors within close proximity to this application site. Subject to conditions regarding site operation and delivery hours being attached to any permission, they have no objections to this proposed development. It should be noted that in line with the Council's statutory duty, this application was advertised in the local press and there were no neighbouring properties to be notified about this

development. There were no objections received to this proposal.

However, until the existing development of the wider site is considered properly through the normal planning procedures, it cannot be determined if this proposed development would harm the amenity of nearby residents.

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

There are no built heritage features which could be impacted by this proposal. Due to the proximity of Martray Fort to the south west of this site HED Historic Monuments were consulted. They are content due to the scale and nature of this proposed development, it is satisfactory to SPPS and PPS 6 policy requirements.

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

Having utilised DfI River's online Flood Mapping Tool, it is evident this site is not located within an area subject to flooding and there should be no concerns regarding this.

(e) it does not create a noise nuisance;

Although EHD have no objections to this proposal subject to conditions, the ongoing unauthorised development on the wider site must be fully assessed and considered in terms of noise impact to establish an authorised use for which to expand, before this application can be considered fully.

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

The agent has said on the P1 form that surface water will be disposed of via existing systems on the site and that foul sewage disposal is not applicable to this proposal.

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

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

This development proposes to utilise an existing unaltered access to the Craveny Road. DfI Roads were consulted and as there is no intensification of the existing access, DfI Roads have no objections. The parking and manoeuvring arrangements for this proposal cannot be assessed properly until they are authorised for the existing development on the wider site.

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

This site is located just off the B34 old Dungannon to Ballygawley Road which makes it very accessible for vehicles. Depending on what the authorised use is on the wider site, it may not be open to the public and therefore movement patterns would not be required.

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

This proposal did not include any buildings as just a block plan was submitted showing the area to be considered. No Biodiversity Checklist was provided nor were details of how the site would be enclosed, connected to the existing development and therefore this could not be assessed.

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

This application has not included any boundary treatment, however as the site is a distance from the main access with the public road, it is not thought it would have any greater impact than what is existing. However no details of any landscaping or means of enclosure were provided and therefore compliance with this criteria cannot be properly assessed.

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

It is in the applicant's best interests to securely enclose their site, however as explained above none of this information was provided and therefore it cannot be determined if the proposal complies with this criteria.

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

No additional measures of landscaping or bunding were provided. However as stated before, the use on the wider site must be deemed lawful prior to the implementation of any measures to satisfactorily integrate this proposed extension to the business.

This application was advertised in the local press and there were no neighbours to notify, in line with the Council's statutory duty. No objections were received for this application.

An Environmental Impact Screening Determination was carried out for this proposal as it fell within 2 sections of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017;

- 10 (b) - The carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks.
- 13 (a) - Any change to or extension of development of a description listed in paragraphs 1 to 12 of this table, where that development is already authorised, executed, or in the process of being executed.

Under Regulation 12 (1) of these regulations, the Council is obliged to make a determination as to whether this application is for EIA development. Mid Ulster Council has determined that the environmental impacts of this application are thought not to be so significant as to warrant the submission of an Environmental Statement under current EIA legislation. The environmental effects of this proposal will be assessed via the Development Management process under the relevant policies, as discussed.

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

Summary of Recommendation:

Refuse is recommended

Having assessed this proposed development against the relevant policies above, this proposal is presented to Committee with the recommendation to refuse as it is contrary to policies CTY 1 in PPS 21 and PPS 4.

Refusal Reasons

Reason 1

The proposal is contrary to PPS 4 - Planning and Economic Development in that there is no lawful business use established adjacent to this application site, for which it seeks to

extend.

Reason 2

The proposal is contrary to Policy CTY 1 in PPS 21- Sustainable Development in the Countryside in that it fails to comply with PPS 4.

Signature(s): Cathy Hughes

Date: 19 November 2024

ANNEX	
Date Valid	3 April 2023
Date First Advertised	17 April 2023
Date Last Advertised	17 April 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1979/0296 Proposals: PROPOSED SITES FOR OVERNIGHT CONTAINER STORAGE AND INDUSTRIAL SITES Decision: PR Decision Date: Ref: M/1989/0454 Proposals: Retention of Car Dismantling Compound Decision: PG Decision Date: Ref: M/2006/1546 Proposals: Existing scrapyard where vehicles are bulked up prior to transportation for processing off site. No Processing takes place at the facility. Decision: Decision Date: Ref: M/2007/0547/F Proposals: Proposed development of an End-of-Life Vehicle Depollution and Authorised Treatment Facility. Decision: PG Decision Date: 29-SEP-09	

Ref: LA09/2023/0382/F

Proposals: Extension to Existing Yard for the Storage of Materials Associated With Existing Business

Decision:

Decision Date:

Summary of Consultee Responses

Environmental Health Mid Ulster Council-Planning response.pdf

Historic Environment Division (HED)-

DFI Roads - Enniskillen Office-13-06-2023.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.4
Application ID: LA09/2023/0766/F	Target Date: 27 October 2023
Proposal: Variation of condition 9 (The dwelling hereby permitted shall not be occupied until the existing building coloured green on the approval plan 01/1 date stamped 18th November 2021 is demolished, all rubble and foundation have been removed) of previously approved planning LA09/2021/0185/O to Upon occupation of the new dwelling, the dwelling to be replaced, coloured green on the approval plan 01/1 date stamped 18th November 2021, shall no longer be used or adapted for purposes of human habitation and may only be used for agricultural purposes.	Location: South East of 31A Corvanaghan Road, Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Oliver McKenna 15 Corvanaghan Road Cookstown BT80 9TN	Agent Name and Address: Mr Christopher Quinn 11 Dunamore Road Cookstown BT80 9NR
Executive Summary: The current application is presented as an approval, however is being presented at Committee following receipt of an objection.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DAERA - Coleraine	Planning Consultee Response LA09-2023- 0766-F - Business id 648036.DOCX

Representations:

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

Summary of Issues

The objector's concerns are addressed below:

- *Condition was attached to make an unacceptable development acceptable, and by removing the condition it makes the development unacceptable. The fact that the condition has been attached means that without it, the proposals would have been unacceptable and therefore refused – These concerns have been*

addressed within this report. The reasons why the condition was attached have been reviewed and considered.

- *Impacts upon the amenity of the area and a cumulation of development in this rural area, and accumulation of dwellings at this site* – These concerns have been addressed within this report. The building is proposed to be retained for agricultural purposes, it will not be used as dwelling, and will not lead to the accumulation of dwellings at this site.
- *The proposed retention of the building for an alternative use would still be contrary to the reasoning behind the imposition of the condition* – These concerns have been addressed within this report. The reasons why the condition was attached have been reviewed and considered.
- *The development as proposed via the Section 54 application would result in an additional form of development in this rural area, rather than a replacement. The development is not a replacement if the building being replaced is not in fact replaced* – These concerns have been addressed within this report. The original building is to be retained for agricultural purposes and therefore will no longer be used for residential purposes. The proposed dwelling takes place of the original dwelling and therefore there is still only one dwelling.
- *The proposed development would therefore be contrary to the aims of local and regional policy and would conflict with the sustainable development patterns envisaged for the countryside* – The relevant policy tests have been considered within this report.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The site is identified as Southeast of No. 31A Corvanaghan Road, Cookstown. The red line of the site has been divided into two portions, one part covering an agricultural field which hosts the building to be replaced, and the second part covers a large portion of a neighbouring field, where the new dwelling is to be erected which was recently approved under planning application LA09/2021/0185/O. The surrounding area is rural in nature, with predominantly agricultural land uses, with scattered dwellings and their associated outbuildings. It is important to note there is a working quarry to the rear of the building being replaced.

Description of Proposal

This is a full planning application for Variation of Condition 9 of previously approved planning application LA09/2021/0185/O.

9. The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved plan 01/1 date stamped 18th October 2021 is demolished, all rubble and foundations have been removed.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Two neighbour notification letters were issued, and one objection was received in connection with this application.

Relevant Planning History

LA09/2021/0185/O – Proposed replacement dwelling, South East Of 31A Corvanaghan Road, Cookstown. Permission Granted – 20.04.2022.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 1: General Principles

PPS 21: Sustainable Development in the Countryside

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

9. The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved plan 01/1 date stamped 18th October 2021 is demolished, all rubble and foundations have been removed.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

The applicant wishes to vary this condition, so the existing building can be retained for agricultural purposes. The applicant states it is currently being used in its current state as a livestock shelter. It is important to note that this building was approved as an off-site replacement dwelling under planning application LA09/2021/0185/O, as it was considered that it was initially constructed and used as a dwellinghouse. Within the case officer's report, it was stated that the building is currently being used for agricultural purposes, and it appears it was adapted to do so.

The applicant's farm details and Business ID were submitted, and DAERA were consulted and confirmed within their consultation response that the farm business ID was allocated in 2004, that the business does claim payments, and that the application site is on land for which payments are currently being claimed by the farm business. From this, officers were satisfied that the applicant was an active farmer.

Policy CTY 4 – The Conversion and Reuse of Existing Buildings allows for the 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 if a number of criteria are met:

- (a) the building is of permanent construction;
- (b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;
- (c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;
- (d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;
- (e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;
- (f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- (g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.



Image 1 – Photograph of building

Following group discussion, officers were content that the building is of permanent construction, and the reuse of the building would not have an adverse effect on the character or appearance of the locality. Following my site visit, it is my opinion that the character of area is relatively eroded by the presence of the quarry, therefore, to retain the building will not have negative impact on visual amenity of the area. No new extension has been proposed, the building is to be retained in its current condition without adaptation. As it is proposed to retain the building for retained for agricultural purposes, it is considered this is appropriate to a countryside location and will not impact on the environment or character of the locality. I am content this application complies with Policy CTY 4 of PPS 21.

The condition to demolish the building was attached to preserve the amenity of the area and to prevent an accumulation of dwellings on the site. As previously mentioned, following my site visit, it is my opinion that the character of area is relatively eroded by the presence of the quarry, therefore, to retain the building will not have negative impact on visual amenity of the area. Also from the public road, there are very limited views of the existing building, and I do not believe the retention of this building will have a significant negative impact on the amenity of the area. The applicant wishes to retain this building in its current condition for agricultural purposes, therefore if approved it will be conditioned for this use only, and cannot be used for residential purposes, and there would not be an accumulation of dwellings on the site. For these reasons, it was considered acceptable to vary the condition

Vary to:

Upon occupation of the new dwelling approved under LA09/2021/0185/O, the existing dwelling to be replaced coloured green on the approved plan 01/1 date stamped 18th October 2021 shall no longer be used or adapted for the purposes of human habitation, but may only be used for agricultural purposes.

Reason: To prevent an accumulation of dwellings on the site.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Signature(s): Seáinín Mhic Íomhair

Date: 18 November 2024

ANNEX	
Date Valid	14 July 2023
Date First Advertised	25 July 2023
Date Last Advertised	25 July 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 27 Corvanaghan Road Cookstown Tyrone BT80 9TN The Owner / Occupier 31A Corvanaghan Road Cookstown Tyrone BT80 9TN	
Date of Last Neighbour Notification	9 September 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DAERA - Coleraine-Planning Consultee Response LA09-2023-0766-F - Business id 648036.DOCX	
Drawing Numbers and Title	
Notification to Department (if relevant)	
Not Applicable	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.5
Application ID: LA09/2023/1364/O	Target Date: 29 March 2024
Proposal: Dwelling on a farm	Location: Lands 30 Metres Northwest of 182 Gulladuff Road Bellaghy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Hugh Graham 17-19 Main Street Bellaghy BT45 8HS	Agent Name and Address: No Agent
Executive Summary: The current application for a dwelling on a farm is presented as a refusal as it fails to meet Policy CTY 1 and Policy CTY 10 of PPS 21: Sustainable Development in the Countryside. CTY 1 – This proposal fails to meet Policy CTY1 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. CTY 10 – This proposal fails to meet Policy CTY 10 as development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. CTY 10 – This proposal fails to meet Policy CTY 10 as the new building fails to visually link or site to cluster with an established group of buildings on the farm.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	DAERA - Coleraine	Planning Consultee Response LA09-2023-1364-O - business id 627468.DOCX

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as

per the Magherafelt Area Plan 2015. The site sits just over approximately 300m from Bellaghy Settlement Limit. The site is a roadside site, consisting of flat, agricultural land which is bound on all sides with existing, mature hedgerow. The surrounding area is rural in nature, with predominantly agricultural land uses, with scattered dwellings and their associated outbuildings.

Description of Proposal

This is an outline planning application for a dwelling on a farm located at lands 30m Northwest of No. 182 Gulladuff Road, Bellaghy.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Four neighbour notification letters were issued, however no representations were received in connection with this application.

Relevant Planning History

H/2010/0068/F - Proposed single storey dwelling and single garage. Oldtown Downing, Opposite 177 Gulladuff Road, Bellaghy. Permission Granted - 15.09.2010

H/2004/1454/RM - Proposed replacement dwelling. 182 Gulladuff Road, Bellaghy. Permission Granted – 20.04.2005

H/2004/1100/F - Replacement Bungalow. Adjacent To 182 Gulladuff Road, Bellaghy. Permission Granted - 19.06.2006

Planning Assessment of Policy and Other Material Considerations

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

PPS 3 – Access, Movement and Parking

PPS 21 – Sustainable Development in the Countryside

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight. The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). Transitional arrangements require the Council to take account of the SPPS and existing planning policy documents,

with the exception of PPS 1, 5 and 9.

PPS 21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21. In this instance the application is for a farm dwelling and as a result the development must be considered under CTY 10 of PPS 21. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

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



Image 1 – Site Location map

With regards to criteria (a), upon review of the guidance, and after consultation with DAERA, I am content that the farm business is active and established as per required by

planning policy. Within their consultation response, DAERA have confirmed that the farm business ID was allocated in 1991 and that the business does claim payments. Following a land registry check, which was carried out in order to ensure no farm approvals have been attained nor any development opportunities sold off the farm in the previous 10 years in line with criteria (b), it appears that No. 184 Gulladuff Road was sold off within the last 10 years. The land registry check indicated that the applicant owned this property from 2009 until 22nd June 2018 at which point it was then sold to a third party. Therefore, it is considered that this proposal fails criteria (b). With regards to criteria (c), the new building being visually linked or sited to cluster with an established group of buildings on the farm, during group discussion officers were of the opinion that we cannot take account of No. 184 Gulladuff Road as it is not in the ownership of the applicant and not part of the farm holding. No. 184 should not have been included within the blue line indicating that it was within the applicant's ownership. This would mean that in terms of visually linking or siting to cluster the new building would solely have to rely on No. 182 Gulladuff Road. Criteria (c) states it must link or cluster with an established *group of buildings* on the farm, therefore it fails this criteria. For the reasons outlined above, it is considered this proposal Policy CTY 10 of PPS 21.

The proposed development must also comply with policies CTY 13 and 14. This application is for outline planning permission, therefore the scale, siting and design of the proposed dwelling will not be assessed under this application, however it is considered the design should be in keeping with Building in Tradition guidance. I am of the opinion that an appropriately designed dwelling will be able to visually integrate into the surrounding landscape and will not cause detrimental harm to the rural character of the area. I am content that the associated tests of integration and character within CTY 13 and CTY 14 are met.

PPS 3: Access, Movement and Parking

DfI Roads were consulted, and their response confirmed that they had no objection, subject to conditions. I am content that the access is acceptable under PPS 3.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to the Strategic Planning Policy Statement 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.

Reason 2

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21: Sustainable Development in the Countryside in that development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

Reason 3

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the new building fails to visually link or site to cluster with an established group of buildings on the farm.

Signature(s): Seáinín Mhic Íomhair

Date: 14 November 2024

ANNEX	
Date Valid	15 December 2023
Date First Advertised	2 January 2024
Date Last Advertised	2 January 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 184 Gulladuff Road Bellaghy Londonderry BT45 8LW The Owner / Occupier 177 Gulladuff Road Bellaghy Londonderry BT45 8LW The Owner / Occupier RNN - 180 Gulladuff Road Bellaghy Londonderry BT45 8LW The Owner / Occupier 182 Gulladuff Road Bellaghy Londonderry BT45 8LW	
Date of Last Neighbour Notification	10 January 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2004/0430/O Proposals: Site Of Dwelling & Garage Decision: Decision Date: Ref: H/2010/0068/F Proposals: Proposed single storey dwelling and single garage Decision: PG Decision Date: 20-SEP-10 Ref: H/2007/0533/O Proposals: Single Storey Dwelling and Separate Detached Garage Decision: PG Decision Date: 25-MAR-09 Ref: LA09/2023/1364/O Proposals: Dwelling on a farm Decision:	

Decision Date:

Ref: H/1978/0173

Proposals: MV O/H LINE (BM 2154)

Decision: PG

Decision Date:

Ref: H/1980/0280

Proposals: REPLACEMENT BUNGALOW

Decision: PG

Decision Date:

Ref: H/2004/1100/F

Proposals: Replacement Bungalow.

Decision: PG

Decision Date: 19-JUN-06

Ref: H/2003/0596/O

Proposals: Site of replacement dwelling.

Decision: PG

Decision Date: 10-FEB-04

Ref: H/2003/0594/O

Proposals: Site of replacement dwelling.

Decision: PG

Decision Date: 12-SEP-03

Ref: H/2004/1454/RM

Proposals: Proposed replacement dwelling.

Decision: PG

Decision Date: 21-APR-05

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

DAERA - Coleraine-Planning Consultee Response LA09-2023-1364-O - business id 627468.DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.6
Application ID: LA09/2024/0032/F	Target Date: 29 April 2024
Proposal: Proposed dog boarding kennels	Location: 16 Lisbeg Road Ballygawley BT70 2NH
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Paul Adamson 16 Lisbeg Road Ballygawley BT70 2NH	Agent Name and Address: Mr Philip Caddoo 44 Rebaghey Road Aughnacloy BT69 6EU
Executive Summary: <p>This Full application for a proposed dog boarding kennels and is being presented to committee as an exception to PED2 of PPS4.</p> <p>This proposal has been assessed under all relevant policy and guidance, that is the SPPS, the Dungannon and South Tyrone Area Plan 2010, PPS 3, PPS4, PPS6 and PPS 21. The proposal is not at conflict with any of the relevant policies.</p> <p>Policy PED2 allows for an exception to policy in exceptional circumstances. It is recognised that to accommodate dog kennels the site requires certain requirements, and the very nature of the development requires appropriate setting given the potential nuisance to neighbours, for instance noise and/or smell. Environmental Health were consulted and offered no objection subject to conditions to ensure noise is unlikely to impact on the neighbour dwelling which is located approximately 200m northeast of the site.</p> <p>In this instance given the nature of the proposal and the site specifics, approval is recommended as the application could be considered as an exceptional circumstance under PED 2.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	LA09 2024 0032 F Cover Sheet.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2024.0032.F .pdf
Statutory Consultee	Historic Environment Division (HED)	
	Environmental Health Mid Ulster Council	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Approval.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	Environmental Health Mid Ulster Council	

Representations:

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

signatures	
Number of Petitions of Objection and signatures	
Summary of Issues	
Characteristics of the Site and Area <p>The proposed site is located in the rural countryside as defined within the Dungannon and South Tyrone Area Plan 2010. The site is identified as 16 Lisbeg Road, Ballygawley where on site lies a detached storey and half dwelling with associated outbuildings. The site boundaries are defined by a mixture of wooden posts with planting and hedgerow alongside a concrete wall, the site is currently located from the Lisbeg Road. The immediate surrounding area is predominately agricultural fields with a scattering of detached dwellings and farm complexes.</p>	
Description of Proposal <p>This is a full application for proposed dog boarding kennels.</p>	
Planning Assessment of Policy and Other Material Considerations <u>Policy Consideration</u> Representations <p>No neighbouring properties were notified as there is no properties abutting the site or within 90M. A press advertisement was carried out in line with the Council's statutory duty. To date no third party representations have been received.</p> Relevant Planning History <p>M/2003/0469/O - Approx. 170 Metres North West Of 19 Lisbeg Road, Ballygawley - Proposed dwelling and domestic garage – PG 13.05.2003</p> <p>M/2003/1057/RM - Approx 170M NW Of 19 Lisbeg Road, Ballygawley - Proposed dwelling and domestic garage – PG 09.01.2004</p> <p>M/2011/0771/F - 16 Lisbeg Road, Ballygawley - Proposed sun room extension to dwelling and proposed garage with associated ground works – PG 01.03.2012</p> Planning Assessment of Policy and Other Material Considerations <p>Dungannon and South Tyrone Area Plan 2010</p> <p>SPPS - Strategic Planning Policy Statement for Northern Ireland</p> <p>Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy</p> <p>Planning Policy Statement 3 - Access, Movement and Parking</p>	

Planning Policy Statement 4- Planning and Economic Development

Planning Policy Statement 6- Planning, Archaeology and Built Heritage

Planning Policy Statement 21 - Sustainable Development in the Countryside

Dungannon and South Tyrone Area Plan 2010

Dungannon and South Tyrone Area Plan 2010 the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Mid Ulster District Council Draft Plan Strategy 2030

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Planning Policy Statement 3 – Access, Movement and Parking

Dfi Roads were consulted and responded on this application requesting the submission of amended plans, following the submission of amended plans Dfi Roads have confirmed that they have no objection to the proposal put forward subject to conditions. I consider the proposed access arrangements to be acceptable and in accordance with the provisions of PPS3.

Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage

Historic Environment Division were asked to provide comments as the site is located within the buffer zone of two archaeological sites and monuments (TYR060:059 - Bronze Age Roundhouse & TYR060:058 - Late Mesolithic Hut).

Historic Environment Division responded stating 'Historic Monuments has assessed the

application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. This is due to the scale and nature of the proposed development.

Planning Policy Statement 21- Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS21 provides circumstances for non-residential development in the countryside including farm diversification proposals in accordance with Policy CTY 11. Policy CTY 11 states planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The proposal site is not located on a farm and no details of a farm or forestry business have been provided. Policy CTY 1 also provides a circumstance for the reuse of an existing building for non-residential development in accordance with CTY 4. The proposal seeks planning permission for the erection of dog boarding kennels to be used for commercial purposes and does not involve the re-use of rural buildings. The proposal therefore does not comply with Policy CTY 4 or Policy CTY 11 of PPS21.

Policy CTY1 permits non-residential development in the countryside for industry and business uses in accordance with PPS4.

CTY 13 and CTY14 are also relevant to this proposal. It is considered given the siting of the proposed development set back significantly from the public road and given the existing outbuildings in place alongside the existing and proposed hedgerow, the proposal will visually integrate into the surrounding landscape. The proposed building has a maximum height of approx. 3.4 metres with typical finishes of a dog boarding facilities. The external walls will be concrete brickwork alongside prefabricated galvanised steel mesh fencing with black/dark grey uPVC windows and doors which is in keeping with the existing built form on site. I do not consider the proposed building would detrimentally change or erode the rural character of the area. Overall, I consider the proposed development is in accordance with provisions of Policy CTY 13 and CTY 14.

Planning Policy Statement 4- Planning and Economic Development

The preamble to PPS4 states that for the purposes of the PPS, economic development uses comprises those which fall within Class B1 (Business), Class B2 (Light Industrial), B3 (General industrial) and B4 (Storage or Distribution) as defined in the Planning (Use Classes) Order (Northern Ireland) 2004. The use of the land and the proposed building as dog boarding kennels does not fall within any of these use classes or other defined use classes. It is therefore a sui generis use and is not covered by PPS4. Nonetheless, the preamble of PPS4 states that the policy approach and associated guidance contained within it may be useful in assessing proposals for other sui generis employment uses.

Policy PED2 states that proposals for economic development uses in the countryside will

be permitted in accordance with the provisions of the following:

Policy PED 3: The expansion of an Established Economic Development Use– this policy is not applicable.

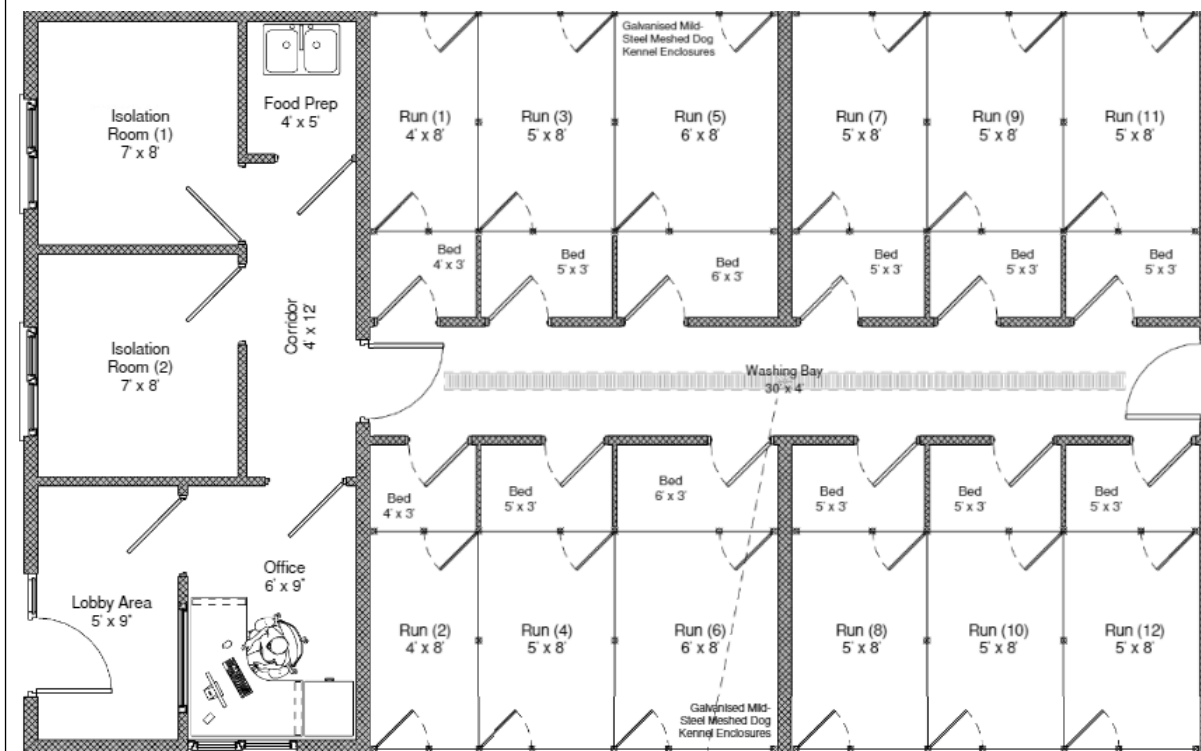
Policy PED 4: The Redevelopment of an Established Economic Development Use – this policy is not applicable.

Policy PED 5: Major Industrial Development – this policy is not applicable.

Policy PED 6: Small Rural Projects – the proposal does not comprise a community enterprise park/centre or involve a small rural industrial enterprise and is not considered to be associated with any settlement given the separation distance, therefore fails to comply with PED 6.

All other proposals for economic development in the countryside will only be permitted in **exceptional circumstances**.

The agent has provided a Design and Access Statement which details information that the applicant had previously owned and operated a similar small home-run dog business elsewhere in the province and as such is seeking this permission next to his existing dwelling in order to establish a viable home-operated small business venture. The agent has advised the proposed development has been designed to the applicants requirement based on previous experiences, the proposed development includes 12.no individual kennels, along with an office, lobby and no.2 isolation rooms as seen on drawing No. 03 below:



Policy PED 2 states that all other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

Policy PED 2 Justification & Amplification (Paragraph 5.10) states that:

“In general, new buildings for such uses in the open countryside will be strictly controlled, although it is recognised that some small-scale economic development projects may be permissible outside villages or smaller rural settlements”.

The supporting statement contends that dog kennels are present in the rural area and are the type of economic development that have become valued and relied upon services for local communities over the years. The statements goes on the say that the position of the proposed development has been carefully considered to make the most of its open surroundings with good visual and acoustic separation zoning, the scale of the developments can be integrated with the existing outbuildings and will remain clearly subsidiary to the main dwelling house. They argue given that the applicant has previous experience of operating dog kennels the location of the new building being directly adjacent to the main dwelling house will allow the operatives to be on site to deal with any issues that may arise.

Having considered the nature, scale and specifics of the development, I am of the view the proposal will cluster with an existing group of buildings, provide a modest expansion of the existing group and be of a high standard of design while facilitating development to achieve a sustainable rural economy. In my opinion this proposal is a sustainable pattern of development and as such meets all of the objectives of PPS21. As such I am of the view this proposal would be acceptable in this location as an exception under Policy PED2. I agree that the proposal may give rise to amenity issues if it were to be located in a residential area and considering that Mid Ulster Environmental Health Department were consulted on the application and provided comments in relation to noise, Environmental Health stated ‘It is noted that the proposal is located approximately 200m northeast of an existing residential dwelling. Noise is unlikely to impact on residential amenity at this distance.’ Environmental Health offered no objection to the proposal subject to conditions to ensure that noise is not an issue.

Policy PED 9 General Criteria for Economic Development outlines criteria in which proposals for economic development use will be required to meet, in addition to the other policy provisions within PPS 4.

The proposal is located to the north of the existing curtilage of No.16 Lisbeg Road within a portion of a field. The application is for a dog boarding facility which by its very nature will produce noise from dogs barking. The nearest occupied residential property, excluding the applicants property, is located 200 metres from the proposal site. As previously stated, the Environmental Health Department were consulted and have offered no objections subject to conditions. It is therefore considered there is adequate separation distance to ensure no harm to the amenities of nearby residents. No natural or built heritage interests of significance have been identified on the site or nearby in which the proposed works will affect. Given the nature of the proposal, it is not considered emissions, or effluent will be an issue. The development proposes a new

access separate to that of the existing driveway used for No.16 having considered the increase in expected vehicles as stated on the P1 form and for safe drop off and collection of animals it is not envisioned that a new access will cause a detrimental effect to the rural character of the area. DfI Roads have been consulted and have offered no objections subject to conditions. It is considered the additional vehicular traffic generated as a result of the proposed development will not significantly impact the existing road network and there is adequate space for the parking and manoeuvring of vehicles on site. It is considered the proposed works are designed to deter crime and promote personal safety. The existing boundary provides integration of the site into the landscape, and it is considered should permission be granted it is necessary to condition this vegetation is retained to ensure adequate screening from public view. Overall, it is considered the proposed development would not offend Policy PED 9.

Additional Considerations

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

The site is not subject to any issue issues pertaining to flooding.

Habitats Regulations Assessment

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The existing mature trees and vegetation along the site boundaries as shown in Drawing No. 02 Rev 01 uploaded to Mid Ulster Planning Portal on the 19th February 2024 shall be retained. No trees or vegetation shall be lopped, topped or removed without prior

consent in writing to the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given in writing at the earliest possible moment.

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

Condition 3

All landscaping comprised in the approved details of landscaping on the approved drawing No.02 Rev 01 uploaded to Mid Ulster Planning Portal on the 19th February 2024 shall be carried out in the first planting season following the occupation of the development hereby approved. Any tree, shrub or planting which may be damaged or die within 5 years of planting shall be replaced in the same position with a similar size, species and type at the time of their removal or in the next available planting season.

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

Condition 4

The vehicular access including visibility splays 2.4m x 45m in both directions and any forward sight distance shall be provided in accordance with drawing no. 02 Rev 01 uploaded on Mid Ulster Planning Portal on the 19th February 2024 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 5

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

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

Condition 6

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

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

Condition 7

The applicant shall ensure that noise levels associated with the proposal shall not exceed internal levels stipulated below at any 3rd party residential receptor;
A) not exceed 35dB dB LAeq (1 hour) at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed.

B) not exceed 30 dB LAeq at all other times measured over a five-minute period within any proposed bedrooms with the windows closed.
C) not exceed 45 dB LAMax for any single sound event between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed.

Reason: To protect amenity of nearby residential properties.

Condition 8

Within 4 weeks of a written request by the Planning Department, following receipt of a complaint, a noise survey shall be undertaken, submitted to and agreed in writing with the Council. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels associated with the proposal and demonstrate whether or not the noise limits stipulated in condition 7 are being complied with. All monitoring shall be carried out at the operator's expense. The Council shall be notified not less than 2 weeks in advance of the commencement of the noise survey.

Reason: To protect amenity of nearby residential dwellings.

Condition 9

Following completion of the noise survey and where noise monitoring demonstrates non-compliance of noise limits stipulated in condition 7 the applicant shall provide details of additional noise mitigation measures that will be incorporated into the proposal to ensure compliance with condition 7. Any remedial measures required shall be carried out to the satisfaction of the Council within 4 weeks of their approval and shall be permanently maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect amenity of nearby residential dwellings.

Signature(s): Ciara Carson

Date: 19 November 2024

ANNEX	
Date Valid	15 January 2024
Date First Advertised	29 January 2024
Date Last Advertised	29 January 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2003/0469/O Proposals: Proposed dwelling and domestic garage Decision: PG Decision Date: 19-MAY-03 Ref: LA09/2024/0032/F Proposals: Proposed dog boarding kennels Decision: Decision Date: Ref: M/2003/1057/RM Proposals: Proposed dwelling and domestic garage Decision: PG Decision Date: 09-JAN-04 Ref: M/2011/0771/F Proposals: Proposed sun room extension to dwelling and proposed garage with associated ground works Decision: PG Decision Date: 01-MAR-12	

Summary of Consultee Responses

DFI Roads - Enniskillen Office-LA09 2024 0032 F Cover Sheet.docx
Environmental Health Mid Ulster Council-LA09.2024.0032.F .pdf
Historic Environment Division (HED)-
Environmental Health Mid Ulster Council-
DFI Roads - Enniskillen Office-Roads Consultation - Approval.docx
Environmental Health Mid Ulster Council-
Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02 S/S
Proposed Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04
Site Layout or Block Plan Plan Ref: 02 REV.01

Notification to Department (if relevant)

Not Applicable



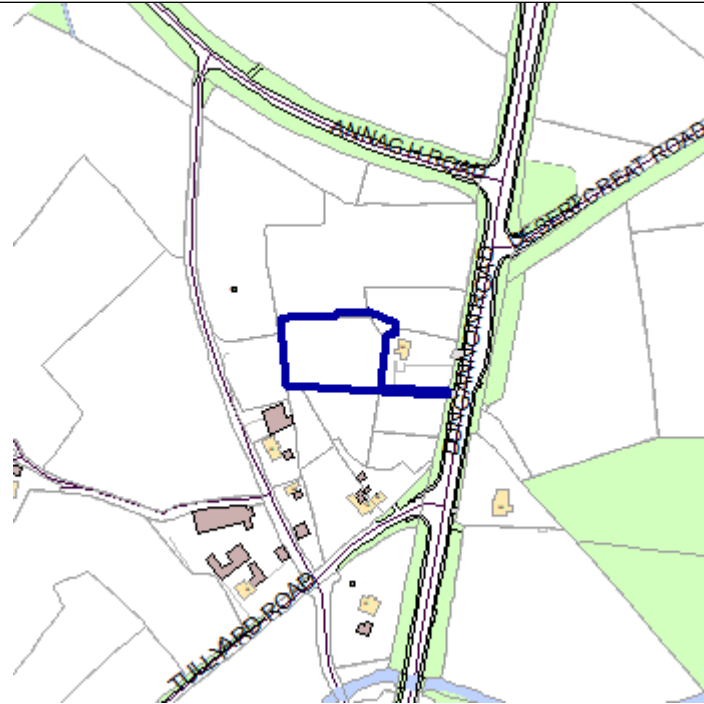
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.7
Application ID: LA09/2024/0049/F	Target Date: 6 May 2024
Proposal: Retention of extension of agricultural yard and associated development including; hardstanding yard area with a landscaped bund along northern boundary; and partially open sided building to provide a livestock shelter and associated works (retrospective) (Includes removal of unauthorised security lighting and bund along western boundary and return of part hardstanding area to grassed paddock.)	Location: Lands at and immediately West of No. 101 Dungannon Road, Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Niall Bell 101 Dungannon Road Cookstown BT80 8UN	Agent Name and Address: Ms Gemma Jobling 1a Nixon Building Ledcom Business Park 100 Bank Road LARNE BT40 3AW
Executive Summary: This application was first on the Agenda for September Planning Committee, with a recommendation to refuse. It was however withdrawn from the Agenda before the Planning Committee so that further consideration could be given to a reduced scheme which would return part of the existing hardstanding area to it's previous green field state, largely reducing the scale of the proposal. The application was then listed on the November Planning Committee with a recommendation to refuse (albeit with a reduced number of refusal reasons following the proposed amended scheme). However, due to a technical error in the report, the case was withdrawn from the Agenda before the Planning Committee.	

The case is now brought to the December Planning Committee with a recommendation for refusal. While the amended proposal now meets Policy CTY 12 and all original refusal reasons under Policy CTY 12 can be removed, the proposal fails to meet the requisite criteria of being attached to both an active and established farm business for the purposes of Policy CTY 10. This is because the farm business has not been in existence for at least 6 years. It is for this reason that a refusal is recommended.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads blank Template TriLingual.DOCX
Statutory Consultee	DAERA - Coleraine	Planning Consultee Response LA09-2024-0049-F - Business id 665210.DOCX
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

A total of 2 no. objection letters have been received against this application. The

planning issues raised relate to loss of residential amenity, particularly as a result of the flood lighting. Other issues raised besides the light pollution, relate to overlooking, loss of privacy and noise pollution. Both letters suggest that the yard area is not being used for agricultural purposes as proposed and is instead used for storing of building materials. One letter draws attention to the farm business number having not been in existence for the required 6 years, nor farm payments claimed in each of the last 6 years. Following receipt of the amended proposed scheme, it is agreed that the issue related to floodlighting has been addressed. It is proposed that part of the yard area be returned to grassland which shall improve residential amenity for surrounding third party neighbours. Environmental Health raise no objection to the proposal. The concerns relating to the farm business are assessed under Policy CTY 10 and CTY 12 of PPS 21.

Characteristics of the Site and Area

The site location for the proposed development is to the rear of 101 Dungannon Road Cookstown, which is in the rural countryside approximately 2 miles south and outside of the Cookstown settlement limit as defined in the Cookstown Area Plan 2010. The site comprises a large yard area, part of which is concreted and the remaining ground area finished with compacted gravel material. The 0.34 hectare area site was visited on 08/03/2024 and on this day photos were taken of the site, including the floodlighting, small stacks of building materials, scrap wood and other scrap materials throughout the site. Along the middle northern edge of the site there are two large cargo containers sitting side-by-side with a small tractor slotted between them and a makeshift roof above it. There is a small agricultural-style shed sited at the north eastern corner of the site and a total of two alpacas and 3 donkeys freely roamed the site on the day of the visit. Site boundaries include closeboard wooden fencing along the southern and eastern boundaries. A degree of screening in the form of mature trees compliments the same boundaries. The northern and western boundaries are marked by perimeter landscaped bunds which sit between 1.5 - 2 metres high. The existing access to the site is via a 50m private laneway which adjoins the Dungannon Road. An electric security gate provides access to the yard area at the top of the laneway. Adjacent and north of the site is a large agricultural field which is under the ownership of the applicant. Adjacent and east is no. 101 Dungannon Road. To the south of the site is another agricultural field which is outside of the applicant's ownership. Adjacent and west of the site is an agricultural building and a two-storey dwelling both of which can be seen from the yard area and are outside the applicant's ownership.

Description of Proposal

This is a full application for the proposed retention of extension of agricultural yard and associated development including; hardstanding yard area with a landscaped bund along northern boundary; and partially open sided building to provide a livestock shelter and associated works (retrospective) (Includes removal of unauthorised security lighting and bund along western boundary and return of part hardstanding area to grassed paddock.)

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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 as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Relevant Histories

PAC decision EN/2020/0283

Representations

A total of 2 no. objection letters have been received. The issues raised relate to loss of residential amenity, particularly as a result of the flood lighting. Other issues raised besides the light pollution, relate to overlooking, loss of privacy and noise pollution. Both letters also suggest that the yard area is not being used for agricultural purposes as proposed and is instead used for the storing of building materials. One letter draws attention to the farm business number having not been in existence for the required 6 years, nor farm payments claimed in each of the last 6 years.

Those material planning issues which have been raised across both letters shall be addressed in the main body of the report, under PPS 21 – Sustainable Development in the Countryside.

Cookstown Area Plan 2010

The site location for the proposed development is to the rear of 101 Dungannon Road Cookstown, which is in the rural countryside and approximately 2 miles south and outside of the Cookstown settlement limit as defined in the Cookstown Area Plan 2010.

Other Constraints

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

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

There are no issues pertaining to flood at the site.

Mid Ulster District Council Draft Plan Strategy 2030

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

Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DfI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 3 – Access, Movement and Parking

Policy AMP 3 (access to protected routes) provides that approval for categories of development other than a dwellinghouse may be justified where the proposed would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road. It is accepted that the access cannot reasonably be obtained from an adjacent minor road. The P1 form and site location plan provide that the existing access to the site is to be used, with no increase in vehicular traffic / visitors to and from the site as a result of the proposal. No alterations to the access are proposed. DfI Roads were consulted and provided no objection to the proposal. I am content that the proposal does not offend Policies AMP 2 and AMP 3 of PPS 3.

PPS 21 – Sustainable Development in the Countryside

PPS 21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission will be permitted for agricultural and forestry development, such as in this case, in accordance with Policy CTY 12. For the purposes of this policy, the determining criteria for an active and established business is embedded in Policy CTY 10, which this report shall address first. A consultation was made to DAERA who confirmed that the farm business I.D provided has not been in existence for more than 6 years (the business was established on 07/01/2021), and no farm payments have been claimed in each of the last 6 years. This matter is one of the issues raised in the objection letters.

A number of veterinary bills were submitted, along with the amended plan on 17th September. These bills are all addressed to the applicant, Mr Niall Bell, for various treatments ranging from bimectin to worm and fly repellent for the sheep, donkeys and alpacas. The bills date as far back as April 2017. Following discussions with the senior planner, it is agreed that the information submitted is not viable evidence of a farm business having been in existence for at least 6 years. Rather, the information submitted

only proves that the applicant was taking care of a number of hobby animals, and there is no evidence to suggest that the animals were at any time being used on a commercial basis. Therefore, while the farm business may be active, the farm business has not been established for the required 6 years as per Policy CTY 10. The proposal fails to meet Policy CTY 10.

So long as the agricultural holding is active and established, Policy CTY 12 provides a list of criteria that such agricultural development must meet. It must be demonstrated that:

- It is necessary for the efficient use of the agricultural holding or forestry enterprise;
- In terms of character and scale it is appropriate to its location;
- It visually integrates into the local landscape and additional landscaping is provided as necessary;
- It will not have adverse impact on the natural or built heritage; and
- It will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

During the site visit carried out on 08/03/2024, I observed three donkeys and two alpacas roaming freely throughout the site and I was informed that the shed along the north eastern edge of the site was used to house the animals. Site photographs show these animals and the animal shelter in question. The photographs, together with the allocated DAERA farm business I.D, amount to the only firsthand evidence throughout the course of assessing this application which would suggest there is a degree of farming activity within the farm holding. The PAC decision (ref. EN/2020/0283) also concludes that there is an active farm business at the site, albeit not established for 6 years.

The amended scheme provided on 17th September 2024 (see Drawing No. 02 Rev A) proposes to significantly reduce the level of hardstanding to be retained and therefore returning much of the western portion of the site it to its previous green field state. The amended scheme also proposes to remove the flood lighting and part of the bunding. The scheme still proposes to retain part of the existing yard area as well as a partially open-sided livestock shelter. On this basis, and having discussed the amendment with the senior planner, it is agreed that the significantly reduced scheme can now be deemed as necessary for the level of farming perceived at the site. On a similar note, it is agreed that the reduced scheme is now considered to be appropriate to its location in terms of character and scale. The new scheme can visually integrate into the local landscape it is considered that the proposal will not have an adverse impact on the natural or built heritage.

With regards to amenity, the amended scheme no longer involves the retention of security lighting, which addresses any concerns relating to light pollution, including the same concern raised by Environmental Health. The removal of the landscaped bund along the western edge of the site and the restoration of much of this side of the site to its original green field state will also improve amenity. Environmental Health provided no

objection to the proposal before the latest reduced scheme was provided. With the reduced scale more in keeping with the level of perceived farming activity at the site, it is considered that any existing issues pertaining to amenity are now remedied.

Policy CTY 13 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Much of the development is hidden from view and not visible from the main road. The animal storage shed and sheltered area for animal feed and farm machinery are of a scale that is in keeping with the perceived operations of the holding. The amended scheme reduces what was an excessive yard area into a less prominent feature in the environment. It is deemed that the proposal would not result in a detrimental change to, or further erode the rural character of the area. The proposal complies with Policies CTY 13 and CTY 14 of PPS 21.

Closing remarks

The proposal complies with Policy CTY 13 and CTY 14. While the proposal is now in accordance with Policy CTY 12, it fails to meet the requisite criteria of being attached to both an active and established farm business for the purposes of Policy CTY 10. This is because the farm business has not been in existence for at least 6 years. It is for this reason that it is recommended that the proposal be refused.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 10 of PPS 21 in that it has not been demonstrated that the farm business has been established for at least 6 years.

Signature(s): Benjamin Porter

Date: 7 October 2024

ANNEX	
Date Valid	22 January 2024
Date First Advertised	6 February 2024
Date Last Advertised	5 February 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 56B Tullyard Road Cookstown Tyrone The Owner / Occupier 101 Dungannon Road Cookstown Tyrone BT80 8UN	
Date of Last Neighbour Notification	19 September 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2024/0049/F Proposals: Retention of extension of agricultural yard and associated development including; hardstanding yard area with perimeter landscaped bunds, security lighting and partially open sided building to provide a livestock shelter and associated works (retrospective) Decision: Decision Date: Ref: I/1976/0331 Proposals: EXTENSION TO LABOURER'S COTTAGES Decision: PG Decision Date: Ref: I/1991/0135 Proposals: Change of use from agricultural land to golf course Decision: WITHDR Decision Date: Ref: LA09/2022/1749/NMC Proposals: Relocation of fencing and hardstanding for pump house kiosk for water fire	

fighting training.

Decision: RENMC

Decision Date: 14-MAR-23

Ref: LA09/2020/1040/PAN

Proposals: Proposal to develop a section of the original tri-service (NIFRS, PSNI and Prison Service) Planning application site (I/2012/0240/F) as their new Learning and Development Centre

Decision: PANACC

Decision Date: 08-OCT-20

Ref: I/2012/0240/F

Proposals: Joint services Training College (for the Police Service of Northern Ireland, the Northern Ireland Prison Service, and the Northern Ireland Fire and Rescue Service) consisting of new teaching, training and residential facilities together with associated car parking, access, landscaping and other ancillary site works. The proposal also includes construction of a single wind turbine.

Decision: PG

Decision Date: 13-FEB-13

Ref: I/2004/0967/O

Proposals: Police Training College, Ancillary Facilities And Associated Site Works

Decision: PG

Decision Date: 05-AUG-05

Ref: LA09/2017/1663/DC

Proposals: Discharge of Conditions 21, 36 and 37 of Planning Application I/2012/0240/F

Decision: CD

Decision Date: 12-JAN-18

Ref: LA09/2017/1648/DC

Proposals: Discharge of condition 38 and 39 of Planning application I/2012/0240/F

Decision: AL

Decision Date: 10-JAN-18

Ref: LA09/2017/1627/DC

Proposals: Discharge of conditions 22 and 23 Of Planning Application I/2012/0240/F

Decision: AL

Decision Date: 20-DEC-17

Ref: I/2004/0591/Q

Proposals: Three Farm Dwellings with Vehicle Access

Decision: 211

Decision Date: 30-JUN-04

Ref: I/1998/0011

Proposals: Extension and Alterations to Dwelling

Decision: PG

Decision Date:

Ref: LA09/2016/0365/F

Proposals: Agricultural building for the storage of farm machinery, hay, fertilizer and general purpose

Decision: PG

Decision Date: 21-JUN-16

Ref: I/2010/0167/F

Proposals: 2No. additional storage units for existing business use (amended description

Decision:

Decision Date:

Ref: I/1993/0196

Proposals: Extension to dwelling with double garage

Decision: PG

Decision Date:

Ref: I/2000/0092/F

Proposals: Retrospective change of use from Farm Building to Commercial Unit.(manufacture of concrete products, agricultural machinery repair, manufacture of garden furniture)

Decision: PG

Decision Date: 24-JAN-02

Ref: LA09/2019/0930/O

Proposals: Proposed site for dwelling and garage

Decision: PG

Decision Date: 18-SEP-19

Ref: LA09/2020/1016/RM

Proposals: Proposed dwelling and detached garage and carport with loft room

Decision: PG

Decision Date: 15-DEC-20

Ref: I/2001/0134/F

Proposals: Retention of Existing Use of Buildings and Land as light Engineering Works

Decision:

Decision Date:

Ref: I/1974/021001

Proposals: ERECTION OF SUBSIDY BUNGALOW

Decision: PG

Decision Date:

Ref: I/1974/0210
Proposals: ERECTION OF DWELLING HOUSE
Decision: PG
Decision Date:

Ref: I/1988/0110
Proposals: IMPROVEMENTS AND EXTENSION TO DWELLING AND GARAGE
Decision: PG
Decision Date:

Ref: I/1989/0408
Proposals: Brick Making Plant and Car Park
Decision: PR
Decision Date:

Ref: I/1989/0116
Proposals: Proposed Brick Making Plant and Associated Car Parking
Decision: PR
Decision Date:

Ref: I/1976/0119
Proposals: IMPROVEMENTS TO DWELLING
Decision: PG
Decision Date:

Ref: I/1987/0310
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: I/2002/0781/F
Proposals: Replacement dwelling & Garage
Decision: PG
Decision Date: 15-APR-03

Ref: I/1974/0289
Proposals: MV O/H LINE
Decision: PG
Decision Date:

Ref: I/1993/6078
Proposals: Site North of 105 Dungannon Road Cookstown
Decision: PRER
Decision Date: 24-FEB-94

Ref: I/1974/0156

Proposals: MV OVERHEAD LINE

Decision: PG

Decision Date:

Ref: I/1979/0545

Proposals: KITCHEN EXTENSION AND GENERAL IMPROVEMENTS

Decision: PG

Decision Date:

Ref: I/2010/0347/F

Proposals: Proposed Two Storey Gable Extension to Dwelling

Decision: PG

Decision Date: 17-SEP-10

Ref: I/1994/0263

Proposals: Roadside Sign

Decision: PG

Decision Date:

Ref: LA09/2018/0227/F

Proposals: New underground gas transmission pipeline (intermediate pressure) approximately 3.5 Km in length both in road and in verge with associated temporary site works, including open cut excavation and horizontal directional drilling for pipe installation

Decision:

Decision Date:

Ref: I/2002/0629/F

Proposals: Installation of mobile stone crushing plant

Decision: PG

Decision Date: 16-JAN-03

Ref: LA09/2020/1341/PAD

Proposals: Phase 2 Learning and Development Centre

Decision: PAD

Decision Date: 01-JAN-21

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads blank Template TriLingual.DOCX

DAERA - Coleraine-Planning Consultee Response LA09-2024-0049-F - Business id 665210.DOCX

Environmental Health Mid Ulster Council-Planning response.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Plans Plan Ref: 03
Levels and Cross Sections Plan Ref: 04

Notification to Department (if relevant)

Not ApplicableNot ApplicableNot Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.8
Application ID: LA09/2024/0084/O	Target Date: 9 May 2024
Proposal: Dwelling and domestic garage	Location: Site 100M North of 20B Bockets Road, Ballygawley
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Owen Trainor 42 Reclain Road Galbally Dungannon	Agent Name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary: This proposal is contrary to Policies PPS 3 and PPS 21 and therefore refusal is recommended. Officers are of the opinion there are other opportunities within the applicant's farm holding whereby a modest dwelling and garage could satisfactorily meet all the policy requirements of PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docx
Statutory Consultee	DAERA - Omagh	LA09-2024-0084-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	18-06-2024.DOCX

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site occupies an irregular shaped site which is located 100 metres North of No 20B Bockets Road, Ballygawley. The site sits less than 4 kilometres to the north of the Ballygawley village and measures 0.19 hectare. It is accessed off Bockets Lane just

over 1 kilometre off and to the north of the B35 which is known as the Old Dungannon to Ballygawley Road. The site is located in the countryside, outside of any designated settlements as defined in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area is typically rural in character with dwellings dispersed throughout along the narrow road network or laneways serving farm holdings also. A designated walkway Glenmore Scenic Walk which is owned and maintained by the Council runs adjacent to this site, with the Glenmore River on the other side.



A designated gravel path runs along the eastern boundary of the site with the Glenmore river on the opposite side of the path which continues into the glen and rises with the topography. The site itself includes the southern portion of a larger field which rises steeply in a northerly direction. It also includes a sliver of land of the adjacent field to the west which runs along the outer side of an established hedgerow boundary of the field. The south western boundary of the site is undefined on the ground, with a well-established treed boundary running through the site, parallel to this portion of the site. The north western boundary of the site to the rear is undefined on the ground as the remainder of the field rises to the north.

The north eastern boundary is defined by a d rail fence with barbed wire and mesh to the inside, part of which was unstable and uprooted at the time of site inspection. This boundary separates the application site from the Glenmore Scenic Walk. This same fence continues on to form south eastern boundary at the front of the site, with an agricultural gate also. This is adjacent to the Council owned car park which is associated with the Walk. The car park occupies a rectangular plot of land measuring approximately 0.01 hectares, it provides undesignated parking facilities and includes signage containing information regarding Glenmore Scenic Walk.

Planning History

M/1996/0401/F - Toilet Block to serve Public Amenity - Glenmore Scenic Walk, Tulnavern, Ballygawley – Approval - 09.12.1996

Description of Proposal

This application seeks outline planning permission for a Farm dwelling and domestic garage on land 100 metres North of 20B Bockets Road, Ballygawley.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

The Strategic Planning Policy Statement for Northern Ireland `Planning for Sustainable Development (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

Policy CTY 1 in PPS 21 - Sustainable Development in the Countryside allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;

- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

This application seeks a farm dwelling which is governed by CTY 10 of PPS 21 which states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

(a) the farm business is currently active and has been established for at least 6 years

DAERA were consulted and have confirmed that the applicant's Farm Business ID has been in existence for the required 6-year period and that the applicant is a Category 1 farmer. They have also confirmed that payments are currently being claimed by the farm business and the proposed site is located in a field which is under the control of the farm business identified on the P1C form. Officers are therefore satisfied that the farm business is currently active and established for at least 6 years.

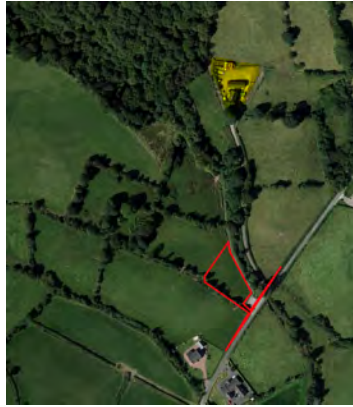
(b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

A planning history search of the applicant's farm holding as was provided on the associated Farm Maps submitted was undertaken on the Mid Ulster Planning Portal. There appears to have been a number of planning applications granted permission over the years under the same surname as the applicant on land surrounding this site. However, officers are content there are no records indicating that any dwellings or development opportunities have been sold off from this farm holding within the last 10 years. As there is no evidence that the applicant has already obtained planning permission for a residential property under this Business Number within the last 10 years, therefore this proposal complies with this criteria.

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

The agent has claimed there are no existing buildings on the farm holding, however there is a farm holding which is shown within the applicant's blue land and is identified in yellow below. These buildings are set back from the public road a distance of approximately 215 metres and appear to be the only buildings on the farm holding for a

dwelling to cluster with.



However, this application site sits some 200 metres to the south west of these buildings and would not cluster with them or visually link with them. A new dwelling and a domestic garage could not be considered to visually link with any existing farm buildings on the site and therefore the proposal fails the policy on this criterion. The closest point of the red line of the application site measures a distance of approximately 170 metres to the closest façade of the closest building on the farm complex. This extended distance combined with the topography of the land surrounding the site means that views of the farm buildings are not visible from the site itself and therefore there is no visual linkage at all, contrary to part c of the policy.

In support of this application the agent has provided information to justify their proposed siting and mentions Paragraph 5.41 in PPS 21. This refers to helping minimise any impact on the character and appearance of the landscape and therefore dwellings should be positioned sensitively with an established group of buildings on the farm, to either form an integral part of that particular building group, or to be visually interlinked with those buildings “with little appreciation of *any* physical separation that may exist between them.” It then goes on to say how a dwelling may be permitted even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation where,

- the existing building group is well landscaped, or
- where a site adjacent to the building group is well landscaped.

The existing farm holding associated with the applicant is not well landscaped and nor is this application site adjacent to the farm grouping. However, a dwelling and garage sited in the field to the west of the holding would integrate much better than on this application site. Here the buildings would benefit from the existing treed glen and it would utilise an existing laneway also, thereby further reducing the impact on the landscape. Within the applicant’s ownership there appears to be other more suitable locations wherein new buildings would cluster with the established buildings satisfying all criteria in CTY 10, as well as availing of much better opportunities to integrate into the surroundings with existing vegetation providing backdrop and or enclosure.

Discussion at Group has concluded in this instance, it is not felt that extract from the justification and amplification within CTY 10 would relate to this specific site, as the exception is **only** if there is significant vegetation between the two separate sites. In this case, it is more so the topography of the lands that is creating the separation. It is not felt this proposed site could be considered as being adjacent to the holding as there is a public walkway, vegetation and at least 2 fields in the intervening space. The agent's argument is not strong enough to support a case for this proposed siting under this application, especially noting that there are a number of other alternative sites within the applicant's ownership which would successfully cluster with buildings on the farm, and therefore would meet the policy criteria and would visually link with existing farm buildings on the farm. The land adjacent to the applicant's farm holding and existing associated buildings on the farm to the north east benefit from a greater degree of enclosure.

The agent has not provided any verifiable plans or evidence relating to the future expansion of the farm business at this identified holding, nor provided any health or safety reasons which would restrict a dwelling and garage sited here in compliance with policy.

Policy CTY 13 - Integration and Design of Buildings in the Countryside states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application the design elements of CTY 13 cannot be fully dealt with under this application but will be considered under any Reserved Matters or Full application.

Officers do not agree with the agents' claims that mature vegetation "defines all 3 sides of the site creating a natural enclosure for the successfully integration of a new dwelling". This application site does not have any established boundaries, bar the d-rail fence which was greatly damaged at the time of site inspection. A line of vegetation which runs through the application site may offer some integration to one side of a new access laneway, however this would leave the other side which would be the most conspicuous being undefined. The rising land in the south western portion of the main host field may provide some degree of a backdrop, however the lack of any vegetated boundary between the car park and the designated path boundaries would leave this site very exposed from both vantage points of the car park and the designated pathway.

The location of this site on elevated land above the roadside which is immediately adjacent to both a public carpark and a designated walkway which are accessible to the public at all times would only serve to accentuate views of any buildings on this site. As explained above and can be seen from the ortho photo, there are other more suitable locations within the applicant's ownership which are in compliance with CTY 10 criteria clustering with existing farm buildings and which would also have the benefit of availing of much better opportunities to integrate into the surroundings with existing vegetation providing backdrop and or enclosure.

This proposal fails to meet all the criteria in CTY 13, particularly part b and g in that the site lacks long established boundaries and is unable to provide a suitable degree of enclosure to integrate into the landscape and a dwelling on this site will not cluster or visually link with buildings on the farm which would itself aid the integration of a dwelling.

CTY14 - Rural Character in PPS 21 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. It is considered a dwelling and garage on this application site would be unduly prominent causing a detrimental change to erode rural character of the area due to the lack of boundaries and the elevated nature of the site.

Policy AMP 2 – Access onto Public Roads in PPS 3 – Access, Movement and Parking permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. The agent in the P1 form has said this proposal involves the alteration of an existing access to a public road.

DfI Roads have been consulted and they have recommended a refusal for this application as the access for this proposed development is deemed unacceptable due to the direct impact it would have on the radius for people utilising the existing car park. In response to the comments made by DfI Roads, the agent clarified that most of the road frontage of this site is utilised as a public car park and therefore the need to gain access from an existing agricultural access to the field which sits to the west of the car park. This agricultural access is for a different field adjacent to the car park sitting between the site and the applicant's dwelling at No 20b Bockets Road.

The officer believed there were some discrepancies with regards to the accuracy of the drawing initially submitted, in particular with regards to the access as was identified on the block plan. This shows a frontage of just under 7 metres of the adjacent field to the west of the main host field. The agent was informed of these concerns and provided detailed drawings of the access. In response to the Officer's concerns and DfI Roads' comments, the agent provided photographic evidence showing the adjacent field's gate is required for access. Details of the access were also submitted as shown below.



The existing access agricultural access this application has said it proposes to utilise is approximately 4 metres wide and is just under 9 metres from the edge of the car park. The agent has shown a frontage of some 17 metres from the car park edge and indicates a new access to the west of that existing opening is required and this additional land is still not included within the red line of the application site. In justification for utilising the adjacent fields' access, the agent claims this would instead increase the existing radius for vehicles utilising the car park.

As this proposed access as submitted by DfI Rds has been deemed unsafe and due to the proposal failing to meet the necessary criteria for a dwelling on a farm, DfI Rds were not reconsulted on this proposal. Officers agree with comments provided by DfI Rds that on the grounds of road safety, this proposal is deemed contrary to AMP 2 in PPS 3.

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

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

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 and there were no neighbouring properties to notify. No objections were received regarding this proposal.

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

on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Refuse is recommended

As assessed above and following discussion at Group, it is concluded that the development proposed on this site does not comply with the provisions of PPS 21 namely policies CTY 1, 10, 13 and 14. It also fails to comply with PPS3 and therefore it is recommended the Members refuse this proposal, especially when it appears evident other opportunities within the applicant's farm holding exist whereby development could satisfactorily meet all the policy requirements of PPS 21.

Refusal Reasons

Reason 1

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

Reason 2

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

Reason 3

The proposal is contrary to parts b & g of Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site lacks long established boundaries and is unable to provide a suitable degree of enclosure to integrate into the landscape and a dwelling on this site will not cluster or visually link with buildings on the farm which would itself aid the integration of a dwelling.

Reason 4

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling and garage would be unduly prominent in the landscape causing a detrimental change to erode the rural character of the area.

Reason 5

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking - Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users as the proposed access impacts on the access to the adjacent Glenmore Scenic Walk parking area.

Signature(s): Cathy Hughes

Date: 20 November 2024

ANNEX	
Date Valid	25 January 2024
Date First Advertised	5 February 2024
Date Last Advertised	5 February 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1991/0196 Proposals: Provision of recreation area and scenic walks to include 2 car parks, pathways, foot bridges, picnic tables, seats, fences etc Decision: PG Decision Date: Ref: M/1992/0169 Proposals: 33 KV O/H Line Decision: PG Decision Date: Ref: LA09/2024/0084/O Proposals: Dwelling and domestic garage Decision: Decision Date: Ref: M/2003/0772/O Proposals: Proposed dwelling Decision: Decision Date:	

Ref: M/1996/0401

Proposals: Toilet Block to serve Public Amenity Park

Decision: PG

Decision Date: 09-DEC-96

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation.docx

DAERA - Omagh-LA09-2024-0084-O.DOCX

DFI Roads - Enniskillen Office-18-06-2024.DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

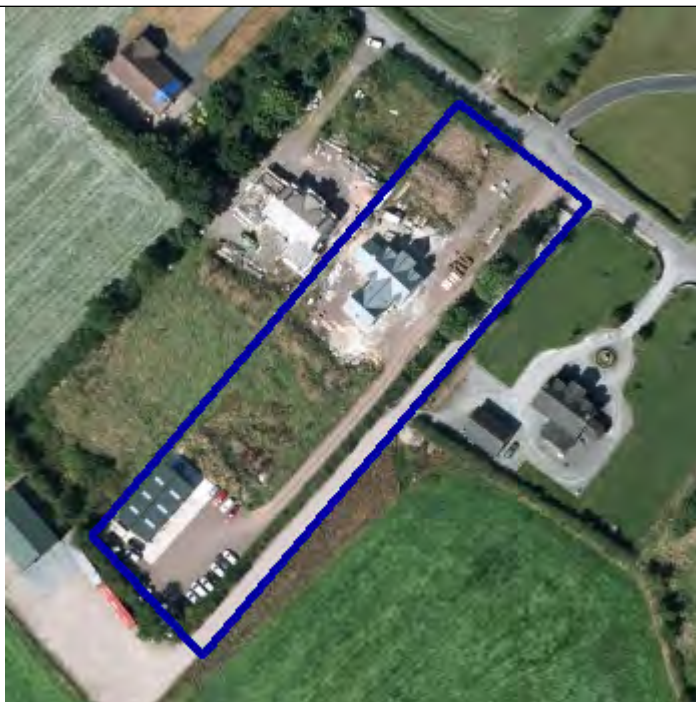


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.9
Application ID: LA09/2024/0211/F	Target Date: 27 June 2024
Proposal: change of Use from domestic garage, general domestic garden and tool store to garage for carrying out general mechanical repairs to light vehicles ie. cars and vans.	Location: 15B Annaghnaboe Road Meenagh Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Ryan O'Neill 15B annaghnaboe Road Coalisland BT71 4QH	Agent Name and Address: Mr Eugene McCann 4A TATTYMOYLE ROAD FINTONA, OMAGH BT78 2NR
Executive Summary: The proposed full application is for a COU from a domestic garage to a mechanics and is presented as a refusal as it fails to meet Policy CTY1 and Paragraph 6.73 (Non-residential Development) of the SPPS.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Full response.docxDC Checklist.doc
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2024 0211 F 15B Annaghnaboe Road Coalisland.doc
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	Environmental Health Mid Ulster Council	

Representations:

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

Number of Petitions of Objection and signatures	
Summary of Issues	
Characteristics of the Site and Area <p>The application site is located approximately 0.75km west of the development limits of Annaghmore in the open countryside in accordance with the Dungannon and South Tyrone Area 2010. The site forms part of the residential curtilage for No 15B Annaghaboe Road and contains a newly constructed roadside dwelling and located approximately 60m from the rear of the dwelling there is a mechanic's business operating from a portal frame building which is the subject of this planning application. There is a hardstand area to the front and side used to park vehicles. The building is set back approximately 125m from the public road and access to the building via shared laneway.</p>	
Description of Proposal <p>This is a full application for a change of use from domestic garage, general domestic garden and tool store to garage for carrying out general mechanical repairs to light vehicles i.e. cars and vans.</p>	
Planning Assessment of Policy and Other Material Considerations <u>Policy Consideration</u> <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 determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p> <p>Representations Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. The following properties were notified: 15a, 16 & 17 Annaghaboe Road, Dungannon. At the time of writing this report, no third-party objections were received.</p> <p>Planning History M/2012/0262/F - Proposed new dwelling and domestic garage. Permission Refused on 14/12/2012. LA09/2015/1156/O - Site for 2 no Infill Dwellings. Permission Granted on 14/06/2016.</p>	

LA09/2017/1749/RM - Erection of two dwellings. Permission Granted on 15/05/2018.
LA09/2020/1320/F - Detached domestic garage, general domestic, garden & tool store.
Permission Granted on 23/03/2021.

Enforcement History

LA09/2023/0024/CA - Unauthorised mechanics business in new purpose built building.
Under Consideration.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site is located within open countryside as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other zonings or designations as defined in the Plan.

Background Information

The building on site has the appearance of a small industrial building and comprise of 4 No roller shutter doors on the front elevation and metal clad roof finish.



The planning history indicates that planning permission was granted for a single storey domestic garage under LA09/2020/1320/F in March 2021. There is some doubt over whether the single storey garage was constructed before the proposal was converted to a mechanics. However, as the description of the proposal is for ‘a change of use from domestic garage, general domestic garden and tool store to garage for carrying out general mechanical repairs to light vehicles i.e. cars and vans’ and in the absence of evidence to the contrary, it is accepted that approved domestic garage could have been constructed before it was converted to a mechanics.

SPPS – Strategic Planning Policy Statement for Northern Ireland:

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan. At present, no Plan Strategy has been adopted. Accordingly, during the transitional period, the SPPS retains certain Planning Policy Statements (PPSs), and it sets out the arrangements to be followed in the event of a conflict between the SPPS and retained policy. The Council considers there is conflict between the wording contained in policy CTY 4 – The Conversion and Reuse of Existing Buildings of PPS 21 and paragraph 6.73 (page 54) under the heading 'The conversion and re-use of existing buildings for non-residential use' of the SPPS.

Policy CTY 4 states that planning permission will be granted for the sympathetic conversion of, with adaptation, if necessary, a suitable building for a variety of alternatives uses, including use as a single storey dwelling, where this would secure its upkeep and retention. Paragraph 6.73 of the SPPS states that the provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest for a variety of alternative uses where this would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.

Paragraph 1.12 of the SPPS states that where there is any conflict between the SPPS, and any policy retained under the transitional arrangements must be resolved in favour of the provision of the SPPS. The amended wording of the SPPS constitutes a revision of Policy CTY 4 and consequently the term 'locally important building' must take precedence over 'suitable building' in Policy CTY 4 of PPS 21.

Planning Policy Statement 21 - Sustainable Development in the Countryside

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. As this proposal is for the conversion of a domestic building to a mechanic, CTY 4 is the relevant policy in the assessment of this application.

CTY 4 – The Conversion and Reuse of Existing Buildings

CTY 4 states planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention.

As previously discussed, the SPPS provides additional clarification for this type of development and attaches greater weight on the term 'a suitable locally important building' over 'a suitable building' as defined in CTY 4. The SPPS does not define 'locally important building' but lists examples such as former schoolhouses, churches and older traditional barns and outbuildings. These examples typically relate to building that have some design, architectural or historic merit.

It is evident from the planning history that the building on site could have only been constructed after planning permission was granted in March 2021 for the development approved under LA09/2020/1320/F. It is also evident that the building was built using modern construction methods, therefore it cannot be considered as a 'locally important building' as envisaged by the SPPS.

Paragraph 6.73 also states the nature and scale of the proposed non-residential use should be appropriate to its countryside location. This type of development has the potential to generate noise and nuisance. Environmental Health were consulted about the proposal and have requested a noise report. However, as the proposal does not meet the crux of the policy insofar as the building is not considered as a 'locally important building' it would be unfair to put the applicant to the expense of a noise report. Accordingly, the proposal does not comply with Policy CTY 4 or the SPPS as the building for conversion does not possess any design, architectural, or historic merit and the nature and scale of proposal is not appropriate for this rural area.

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

The illustration below shows the differences between the approved building and the proposed building.



Considering CTY 13 & CTY 14 together, it was accepted under LA09/2021/1320/F a building of similar in size and scale to the building on site was appropriated for this rural location. Regarding the proposed external changes to the front elevation and the introduction of a metal clad roof finish, the proposed changes are considered appropriate for this rural location. The proposal complies with CTY 13 & CTY 14.

PPS 2 - Natural Heritage (NH 5)

Policy NH5 - Habitats, Species or Features of Natural Heritage Importance is also a consideration when assessing the proposal. No hedge removal is required to provide visibility splays as they existing.



PPS 3 – Access, Movement and Parking.

Policy AMP 2 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. As the proposed access arrangements involve alteration of existing access on to a public road, a consultation was sent to DFI Roads, in their response confirmed that they had no objections subject to the provision of visibility splays of 2.4m x 70m. The proposal complies with AMP 2.

Other Considerations

There is no support for this type of development in the countryside under the policy provisions found in Policy PED 2 – Economic Development in the Countryside of PPS 4 Planning and Economic Development. It is worth noting, the applicant has a fall-back position which is to cease the use of the building as mechanics and revert to the domestic use as approved and conditioned under planning approval LA09/2020/1350/F.

Based on the above assessment, refusal is recommended.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside as there are no overriding reasons why the development is essential and could be located in a settlement.

Reason 2

The proposal is contrary to CTY 4 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the building for conversion does not possess any design, architectural, or historic merit.

Reason 3

The proposal is contrary to CTY 4 of Planning Policy Statement 21: Sustainable Development in the Countryside in that it has not been demonstrated the nature and scale of the proposed non-residential use is appropriate in this rural location.

Reason 4

The proposal is contrary to Paragraph 6.73 (Non- Residential Development) of the Strategic Planning Policy Statement for Northern Ireland in that the building proposed for conversion is not a locally important building.

Signature(s): Sean Diamond

Date: 20 November 2024

ANNEX	
Date Valid	14 March 2024
Date First Advertised	26 March 2024
Date Last Advertised	26 March 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 15A Annaghnaboe Road Coalisland Tyrone BT71 4QH The Owner / Occupier 16 Annaghnaboe Road Coalisland Tyrone BT71 4QH The Owner / Occupier RNN - 17 Annaghnaboe Road Coalisland Tyrone BT71 4QH	
Date of Last Neighbour Notification	29 March 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2015/1156/O Proposals: Site for 2 no Infill Dwellings Decision: PG Decision Date: 17-JUN-16 Ref: LA09/2024/0211/F Proposals: change of Use from domestic garage, general domestic garden and tool store to garage for carrying out general mechanical repairs to light vehicles ie. cars and vans. Decision: Decision Date: Ref: LA09/2023/0922/F Proposals: Retention of cattle shed and hard standing yard area Decision: Decision Date: Ref: LA09/2020/1320/F Proposals: Detached domestic garage, general domestic, garden & tool store Decision: PG Decision Date: 23-MAR-21	

Ref: M/2002/1132/RM

Proposals: Proposed one and a half storey dwelling

Decision: PG

Decision Date: 28-NOV-02

Ref: M/2001/1075/O

Proposals: Site for one and a half storey dwelling.

Decision: PG

Decision Date: 01-FEB-02

Ref: LA09/2016/1094/F

Proposals: Proposed agricultural cattle shed

Decision: PR

Decision Date: 07-FEB-18

Ref: M/2012/0262/O

Proposals: Proposed new dwelling and domestic garage

Decision: PR

Decision Date: 26-NOV-12

Ref: LA09/2017/1749/RM

Proposals: Erection of two dwellings

Decision: PG

Decision Date: 15-MAY-18

Ref: M/2005/0279/O

Proposals: Proposed Dwelling & Domestic Garage

Decision:

Decision Date:

Summary of Consultee Responses

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

Environmental Health Mid Ulster Council-LA09 2024 0211 F 15B Annaghnaboe Road
Coalisland.doc

Environmental Health Mid Ulster Council-

DFI Roads - Enniskillen Office-Roads Consultation.docx

Environmental Health Mid Ulster Council-

Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Elevations and Floor Plans Plan Ref: 03

Cross Sections Plan Ref: 04

Existing Plans Plan Ref: 05

Existing Plans Plan Ref: 06

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.10
Application ID: LA09/2024/0393/F	Target Date: 18 July 2024
Proposal: 2no.glamping pods with 4no. parking spaces - New access track and associated planting	Location: 62M and 75M North East of No. 33 Dunnabraggy Road Moneymore
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mrs Ruth Ruddell 33 Dunnabraggy Road Moneymore BT45 7YN	Agent Name and Address: Mr Brendan Monaghan 45 Letteran Road Moneymore Magherafelt BT45 7UB
Executive Summary: <p>This full application for the proposed 2no.glamping pods with 4no. parking spaces, is brought to the planning committee with a recommendation for refusal. The proposal fails to meet the following planning policy:</p> <p>The proposal fails to meet Policy CTY 11 of PPS 21 in that the tourist pods are not integrated with an existing group of buildings.</p> <p>The proposal fails to meet Policy CTY 13 of PPS 21 in that the site is unable to provide a suitable degree of enclosure for the tourist pods to integrate into the landscape.</p> <p>The proposal fails to meet Policy CTY 8 of PPS 21 in that the proposal adds to a ribbon of development.</p> <p>The proposal fails to meet Policy CTY 14 of PPS 21 in that the proposal adds to a ribbon of development.</p> <p>The proposal fails to meet Policy TSM 5 of PPS 16 in that:</p>	

(i) The proposal for two units is not located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park; and

(ii) The proposal for two units does not constitute a cluster of 3 or more new tourist units and is not at or close to an existing or approved tourist amenity that is or will be a significant visitor attraction in its own right.

Finally, the proposal fails to meet Policy TSM 7 of PPS 16 in that the siting and existing / proposed landscaping associated with the tourist pods do not provide a means of enclosure.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DAERA - Coleraine	Planning Consultee Response LA09-2024- 0393-F - Business id 635049.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Template.DOCX

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located within the rural countryside, approximately 1.5 miles east and outside

of the Churchtown settlement limit as defined in the Cookstown Area Plan 2010. The 0.26 ha site encompasses part of an agricultural field which rises up from the Dunnabraggy Road. Boundaries consist of existing hedgerow and scatterings of trees along the western and north western edges of the site. The northern-most boundary is defined by post and wire fencing and is fairly bare, showing no natural backdrop when viewed from the main road. The eastern boundary is undefined and the southern boundary is made up of roadside field hedgerow. The site is adjacent and east of no. 33 Dunnabraggy Road. The next closest dwelling is approximately 100 metres south west of the site (no. 34). There are scatterings of dwellings and farm buildings dotted along the Dunnabraggy Rd and the on-site and surrounding environment is one of undulating terrain.

Description of Proposal

This is a full application for 2 no. glamping pods with 4no. parking spaces, with a new access track and associated planting.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Planning Histories

None

Representations

To date no objections have been received.

Cookstown Area Plan 2010

The site is located within the rural countryside, approximately 1.5 miles east and outside of the Churchtown settlement limit as defined in the Cookstown Area Plan 2010.

Other Constraints

The site is not located within, next to or within close proximity to any protected areas, including RAMSARS, SACs and SPAs.

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

There are no issues pertaining to flooding at the site.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 21 – Sustainable Development in the Countryside

PPS 21 is the overarching policy for development in the countryside. Policy CTY 11 of PPS 21 provides an opportunity for farm diversification projects subject to criteria. Policy CTY 11 states planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- a. the farm or forestry business is currently active and established;
- b. in terms of character and scale it is appropriate to its location;
- c. it will not have an adverse impact on the natural or built heritage; and
- d. it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

The design and access statement accompanying the application states that the proposed tourist pods will run in conjunction with the existing agricultural operations on the farm and that the location of the pods allow for the land to be grazed as normal therefore having no impact on the day to day running of the farm. A consultation was made to DAERA who confirmed the farm business is active and has been established for at least 6 years. The two no. pods are 3 metres in height and are approximately 30sqm, with a 10sqm outdoor decking area to the rear. Finished materials include tongue and groove timber cladding (light oak) to the external walls. On this basis the character and scale are considered appropriate to its location, with no impacts on the natural or built environment expected to arise. The closest third party dwelling to the site (nos. 34 and

21 Dunnabraggy Road) are located over 100 metres from the glamping pods and the pods do not overlook these properties. The proposal will not impact nearby residential amenity and there are no objections to the application.

The same policy favours proposals involving the re-use or adaptation of existing farm buildings, though exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies. In such instances, the development must be satisfactorily integrated with an existing group of buildings. It is agreed that to site the pods within the curtilage of an existing farm holding would not be suitable for a quiet rural retreat. Such a siting might also pose health and safety risks associated with the movement of farm vehicles and machinery. It is accepted that the pods should therefore be sited outside of any farm yard area, though still visually integrated with farm buildings. However, the proposed site for the pods is not next to a grouping of farm buildings, but rather a single dwelling located on the farm complex, with no outbuildings / ancillary buildings within its curtilage. Therefore the proposal fails to meet this aspect of the policy and therefore fails to comply with Policy CTY 11 on a whole.

Under Policy CTY 13, proposals for development in the countryside can be permitted where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The low-profile scale of the tourist pods means they are not prominent features. However, the siting on the brow of the hill, with no natural backdrop of trees to enclose the site, means the development would fail to integrate and blend with the landform. This is further compounded when it is considered that the pods do not satisfactorily integrate with an existing group of buildings on the farm. Therefore the proposal fails to meet Policy CTY 13 of PPS 21.

Policy CTY 14 states planning permission will be granted for development in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Given the proposal does not integrate with existing farm buildings, it is considered that the proposal adds to a ribbon of development and therefore is contrary to Policies CTY 14 and CTY 8.

PPS 16 – Tourism

Policy TSM 5 states planning approval will be granted for self catering units of tourist accommodation in any of the following circumstances:

- a. one or more new units all located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park;
- b. a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right;
- c. the restoration of an existing clachan or close, through conversion and / or replacement of existing buildings, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries. Where practicable original materials and finishes should be included.

Neither of the proposed two accommodation pods are located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park. Only two pods are proposed, and the site is located more than 2 miles away from the Sperrins AONB as defined by NIEA's natural environment map and therefore it is debatable whether the pods can be considered 'close' to this tourist amenity. The proposal does not involve the restoration of an existing clachan or close. The proposal fails to meet Policy TSM 5 of PPS 16.

Policy TSM 7 provides the design criteria which all proposals for tourism development must meet under PPS 16. The scheme supports primarily vehicular movements but can also be accessed on foot or by bicycle, albeit there are no formal footpaths to or from the site. Given the rural location, there is no expectation for improved access to public transport. The proposal will not prejudice people whose mobility is impaired. The proposal will not encourage crime. There are no flooding concerns. There are no concerns relating to the pod designs, though the particular siting, together with the existing and proposed landscaping do not adequately aid in providing a means of enclosure for the pods, therefore the proposal fails on this part of the policy.

Policy TSM 7 also provides the general criteria which all proposals for tourism development must meet under PPS 16. The proposal is compatible with surrounding land uses.. There are no third party amenity concerns. The proposal does not impact features of the natural or built heritage. The proposal will utilise a package treatment plant for foul sewage disposal. The proposal involves the alteration of an existing field gate access onto the public road. A laneway is to be created to access the pods and the expected increase of vehicular movements to and from the site amounts to two. DfI Roads were consulted and have no objection to the proposal. There are no concerns relating to the access / road safety.

PPS 3 – Access, Movement and Parking

As above, the proposed access arrangements involve the alteration of an existing access to a public road. DfI Roads were consulted and provided no objection to the proposal, subject to the inclusion of access conditions with any planning approval granted. The proposal complies with Policy AMP 2 of PPS 3.

Recommendation

The proposal fails to meet a number of criteria across several policies and this relates mostly to integration. It is recommended that planning permission be refused for the reasons listed below.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal fails to meet Policy CTY 11 of PPS 21 in that the tourist pods are not integrated with an existing group of buildings.

Reason 2

The proposal fails to meet Policy CTY 13 of PPS 21 in that the site is unable to provide a suitable degree of enclosure for the tourist pods to integrate into the landscape.

Reason 3

The proposal fails to meet Policy CTY 8 of PPS 21 in that the proposal adds to a ribbon of development.

Reason 4

The proposal fails to meet Policy CTY 14 of PPS 21 in that the proposal adds to a ribbon of development.

Reason 5

The proposal fails to meet Policy TSM 5 of PPS 16 in that:

(i)The proposal for two units is not located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park; and

(ii)The proposal for two units does not constitute a cluster of 3 or more new tourist units and is not at or close to an existing or approved tourist amenity that is or will be a significant visitor attraction in its own right.

Reason 6

The proposal fails to meet Policy TSM 7 of PPS 16 in that the siting and existing / proposed landscaping associated with the tourist pods do not provide a means of enclosure.

Signature(s): Benjamin Porter

Date: 31 October 2024

ANNEX	
Date Valid	4 April 2024
Date First Advertised	16 April 2024
Date Last Advertised	16 April 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 28 Dunnabraggy Road Moneymore Londonderry BT45 7YN The Owner / Occupier Drumeen Way 29 Dunnabraggy Road Moneymore Londonderry BT45 7YN The Owner / Occupier 26 Dunnabraggy Road Moneymore Londonderry BT45 7YN The Owner / Occupier 28A Dunnabraggy Road Moneymore Londonderry BT45 7YN The Owner / Occupier RNN - 33 Dunnabraggy Road Cookstown Londonderry BT45 7YN	
Date of Last Neighbour Notification	23 April 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1980/0294 Proposals: DWELLING HOUSE Decision: PG Decision Date: Ref: I/2002/0736/F Proposals: Proposed domestic dwelling and garage Decision: PG Decision Date: 30-DEC-02 Ref: LA09/2015/0439/RM Proposals: Proposed 2 storey dwelling and garage Decision: PG Decision Date: 05-OCT-15 Ref: I/1989/0374	

Proposals: Dwelling
Decision: WITHDR
Decision Date:

Ref: I/2002/0542/O
Proposals: Domestic Dwelling & Garage
Decision: PG
Decision Date: 24-OCT-02

Ref: I/1990/0012
Proposals: Dwelling
Decision: PG
Decision Date:

Ref: LA09/2024/0393/F
Proposals: 2no.glamping pods with 4no. parking spaces - New access track and associated planting
Decision:
Decision Date:

Ref: I/1990/0012B
Proposals: Dwelling
Decision: PG
Decision Date:

Summary of Consultee Responses

DAERA - Coleraine-Planning Consultee Response LA09-2024-0393-F - Business id 635049.DOCX
DFI Roads - Enniskillen Office-Roads Template.DOCX

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.11
Application ID: LA09/2024/0479/F	Target Date: 8 August 2024
Proposal: Proposed residential development for 22No. dwellings comprising of 14No. semi-detached and 8No. maisonettes. Proposal includes landscaping, car parking and all associated site and access works (amendment to previous Planning Permission LA09/2021/1330/F)	Location: 3 Mullagh Lane Maghera BT46 5EF
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: JFM Construction Ltd 75 Loughbeg Road Toomebridge BT41 3TS	Agent Name and Address: Mr Damien McLaughlin 4-6 Linenhall Street Ballymoney BT53 6DP
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.DOCX
Statutory Consultee	Rivers Agency	513609 - Final reply.pdf
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2024-0479-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.docRoads Consultation template.DOCX
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2024 0479 F Residential Dev Mullagh Lane Maghera.doc
Statutory Consultee	Rivers Agency	351992 - Final reply.pdf
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2024-0479-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation PSD.DOCX
Statutory Consultee	Rivers Agency	607140 - Final reply.pdfSubstantive reply - 27/08/24

Representations:	
Letters of Support	0
Letters Non Committal	0
Letters of Objection	4
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	
Summary of Issues	
<p>Four objection have been received in respect of the proposed development and raise the following issues:-</p> <ul style="list-style-type: none"> • Impact on amenity; This is an urban site, within the settlement development limits of Maghera. Whilst any development will have an impact on the neighbourhood, an increase in the population density and traffic is to be expected in this urban setting. It should be noted that the current proposed layout is for an increase of three units over what was previously approved under planning approval H/2014/0351/F, but proposed a layout of 28.9 dwellings per hectare, which is less than Mullagh Court at 40.1 dwellings per hectare and King William III Park at 31.2 dwellings per hectare. • Change in character; The introduction of maisonettes is acceptable within this proposed layout as it is in keeping with p.7.01 of Creating Places insofar as it provides for a range of house types. • Density; The proposed density, as detailed above is acceptable in this location. DfI Roads did not raise any concerns regarding a shortfall in parking and have accepted the layout as meeting the required standards. Likewise, Environmental Health did not raise any issues regarding the potential for noise disturbance arising from the development following its completion. Although EHD did suggest the inclusion of a condition relating to construction noise, the suggested condition does not meet the tests of a planning condition. It is not enforceable due to the suggested wording as it relates to issues which can be controlled by EHD legislation and should not be covered by planning conditions. • Environmental impact; The proposed development does not include for the removal of any mature trees. On the contrary, the proposed layout clearly states that 'All existing boundary planting, retained and augmented as necessary with new native species planting'. However, notwithstanding this, as there is no Tree Preservation Order on the site at present, the applicant is entitled to remove mature trees on the boundary without requiring permission. However, as discussed, that is not proposed. It is noted that the objector 	

has removed two mature trees from the boundary between their dwelling and the site.

- Proximity to existing properties: too close to common boundary; privacy; overshadowing.

There are two dwellings on sites 21/22, the corners of which are positioned 5m and 10m from the common boundary with an objectors property at no. 8 Mullagh Close. A second building containing a pair of maisonettes is positioned 4m from the same boundary. However, the dwellings on sites 21/22 are positioned gable-end towards the objectors dwelling with a blank gable wall apart from a ground floor kitchen window. Therefore, there will be no loss of privacy as there is still a boundary hedge between the two properties to provide adequate screening. There will be little impact in terms of overshadowing given the position of the proposed dwelling in relation to the objectors own dwelling. The proposed dwellings will cast a shadow over the objectors amenity space during the winter months but this is at a time when generally private amenity spaces are used less frequently. In my opinion, as the majority of the objectors open space lies to the east/south-east of their own dwelling, most of the shadowing of their private amenity space to the rear of their dwelling will be as a result of their own dwelling. The proposed dwellings on sites 19/20 will cause little, if any, shadowing. It is noted that the objectors dwelling is positioned around 2.3m from the neighbouring dwelling at No.7 Mullagh Close.

The proposed development provides for a separation distance of around 12m between the nearest proposed dwelling (site 21) and No.8 Mullagh Close and it is sited to the south-west. This is adequate to provide an acceptable amount of day light into the living area and indeed any part of the objectors property, which has gable windows looking southwards towards the rear amenity space of site 22. Therefore, it is not accepted that the proposed dwellings will affect the amount of daylight available to No.8 Mullagh Close.

- Lack of green space;
All dwellings and maisonettes have private amenity space ranging from 40m² to 225m² with an average of 89m² for the entire development of 22 dwellings. This is well above the minimum average of 70m² required by Creating Places guidance and is considered sufficient. As the development proposed less than 25 dwellings, there is no need for public open space.
- The Site plans do not show if the site is to be levelled.
The proposed site plan 02/1 uploaded to the planning portal on 5th June 2024 clearly indicates both existing and proposed site levels together with the finished floor levels of the proposed dwellings.
- The occupier of 6 Mullagh Close feels that they should have received notification of the planning application, that the proposed dwellings will have an impact on their privacy and that the residents of the proposed development may use Mullagh Close as an easy access to the town centre.

No.6 Mullagh close is not adjacent to the proposed site, it does not share a common

boundary and therefore is not entitled to receive a neighbour notification letter. The proposed layout does not include any link, either pedestrian or vehicular directly into Mullagh Court, therefore it is difficult to see how a link could be created from the proposed development into Mullagh Court. Furthermore, any such pedestrian link would have to be created through the private rear amenity spaces of the proposed dwellings.

Characteristics of the Site and Area

The site is located within the settlement limit of Maghera on land with no specific zoning (white land). The development limit extends along the south eastern boundary of the site while the other three sides are surrounded by existing residential developments.

Description of Proposal

Proposed residential development for 22No. dwellings comprising of 14No. semi-detached and 8No. maisonettes. Proposal includes landscaping, car parking and all associated site and access works (amendment to previous Planning Permission LA09/2021/1330/F).

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Include Development Plan and planning history

Planning History

H/2008/0196/F – Proposed housing development of 10 No. semi-detached houses, 9 No. townhouses, & new site roadway with associated parking – Approved 15.10.2009

H/2014/0351/F – Proposed housing development of 10 semi-detached houses, 9 townhouses and new site roadway with associated parking (renewal of previously approved permission H/2008/0196/F) – Approved 01.07.2015

LA09/2021/1330/F – Proposed housing development (change of house types to that approved under H/2014/0351/F including reduction in dwelling numbers from 10no semi-detached dwellings and 9 no townhouses - total 19 dwellings to 2 no detached dwellings and 16 no semi-detached dwellings - total 18 dwellings) – Approved 09.08.2022.

The proposal is in accordance with the Magherafelt Area Plan 2015 insofar as it is located on whiteland within the settlement limit of Maghera and is located on a site which had an extant approval for a similar development at the time the application was submitted ie. LA09/2021/1330/F for 18 dwellings. That previous approval was a reduction in the number of dwellings being proposed from an earlier approval under H/2014/0351/F for 19 dwellings.

The principle of development has been established on this site for similar developments under the aforementioned planning approvals. There has been no change in the policy context since the date of the extant approval.

Transport Ni have requested minor amendments to the plans in relation to the Private Streets Determination. Subsequent to these having been provided Transport NI provided suggested approval conditions.

The relevant policies for consideration of this application are:

Magherafelt Area Plan 2015

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Creating Places

The lands in question are indicated as white land in the Magherafelt Area Plan 2015 and therefore there is a presumption in favour of development on this site.

The proposed layout has a density of 28.9 units per hectare.

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

This is an full application and is therefore being assessed against these criteria as follows:-

- (a) The proposal meets the first of these criteria in that it respects the surrounding context in terms of layout as the density of the surrounding areas range from Mullagh Court at 40.1 dwellings per hectare, King William III Park at 31.2 dwellings per hectare, Mullagh Close at 20 dwellings per hectare to Mullaghmore at 19.3 dwelling per hectare.
- (b) A search of the site, conducted using the online Historic Environment Map Viewer, found no listed buildings or scheduled monuments within or in close proximity to the site which would be affected by the proposal. The site is not within an Area of Archaeological Potential and there is no record of any archaeological artefacts being discovered during the development of the surrounding lands. Any landscape features which extends to the existing boundary hedgerows are identified and can be protected to way of condition.
- (c) The layout shows a layout with 14 dwellings and 8 maisonettes, therefore there is no requirement for the provision of public open space. This arrangement provides for all dwellings to have adequate private amenity space ranging from 66m² to 225m² for

dwellings and between 40m² to 81m² for maisonettes, with an average in excess of the minimum 40m².

- (d) The site is located within the settlement of Maghera and within 300m of the local shop, 400m from the nearest church, 600m from the town centre and 650m to the nearest schools. Therefore, the site is close to and within walking distance of the centre of Maghera and consequently the provision of neighbourhood facilities are not deemed necessary within the site;
- (e) The site has direct access onto Mullagh Lane, which in turn provides access onto Carricknakilt Road and Mullagh Court, which in turn provides direct access onto the Glenshane Road. This arrangement will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system;
- (f) Adequate provision can be made for all sites to have car parking, with all private dwellings having two in-curtilage parking spaces, whilst an adequate amount of communal parking has been provided for the maisonettes. DfI Roads have advised that the level and positioning of the proposed parking is acceptable.
- (g) The design of the development in terms of form, materials and detailing have been considered in detail and are considered acceptable for this location.
- (h) Given the existing surrounding land uses, the proposal will not create a conflict with adjacent land uses which are all dwellings.
- (i) Generally the layout can be designed to deter crime and to ensure there are no areas which are unsupervised or not overlooked.

Consultee responses

DfI Roads, Environmental Health Department, Rivers, and NIEA advised that they have no objections to the proposed development, subject to the inclusion of the suggested conditions.

Recommendation

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

All proposed planting as indicated on the stamped approved drawing no. 02/1 uploaded to the planning portal on 5th June 2024 shall be undertaken during the first available planting season following occupation of the first dwelling hereby approved.

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

Condition 3

The existing natural screenings of the site hereby approved, as identified in yellow and annotated 'All existing boundary planting retained and augmented as necessary with new native species planting' on drawing No. 02/1 uploaded to the planning portal on 5th June 2024 shall be permanently retained at a height of not less than 2.0m.

Reason: In the interests of residential amenity and to prevent overlooking.

Condition 4

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

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

Condition 5

If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

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

Condition 6

A landscape management and maintenance plan covering all areas of communal open space/grass verges within the site, as indicated on the site plan uploaded to the planning portal on 20th November 2024, shall be submitted to and agreed with Mid Ulster District Council prior to the occupation of the first dwelling hereby approved.

Reason: To ensure successful establishment and maintenance in perpetuity of the open

space and amenity areas in the interests of visual and residential amenity.

Condition 7

The visibility splays of at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No.19/3 uploaded to the planning portal on 31st July 2024, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 8

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

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

Condition 9

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

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

Condition10

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

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

Condition11

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

The Department for Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No.19/3 uploaded to the planning portal on 31st July 2024.

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

Condition12

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No.19/3 uploaded to the planning portal on 31st July 2024.

The Department for Infrastructure hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreements under Article 3 (4C) and Article 32.

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

Signature(s): Malachy McCrystal

Date: 15 November 2024

ANNEX	
Date Valid	25 April 2024
Date First Advertised	7 May 2024
Date Last Advertised	7 May 2024
Details of Neighbour Notification (all addresses) <p> The Owner / Occupier 2 King William Iii Crescent Maghera Londonderry BT46 5HA The Owner / Occupier 7 Mullagh Close Maghera Londonderry BT46 5GA The Owner / Occupier 12 Gortmore Maghera Londonderry BT46 5EG The Owner / Occupier 13 Gortmore Maghera Londonderry BT46 5EG The Owner / Occupier 21 Mullagh Court Maghera Londonderry BT46 5RH The Owner / Occupier 22 Mullagh Court Maghera Londonderry BT46 5RH The Owner / Occupier 23 Mullagh Court Maghera Londonderry BT46 5RH The Owner / Occupier 24 Mullagh Court Maghera Londonderry BT46 5RH The Owner / Occupier 25 Mullagh Court Maghera Londonderry BT46 5RH The Owner / Occupier 26 Mullagh Court Maghera Londonderry BT46 5RH The Owner / Occupier 10 Mullagh Road Maghera Londonderry BT46 5EB The Owner / Occupier 8 Mullagh Close Maghera Londonderry BT46 5GA The Owner / Occupier 8 Mullagh Road Maghera Londonderry BT46 5EB </p>	
Date of Last Neighbour Notification	30 April 2024
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: H/2001/0624/A41

Proposals: Garage

Decision: 205

Decision Date: 20-AUG-01

Ref: H/2007/0198/F

Proposals: Proposed alterations and extension to existing dwelling comprising of bedroom to side and sunroom to rear.

Decision: PG

Decision Date: 29-AUG-07

Ref: LA09/2015/1024/F

Proposals: Single storey rear extension to existing dwelling

Decision: PG

Decision Date: 20-JAN-16

Ref: H/1991/0216

Proposals: SERVICED SITES FOR 8 NO DWELLINGS

Decision: PG

Decision Date:

Ref: H/2010/0092/F

Proposals: Single storey side extension for sun-lounge & rear extension for Utility room and porch

Decision: PG

Decision Date: 08-APR-10

Ref: H/1993/0137

Proposals: HOUSE AND GARAGE

Decision: PG

Decision Date:

Ref: H/2004/0822/F

Proposals: Sun room. (Retrospective Application)

Decision: PG

Decision Date: 22-DEC-04

Ref: H/2007/0308/O

Proposals: Site of Proposed Demolition Of Existing Detached Garage Facilities To Enable The Development Of A Dwelling .

Decision: PR

Decision Date: 01-APR-08

Ref: H/2009/0366/F

Proposals: Proposed store to rear

Decision: PG

Decision Date: 28-JUL-09

Ref: H/2002/0311/O

Proposals: Site of Dwelling & Garage.

Decision: PG

Decision Date: 15-JUN-02

Ref: H/1992/0275

Proposals: DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: H/1994/0527

Proposals: HOUSE WITH GARAGE

Decision: PG

Decision Date:

Ref: H/1994/0296

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: H/1993/0591

Proposals: HOUSE

Decision: PG

Decision Date:

Ref: H/1997/0130

Proposals: 2 NO. SEMI-DETACHED DWELLINGS

Decision: PG

Decision Date:

Ref: H/1994/0014

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: H/1986/0164

Proposals: BUNGALOW & GARAGE

Decision: PG

Decision Date:

Ref: LA09/2022/0757/F

Proposals: This planning request is for retrospective planning permission for

prefabricated shed situated at the rear of Maghera Orange Hall. The completed construction measures 10m x 3m and is a prefabricated building on a concrete base. The shed is being used for storage and also as a community people's shed to be used for small projects and is being managed by Maghera Community Association.

Decision: PG

Decision Date: 15-NOV-22

Ref: LA09/2021/1320/PAN

Proposals: Public realm improvements comprising resurfacing of existing footpaths and spaces, new/ replacement tree planting, street and feature lighting , new/replacement street furniture, realignment of roadside kerbs, improvements to traffic management, on street parking spaces and pedestrian crossings, and all associated site and access work

Decision: PANACC

Decision Date: 07-OCT-21

Ref: H/2007/0472/F

Proposals: Proposed Refurbished Toilets including disabled toilets and new pitched roof over toilets to front of existing community hall

Decision: PG

Decision Date: 18-SEP-07

Ref: H/1976/0154

Proposals: 5,000 GALLON 4/G PETROL STORAGE TANK

Decision: PG

Decision Date:

Ref: H/2003/1523/O

Proposals: Site of housing development

Decision:

Decision Date:

Ref: H/1990/0414

Proposals: ALTS AND ADDS TO DWELLING

Decision: PG

Decision Date:

Ref: H/1991/0289

Proposals: DOMESTIC STORE

Decision: PG

Decision Date:

Ref: LA09/2022/1675/F

Proposals: Change of house type and amended siting from previously approved (Ref LA09/2018/0051/F) 4 No dwellings.

Decision: PG

Decision Date: 02-AUG-23

Ref: LA09/2024/0479/F

Proposals: Proposed residential development for 22No. dwellings comprising of 14No. semi-detached and 8No. maisonettes. Proposal includes landscaping, car parking and associated site and access works (amendment to previous Planning Permission LA09/2021/1330/F).

Decision:

Decision Date:

Ref: LA09/2023/0787/F

Proposals: Development for 2 no detached storey and a half chalet dwellings with associated access and car parking

Decision: PG

Decision Date: 19-DEC-23

Ref: LA09/2022/1451/O

Proposals: Proposed Dwelling & Garage

Decision: PG

Decision Date: 22-MAR-23

Ref: LA09/2022/1022/O

Proposals: Renewal of Outline Planning Approval LA09/2019/0605/O

Decision: PG

Decision Date: 27-OCT-22

Ref: LA09/2022/1424/TPO

Proposals: Proposed remedial tree works to protected trees TPO/2009/0099

Decision: WTPOG

Decision Date: 10-OCT-22

Ref: LA09/2022/1630/TPO

Proposals: Works to Trees at Maghera Rectory

Decision: WTPOG

Decision Date: 15-DEC-22

Ref: LA09/2022/1658/TPO

Proposals: Works to Trees to Maghera Church of Ireland Rectory

Decision: WTPOG

Decision Date: 15-DEC-22

Ref: H/1986/0162

Proposals: FRONT PORCH AND GARAGE

Decision: PG

Decision Date:

Ref: H/1977/0007

Proposals: EXTENSION TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/2007/0353/F

Proposals: Proposed housing development consisting of 45 dwellings, 12 no semi detached (24 units) 3 no of terraces (21 units)

Decision: PG

Decision Date: 24-FEB-14

Ref: H/1984/0246

Proposals: SITE OF HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: H/1989/0061

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: H/1985/0474

Proposals: PLAY AREA

Decision: WITHDR

Decision Date:

Ref: H/1981/0255

Proposals: EXTENSION TO BUNGALOW (BATHROOM AND BEDROOM EXTENSION FOR HANICAPPED PER

Decision: PG

Decision Date:

Ref: H/1990/0391

Proposals: SITE OF DWELLING

Decision: PR

Decision Date:

Ref: H/1974/0301

Proposals: M/V O/H LINE (C.5143)

Decision: PG

Decision Date:

Ref: H/2004/0118/F

Proposals: Demolition of existing sheds, extension to dwelling (single storey) comprising master bedroom/en-suite, utility, store, lobby and associated site works.

Decision: PG

Decision Date: 22-APR-04

Ref: H/1995/0612
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: H/1992/0372
Proposals: HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/2011/0239/F
Proposals: Internal redesign and ramped access to front entrance
Decision: PG
Decision Date: 15-JUL-11

Ref: H/1995/0406
Proposals: HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/2006/1013/F
Proposals: Kitchen extension to rear and bedrooms to side
Decision: PG
Decision Date: 21-FEB-07

Ref: H/1979/0447
Proposals: HV O/H LINE (BM 3145)
Decision: PG
Decision Date:

Ref: LA09/2015/0732/F
Proposals: Single storey rear shower room extension
Decision: PG
Decision Date: 09-DEC-15

Ref: H/2005/0237/F
Proposals: Provision of g/f shower room to rear of dwelling
Decision:
Decision Date:

Ref: H/1998/0682
Proposals: IMPROVEMENTS TO DWELLING
Decision: PG
Decision Date:

Ref: H/2006/0876/F

Proposals: Housing development to include two detached one and a half storey dwelling

Decision: PG

Decision Date: 22-APR-08

Ref: H/2006/0380/O

Proposals: Site of dwelling

Decision: PR

Decision Date: 02-JUN-08

Ref: H/2002/0136/O

Proposals: Site of dwelling

Decision: PG

Decision Date: 15-JUN-02

Ref: H/1977/0410

Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/1996/0288

Proposals: ALTS & ADDS TO DWELLING

Decision: PG

Decision Date:

Ref: H/1990/0274

Proposals: ALTS AND ADDS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/1995/6018

Proposals: REPLACEMENT DWELLING 10 MULLAGH LANE MAGHERA

Decision: PRENC

Decision Date: 07-FEB-95

Ref: H/1996/0426

Proposals: ALTS AND ADDS TO DWELLING

Decision: PG

Decision Date:

Ref: H/2006/0379/O

Proposals: Site of dwelling

Decision: PR

Decision Date: 02-JUN-08

Ref: H/2007/0777/F

Proposals: Housing Development consisting of 3 no. detached dwellings and 2 semi-detached dwellings with associated parking and landscaping

Decision: PG

Decision Date: 17-JUL-09

Ref: H/1996/0317

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: H/1979/0241

Proposals: GARAGE

Decision: PG

Decision Date:

Ref: H/1989/0292

Proposals: SITE OF DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: H/1990/0136

Proposals: DWELLING WITH GARAGE

Decision: PG

Decision Date:

Ref: XH/1984/0002

Proposals:

Decision: IE

Decision Date: 01-JAN-85

Ref: H/1986/0378

Proposals: GARAGE & COLD STORE FOR MILK STORAGE

Decision: PR

Decision Date:

Ref: H/1984/0060

Proposals: CHANGE OF USE OF GARAGE TO COLD STORE

Decision: PR

Decision Date:

Ref: H/1991/0531

Proposals: DOUBLE GARAGE

Decision: PG

Decision Date:

Ref: H/1980/0008

Proposals: BUNGALOW AND GARAGE

Decision: PG

Decision Date:

Ref: LA09/2019/0605/O

Proposals: Proposed site for a dwelling and garage based on policy CTY10 (dwelling on a farm)

Decision: PG

Decision Date: 03-SEP-19

Ref: H/1988/0059

Proposals: SITE OF DWELLING AND GARAGE

Decision: WITHDR

Decision Date:

Ref: E/1987/0125

Proposals:

Decision: IE

Decision Date: 01-JAN-88

Ref: H/1973/0074

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: H/1979/0473

Proposals: SITE OF BUNGALOW

Decision: PR

Decision Date:

Ref: H/1979/0092

Proposals: SITE OF BUNGALOW

Decision: WITHDR

Decision Date:

Ref: H/1978/0473

Proposals: SITE OF GUEST HOUSE

Decision: PR

Decision Date:

Ref: H/1975/0083

Proposals: SITE OF SUBSIDY DWELLING

Decision: PR

Decision Date:

Ref: LA09/2018/0858/F

Proposals: Proposed 2No. semi detached dwellings

Decision: PG

Decision Date: 29-JAN-19

Ref: LA09/2015/0330/TPO

Proposals: Consent to carry out works to a protected tree.

Decision: WTPOG

Decision Date: 23-JUN-15

Ref: LA09/2019/1574/F

Proposals: Proposed demolition of existing derelict dwelling/outbuildings and erection of 18 new dwellings

Decision: PG

Decision Date: 04-AUG-20

Ref: H/1990/0413

Proposals: STORE

Decision: PG

Decision Date:

Ref: H/1984/0417

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE

Decision: PG

Decision Date:

Ref: LA09/2017/1400/O

Proposals: Proposed demolition of existing derelict dwelling/ outbuildings and erection of 16 new dwellings

Decision: PG

Decision Date: 02-NOV-18

Ref: LA09/2017/0961/PAD

Proposals: Residential Development (16 units)

Decision: PAD

Decision Date: 30-AUG-17

Ref: H/2003/0891/O

Proposals: Site of housing development.

Decision: AD

Decision Date: 15-OCT-04

Ref: LA09/2019/1431/O

Proposals: Proposed outline development for 2 no. detached storey and a half chalet dwellings with associated access and car parking.

Decision: PG

Decision Date: 09-FEB-21

Ref: H/1977/0378
Proposals: DWELLING HOUSE AND GARAGE
Decision: PG
Decision Date:

Ref: H/1979/0155
Proposals: LAYOUT OF HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/2003/0152/F
Proposals: Sun Lounge
Decision: PG
Decision Date: 11-APR-03

Ref: H/2001/0005/Q
Proposals: Disposal Of Surplus Lands
Decision: 300
Decision Date: 08-FEB-01

Ref: H/2001/0957/Q
Proposals: Disposal of Surplus Land
Decision: 211
Decision Date: 05-DEC-01

Ref: H/1995/0516
Proposals: HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/1993/6134
Proposals: SITE FOR RESIDENTIAL DEVELOPMENT OFF MULLAGH ROAD
MAGHERA
Decision: QL
Decision Date:

Ref: H/1992/6098
Proposals: DISPOSAL OF LAND CARRICKNAKEILL RD MAGHERA
Decision: QL
Decision Date:

Ref: H/1991/6017
Proposals: HOUSING DEVELOPMENT CARRICKNAKEILT ROAD MAGHERA
Decision: QL
Decision Date:

Ref: H/1986/0386

Proposals: Alterations and additions to bungalow

Decision: HISAPP

Decision Date:

Ref: LA09/2021/1330/F

Proposals: Proposed housing development (change of house types to that approved under H/2014/0351/F including reduction in dwelling numbers from 10 no semi detached dwellings and 9 no townhouses - total 19 dwellings to 2 no detached dwellings and 16 no semi detached dwellings - total 18 dwellings)

Decision: PG

Decision Date: 09-AUG-22

Ref: H/2008/0196/F

Proposals: Proposed housing development of 10 No. semi-detached houses, 9 No. townhouses, & new site roadway with associated parking

Decision: PG

Decision Date: 19-OCT-09

Ref: H/1978/0032

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: H/1980/0279

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: H/2014/0351/F

Proposals: Proposed housing development of 10 semi detached houses, 9 townhouses and new site roadway with associated parking (renewal of previously approved permission H/2008/0196/F)

Decision: PG

Decision Date: 06-JUL-15

Ref: H/1999/6018

Proposals: DISPOSAL OF SURPLUS LAND CARRICKNAKIELT ROAD/MULLAGH ROAD MAGHERA

Decision: PRENC

Decision Date: 05-MAY-99

Ref: H/1994/0438

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/2010/0077/F

Proposals: Rear extension to provide level access shower and wheelchair accessible bedroom

Decision: PG

Decision Date: 01-APR-10

Ref: H/1982/0065

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: H/1996/0508

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: H/1984/0194

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2021/0339/F

Proposals: Proposed single storey side extension to existing dwelling and new ramped access front

Decision: PG

Decision Date: 13-APR-21

Ref: H/2002/0373/A41

Proposals: Proposed Extension & Shower Facility

Decision: 205

Decision Date: 22-APR-02

Ref: H/2003/0894/O

Proposals: Site of housing development.

Decision: AD

Decision Date: 01-JUN-04

Ref: H/1981/0322

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: H/1978/0359

Proposals: LAYOUT OF HOUSING DEVELOPMENT

Decision: PG
Decision Date:

Ref: H/1981/0062
Proposals: SITE OF RESIDENTIAL DEVELOPMENT
Decision: CROWN
Decision Date:

Ref: H/1989/0440
Proposals: DOUBLE GARAGE
Decision: PG
Decision Date:

Ref: H/1985/0365
Proposals: HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/1989/0314
Proposals: GARAGE AND STORE
Decision: PG
Decision Date:

Ref: H/1988/0464
Proposals: HOUSE WITH GARAGE
Decision: PG
Decision Date:

Ref: H/2007/0574/F
Proposals: Erection of domestic garage.
Decision: PG
Decision Date: 17-SEP-07

Ref: H/1988/0130
Proposals: ALTERATIONS AND ADDITIONS TO DWELLING AND NEW CAR PORT
Decision: PG
Decision Date:

Ref: H/1995/0010
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: H/1993/0283
Proposals: EXTENSION TO DWELLING
Decision: PG

Decision Date:

Ref: H/1995/0122

Proposals: GARAGE

Decision: PG

Decision Date:

Ref: H/1995/0413

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2015/0140/F

Proposals: Single storey extension to rear

Decision: PG

Decision Date: 07-AUG-15

Ref: H/2014/0388/F

Proposals: Proposed Ground Floor Living Room/W.C. Extension To Rear

Decision: PG

Decision Date: 08-DEC-14

Ref: H/2006/0655/F

Proposals: Proposed development of one no. townhouse for residential purpose

Decision: PR

Decision Date: 16-MAY-08

Ref: H/1991/0451

Proposals: GARAGE AND STORE

Decision: PG

Decision Date:

Ref: H/1987/0452

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE

Decision: PG

Decision Date:

Ref: H/1990/0538

Proposals: DOMESTIC GARAGE

Decision: PG

Decision Date:

Ref: H/1987/0148

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: H/1985/0150
Proposals: HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/1985/0166
Proposals: CONVERSION OF GARAGE TO LIVING ROOM, NEW CAR PORT AND GARAGE
Decision: PG
Decision Date:

Ref: H/1986/0186
Proposals: GARAGE AND WORKSHOP
Decision: PG
Decision Date:

Ref: H/1990/0448
Proposals: PROPOSED NEW GARAGE AND STORE
Decision: PG
Decision Date:

Ref: H/1995/0203
Proposals: ALTS AND ADDS TO DWELLING
Decision: PG
Decision Date:

Ref: H/2013/0134/F
Proposals: ☐ Proposed ext, and alt. to include sun lounge, first floor master bedroom with en-suite, dressing area and external store
Decision: PG
Decision Date: 05-AUG-13

Ref: H/1994/0112
Proposals: REPLACEMENT ROOF & CONVERSION OF ROOFSPACE
Decision: PG
Decision Date:

Ref: H/2009/0697/F
Proposals: Proposed single storey extension to side of dwelling
Decision: PG
Decision Date: 11-JAN-10

Ref: LA09/2016/1043/F
Proposals: Proposed Change of House type from 2no. Detached Dwellings to 1no. set of Semi-Detached Dwellings(Previously approved Planning Reference LA09/2015/1129/F)

and Domestic Garages

Decision: PG

Decision Date: 27-OCT-16

Ref: LA09/2015/1129/F

Proposals: Proposed 3No. dwellings and domestic garages

Decision: PG

Decision Date: 27-JAN-16

Ref: H/2006/0526/O

Proposals: Proposed development of 2no. detached dwellings for residential purposes.

Decision: PG

Decision Date: 15-APR-09

Ref: H/2012/0061/O

Proposals: Proposed development of 2 no. detached dwellings (previously approved under H/2006/0526/O)

Decision: PG

Decision Date: 01-MAY-12

Ref: H/1993/0224

Proposals: GARAGE

Decision: PG

Decision Date:

Ref: H/1987/0226

Proposals: HOUSING DEVELOPMENT (6 DWELLINGS & GARAGES)

Decision: PG

Decision Date:

Ref: H/1998/0503

Proposals: REAR PORCH TO DWELLING

Decision: PG

Decision Date:

Ref: H/1986/0211

Proposals: HOUSING DEVELOPMENT - 10 NO CHALET-TYPE DWELLINGS

Decision: PG

Decision Date:

Ref: H/1993/0225

Proposals: GARAGE EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: H/2004/0933/LB

Proposals: Change of use from dwelling house to commercial ground and first floor office premises. Proposing a new 2 storey extension to the rear of the building and subsequent demolition of existing rear return.

Decision: CG

Decision Date: 16-AUG-05

Ref: H/1993/0338

Proposals: GARAGE EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2019/1360/TPO

Proposals: Written request to remove Protected Tree T.01

Decision: WTPOG

Decision Date: 11-NOV-19

Ref: H/1988/0611

Proposals: GARAGE

Decision: PG

Decision Date:

Ref: H/1989/0003

Proposals: GARAGE

Decision: PG

Decision Date:

Ref: H/2006/0289/F

Proposals: Proposed extension & alterations to include bedroom and toilet/shower facilities and car port to existing dwelling.

Decision: PG

Decision Date: 27-JUL-06

Ref: H/2004/1415/F

Proposals: Extension and improvements to rear of dwelling

Decision: PG

Decision Date: 18-MAR-05

Ref: H/1997/4015

Proposals: GARAGE

Decision: PDNOAP

Decision Date:

Ref: H/2008/0380/F

Proposals: Proposed bus shelter.

Decision: PG

Decision Date: 22-OCT-08

Ref: H/1991/0215
Proposals: HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/1984/0127
Proposals: BUNGALOW AND DETACHED GARAGE
Decision: PG
Decision Date:

Ref: H/1985/0065
Proposals: IMPROVEMENTS TO HOUSE
Decision: PG
Decision Date:

Ref: H/1987/0130
Proposals: AGRICULTURAL GENERAL PURPOSE SHED
Decision: PG
Decision Date:

Ref: H/1978/0023
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: H/1983/0079
Proposals: GARAGE AND STORE
Decision: PG
Decision Date:

Ref: H/1980/0016
Proposals: CHANGE OF USE OF RETAIL TO BUILDING SOCIETY OFFICE
Decision: PG
Decision Date:

Ref: H/1988/0005
Proposals: CHANGE OF USE OF PRIVATE STORES TO COMMERCIAL STORES
Decision: PG
Decision Date:

Ref: H/2005/0756/F
Proposals: Proposed alterations and extension to dwelling
Decision: PG
Decision Date: 18-OCT-05

Ref: H/2005/1113/F
Proposals: Proposed Alterations and Extension To Dwelling
Decision: PG
Decision Date: 13-FEB-06

Ref: H/1982/0085
Proposals: SITE OF BUNGALOW
Decision: WITHDR
Decision Date:

Ref: H/1987/0131
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: H/2010/0239/LDP
Proposals: Provision of a side stream rotating biological contactors (RBC); new humus settlement tank; Motion Control Centre (MCC) Kiosk; new recirculation pumping station (submersible); new flow splitting chambers; new final effluent sampling chamber; new sludge pumping station. The existing access road within the site boundary will be extended to provide access to new humus tank and RBCs. Additional hardstanding will be provided around all new structures (1.2m wide concrete paths). The new humus tank will be constructed in concrete and covers in GRP. The new kiosk will consist of a concrete base slab and GRP kiosk.
Decision: PG
Decision Date: 06-OCT-10

Ref: H/2004/0810/CD
Proposals: Outline application for upgrading, refurbishment, replacement of treatment process plant and ancillary buildings on the site.
Decision: PG
Decision Date: 17-FEB-06

Ref: H/2003/0205/F
Proposals: Dwelling and garage.
Decision: PG
Decision Date: 24-JUL-03

Ref: H/1990/6072
Proposals: HOUSING AND INDUSTRIAL STARTER UNITS MULLAGH ROAD
MAGHERA
Decision: QL
Decision Date:

Ref: H/1991/6029
Proposals: HOUSING DEVELOPMENT MULLAGH ROAD MAGHERA

Decision: QL
Decision Date:

Ref: H/1980/0102
Proposals: SITE OF HOUSING DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/2006/0525/O
Proposals: Site of 4 No. semi-detached dwellings for residential purpose
Decision: PG
Decision Date: 08-MAR-07

Ref: H/2011/0156/O
Proposals: Proposed site of 4no semi-detached dwellings for residential purposes
Decision: PG
Decision Date: 17-OCT-11

Ref: LA09/2018/0051/F
Proposals: 4no semi detached dwellings
Decision: PG
Decision Date: 26-JUN-18

Ref: H/2003/0099/F
Proposals: Sunlounge
Decision: PG
Decision Date: 10-APR-03

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation 2.DOCX
Rivers Agency-513609 - Final reply.pdf
NI Water - Multiple Units West-LA09-2024-0479-F.pdf
DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation template.DOCX
Environmental Health Mid Ulster Council-LA09 2024 0479 F Residential Dev Mullagh Lane Maghera.doc
Rivers Agency-351992 - Final reply.pdf
NI Water - Multiple Units West-LA09-2024-0479-F.pdf
DFI Roads - Enniskillen Office-Roads Consultation PSD.DOCX
Rivers Agency-607140 - Final reply.pdfSubstantive reply - 27/08/24

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04
Proposed Floor Plans Plan Ref: 05
Proposed Elevations Plan Ref: 06
Proposed Floor Plans Plan Ref: 07
Proposed Elevations Plan Ref: 08
Proposed Floor Plans Plan Ref: 09
Proposed Elevations Plan Ref: 10
Proposed Floor Plans Plan Ref: 11
Proposed Elevations Plan Ref: 12
Proposed Floor Plans Plan Ref: 13
Proposed Elevations Plan Ref: 14
Miscellaneous Plan Ref: 15
Miscellaneous Plan Ref: 16
Existing Site Survey Plan Ref: 17
Site Layout or Block Plan Plan Ref: 18
Roads Details Plan Ref: 19
Roads Details Plan Ref: 20
Roads Details Plan Ref: 21
Miscellaneous Plan Ref: 22

Notification to Department (if relevant)

Not Applicable

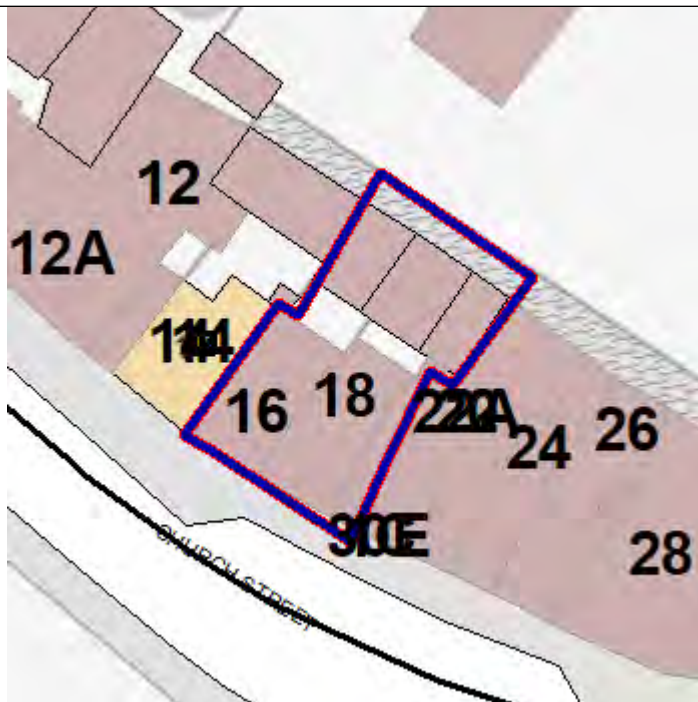


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.12
Application ID: LA09/2024/0560/F	Target Date: 10 December 2024
Proposal: Proposed change of use from former beauty salon to office accommodation (Class A2 Professional Services) at No 18 Church Street, and reconfiguration, refurbishment and alterations to premises at No 16 and part of No.18 Church Street	Location: 16-18 Church Street Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Jonathan Ruddell 16 Church Street Dungannon BT71 6AB	Agent Name and Address: Mr Tom Stephenson 74a Gilford Road Portadown Portadown BT63 5EG
Executive Summary: This Full application for a proposed change of use from former beauty salon to office accommodation at No 18 Church Street, and reconfiguration, refurbishment and alterations to premises at No 16 and part of No.18 Church Street. This application is being presented to committee as an approval which is contrary to NI Waters recommendation to refuse. This proposal has been assessed under all relevant policy and guidance, that is the SPPS, the Dungannon and South Tyrone Area Plan 2010, PPS 3 and PPS 6. The proposal is not at conflict with any of the relevant policies.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	28-05-2024.DOCX
Non Statutory Consultee	Environmental Health Mid Ulster Council	EH Response LA09 2024 0560 F.pdf
Statutory Consultee	NI Water - Multiple Units West	LA09-2024-0560-F.pdf
Non Statutory Consultee	MUDC Environment and Conservation Team	SKM_C450i24070909360.pdf
Non Statutory Consultee	MUDC Environment and Conservation Team	
	MUDC Environment and Conservation Team	
	Environmental Health Mid Ulster Council	

Representations:

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

signatures	
Number of Petitions of Objection and signatures	
<p>Summary of Issues</p> <p>A consultation was sent to NI Water, which responded with a recommendation for refusal. The response advised that sufficient wastewater treatment capacity is not available at present to service the proposed development, and the applicant should engage with NI Water as outlined in the response uploaded to the Mid Ulster Planning Portal on 29th May 2024, and that NI Water may reconsider its recommendation following this engagement. However, upon review of the previous approved uses of the building located at No. 18 Church Street, formerly 'Harry's Bar,' and the associated 2012-2013 Entertainment Licence allowing a maximum occupancy of 60 people at any one time, as well as the subsequent use as a Hair and Beauty Salon, I find the proposed addition of two toilets, as shown in Drawing No. 03, to be acceptable. Based on prior business class usage, I am of the opinion that this proposal will not result in an increase in demand at the wastewater treatment works (WWTW).</p>	
<p>Characteristics of the Site and Area</p> <p>The proposed site is located within the settlement limits of Dungannon, it is also located within the Conservation Area and Town Centre designations as defined in the Dungannon and South Tyrone Area Plan 2010. The three storey adjoining buildings are currently in use for (No.16) office accommodation for accountancy practice with (No.18) previously used as a beauty salon, which is now vacant. The site is located opposite and downhill from the listed structure St. Anne's church of Ireland, Grade B Reference: HB 12/19/001. The surrounding area is urban in character with a mix of uses in close proximity including residential and retail units. The site is located on a hill and is accessed off Church Street Dungannon.</p>	
<p>Description of Proposal</p> <p>This is a full application for a proposed change of use from former beauty salon to office accommodation (Class A2 Professional Services) at No 18 Church Street, and reconfiguration, refurbishment and alterations to premises at No 16 and part of No.18 Church Street.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p><u>Policy Consideration</u></p> <p>Representations</p> <p>Six (6) neighbouring properties were notified, and press advertisement was carried out in line with the Council's statutory duty. To date no third party representations have been received.</p> <p>Relevant Planning History</p>	

M/2009/0939/F - 16 & 18 Church St, Dungannon, BT71 6AB - Extensions & Alterations to provide smoking area, store & seating area to rear ground floor & terraced area to rear first floor of public bar – PG 21.12.2009

Planning Assessment of Policy and Other Material Considerations

Dungannon and South Tyrone Area Plan 2010

SPPS - Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 3 - Access, Movement and Parking

The Planning (Use Classes) Order (NI) 2015

Parking Standards 2019

Planning Policy Statement 6 - Planning, Archaeology and Built Heritage

Dungannon and South Tyrone Area Plan 2010

The site is within the settlement limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010.

Article 45 of the Planning Act (NI) 2011 requires the planning authority, 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. The intention of this application is to change the current use from a salon to an office.

The application site is located within the settlement limits and conservation area of Dungannon as identified in the Development Plan. Policy SETT 1 of the Development Plan details favourable consideration will be given to development proposals within settlement limits provided the proposal is sensitive to the size and character of the settlement and will not impact on amenity. I am content that the proposal satisfies Policy SETT 1.

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 5 has been superseded and replaced by the SPPS and therefore the prevailing policy for retail development is that contained within the SPPS.

The SPPS (6.281) states that planning authorities must adopt a town centre first approach for town centre uses (such as retail) retail development. It states that;

Planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):

- 1) primary retail core;
- 2) town centres;
- 3) edge of centre; and
- 4) out of centre locations, only where sites are accessible by a choice of good public transport modes.

The SPPS encourages development at an appropriate scale in order to enhance the attractiveness of town centres. It seeks to secure a town centre first approach for location of future retailing and other main town centre uses, which are defined as 'cultural and community facilities, retail, leisure, entertainment and business'. Furthermore, it aims to protect and enhance diversity in the range of town centres uses.

Paragraph (6.269) states 6.269 “It is important that planning supports the role of town centres and contributes to their success. The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand.” The aim of the SPPS as per (6.270) is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres. As part of the proposal seeks to alterations and refurbishment of existing offices and change the use of the adjoining building to that of the same, I am therefore satisfied that the relevant policy (SPPS) has been satisfied by this proposal.

Mid Ulster District Council Draft Plan Strategy 2030

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Planning Policy Statement 3 – Access, Movement and Parking

DFI Roads were consulted and responded on this application observing that the number of vehicles attending the site will increase, this combined with no in-curtilage parking and the limited number of on-street parking spaces, DFI Roads requested the submission of a Transport Assessment Form.

Policy AMP 7 of PPS 3, which deals with Car Parking and Servicing Arrangements permits a reduced level of parking spaces in certain circumstances, one of which is where the development would benefit from spare capacity available in nearby public car

parks or adjacent on street car parking. The site is located within Dungannon town centre which avails of 'Perry Street West' Car park to the east of the site alongside on street car parking to the immediate front.

The Planning (Use Classes) Order (NI) 2015 sets out the current use of the former beauty salon as Class A2: Financial, professional and other services (b) to Class B1: Business (a) having considered these against Parking Standards there is no increase in parking standards required for the two uses. Given that both use classes require 1 space per 20m² it is considered that there is no greater need for this use as opposed to what was previously there.

Considering that there is no change to the existing access or parking arrangements and noting that the proposed can avail of on street and adjacent car parking sites, I am content that the proposed application in terms of parking remains primarily unaffected and there is sufficient parking available elsewhere.

I am satisfied that this proposal will not have a negative impact on road safety and is in accordance with policy PPS 3.

Planning Policy Statement 6 – Planning, Archaeology and Built Heritage

The proposal involves external works to the façade of the building and given the close proximity to n St Anne's Parish Church, Church Street, Dungannon (Grade B+) which is of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011 a consultation was sent to Historic Environment Division to consider the impacts upon the Church. HED (Historic Monuments) responded detailing that the submitted plans shall have an adverse impact on the listed building. HED (Historic Monuments) requested amendments to deal with the concerns as detailed in the response uploaded to Mid Ulster Planning Portal on 29th May 2024. Following the Submission of amended plans and re-consultation, HED Historic Monuments responded and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. This is due to the scale and nature of the proposed development.

As the site is located within Northland Conservation Area a consultation was sent to Mid Ulster Environment and Conservation Team to which they responded detailing that the proposed change of use is acceptable in terms of historic environment planning policy, however the alterations may erode on the original historic built fabric to which amendments were requested. Following submission of amended plans and taken into account the second response from the Environment and Conservation Team, I am content the proposed alterations and materials to the external façade are deemed satisfactory without having to request drawing 04/1 be amended to include the type of windows (sash) proposed.

Overall, I am content the proposal does not offend PPS6.

Additional Considerations

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

The site is not subject to any issue issues pertaining to flooding.

Environmental Health as consulted and stated, “Environmental Health Department have no objections to this proposed development however occupation of the building is subject to the foul sewage agreement with NI water.”

Habitats Regulations Assessment

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

Summary of Recommendation:

Approve is recommended

Given all of the above, I recommend this proposal is approved subject to conditions.

Approval Conditions

Condition 1

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

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

Signature(s): Ciara Carson

Date: 18 November 2024

ANNEX	
Date Valid	14 May 2024
Date First Advertised	27 May 2024
Date Last Advertised	27 May 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 20 Church Street Dungannon Tyrone BT71 6AB The Owner / Occupier Flat (1st and 2nd Floors) 14 Church Street Dungannon Tyrone BT71 6AB The Owner / Occupier 22A Church Street Dungannon Tyrone BT71 6AB The Owner / Occupier St Anne'S Church Hall 5 Church Street Dungannon Tyrone BT71 6AB The Owner / Occupier Offices (Groundfloor and Basement) 14 Church Street Dungannon Tyrone BT71 6AB The Owner / Occupier 22 Church Street Dungannon Tyrone BT71 6AB	
Date of Last Neighbour Notification	20 May 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1994/0498 Proposals: Alterations and extension to office Decision: PG Decision Date: Ref: M/2005/1559/F Proposals: Church hall and committee room Decision: PG Decision Date: 11-OCT-05 Ref: M/2001/0262/A Proposals: Provision of 1 no. fascia sign, and 1 no. projecting sign to facade of retail premises. Decision: CG	

Decision Date: 21-MAY-01

Ref: M/2001/0263/F

Proposals: New shop front, installation of a roller shutter & air conditioning & internal alterations.

Decision: PG

Decision Date: 21-MAY-01

Ref: LA09/2022/1684/F

Proposals: Refurbishment ☐ conversion of upper floors to provide 4No. modest sized self-contained apartments with access taken from existing adjacent alley.

Decision:

Decision Date:

Ref: LA09/2024/0560/F

Proposals: Proposed change of use from former beauty salon to office accommodation (Class A2 Professional Services) at No 18 Church Street, and reconfiguration, refurbishment and alterations to premises at No 16 and part of No.18 Church Street

Decision:

Decision Date:

Ref: LA09/2024/0561/DCA

Proposals: Proposed new shopfronts

Decision:

Decision Date:

Ref: M/2015/0167/A

Proposals: Street Banners

Decision:

Decision Date:

Ref: M/1989/0064

Proposals: Proposed 3 New Shop Fronts and Improvements to Building

Decision: PG

Decision Date:

Ref: M/1993/0564

Proposals: New shop front and alterations to shop

Decision: PG

Decision Date:

Ref: M/1993/6088

Proposals: Refurbishment of shop Church Street Dungannon

Decision: QL

Decision Date:

Ref: M/1993/0563

Proposals: 2 No Shop Signs

Decision: PG

Decision Date:

Ref: M/1995/0625

Proposals: Alterations and extension to dwelling

Decision: PG

Decision Date:

Ref: M/1998/0087

Proposals: Change of use from vacant shop and living accommodation to restaurant

Decision: PG

Decision Date:

Ref: M/2001/0377/F

Proposals: Change of use of shop to restaurant on 1st floor

Decision: PG

Decision Date: 25-JUN-01

Ref: M/2000/1301/F

Proposals: New Shop Front & Provision of 2 shop units to ground floor

Decision: PG

Decision Date: 06-MAR-01

Ref: M/1994/0309

Proposals: Change of use from shop to office unit

Decision: PG

Decision Date:

Ref: M/2006/1671/A

Proposals: Fixed Metal Office Sign - Fixed to Brickwork

Decision:

Decision Date:

Ref: M/1997/0132

Proposals: Proposed new window opening to front facade

Decision: PG

Decision Date:

Ref: M/1997/0131

Proposals: Proposed projecting sign and public bar sign (fascia)

Decision: PG

Decision Date:

Ref: M/2009/0939/F

Proposals: Extensions & Alterations to provide smoking area, store & seating area to rear ground floor & terraced area to rear first floor of public bar

Decision: PG

Decision Date: 29-DEC-09

Ref: M/2003/0142/F

Proposals: Reinstatement of original details to premises i.e. roof covering, windows, shopfronts etc

Decision: PG

Decision Date: 15-SEP-03

Ref: M/2003/1500/F

Proposals: Change of use of part store to retail unit together with new shop front

Decision: PG

Decision Date: 02-APR-04

Ref: M/2009/0614/F

Proposals: Environmental improvements including revised road & parking layout, improved public space with market sq & grass terrace seating, new street lighting, tree planting, seating, litter bins & an improved setting for the cenotaph

Decision: PG

Decision Date: 18-FEB-10

Ref: M/2015/0043/F

Proposals: Public realm scheme to include provision of new footway and parking bay surfaces, new stone kerbing, new street furniture, tree planting and improved lighting

Decision: PG

Decision Date: 31-MAR-15

Ref: M/2007/0613/Q

Proposals: Dungannon Town Centre Health Check Planning Search

Decision: 300

Decision Date: 05-JUN-07

Ref: M/1989/0168

Proposals: Projecting Sign

Decision: PG

Decision Date:

Ref: M/1977/0294

Proposals: EXTENSION TO BANK

Decision: PG

Decision Date:

Ref: M/2002/0649/PA

Proposals: Erection of A 3.3M Rooftop Telecommunications flagpole (supporting 1No. Antenna) 3No. microwave dishes (2No. 300MM and 1No. 600MM) 2 No. Antenna fixed to proposed handrailing, associated cable tray, rubber mat walkway and installation of equipment cabins (1.2mx0.79x1.3m) & (0.77mx0.79x1.3m) on roof of 7-9 Market Square Dungannon

Decision: 882

Decision Date: 10-JUN-02

Ref: M/2002/0726/PA

Proposals: Erection of telecommunications apparatus

Decision: 882

Decision Date: 21-JUN-02

Ref: M/2002/0934/F

Proposals: Erection of 1 No 3.3M rooftop flagpole (supporting 1 No. antenna), 3 No. microwave dishes 2 No. 300MM and 1 No. 600MM) 2 No. antenna, associated cable tray rubber mat walkway and installation of equipment cabins (1.2Mx0.79x1.3) and (0.77mx0.79mx1.3m).

Decision: PG

Decision Date: 31-OCT-02

Ref: M/2014/0435/A

Proposals: 1 no fascia sign, 1 no projecting sign

Decision: CG

Decision Date: 10-NOV-14

Ref: M/2014/0436/F

Proposals: Replacement of entrance door

Decision: PG

Decision Date: 11-NOV-14

Summary of Consultee Responses

Historic Environment Division (HED)-

DFI Roads - Enniskillen Office-28-05-2024.DOCX

Environmental Health Mid Ulster Council-EH Response LA09 2024 0560 F.pdf

NI Water - Multiple Units West-LA09-2024-0560-F.pdf

MUDC Environment and Conservation Team-SKM_C450i24070909360.pdf

MUDC Environment and Conservation Team-

MUDC Environment and Conservation Team-

Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Existing Site Survey Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04
Existing Plans Plan Ref: 05

Notification to Department (if relevant)

Not Applicable



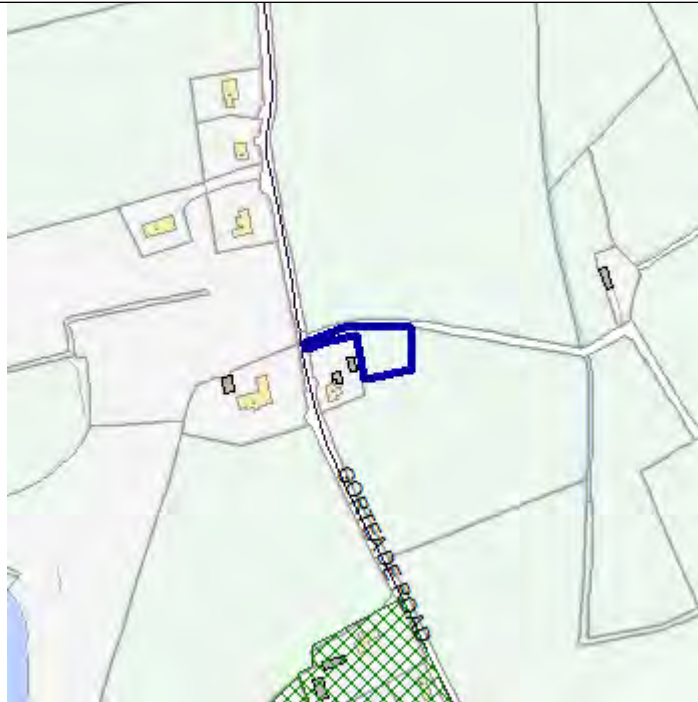
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.13
Application ID: LA09/2024/0666/O	Target Date: 17 September 2024
Proposal: Construction of a dwelling and detached garage and new access laneway onto Gorteade Road	Location: 30M NE of 41 Gorteade Road, Upperlands, Maghera
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Cathy Alexander 41 Gorteade Road Upperlands Maghera	Agent Name and Address: Gordon Arbuthnot 6 Culnady Road Upperlands Maghera BT46 5TN
Executive Summary: <p>This outline application is for a proposed dwelling and garage. There is no case of need for the proposed dwelling and therefore it is recommended that the application be refused for the following reasons:</p> <p>The proposal is contrary to Policy CTY 1 of PPS 21 in that there are no overriding reasons why the development is essential and could not be located in a settlement.</p> <p>The proposals is contrary to Policy CTY 2a of PPS 21 in that the cluster does not appear as a visual entity, there is no focal point, no rounding off and no bounding on at least two sides with other development in the cluster.</p> <p>The proposal is contrary to Policy CTY 8 of PPS 21 in that it would create or add to a ribbon of development if approved. The proposal does not include a line of 3 or more buildings along the road frontage and therefore the exception is not met.</p> <p>The proposal is contrary to Policy CTY 14 of PPS 21 in that it would create or add to a ribbon of development if approved.</p>	

The proposal however does not offend Policy CTY 13 of PPS 21 at this outline stage.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline Tri.DOCXDfl Roads Response dated 12/06/2024 - duplicated.

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site of the proposal is located in the rural countryside approximately 0.6 miles outside the settlement limits of Upperlands as defined in the Magherafelt Area Plan 2015. The 0.1 ha site encompasses a small, overgrown agricultural field to the rear of

no. 41 Gorteade Road. The site may have been the extended rear garden area of the same property according to historical ortho imagery. The northern boundary of the site consists of a line of mature trees which also run along the short length of the proposed access onto the Gorteade Road. Given the overgrown nature of the site, there is a clear differentiation between the site and the adjoining agricultural field outside of the applicant's ownership. Within the curtilage on no. 41 Gorteade Road appears to be a series of small outbuildings for dog kennels. The closest third party dwelling is no. 38 Gorteade Rd across the road from the site. The wider surrounding environment consists mostly of agricultural field with scatterings of dwellings dotted along this road.

Description of Proposal

This is a full application for the proposed construction of a dwelling and detached garage and new access laneway onto Gorteade Road.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Histories

None

Representations

To date no third party representations have been received.

Magherafelt Area Plan 2015

The site of the proposal is located in the rural countryside approximately 0.6 miles outside the settlement limits of Upperlands as defined in the Magherafelt Area Plan 2015.

Other Constraints

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

There are also no nearby listed buildings around the site.

There are no issues pertaining to flooding.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 21 – Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS 21 lists development proposals that are considered to be acceptable forms of development in the countryside. With no supporting statement, and having discussed the application with the agent, it is clear that the proposal does not meet the criteria for types of development which in principle could be considered to be acceptable in the countryside. For the purposes of confirming this, all potential avenues are explored and eliminated from consideration below.

The proposal fails to comply with Policy CTY 2a in that the cluster does not appear as a visual entity, there is no focal point, no rounding off and no bounding on at least two sides with other development in the cluster.

Policy CTY 3 (replacement dwelling) does not apply to the proposal because there is no existing dwelling which has been pinpointed to be replaced. The dwelling at no. 41 is inhabited. There are no existing buildings on the site and therefore the avenue of conversion is also not possible under Policy CTY 4.

Policy CTY 5 (social and affordable housing) is not applicable and there is no case for personal and domestic circumstances under Policy CTY 6. No case has been put forward for a proposed dwelling in connection with an established non-agricultural business enterprise, therefore Policy CTY 7 is not relevant.

Policy CTY 8 provides an exception to the presumption against development which creates or adds to a ribbon of development. Given there is not a line of 3 or more buildings with a frontage onto the Gorteade Road, nor the private lane to the north of the site, the proposal is contrary to Policy CTY 8 in that it would add to a ribbon of development.

The case for residential caravans and mobile homes (Policy CTY 9) does not apply as the proposal is clearly described as a dwelling and garage. There are no live approvals on the site. The case for a farm dwelling (Policy CTY 10) is eliminated from consideration as there is no identified farm business associated with the site.

Given all of the above, the proposal fails to meet Policy CTY 1, Policy CTY 2a and Policy CTY 8. All other mentioned policy above is both not applicable to the case and not met.

This is an outline application, and therefore design details are withheld. It is however accepted that a dwelling with a ridge height no higher than no. 41 Gorteade Road would not be a prominent feature in the environment. The siting to the rear of no. 41 would also allow for a good degree of enclosure and the proposal would not rely entirely on the use of new landscaping for integration. The proposal does not offend Policy CTY 13 of PPS 21.

Policy CTY 14 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposal, if approved, would add to a ribbon of development and therefore the proposal is contrary to Policy CTY 14 of PPS 21.

PPS 3 – Access, Movement and Parking

The proposed access arrangements involve the construction of a new access to the public road. DfI Roads were consulted and recommended that an amended plan be submitted clearly showing the hedge to the north being set back to facilitate the visibility splays and the red site outline amended to show control of the lands required for the splays. Given there is no case of need for the proposed dwelling, the agent was not asked to submit this amended drawing and nor has the agent taken it upon himself to submit this information. If it is later agreed that the dwelling can be approved, this amendment can be requested from the agent at that stage and notice served on any third party lands, prior to the granting of approval. The proposal does not offend Policy AMP 2 of PPS 3.

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, it is recommend that this application be refused for the reasons below:

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 1 of PPS 21 in that there are no overriding reasons why the development is essential and could not be located in a settlement.

Reason 2

The proposals is contrary to Policy CTY 2a of PPS 21 in that the cluster does not appear as a visual entity, there is no focal point, no rounding off and no bounding on at least two sides with other development in the cluster.

Reason 3

The proposal is contrary to Policy CTY 8 of PPS 21 in that it would add to a ribbon of development if approved. The proposal does not include a line of 3 or more buildings along the road frontage and therefore the exception is not met.

Reason 4

The proposal is contrary to Policy CTY 14 of PPS 21 in that it would add to a ribbon of development if approved.

Signature(s): Benjamin Porter

Date: 5 November 2024

ANNEX	
Date Valid	4 June 2024
Date First Advertised	18 June 2024
Date Last Advertised	18 June 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 38 Gorteade Road Upperlands Maghera Londonderry BT46 5SA The Owner / Occupier 41 Gorteade Road Upperlands Maghera Londonderry BT46 5SA	
Date of Last Neighbour Notification	13 June 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2003/0208/F Proposals: Dwelling & Garage Decision: PG Decision Date: 23-MAY-03 Ref: LA09/2024/0666/O Proposals: Construction of a dwelling and detached garage and new access laneway onto Gorteade Road Decision: Decision Date: Ref: H/1984/0242 Proposals: GARAGE AND PORCH Decision: PG Decision Date: Ref: H/2001/0883/O Proposals: Site of Dwelling Decision: PG Decision Date: 18-FEB-02	

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline Tri.DOCXD
DFI Roads Response dated 12/06/2024
- duplicated.

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

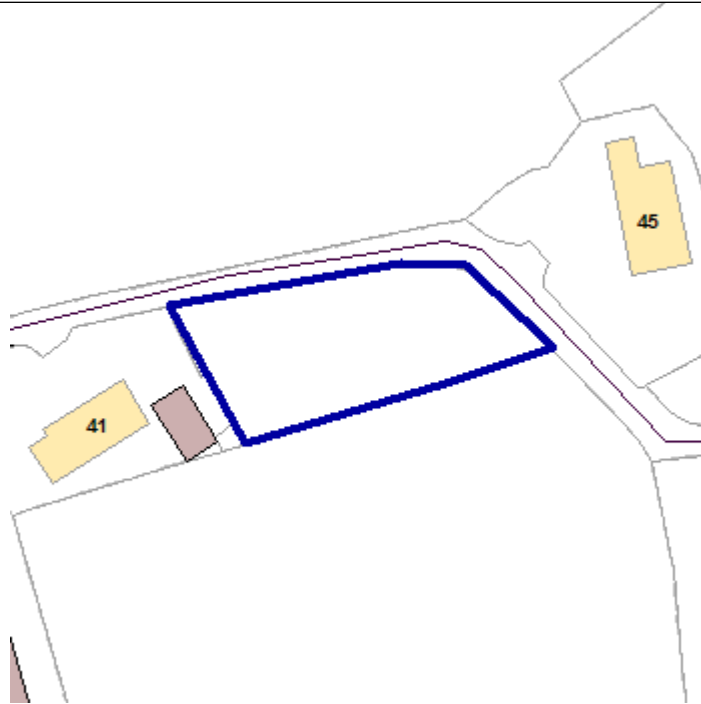


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.14
Application ID: LA09/2024/0698/O	Target Date: 24 September 2024
Proposal: Proposed Infill dwelling and garage	Location: Land adjacent to and immediately West of 41 Cavan Road Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Ian Montgomery 10 Oakwood Manor Killyman Dungannon BT71 6UF	Agent Name and Address: Mr Scott Montgomery 163 Brackaville Road Dungannon BT714NL
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Roads Outline & RS1 form.DOCXDC Checklist.doc

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site occupies a rectangular shaped site which sits on land adjacent to and immediately West of 41 Cavan Road. The site is located 0.6 kilometres north of Killyman and approximately 2.5 kilometres to the east of Dungannon. The site is

Greenbelt in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area is characterised by single dwellings throughout this rural landscape with agriculture being the dominant use, with detached dwellings scattered throughout and some single wind turbines to the north west.



The site is accessed via a private laneway to which sits to the east of the road between Killyman and The Bush. This laneway serves 4 other dwellings- Nos 41, 43 45 & 47 Cavan Road and a farmyard area also. The site measures 0.11 ha and is flat with a small traditional chicken coop located close to the western boundary of the site. The shared laneway running along the northern and north eastern boundaries of the site which are defined by a d rail fence with chicken wire to the inside. This fence continues along the western boundary which runs alongside a new access to a yard area which is to the rear of the bungalow at No 41 and to what appears to be a new detached outbuilding. The rear boundary defined the southern confines of the site by a post and wire fence.

Planning History

LA09/2024/0117/CA - Unauthorised access, building, and yard area. Possible engineering use - Adj East & South of 41 Cavan Road, Dungannon - ongoing

M/2011/0198/F - Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1 - Tamnamore Grid Substation Drumkee Road Dungannon And Townlands Of Drumkee, Drumnaspil, Cavan, Coash, Lederg And Keenaghan – Approval - 13.12.2011.

M/2003/0774/O - Proposed dwelling - Adjacent To 41 Cavan Road, Killyman – Refusal -

06.04.2004

Description of Proposal

This application seeks outline planning permission for a dwelling and domestic garage based on Policy CTY8 (Infill) on land 80 metres South of 89 Derrytresk Road, Coalisland.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

The Strategic Planning Policy Statement for Northern Ireland `Planning for Sustainable Development (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. As the site lies outside of any settlement limit as defined in the above plan, the relevant policy is PPS 21 – Sustainable Development in the Countryside.

Policy CTY 1 allows for a new dwelling in the countryside provided it meets with the

criteria specified in other policies within the document. Policy CTY 8 - Ribbon Development 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. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. This policy would also regard this private laneway as being a justifiable road frontage also.

This application site is located along a laneway off Cavan Road which currently serves 4 dwellings. The first dwelling No 41 is sited adjacent to and west of this application site, being the first along this laneway. It is a bungalow with some outbuildings and a yard area to the rear which is currently subject of an enforcement investigation. There are no other buildings along this southern side of the laneway, with open fields to the south and east of the application site.

To the north east of this application site on the northern side of the laneway is No 46 which is a red brick bungalow with gable dormers along the front roof elevation. Then adjacent and south east of this is No 43 which is a large 2 storey dwelling. There are a number of out buildings to the rear of this dwelling and to where the laneway ends at No 47 which is another large two storey dwelling.

Officers agree the 3 dwellings and numerous outbuilding along the northern side of this private laneway could be defined as a substantial and built-up frontage. However this cannot be said for the land to the south of the laneway which only has a single dwelling with a detached garage fronting onto the laneway. Therefore, this application site cannot be deemed a gap site as it would not be bookended as is a necessary requirement for an infill opportunity site. Development on this application site would result in the creation of ribbon development along this part of the Cavan Road and cannot be considered an exception to policy

The Members' attention is drawn to the planning history above which shows that planning permission for a dwelling was refused some 20 years ago under application M/2003/0774/O on a plot of land to the rear and south east of this application site as below.



The reasons for refusing planning permission were that it was contrary to;

- Policies SP12, GB.CPA 1 & GB.CPA3 and HOU12 of the Department's Planning Strategy for Rural Northern Ireland and Policy CTY1 of the Draft Dungannon and South Tyrone Area Plan 2010, in that the site lies within a Green Belt and the stated personal and domestic circumstances are not considered to be of sufficient weight to justify a relaxation of the strict planning controls in this area.
- Policies SP6, HOU8, DES 6 of the Department's Planning Strategy for Rural Northern Ireland in that the development when considered in the context of existing development, would, if permitted create an adverse impact on the character of the area if added to the existing buildings in the vicinity resulting in a detrimental change to the rural character of this area of countryside.
- Policies SP6, HOU8 and DES 5 of the Department's Planning Strategy for Rural Northern Ireland, in that, a building on this prominent site would not integrate into the countryside as the site is unable to provide a suitable degree of enclosure due to the lack of sufficient established boundaries or any other means of allowing for satisfactory integration and as a consequence would be obtrusive and have an adverse visual impact on the countryside.

Although not the exact same plot of land seeking planning permission for a dwelling in this application, it is worth noting the reasons for refusing the previous application are similar to this application. The introduction of PPS 21 in 2008 did in principle uphold these same ideologies, albeit under new policy legislation. There does not appear to have been any real change in the immediate surrounding of the application site as is evident from the ortho photo from 2003 below.



Ribbon development is cited as being detrimental to rural landscapes, creating a built-up appearance to roads. As such, another dwelling in this location will create build up when read with the three existing dwellings to the east of this site and that to the west, thereby contrary to CTY8.

The Members are reminded of a recent Court of Appeal Decision (Gordon Duff v Newry Mourne and Down Borough Council) following a Judicial Review which warns against a temptation to view CTY 8 as a permissive policy. It reiterates how the policy clearly states that planning permission will be refused where it creates or adds to a ribbon of development. The judgement is unequivocal when it states that unless the exception to CTY 8 has been shown to be truly available on the facts of the case, then permission must be refused because ribbon development is unacceptable under the policy guidelines, unless it falls within a permitted exception.

CTY13 - Integration and Design of Buildings in the Countryside in PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This application site as defined in red occupies a small plot of land which is relatively flat and void of any vegetated boundaries. As there are no established boundaries of any sort to offer some sort of enclosure to any development on this site, a dwelling combined with a garage would appear unduly prominent on this open site. Although it may be sheltered in part from the public road, due to the presence of farm buildings alongside the Cavan Road associated with No 37 Cavan. However, this particular farm holding is not within the applicant's ownership whereby to cluster with and the applicant has not sought permission for a dwelling on a farm. The lack of vegetation bounding the site leaves it open and exposed and a dwelling and garage along this laneway would not successfully integrate into the immediate and wider surroundings.

CTY14 - Rural Character in PPS 21 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. It also states that a new building will be unacceptable where it results in a suburban style build-up of development or adds to a ribbon of development. As explained above, a new dwelling and garage on this application site would create a ribbon of development which is a suburban style of development. Officers are of the opinion the planning history above has set a precedent here and this application site does not constitute an infill opportunity and would therefore cause detrimental change to, and further erode the rural character of the area, contrary to the provisions of CTY 14.

From assessment of DfI Rivers Strategic Flood Hazards and Flood Risks Map, it shows this site would not be susceptible to flooding and therefore there are no flooding concerns regarding this application.

In addition to checks on the Council's planning portal, the Natural Environment Division (NED) map viewer online has been checked. This did show the site is located just over 3.5 kilometre from the Lough Neagh & Lough Beg RAMSAR site. A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

This application has been advertised in Local Press in line with statutory consultation duties part of the General Development Procedure Order (GDPO) 2015. One neighbouring property was notified about this proposal and there were no objections received.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and RAMSAR sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

This application has been advertised in Local Press in line with statutory consultation duties part of the General Development Procedure Order (GDPO) 2015. Four neighbouring properties were notified about this proposal and there were no objections received.

Summary of Recommendation:

Refuse is recommended

This application site does not comprise an infill opportunity and is thereby contrary to CTY 8. Planning history was previously refused for a dwelling on the adjacent site due to similar policies reasons this proposal fails to comply with and thereby refusal is recommended.

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along this part of the Cavan Road and cannot be considered an exception to policy as it does not constitute an infill opportunity.

Reason 3

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in a suburban style build-up of development when viewed with existing buildings, and would if permitted, create a ribbon of development at this stretch of the Cavan Road and therefore result in a detrimental change to the rural character of the countryside.

Signature(s): Cathy Hughes

Date: 19 November 2024

ANNEX	
Date Valid	11 June 2024
Date First Advertised	24 June 2024
Date Last Advertised	24 June 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 41 Cavan Road Dungannon Tyrone BT71 6QW The Owner / Occupier 43 Cavan Road Dungannon Tyrone BT71 6QW The Owner / Occupier 45 Cavan Road Dungannon Tyrone BT71 6QW The Owner / Occupier 47 Cavan Road Dungannon Tyrone BT71 6QW	
Date of Last Neighbour Notification	26 June 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1998/0625B Proposals: Proposed Dwelling and Garage Decision: PG Decision Date: Ref: M/1975/0167 Proposals: ERECTION OF FARM SUBSIDY BUNGALOW Decision: PG Decision Date: Ref: LA09/2024/0698/O Proposals: Proposed Infill dwelling and garage Decision: Decision Date: Ref: M/2003/0293/F Proposals: Proposed dwelling Decision: PG	

Decision Date: 06-AUG-03

Ref: M/2002/0698/O

Proposals: Proposed dwelling

Decision: PG

Decision Date: 13-SEP-02

Ref: M/2007/0834/F

Proposals: Proposed erection of a garage

Decision: PG

Decision Date: 17-SEP-07

Ref: M/1975/016701

Proposals: SITE FOR BUNGALOW

Decision: PG

Decision Date:

Ref: M/1998/0625

Proposals: Proposed dwelling

Decision: PG

Decision Date:

Ref: M/2011/0198/F

Proposals: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1.

Decision: PG

Decision Date: 08-DEC-11

Ref: M/2003/0774/O

Proposals: Proposed dwelling

Decision: PR

Decision Date: 06-APR-04

Ref: M/2002/0044/O

Proposals: Proposed bungalow & domestic garage

Decision:

Decision Date:

Ref: M/1977/0164

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Outline & RS1 form.DOCXDC Checklist.doc

Drawing Numbers and Title

Site Location Plan Plan Ref: 01 REV 1

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.15
Application ID: LA09/2024/0839/F	Target Date: 29 October 2024
Proposal: Sunroom extension to rear of dwelling	Location: 40 Roxborough Manor, Moy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mark Gribben 40 Roxborough Manor Moy BT71 7FQ	Agent Name and Address: MDK Construction 44C Eglish Road Annaghmore Armagh BT62 1NW
Executive Summary: This planning application is being brought to committee as it is being recommended for refusal (the proposed extension if approved would breach a planning condition on original approval for the whole development)	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response

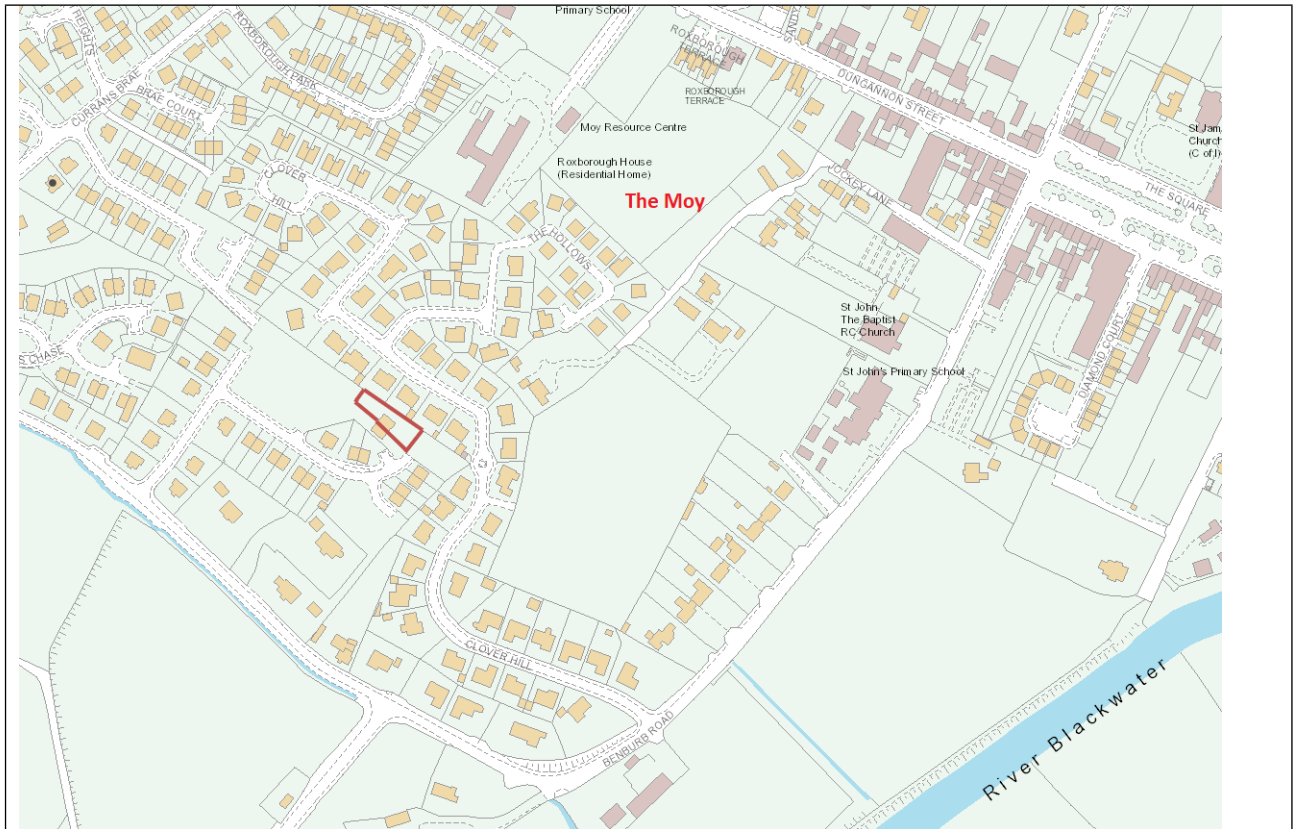
Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site comprises a semi-detached dwelling situated at number 40 Roxborough Manor, which is located within the settlement limits of the Moy as defined by the Dungannon and South Tyrone Area Plan 2010; and within a new housing development under construction known as 'Roxborough Manor'.



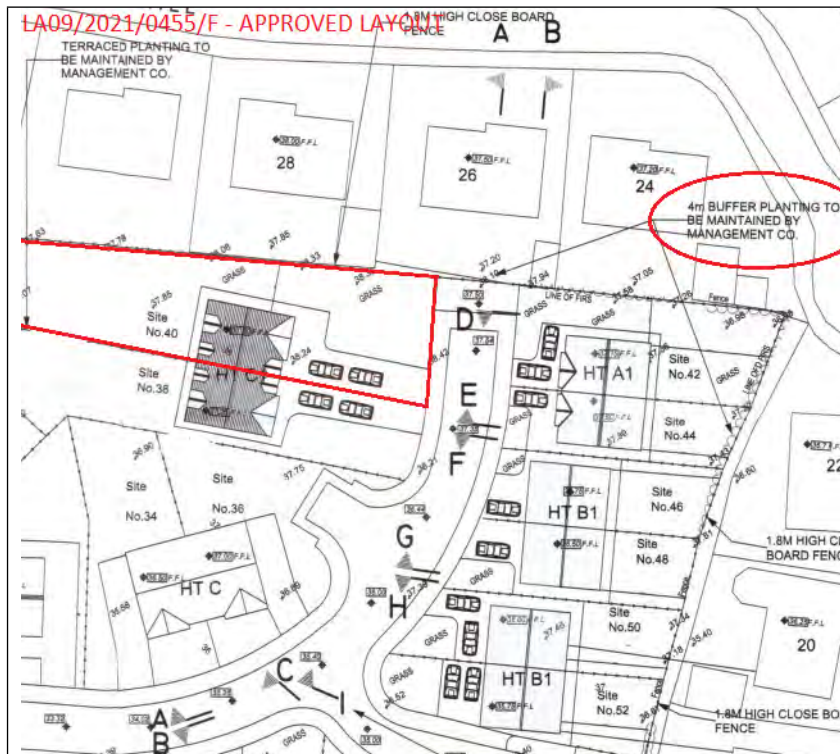
The site itself comprises a semi detached two storey dwelling finished in a cream render with white upvc window frames and doors and a dark tiled roof. The dwelling has a small front garden and a larger rear garden, the rear garden is fully enclosed by a 2 meter high closed board timber fence and there is a tarred drive with 2 parking spaces to the front. The ground level of the site is lower than that of Hunters Chase to the North.

The area is defined predominantly by a mix of dwelling types, mainly new 2 storey detached and semi-detached along the Gorestown Road, single storey detached in Cloverhill and a mix of house types in Hunters Chase, including apartment blocks.



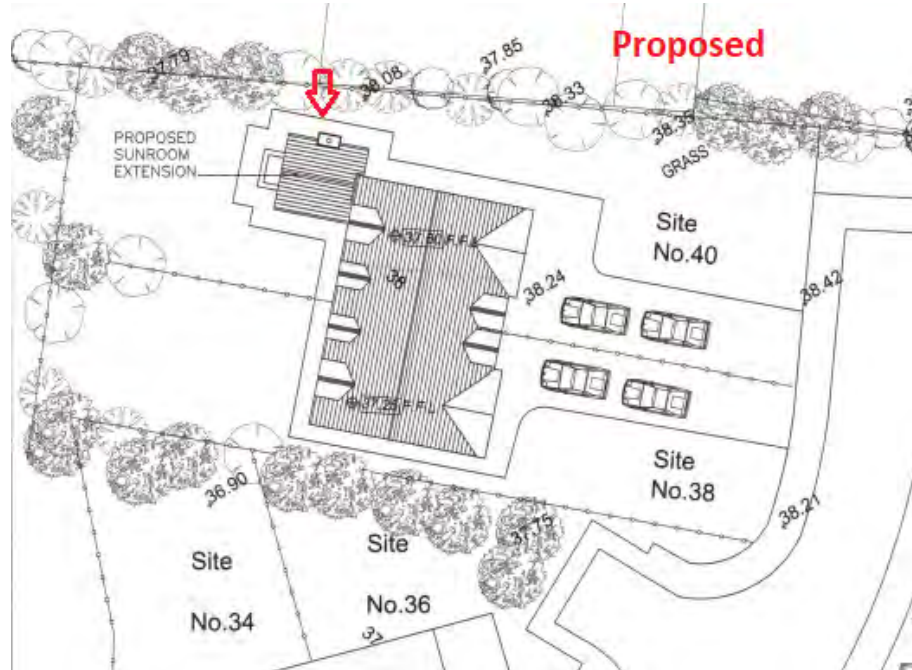
History

Planning permission was granted for Roxborough Manor initially under planning application M/2008/0821/F on the 18th February 2011. M/2008/0821/F granted permission for 63 houses comprising 23 detached, 22 semi-detached and 18 apartments. There have been a number of revised schemes on this site since the initial approval most recently under planning application LA09/2021/0455/F which on the 13th September 2022 granted permission for a change of house type on sites 24 to 66 to include an updated layout as per DFI Roads requirements. The current site comprises one of the these plots, no.40, approved under LA09/2021/0455/F for a detached two storey house. (SEE BELOW)



Description of Proposal

The proposal seeks full planning permission for a sunroom extension to the rear of the dwelling.



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 7 - Quality Residential Environments

Planning Policy Statement 7 – (Addendum) Residential Extensions and Alterations

Planning Policy Statement 7 - (Addendum) Safeguarding the Character of Established Residential Areas

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy: was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. The Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28th May 2021 for them to carry out an Independent Examination. In light of this the draft plan cannot currently be given any determining weight.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, two third party objections have been received.

Objection concerns

The first objection was received from the owner of the dwelling directly adjacent and north of the site at no.30 Cloverhill. The objectors dwelling backs onto the gable of the dwelling seeking extension and the concerns include;

- Non compliance with previous condition by way of 4 metre buffer.
- Proximity of proposed extension to boundary.

The second objection comes from the neighbour adjacent to and north of the site at no.28 Cloverhill, and their concerns include;

- Too close to adjoining properties
- Development too high
- Loss of privacy
- Lack of open space

Planning History

M/2008/0821/F - Erection of 63 dwellings comprising of 23 detached, 22 semi-detached and 18 apartments - Lands accessed off 40m NE of 28 Currans Brae and off 120m NW of 92 Gorestown Rd - Granted 18th February 2011

LA09/2020/0168/F - Proposed 4no. of pairs of semi-detached dwellings, change of house type under M/2008/0821/F – 40m NE of 28 Currans Brae and 120m NW of 92 Gorestown Rd - Granted 13th October 2020

LA09/2020/0579/F - Proposed amended house locations to sites 31, 33 and 35 Roxborough and Proposed detached garage at number 31 – 40m NE Of Currans Brae and off 120m NW of 92 Gorestown Road - Granted 30th September 2020

LA09/2021/0455/F - Change of house type on sites 24 to 66 to include updated layout as per DFI Roads requirements - 40m NE Of Currans Brae and 120m NW of 92 Gorestown Rd Moy - Granted 13th September 2022

LA09/2021/0455/F - Revised house type to include a rear sunroom - Site 60 At Roxborough Manor, Moy – Granted 28th March 2023.

Dungannon and South Tyrone Area Plan 2010

The Plan does not zone this site for any particular purpose, it is part of a large swath of land that is white land within the settlement limits of Moy. Policy SETT1 allows for favourable consideration of development provided it meets a number of criteria.

Strategic Planning Policy Statement (SPPS) for Northern Ireland

The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environment for the overall benefit of our society. Its guiding principles is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will causes demonstratable harm to interests of acknowledged importance. I am satisfied that this development for a change of house type on lands with extant approval for a house under LA09/2021/0455/F will not negatively impact on the built or natural environment nor will it harm interests of acknowledged importance or cause unacceptable harm to neighbouring amenity.

The SPPS gives provision for Housing in Settlements subject to a number of policy provisions. It does not present any change in policy direction with regard to residential development in settlements. As such, existing policies will be applied.

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

There will be no change to the road layout, footway provision or parking provision provided within the site or the larger housing development from the extant approval, LA09/2021/0455/F, as a result of this proposal. DFI Roads were consulted on the extant approval and raised no concerns subject to conditions; and 2 in-curtilage parking spaces are to be retained for revised house type. As such, I am satisfied the proposal complies with PPS 3 and no consultation with DfI Roads is necessary.

Addendum to Planning Policy Statement 7- Residential Extensions and Alterations

Any proposal for a residential extension to a dwelling must comply with Policy EXT1. EXT1 permits development where the following criteria are met:

- The scale, massing, design and materials are sympathetic with the built form and area,
- The proposal does not unduly affect privacy or amenity,
- The proposal will not cause unacceptable loss or damage to the environment,
- Where sufficient space remains within the curtilage of the property for recreational purposes.

The proposal is for a single storey extension to the rear of the property. As the extension is minimal, it is considered to be subordinate to the existing dwelling and therefore sympathetic to the built form of the area. In addition to this the proposed extension would generally match the proportions and materials of the dwelling.

It is considered that the size and scale of the extension would ensure that there would be no overlooking or infringement upon the privacy of the neighbouring dwelling. Furthermore it is considered that there is sufficient amenity space remaining for the dwelling and shall thus not have a detrimental impact on the residential amenity of this or of neighbouring dwellings.

The proposal would if approved encroach on a planned planting buffer along the property boundary. The loss of this proposed landscaping would be unacceptable given that it was a condition of the approved housing development scheme.

The proposal is therefore unacceptable in terms of loss landscaping and may have an adverse impact on the adjoining properties

Planning Policy Statement (PPS) 7 – Quality Residential Environments - PPS 7 is the relevant material planning policy for this type of development within a settlement. All proposals for residential development will be expected to conform to a number of criteria laid out in the PPS7. I am content the principal of this development, a two storey dwelling has already been accepted on this site under extant approval, LA09/2021/0455/F and like the extant approval this revised house type conforms to the criteria laid out in the PPS7 for the reasons detailed below.

The design and finishes of the revised house type are in my opinion acceptable to the site and locality. With the revised house type the main body of the dwelling will remain the same size, scale, design with a small sunroom added to the layout. The revised house type simply comprises additional works to the previous house type approved. Those works include the addition of a rear sunroom, The scale, massing, design and external materials of the sunroom and additional works proposed are sympathetic with the built form and appearance of the previously approved house type and should not detract from the appearance and character of the previously approved house type or the area.



The revised house type will have a private garden / amenity area to its rear of approx.135m² well in excess of the 70m² recommended by Creating Places. As such I am content sufficient amenity space will be retained under the revised.

The concern from the councils view arises when it comes to the issue of landscaping. On the original approval (M/2008/0821/F) there was a condition whereby the northern boundary along the north of the site bounding with Cloverhill was to have a 4 meter buffer provided, which was then to be maintained by a management company. This was also detailed on the site location plan of the more recent change of house types application LA09/2024/0455/F. However, if this extension is to be approved it will encroach to within 2.5 meters of the boundary and therefore render the 4 metre planting buffer impossible. This landscaping was condition was added to protect the amenity of the neighbouring properties along Cloverhill and approving this application will have a detrimental impact on that.

It is my opinion that there should be no significantly greater potential for detrimental impacts to existing or proposed neighbouring amenity in terms of overlooking, overshadowing or over dominance as a result of this revised house type as the proposed sunroom is single storey and sits on a lower ground level than the properties in Cloverhill. There is also the closed board fence which as it sits on the neighbouring property ground level is approx. 2.9 meters above the finished floor level of the site. However, that being said, approval of this sunroom would not allow the existing conditioned buffer to be planted therefore it would clearly impact on the privacy that will be afforded in the shape of this landscaping.



The proposal will not have a detrimental impact on any built or natural heritage, and there are no identified archaeological constraints to this site.

Ample foot path provision remains, and the road network can cater for a range of road users. Sufficient parking has been retained in-curtilage. Open space within the larger housing development layout will not be impacted by this proposal.

I am satisfied that the dwelling is located in an area where there are enough dwellings close by to deter crime to some degree.

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

I am satisfied that 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 area, the design of the dwelling with this extension is in keeping with the existing character of the area and the unit sizes are not less than recommended in Annex A of this policy.

Additional Considerations

Strategic Flood Maps NI indicates the site does not appear to be within a flood plain or be affected by pluvial ponding. A development of this size does not require a drainage assessment. Drainage consideration would have been assessed under the wider housing development approved.

LA09/2018/0864/DC granted permission for the discharge of conditions 2 and 3 of planning application M/2008/0821/F which related to sewage connection for the wider housing development including this site. Accordingly, I am satisfied that the proposed development can be connected to Moy WWTW.

No issues of land contamination were identified on site or under the previous permissions.

The site is not located within a sensitive area and there have been no identified pathways to environmental or human receptors that will cause likely significant impacts.

Recommendation

As stated in the report above the extension itself by size, scale and design is not contrary to policy in that it is unlikely to have any significant amenity effects on the neighbouring properties by means of overlooking, overshadowing loss of privacy etc. However, the siting of the extension to the side of the dwelling would mean it would come to within 2.5metres of the neighbouring boundary, meaning it would encroach into a 4 metre wide planting buffer that has been conditioned on the previous approval therefore breaching that condition.

The planting buffer along this boundary was deemed necessary in order to aid the integration of the development into the local landscape as quickly as possible and to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development. This previous consideration and reasoning for conditioning remains the same with this application.

Recommendation refusal.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The development if approved would be in breach of condition 7 of planning approval M/2008/0821/F and thereby contrary to Policy QD 1 of Planning Policy Statement 7 and Policy EXT 1 of the Addendum to Planning Policy Statement 7 as it would prejudice the delivery of a quality residential environment .

(During the first available planting season after the occupation of units 25-63 hereby approved, the developer shall construct, layout and plant all landscaped areas including the landscape buffer (outlined green on drawing 4 rev 11) in accordance with the approved drawing and shall be maintained in accordance with the landscape management and maintenance report date stamped 27th October 2010.

Reason; to aid the integration of the development into the local landscape as quickly as possible and to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development.)

Signature(s): Peter Hughes

Date: 20 November 2024

ANNEX	
Date Valid	16 July 2024
Date First Advertised	29 July 2024
Date Last Advertised	29 July 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 30 Clover Hill Moy Tyrone BT71 7TP The Owner / Occupier 28 Clover Hill Moy Tyrone BT71 7TP The Owner / Occupier 32 Clover Hill Moy Tyrone BT71 7TP The Owner / Occupier 26 Clover Hill Moy Tyrone BT71 7TP The Owner / Occupier 38 Roxborough Manor, Moy Tyrone BT71 7TP	
Date of Last Neighbour Notification	25 July 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2008/0821/F Proposals: Erection of 63 dwellings, accessed off 40m North East of 28 Currans Brae and off 120m North West of 92 Gorestown Road, comprising of 23 detached and 22 semi-detached and 18 apartments. Decision: PG Decision Date: 18-FEB-11 Ref: M/2001/0564/F Proposals: Erection of a new detached garage Decision: PG Decision Date: 24-JUL-01 Ref: M/1995/0686 Proposals: Private Housing Development (Phase 3) 9 No. Dwellings Decision: PG	

Decision Date:

Ref: M/1990/0683B

Proposals: Erection of 7 no bungalows as phase of housing development

Decision: PG

Decision Date:

Ref: LA09/2024/0839/F

Proposals: Sunroom extension to rear of dwelling

Decision:

Decision Date:

Ref: LA09/2022/1682/F

Proposals: Revised house type to include a rear sunroom

Decision: PG

Decision Date: 24-APR-23

Ref: LA09/2021/0455/F

Proposals: Change of house type on sites 24 to 66 to include updated layout as per DFI Roads requirements

Decision: PG

Decision Date: 13-SEP-22

Ref: LA09/2020/0579/F

Proposals: Proposed amended house locations to sites 31, 33 and 35 Roxborough and Proposed detached garage at number 31

Decision: PG

Decision Date: 30-SEP-20

Ref: M/2004/0027/F

Proposals: Extension to dwelling and roof space conversion

Decision: PG

Decision Date: 03-SEP-04

Ref: LA09/2018/0864/DC

Proposals: Discharge of conditions 2 and 3 of application M/2008/0821/F (Sewage)

Decision: AL

Decision Date: 05-JUL-18

Ref: M/1979/0890

Proposals: PRIVATE HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: M/1974/0560

Proposals: PUBLIC AUTHORITY HOUSING

Decision: PG

Decision Date:

Ref: M/1991/0009

Proposals: Extension and improvements to dwelling

Decision: PG

Decision Date:

Ref: M/1995/0082

Proposals: Private Housing Development (Phase 2)

Decision: PG

Decision Date:

Ref: M/1990/0683

Proposals: Private Housing Development

Decision: PG

Decision Date:

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Proposed Plans Plan Ref: 04

Existing Plans Plan Ref: 05

Notification to Department (if relevant)

Not Applicable

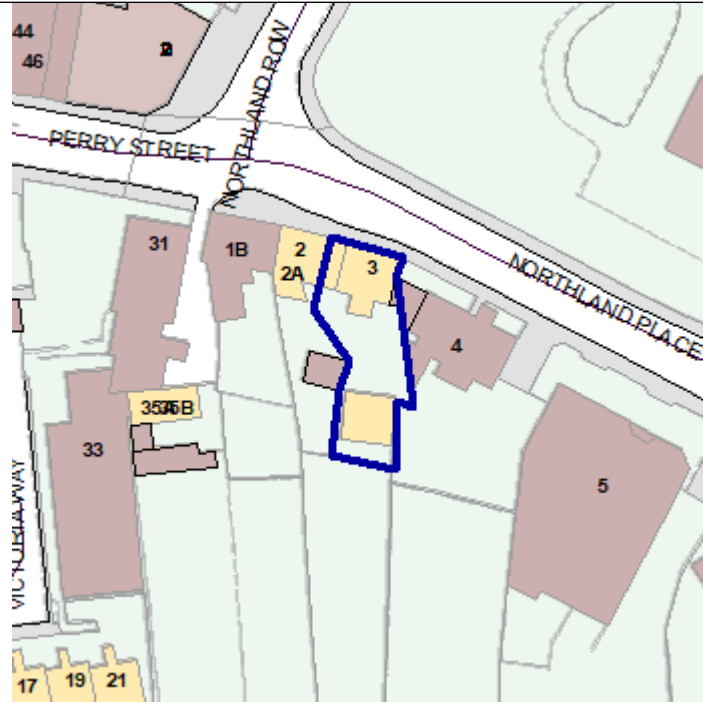


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.16
Application ID: LA09/2024/0862/F	Target Date: 6 November 2024
Proposal: Retention of domestic garage/work area and first floor apartment over	Location: 3C Northland Place Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Namik Saygi 3 Northland Place Dungannon BT71 6AN	Agent Name and Address: J. Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: This proposal fails to meet policy contained in PPS 3, PPS 7 and the Dungannon and South Tyrone Area Plan, therefore refusal is recommended.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.docDC Checklist.docRoads Consultation.DOCX
Statutory Consultee	NI Water - Single Units West	LA09-2024-0862-F.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	EH Response LA09-2024-0862-F.pdf
	Environmental Health Mid Ulster Council	

Representations:

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

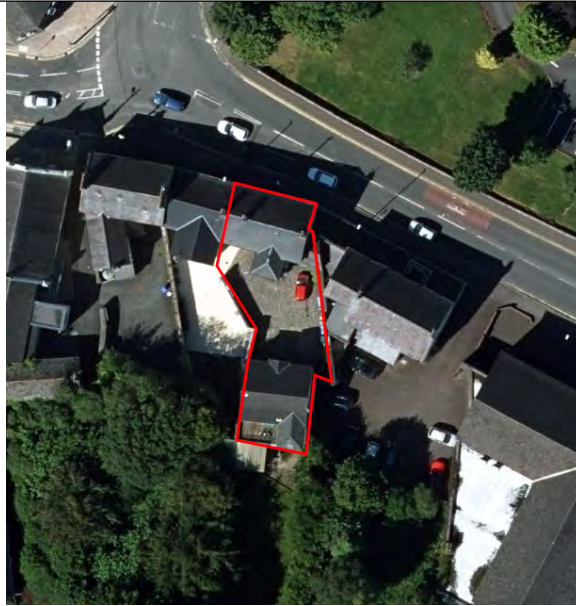
Summary of Issues

Characteristics of the Site and Area

This application site occupies an irregular shaped plot located to the rear of No 3 Northland Place at No 3C in Dungannon. It lies within the development limits of Dungannon, within the Town Centre Boundary and the Northland Conservation Area as designated in the Dungannon and South Tyrone Area (DSTAP). The area surrounding the site is urban in character with a mixture of retail, services and community uses as well as some residential properties. The Royal Secondary School and St Patrick's Primary School are close by, as are some religious buildings. The site is located close to the busy mini roundabout which connects the Protected Route along the Moy Road with Northland Row and Perry Street.



This site includes the terraced dwelling at No 3 Northland Place which fronts onto the Protected Route and is also under the applicant's ownership. The building subject of this application has the appearance of a detached dwelling and is located within the curtilage of No 3, sharing a yard area and access. This arched access is between 2 buildings and is covered and is also shared with the adjacent building to the west at Nos 2, 2A & 2B. A long garden area sits to the rear of the building which has applied to be retained and access to this area can only be gained through the building.

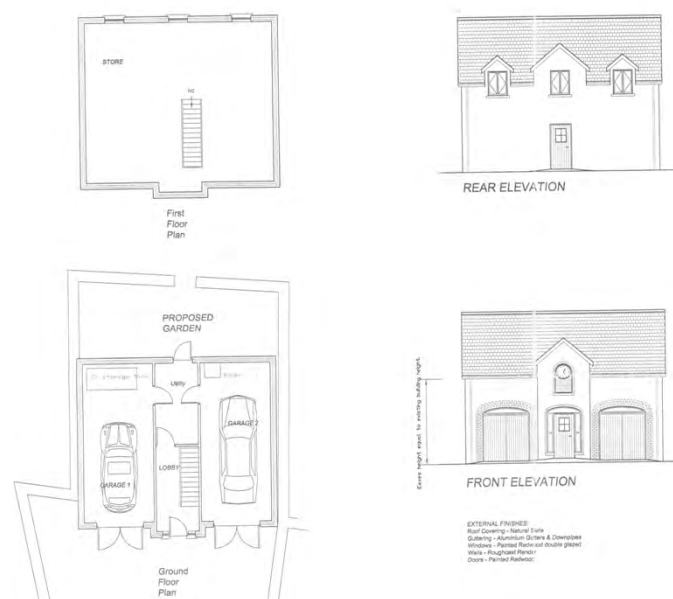


Planning History

LA09/2021/0207/CA - Unauthorised use in rear building, used as a computer repair shop and Air B&B. - Ongoing

LA09/2020/0377/F - Change of use of existing 5-bedroom dwelling to two 2-bedroom apartments to include replacement of existing rear return and the demolition of existing garage to provide enhanced in curtilage manoeuvring, turning and car parking - 2 Northland Place - Dungannon - 21.07.2020 – Approval

M/2000/1114/F - Proposed domestic garage and stores - 3 Northland Place Dungannon - 24.11.2000 – Approval (see below)



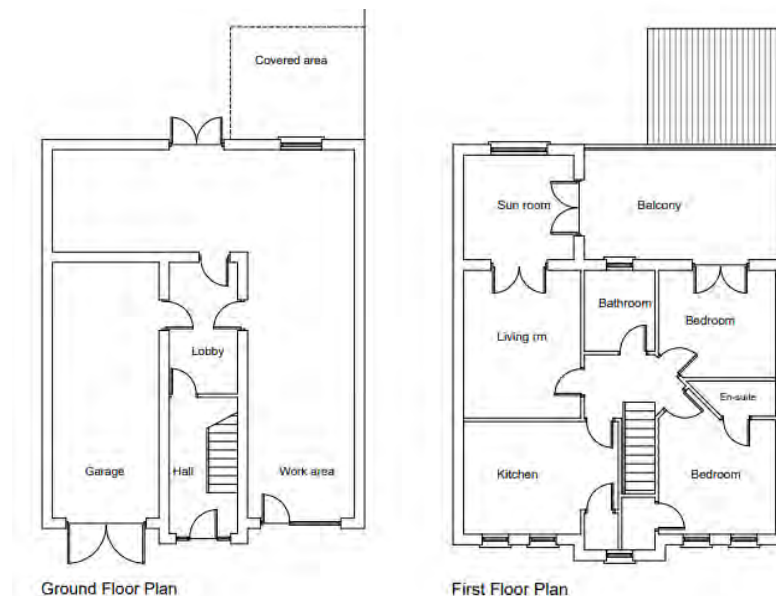
M/2000/0531/F - Apartment and garage - To The Rear Of 3 Northland Place Dungannon
- 26.06.2000 – Withdrawn (see below)



M/1999/0758/O - Housing Development - Rear Of No 1 Northland Place And Adjacent
To 21 Victoria Way Dungannon - 04.01.2002 - Refusal

Description of Proposal

This application seeks full planning permission for the Retention of a domestic garage/work area and first floor apartment over 3C Northland Place, Dungannon.





The ground floor accommodates a “garage” area to the left which is accessed via 2 large wooden doors. The flat is accessed via a front door in the centre of the 2-story projection at the front of the building which leads into a hallway and stairs to first floor level. This hallway also allows access to a “lobby” area which opens into the “garage” area. It is worth noting the internal measurements of this garage space is 3.1 metre wide. The “work” area is accessed at the front elevation via glazed double doors. This runs the length of the building and wraps around the entire width in an L shape. Access to this work space can be also gained from the rear of the building close to a single story covered area. As can be seen from the floorplan, the first floor currently accommodates 2 bedrooms, a kitchen, bathroom, living room and another room to the rear which could also be utilised as a bedroom. There is a balcony to the rear which 2 rooms can access onto.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed on 24th September 2020 and the period for Counter Representations closed on 18th December 2020. The Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28th May 2021 for them to carry out an Independent Examination. In light of this, the Draft Plan Strategy currently does not yet carry any determining weight.

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

The SPPS gives provision for Housing in Settlements subject to a number policy provisions and does not present any change in policy direction with regards to residential development in settlements. Paragraph 6.137 of the SPPS states 'the use of greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings. More housing should also be promoted in city and town centres and mixed-use development encouraged.'

Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered against all criteria outlined under Policy QD1.

- a) This proposal seeks permission for the retention of a building and to retain its current use as a as garage & work space at ground level with an apartment at first floor level. This subject building was granted planning permission in 2000 for a detached double garage and storage at first floor level which was ancillary to the dwelling at No 3. As can be seen from the drawing attached to the planning history above, the garage and store which was granted permission was not built in accordance with the approved plans, the depth of the building was increased somewhat which in turn increased the footprint size.

Albeit sited along the periphery of Northland Conservation Area, there are a variety of uses surrounding this site which is typically of town centres, varying from residential, offices, community and commercial properties. There does not appear to be a tradition of backland residential development along this street, even though most of the plots extend a distance back.

- b) Due to the location of the site within a Conservation Area, HED were consulted. A number of Grade B Listed Buildings are in close proximity to this site the Methodist Church at No 33 Perry Street and Nos 1 and 4 Northland Place. Historic Buildings having looked at this application deem the listed buildings to have sufficient presence in situation and scale within the existing established developed environment to remain unaffected by this application. It is not thought this proposal would have any impact only features of built heritage, archaeological or landscape importance.

- c) There is quite a large garden area to the rear

of the building subject of this application which can only be accessed by going through said building, therefore it is deemed this proposal has adequate private amenity space

d) The nature and scale of this proposal scale does not require the developer to provide local neighbourhood facilities. This site's location within Dungannon town centre means all facilities and services typically found in a town are readily available and accessible to this application site.

e) The location of this application site within the settlement limit of Dungannon and within the town centre boundary caters for walking and cycling as methods of movement. Public transport is easily accessibility and established routes are already in situ.

f) The yard area between the dwelling No 3 and this building does not provide much space for the turning and manoeuvring which would be generated by 2 separate residential properties. As seen in the planning history above, an enforcement case was opened on a computer repair shop operating from the "work space" applied for in this application. Although not operational at the time of the site inspection, if this permission were granted it is unclear if this would be open to the public and therefore generating more traffic to and from this property, further intensifying the use of a substandard access.

The property at No 2 Northland Place which shares the access with this proposal obtained permission to change the 5-bedroom dwelling in to two 2-bedroom apartments. That proposal demolished an existing detached garage to the rear of the property in order to provide adequate parking and manoeuvring space for the proposal. It is also noted that there are double yellow lines outside of No 3 due to the proximity of the site to the mini roundabout, which reduces the opportunity for parking close to this building. The officer does not consider this proposal has adequately provided the necessary parking arrangements.

g) As this application is to retain what is already constructed on site and its current use, there are no changes being made to the building and therefore the details and materials are suffice.

h)The Environmental Health Department (EHD) of Mid Ulster District Council were consulted and they have no objection to this proposal. The building is set back enough from No3 and adjacent buildings eitherside so as not to cause any unacceptable adverse effect in terms of overlooking, loss of light, overshadowing.

i) The location of this site within the town centre mean it is serviced by public lighting and there are no concerns regarding the design of the proposal in terms of crime or personal safety.

In the Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas, Policy LC 2 deals with the Conversion or Change of Use of Existing Buildings to

Flats or Apartment. It states that planning permission will only be granted where all the criteria of QD 1 in PPS 7 is met as well as additional criteria as below;

There is no adverse effect on the local character, environmental quality or residential amenity of the surrounding area caused by this proposal. It maintains the form, design and setting of the existing building. It is self-contained and has a gross internal floor space greater than 150 sq. metres. Although the building is located to the rear of No 3, it does have access onto the public street. Therefore this proposal complies with the criteria set out in LC 2.

1Policy AMP 3 in PPS 3 – Access, Movement and Parking states planning permission will only be granted for a development proposal involving the intensification of the use of an existing access in the terms of residential development where it has been demonstrated the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety. The P1 form states the access arrangements to this proposal will utilise an existing unaltered access to the public road. This access is also a right of way which is shared with the residents at No 2A & 2B Northland Place who have access to parking facilities to the rear of their property. It is noted this access traverses a public footpath and a mini roundabout is located 15 metres to the west. This busy junction is along the Protected Route which is the main throughfare through the town from the M1 motorway to Cookstown and Coalisland.

DfI Roads were consulted and they have highlighted that the minimum sightlines of 2.4 metres by 33 metres as recommended in DCAN 15 cannot be achieved to the south east. This proposal can only achieve 2.4 metres by 19 metres which is a shortfall of some 14 metres. This lack of available visibility splays combined with the location of this access onto a busy road at the mouth of a mini roundabout which is also a Protected Route, exacerbates the danger to road users and pedestrians. The officer acknowledges this from experience when carrying out the inspection of this site, and also the difficulty of accessing from the site in a modest vehicle through the existing access. The inability to comply with AMP 3 also results in a failure to meet the criteria of AMP 2 – Access to Public Roads. This proposal in its failure to provide a safe access for all road users therefore fails to comply with PPS 3.

It is worth noting that planning application M/2013/0430/F, some 350 north of this site along the same Protected Route and within the Northland Conservation Area also was refused permission for changing the use of an existing dwelling into 3 apartments. The reasons for refusal were that it did not comply with AMP 2 & 3 in PPS. This was appealed to the Planning Appeals Commission (PAC) who dismissed the appeal and upheld the Planning Authority's decision to refuse the proposal.

Policy BH11- Development affecting the setting of a Listed Building in PPS 6 – Planning, Archaeology and Built Heritage sets out that development will not normally be permitted

which would adversely affect the setting of a Listed Building and proposals must meet a set of criteria;

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building;
- (c) the nature of the use proposed respects the character of the setting of the building.

HED Historic Buildings consider the materials utilised in the building to be retained of uPVC and concrete roof tiles are not generally sympathetic to the setting of a Listed Building. They also mention the 2-storey height is not akin to that of a typical outbuilding, however as the buildings located on a back land site, it is not seen in juxtaposition with the nearby Listed Buildings and therefore is not deemed to have an impact upon their setting. Due to the scale and nature of the development on this application site, HED Historic Monuments have no objections to this proposal. Collectively HED therefore have no objections to this proposal as it is in compliance with PPS 6.

The Dungannon and South Tyrone Area Plan (DSTAP) is the statutory local development plan for the application site. The application site is located within the settlement limits of Dungannon Town Centre and is zoned as a Protected Housing Area in the Plan. Policy HOUS 2 Town Centre Housing covers the designated protected areas and states that a change of use to a non-residential use not normally be permitted in these zoned areas. This proposal complies with this policy, as a HMO is still a category of residential use. As the site lies within the settlement limit of Dungannon as defined in the above plan, SETT 1 is the relevant policy.

SETT 1 contains very similar policy criteria to that assessed above in PPS 7. It does include a criteria that any additional infrastructure necessary to accommodate the proposal is provided by the developer. NI Water were consulted about this application and they said Dungannon WwTW has no capacity and the part of the catchment that this proposal would connect to is currently closed to all new connections, due to foul network capacity constraints.

There is a public foul sewer within 20 metres of the development boundary, however this is unable to adequately serve this proposal. The receiving foul sewerage network has reached capacity and currently the public system cannot serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water has no plans to upgrade the sewage infrastructure in this Drainage Area, and as a result are unable to approve any new connections to this network. The downstream catchment is constrained by overloaded sewage infrastructure including 5 different downstream Unsatisfactory Intermittent Discharges (UID's) - Coolhill North WwPS, Eastvale Avenue CSO, Ballynorthland Park North CSO, Dungannon FFT CSO & Moy Road CSO which all discharge to the River Rhone.

There is no public surface water sewer within 20 metres of this development boundary,

however access is available via extension of the existing public surface water network or via direct discharge to a designated watercourse at a rate of greenfield runoff not exceeding 10litres/sec/hectare. In summary, NI Water recommend this application is refused planning permission and based on the comments from NI Water, the officer deems this proposal fails to meet all the criteria in SETT 1

This application was advertised in the local press in line with the Council's statutory duty and 5 neighbouring properties were notified. There have been no objections to this proposal.

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

Summary of Recommendation:

Refuse is recommended

There is not sufficient wastewater treatment capacity at the Dungannon WwTW at present to serve this proposed development and the public system cannot serve it without significant risk of environmental harm, specifically to the River Rhone. Therefore, the failure to provide an alternative method of sewage disposal results in non-compliance with Policy SETT 1 in DSTAP and also part f in QD1 in PPS 7.

The inability of the proposal to provide the minimum required visibility splays has meant this proposal has failed to demonstrate a safe access onto the Protected Route, as it will not significantly assist in the creation of a quality environment without compromising standards of road safety. The lack of adequate car parking facilities also is a contributing factor which could jeopardise road and pedestrian safety. The intensification of this substandard access could also disrupt the convenience of road users, resulting in this proposal failing to comply with PPS 3. As this proposal fails to meet policy contained in PPS 3, PPS 7 and the Dungannon and South Tyrone Area Plan, refusal is recommended.

Refusal Reasons

Reason 1

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and

convenience of road users since visibility splays of 2.4 metres x 33 metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

Reason 2

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the lack of the minimum required visibility splays renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Reason 3

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the intensification of use of an existing substandard access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Reason 4

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, fail to provide adequate provision for car parking and appropriate servicing arrangements.

Reason 5

The proposal is contrary to Planning Policy Statement 7 Quality Residential Development, Part f in QD 1 in that it would, if permitted fail to provide adequate and appropriate provision for parking.

Reason 6

The proposal is contrary to Policy SETT 1 in the Dungannon and South Tyrone Area Plan, in that this proposal is unable to provide the necessary infrastructure required for the treatment of sewage generated by this proposal.

Reason 7

The proposal has the potential to significantly harm the River Rhone watercourse and associated biodiversity by ways of pollution caused by additional loading of Dungannon WwTW and Unsatisfactory Intermittent Discharges.

Signature(s): Cathy Hughes

Date: 18 November 2024

ANNEX	
Date Valid	24 July 2024
Date First Advertised	5 August 2024
Date Last Advertised	5 August 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 2 Northland Place Dungannon Tyrone BT71 6AN The Owner / Occupier 4 Northland Place Dungannon Tyrone BT71 6AN The Owner / Occupier 3B Northland Place Dungannon Tyrone BT71 6AN The Owner / Occupier 2A Northland Place Dungannon Tyrone BT71 6AN The Owner / Occupier 2B Northland Place Dungannon Tyrone BT71 6AN	
Date of Last Neighbour Notification	30 August 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2020/0377/F Proposals: Material change of use of existing 5 bedroom dwelling to two 2 bedroom apartments to include replacement of existing rear return and the demolition of existing garage to provide enhanced in curtilage manoeuvring ,turning and car parking Decision: PG Decision Date: 23-JUL-20 Ref: M/1991/0018 Proposals: Change of use from dwelling to offices Decision: PG Decision Date: Ref: M/2004/0908/O Proposals: Replacement of 2No Dwelling Houses to new location within adjacent garden Decision: PG Decision Date: 07-JUN-05	

Ref: M/2000/0531/F
Proposals: Apartment and garage
Decision:
Decision Date:

Ref: LA09/2024/0862/F
Proposals: Retention of domestic garage/work area and first floor apartment over
Decision:
Decision Date:

Ref: M/1994/0616
Proposals: Change of use from stables and stores to 2 No. town
houses and associated alterations
Decision: PG
Decision Date:

Ref: M/2005/0884/A
Proposals: retention of 3 no. Fixed advertising signs
Decision: CR
Decision Date: 01-AUG-06

Ref: M/2000/1114/F
Proposals: Proposed domestic garage and stores
Decision: PG
Decision Date: 01-MAR-01

Summary of Consultee Responses

Historic Environment Division (HED)-
DFI Roads - Enniskillen Office-DC Checklist.docDC Checklist.docRoads
Consultation.DOCX
NI Water - Single Units West-LA09-2024-0862-F.pdf
Environmental Health Mid Ulster Council-EH Response LA09-2024-0862-F.pdf
Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.17
Application ID: LA09/2024/0894/O	Target Date: 13 November 2024
Proposal: Proposed 2 number dwellings and part of an existing ribbon.	Location: Lands between 23, 21A and 21 Cloane Road Draperstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Sean McKenna 9 Cloane Rd Draperstown, Magherafelt BT45 7LW	Agent Name and Address: Newline Architects 48 Main Street Castledawson Magherafelt BT45 8AB
Executive Summary: This outline application for 2 no. dwellings has received 2 no. objection letters and is brought to the Planning Committee with a recommendation for refusal. The proposal fails to meet Policy CTY 8 and CTY 14 of PPS 21 in that it would add to a ribbon of development if approved. The application proposal also fails to meet Policy NH 5 of PPS 2 and Policy FLD 3 of PPS 15, for reasons outlined in this report. The proposal complies with Policy CTY 13 at this outline stage.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline Tri.DOCX

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Two objection letters have been received in this application. The first letter received 25/08/2024 states that the development constitutes ribbon development and 'would have a detrimental impact on the character of this rural area and would create suburban-type linear development along what is a rural country road.' The same letter also raises flood risk and environmental concerns. The second letter points to road safety concerns. These issues raised in the objection letters are considered throughout this report.

Characteristics of the Site and Area

The site is located approximately 2km north of the development limits of Draperstown. As such, the site is located within the open countryside as defined in the Magherafelt Area Plan 2015. The site amounts to 0.59 hectares of land situated adjacent to the Cloane Road. The relatively flat site exists as a largely overgrown field. The site was previously heavily treed as shown on site orthos from 2017. A number of trees have since been cleared leaving a backdrop of trees along the entirety of the eastern boundary. Across the road from the site is a woodland area known as Cloane Woods. Adjacent and north of the site is no. 23 Cloane Rd - a 1.5 storey dwelling built to near completion and within full view from the road. Adjacent and south of the site is no. 21a Cloane Rd which sits back from the road and has a small outbuilding and polytunnel. These buildings / structures are screened by roadside trees and hedging which render the neighbouring address largely out of site when approaching from either direction along the road. The wider surrounding lands are characterised by undulating agricultural lands, with the predominant land use of an agricultural nature, interspersed with single dwellings and farm complexes.

Description of Proposal

This is an outline application for 2 number dwellings 'and part of an existing ribbon'.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Planning Histories

Adjacent and north of site

LA09/2023/1006/F – Proposed farm storage shed – Approx 160m south of 25a Cloane Road Draperstown – under consideration at time of writing

LA09/2021/1532/RM – Dwelling and domestic garage – 250m south of no. 25 Cloane Rd Draperstown BT45 7EJ – Permission Granted 25/01/2022

LA09/2020/0970/O – Dwelling and garage - Approx. 250M south Of 25 Cloane Road Draperstown – Permission Granted 05/05/2021

Adjacent and south of site

H/2005/0610/O – Site of dwelling – Adjacent to 21 Cloane Road, Draperstown – Permission Granted 27/09/2005

Representations

Two objection letters have been received in this application. The first letter received 25/08/2024 states that the development constitutes ribbon development and 'would have a detrimental impact on the character of this rural area and would create suburban-type linear development along what is a rural country road.' The same letter also raises flood risk and environmental concerns. The second letter points to road safety concerns. These issues raised in the objection letters are considered throughout this report.

Magherafelt Area Plan 2015

The site is located approximately 2km north of the development limits of Draperstown. As such, the site is located within the open countryside as defined in the Magherafelt Area Plan 2015.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. The proposal involves the construction of a new access to a public road. The second objection letter raises road safety concerns and draws attention to blind bends. DfI Roads were consulted and provided no objection to the proposal subject to the inclusion of the standard outline access condition (see response dated 23/08/2024). The proposal does not offend Policies AMP 2 and AMP 3 of PPS 3.

PPS 21 – Sustainable Development in the Countryside

PPS 21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. This application is therefore considered under CTY 8 – Ribbon Development.

In terms of the plot size, I am content that the site would be able to accommodate the two dwellings that are proposed. 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. To the north of the site is a substantially built 1.5 storey dwelling (no. 23) which has a strong visual presence along the road frontage. This is an exception to the pattern of development exhibited to the south of the site – the curtilage of no. 21a is set back from the road by 40 metres, separated from the road by a field strip which is overgrown, together with roadside trees which largely screen the property from view when approaching in either direction along the public road. It is considered that no. 21a does not front the Cloane Road and nor does it lend itself to a built up frontage / a visual linkage with no. 23. The site layout plan identifies dwelling no. 21 to the south of 21a. Upon visiting the site, this dwelling has not yet been built and site photos show that only the footings appear to be in place. To the rear of this is a mobile home, which for the purposes of Policy CTY 8 is not considered to amount to a substantial and built up frontage. Similarly to no. 21a, this site is also largely screened from the public road by roadside trees. Thus the only building along the road that has a substantial and clear frontage with the road is no. 23, with no further buildings along the road frontage to the south of the application site. Therefore the proposal fails to meet the exception test under Policy CTY 8 of PPS 21, and would add to a ribbon of development if approved.

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. This is an outline application and therefore design details are withheld. It is considered that two dwellings at this road-side site would not be overtly prominent in the landscape if restricted to single storey (maximum ridge height of 5.5 metres from finished floor levels) and sympathetically designed. The site has a good degree of backdrop in the form of mature trees along the entirety of the eastern boundary. If approval is ever granted, the trees should be retained via a planning condition. Accordingly the development would not rely entirely on the use of new landscaping for integration. The proposal does not offend Policy CTY 13 at this outline stage.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As provided above, the proposed dwellings would not appear prominent in the landscape. However, the proposal if approved would add to a ribbon of development and would result in a suburban style build-up of development when viewed with existing and approved buildings. This is also one of the points raised in the first

objection letter. The proposal does not comply with Policy CTY 14.

PPS 2 – Natural Heritage

Policy NH 5 states planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- Priority habitats;
- Priority species;
- Active peatland;
- Ancient and long-established woodland;
- Features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

While the site itself is not located within a protected area according to the NIEA Map viewer, it is adjacent to a site of local nature conservation importance (Cloane Woods), which sits across the road from the site. DfI Roads have also indicated that 70m of roadside hedging is to be set back to accommodate sight splays. A Biodiversity Checklist has not been submitted and the agent has not been prompted to provide this given the proposal is recommended for refusal under CTY 1, CTY 8 and CTY 14 of PPS 21. Having reviewed the environmental considerations in the objection letter, and in the absence of supporting information, it cannot be assumed that the proposal would not result in an unacceptable adverse impact on, or damage to, habitats, species or features as per Policy NH 5 of PPS of PPS 2. If the planning committee are mindful to approve this application, it is recommended that a Biodiversity Checklist first be submitted and NIEA consulted for comment prior to approval being granted.

PPS 15 – Planning and Flood Risk

DfI Flood Maps (NI) indicate that the southern portion of the site lies within an area of known surface water flooding. One of the objection letters also raises flood risk concerns. No drainage assessment has been submitted and the agent has not been prompted to provide this given the proposal is recommended for refusal under CTY 1, CTY 8 and CTY 14 of PPS 21. If the planning committee are mindful to approve this application, it is recommended that a Drainage Assessment first be submitted and Rivers Agency consulted for comment prior to approval being granted.

Other Constraints

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

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application is refused

on the grounds that it fails to meet Policies CTY 8 and CTY 14 of PPS 21 in that it would add to a ribbon of development if approved.

The proposal also fails to meet Policy NH 5 of PPS 2 as the applicant has not demonstrated the proposal will not have an unacceptable impact on, or damage to known habitats, species, or other natural heritage features worthy of protection. Finally, the proposal fails to meet Policy FLD 3 of PPS 15 as part of the site lies within an area of known surface water flooding and the applicant has not demonstrated through a drainage assessment that adequate measures will be put in place so as to effectively mitigate the flood risk.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposed development is contrary to Planning Policy Statement 21: Policy CTY 1 in that there are no overriding reasons why the development is essential and could not be located in a settlement.

Reason 2

The proposed development is contrary to Planning Policy Statement 21: Policy CTY 8 in that it would add to a ribbon of development if approved.

Reason 3

The proposed development is contrary to Planning Policy Statement 21: Policy CTY 14 in that it would add to a ribbon of development if approved.

Reason 4

The proposed development is contrary to Policy CTY 14 of PPS 21 in that it would result in a suburban style build-up of development when viewed with existing and approved buildings.

Reason 5

The proposal is contrary to Planning Policy Statement 2: Policy NH 5 as the applicant has not demonstrated the proposal will not have an unacceptable impact on, or damage to known habitats, species or features of national importance.

Reason 6

The proposed development is contrary to Planning Policy Statement 15: Policy FLD 3 as the southern portion of the site lies within an area of known surface water flooding and the applicant has not demonstrated through a Drainage Assessment that adequate

measures will be put in place so as to effectively mitigate the flood risk.

Signature(s): Benjamin Porter

Date: 18 November 2024

ANNEX	
Date Valid	31 July 2024
Date First Advertised	13 August 2024
Date Last Advertised	13 August 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 23 Cloane Road Draperstown Londonderry BT45 7LW The Owner / Occupier 21A Cloane Road Draperstown Londonderry BT45 7LW The Owner / Occupier 21 Cloane Road Draperstown Londonderry BT45 7LW	
Date of Last Neighbour Notification	5 August 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2013/0215/F Proposals: Change of house type from that approved under application Ref H/2007/0288/RM incorporating existing double garage Decision: PG Decision Date: 03-NOV-14 Ref: H/2007/0288/RM Proposals: New Dwelling and Garage Decision: PG Decision Date: 21-SEP-07 Ref: H/1999/0757/F Proposals: Dwelling Decision: PG Decision Date: 18-SEP-00 Ref: H/1998/0603 Proposals: 11 KV O/H LINE BM 9583/97	

Decision: PG
Decision Date:

Ref: H/2005/0575/O
Proposals: Site of Dwelling and Garage.
Decision: PG
Decision Date: 08-JUN-06

Ref: H/1974/0023
Proposals: 11 KV O/H LINE (C.2650)
Decision: PG
Decision Date:

Ref: H/1974/0366
Proposals: 11KV O/H LINE (C.5547A)
Decision: PG
Decision Date:

Ref: H/1997/0361
Proposals: SITE OF DWELLING
Decision: PG
Decision Date:

Ref: H/2005/0610/O
Proposals: Site of Dwelling
Decision: PG
Decision Date: 27-SEP-05

Ref: LA09/2021/1532/RM
Proposals: Dwelling and domestic garage
Decision: PG
Decision Date: 25-JAN-22

Ref: LA09/2020/0970/O
Proposals: Dwelling and garage
Decision: PG
Decision Date: 05-MAY-21

Ref: H/2007/0625/RM
Proposals: One and a half storey dwelling and detached single storey double garage.
Decision: PG
Decision Date: 28-MAR-08

Ref: H/2003/1190/O
Proposals: Site of one and a half storey dwelling and garage.
Decision: PG

Decision Date: 07-DEC-04

Ref: H/1985/0030

Proposals: REPLACEMENT FARMHOUSE

Decision: PG

Decision Date:

Ref: LA09/2024/0894/O

Proposals: Proposed 2 number dwellings and part of an existing ribbon.

Decision:

Decision Date:

Ref: LA09/2022/1230/O

Proposals: Proposed Site for Dwelling and Domestic Garage.

Decision: WDN

Decision Date: 05-APR-23

Ref: LA09/2023/1006/F

Proposals: Proposed farm storage shed

Decision:

Decision Date:

Ref: LA09/2022/1226/O

Proposals: Proposed Site for Dwelling and Domestic Garage

Decision: WDN

Decision Date: 05-APR-23

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline Tri.DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.18
Application ID: LA09/2024/0994/O	Target Date: 6 December 2024
Proposal: Proposed Dwelling and Garage in compliance with PPS21 CTY2a and CTY7 (Revised Land Ownership Certificate)	Location: Land adjacent to and North West of 52 Killycolpy Road, Ardboe
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Ryan Quinn 26 Killycanavan Road Ardboe BT71 5BP	Agent Name and Address: Mr Aidan Coney 23 Tobin Park Moortown BT80 0JL
Executive Summary: The proposal is recommended for refusal as it does not meet the following criteria in CTY 2a - New Dwellings in Existing Clusters in PPS 21 The proposed development is not associated with a focal point or is not located at a crossroads.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Outline.DOCXDC Checklist.doc
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Outline 2.DOCX

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is in the countryside and is 3km southwest of the settlement limit of

Ardboe as defined in the Cookstown Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, groups of farm buildings and detached dwellings on single plots. There are several dwellings surrounding the site with two dwellings to the south, a poultry farm to the northwest, nine dwellings to the north and four dwellings across the road of the site. To the southeast and within the applicant's ownership is a two-storey dwelling at No.52 and two sheds. The application site is accessed via an existing access to a shed and yard area. The site is a field to the rear of the sheds where the land rises to the rear boundary where there is a row of established trees.

Description of Proposal

This is an outline application for proposed Dwelling and Garage in compliance with PPS21 CTY2a and CTY7 at Land adjacent to and Northwest of 52 Killycolpy Road, Ardboe.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

I/2002/0056/O - Site for dwelling - 50 M Northwest Of 52 Killycolpy Road Ardboe Dungannon – permission granted 24.05.2002.

I/2010/0546/LDE - Retention of building - 52 Killycolpy Road, Stewartstown – consent granted 20.01.2011.

I/2010/0092/F - Retention of workshop, office and covered storage area - 52 Killycolpy Road, Stewartstown – application withdrawn.

LA09/2024/1281/F - Change of use from existing mechanics workshop to gym - 50M

Northwest of 52 Killycolpy Road, Ardboe – Under Consideration.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Cookstown Area Plan 2010

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

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for a dwelling in an existing cluster CTY 2a is the relevant policy in the assessment.

Policy CTY 2a – New Dwellings in existing clusters

This proposal site lies outside of a farm and consists of more than four buildings thus adhering to this criterion. There are dwellings to the southeast at No.52, No.54a, No.54, No.56. Dwellings to the north of the site at No.58, No.60, No.60a. I am content the buildings in the immediate area could be classed as a cluster.

I am content the cluster appears as a visual entity in the landscape as shown in figure 1 below.



Figure 1 – Orthophotography image of the application site and the surrounding area.

I consider the site not to be located at a crossroads or at a focal point, so the proposal does not meet this criterion.

There is a dwelling to the north of the site at No.58 and dwellings to the east of the site at No.56, No.54, No.54a and No.52. I consider the identified site provides a suitable degree of enclosure and is bounded on development by two sides in the cluster.

The proposed dwelling would need to be situated in the northeast corner of the site to be associated with the cluster and still bounded on two sides. The site sits at a higher topography than the adjacent dwellings to the east so there is the potential for overlooking No.54a and No.54's gardens. I consider a single storey dwelling would be most appropriate at this site to protect neighbouring amenities.

Environmental Health was consulted as there are two poultry sheds at a farm grouping at No.50 to the west of the application site. Environmental Health responded on the 3rd September 2024 stating they have concerns about the proposal as the farm business is approximately 70m to the boundary of the application site. It is stated there is the potential for loss of amenities due to noise, odour and pests from the existing farm business.

Having accessed all the evidence, I do not consider the proposal meets all the criteria in CTY 2a as there is no focal point or the site is not located at a crossroads.

Other policies within PPS 21

In terms of CTY 3 – replacement dwellings, there is a dwelling at No.52 which is within the applicant’s ownership which could be used as an off-site replacement dwelling.

In terms of CTY 10 – dwellings on farms, the applicant has made no case to state whether is an established farm business at the site.

It is stated in the description dwelling in compliance with CTY 7 – dwellings for non-agricultural business enterprises so I will consider CTY 7 in the following assessment. No information has been submitted with the proposal to demonstrate that there is an established business at the site. No supporting statement has been submitted why it is essential for an employee to live at the site. I consider the proposal fails to meet CTY 7.

In terms of CTY 8 – Ribbon Development, the agent has stated in an email does the site meet the case for an infill dwelling. There is a dwelling at No.52 with a surrounding yard area and a shed to the rear of No.52. Adjacent and north of No.52 is another shed with a yard area around it at No.52C. The dwelling and sheds face towards hedging and a private laneway to a farm grouping at No.50. These buildings are not directly accessed off the private laneway but have their own access at No.52. No.52 has a frontage to the public road and No.52C front onto the access laneway to the farm grouping at No.50. There is hedging to the south of the site along the laneway, so I consider the application site and buildings at No.52 and No.52C do not have a frontage to a road. I consider the proposal fails to meet the policy in CTY 8.

CTY 13 – Integration and Design of Buildings in the Countryside

The site is a portion of land to the rear of a row of dwellings that faces Kilycolpy Road. The topography rises from the roadside to the site where the land levels off. As the site sits at a higher level than the roadside, I consider there is potential for dwelling to be prominent, so I consider it is appropriate to place a single storey ridge condition onto any approval. In terms of integration, there is development pressure in the area from single dwellings and the proposed dwelling would read with other buildings in critical views so I am content a dwelling would integrate at this location. I am content with the proposal that meets all the criteria in CTY 13.

CTY 14 – Rural Character

As stated previously I am content the proposal will not be a prominent feature in the landscape. There are already several dwellings within the immediate vicinity of the site so I consider the area is already suburbanized so another dwelling in this location will not have a detrimental impact on rural character.

PPS 3 – Access, Movement and Parking

The site does not access a protected route, so I have no concerns in this regard.

The applicant has proposed using the existing access to No.52C as I consider this is an intensification of access DFI Roads were consulted. The applicant had signed certificate A on the application form, but Roads had stated that the fence at the roadside of No.54A needs to be set back to provide the visibility splays. The applicant changed the certificate-to-certificate C to notify them. In discussions with Roads, it was confirmed that

the dwelling at No.52 does not need to be demolished to achieve the visibility splays.

Other Considerations

I have completed checks on the statutory map viewers and I am content there are no other ecological, built heritage or flooding issues at the site.

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

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet the criteria in CTY 2a in PPS 21 as the proposed development is not associated with a focal point or located at a crossroads.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential in this rural location and could not be located within a settlement.

Reason 2

Contrary to CTY 2a - New Dwellings in Existing Clusters in PPS 21 in that the proposed development is not associated with a focal point or is not located at a crossroads.

Reason 3

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 either a business at this location or a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

Signature(s): Gillian Beattie

Date: 18 November 2024

ANNEX	
Date Valid	23 August 2024
Date First Advertised	5 November 2024
Date Last Advertised	3 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 46 Killycolpy Road Stewartstown Tyrone BT71 5HG The Owner / Occupier 54 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 52 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 56 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 58 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier RNN 47A Killycolpy Road Stewartstown Tyrone BT71 5AN The Owner / Occupier 59A Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 52B Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 51 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 59 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 54A Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 56A Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 47 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 52A Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier RNN - 52C Killycolpy Road Stewartstown Tyrone BT71 5NS The Owner / Occupier 55 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier RNN 36 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier 38 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier	

50 Killycolpy Road Stewartstown Tyrone BT71 5AL The Owner / Occupier RNN 57 Killycolpy Road Stewartstown Tyrone BT71 5AL	
Date of Last Neighbour Notification	28 October 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/2002/0479/O Proposals: Dwelling & Garage Decision: PG Decision Date: 19-SEP-02 Ref: I/1979/001801 Proposals: REPLACEMENT DWELLING Decision: PG Decision Date: Ref: LA09/2024/0994/O Proposals: Proposed Dwelling and Garage in compliance with PPS21 CTY2a and CTY7 Decision: Decision Date: Ref: I/2010/0102/F Proposals: 2 Storey extension to improve kitchen and bedroom Decision: PG Decision Date: 14-APR-10 Ref: I/2010/0092/F Proposals: Retention of workshop, office and covered storage area Decision: Decision Date: Ref: I/2010/0541/Q Proposals: Development of Site Decision: ELR Decision Date: 09-DEC-10 Ref: I/2002/0056/O Proposals: Site for dwelling	

Decision: PG
Decision Date: 27-MAY-02

Ref: I/2010/0546/LDE
Proposals: Retention of building
Decision: PG
Decision Date: 27-JAN-11

Ref: I/1994/0446B
Proposals: Replacement dwelling
Decision: PG
Decision Date:

Ref: I/1994/0446
Proposals: Replacement dwelling
Decision: PG
Decision Date:

Ref: I/1989/0356
Proposals: Bungalow
Decision: PR
Decision Date:

Ref: I/2003/0056/RM
Proposals: Dwelling and garage
Decision: PG
Decision Date: 09-APR-03

Ref: I/1979/0018
Proposals: REPLACEMENT DWELLING
Decision: PG
Decision Date:

Ref: I/2000/0157/O
Proposals: Site for dwelling
Decision: PG
Decision Date: 22-MAY-00

Ref: I/1997/0041
Proposals: Site for Dwelling
Decision: PG
Decision Date:

Ref: I/2004/0236/O
Proposals: Proposed dwelling.
Decision: PG

Decision Date: 15-APR-04

Ref: I/2004/1434/F

Proposals: Erection of dwelling in substitution for planning ref I/2004/0236 (amended description)

Decision: PG

Decision Date: 15-JUL-05

Ref: I/1999/0663/O

Proposals: Bungalow

Decision: PG

Decision Date: 02-JUN-00

Ref: I/1996/0483

Proposals: Site for dwelling

Decision: PG

Decision Date:

Ref: I/2002/0169/F

Proposals: Proposed new dwelling (storey and a half) and garage

Decision: PG

Decision Date: 13-JUN-02

Ref: I/1978/026201

Proposals: REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: I/1978/0262

Proposals: REPLACEMENT BUNGALOW

Decision: PG

Decision Date:

Ref: I/2007/0143/RM

Proposals: Proposed dwelling and domestic double garage.

Decision: PG

Decision Date: 16-MAY-07

Ref: I/2004/0107/O

Proposals: Proposed site for dwelling & domestic garage

Decision: PG

Decision Date: 11-MAR-04

Ref: I/1977/0272

Proposals: ALTERATION AND EXTENSION TO EXISTING HOUSE

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Outline.DOCXDC Checklist.doc
Environmental Health Mid Ulster Council-Planning response.pdf
DFI Roads - Enniskillen Office-Roads Outline 2.DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

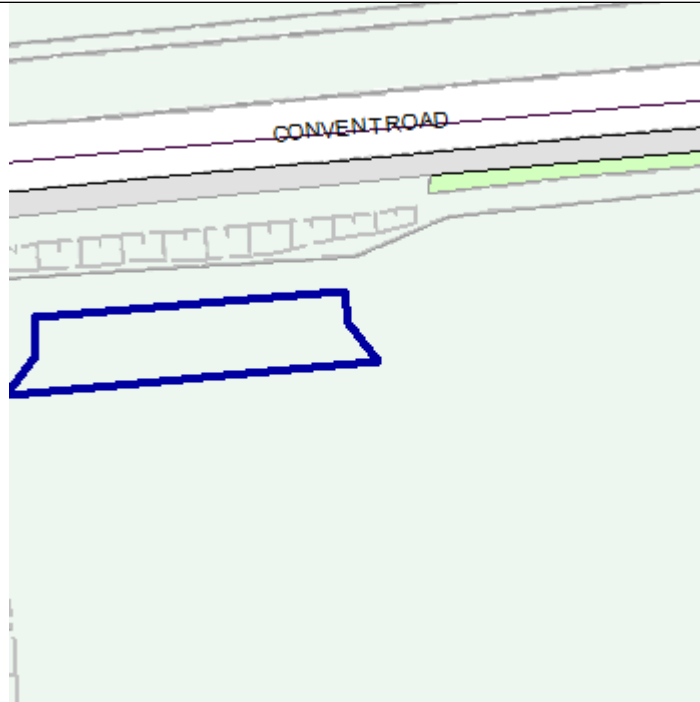


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.19
Application ID: LA09/2024/1000/F	Target Date: 11 December 2024
Proposal: Proposed 5m x 22.5m concrete ball wall with 2.4m high paladin fencing above. 3G surface of pitch to be extended into new ball wall area.	Location: Holy Trinity College 9-29 Chapel Street Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: St Patrick's Educational Trust Ara Coeli Cathedral Road Armagh BT61 7QY	Agent Name and Address: Hamilton Architects Hamilton House 3 Joy Street Belfast BT2 8LE
Executive Summary: This Full application for a proposed 5m x 22.5m concrete ball wall and 2.4m high fencing above is being presented to committee as Chief Executive of Mid Ulster Council, Mr Adrain McCreesh has declared interest. This proposal has been assessed under all relevant policy and guidance, that is the SPPS, the Cookstown Area Plan 2010 and PPS 8. The proposal is not at conflict with any of the relevant policies. A minor amendment has been made reducing the scheme of the proposed ball wall from 5m x 25m to 5m x 22.5m with amended plans submitted to reflect this. Neighbouring properties have been notified of the amendments and a press re-advertisement has been carried out, to date no representations have been received. Approval is recommended.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2024.1000.F.pdf

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is located at No 9-29 Chapel Street, Cookstown situated within the development limits of Cookstown as defined in the Cookstown Area Plan 2010. The site is currently made up of an existing outdoor football pitch which is to be replaced with a 3G pitch which has been previously approved. At present construction is underway for

erection of the new school building approved under LA09/2019/0665/F. The grounds to which the new 3G pitch will be situated can be established due to footings being in place, however existing goal posts still surround the curtilage of the pitch. I note that the immediate surrounding area is characterised by a mixture well established housing developments to the south and west of the site, existing schools located to the Northeast and east of the site and to the northwest of the site lies an existing football pitch known as Fr Rocks Football pitch.

Description of Proposal

This is a full application proposing a 5m x 22.5m concrete ball wall with 2.4m high paladin fencing above. 3G surface of pitch to be extended into new ball wall area.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

One (1) neighbouring property was notified, a press advertisement was carried out in line with the Council's statutory duty. To date no third party representations have been received.

Relevant Planning History

LA09/2023/1046/F - Holy Trinity College 9-29 Chapel Street, Cookstown -4No. floodlights serving a 3G pitch. The pitch is previously approved under Planning application No. LA09/2019/0665/F – Permission Granted 02.08.2024

LA09/2023/0481/DC - Holy Trinity College 9-29 Chapel Street, Cookstown - Discharge of Condition 5 of Planning Approval LA09/2019/0665/F - 07.07.2023 Condition Discharged.

LA09/2021/1152/DC - Holy Trinity College 9-29 Chapel Street, Cookstown - Discharge of Conditions 2,3 and 4 of Approval LA09/2019/0665/F – 26.07.2022 – Approval.

LA09/2021/0831/F - Holy Trinity College 9-29 Chapel Street, Cookstown - Applicant is seeking permission to vary condition 14 of LA09/2019/0665/F in order to maintain continuity of education provision on the site. Variation will facilitate early occupation of the completed new school building for a period of no more than 6 months prior to the completion of all site works which will include in curtilage turning/drop off areas as shown on approved proposed site plan drawing. after completion of the site works the turning/drop off area shall remain open at all times for the use, when children are being left to and collected from the school. 06.10.2021 Permission Granted.

LA09/2019/0665/F - Holy Trinity College 9-29 Chapel Street, Cookstown - Demolition of existing school building construction of new 16,000m², 1300 pupil school building and associated works on the existing school site to accommodate in-curtilage bus, car park drop offs and turning areas, 3G synthetic pitch and Multi-Use games area. - 12.08.2020 Permission Granted.

LA09/2018/0916/PAN - Holy Trinity College 9-29 Chapel Street, Cookstown - Construction of new 16,000m², 1300pupil school building and demolition of existing and associated works on the existing school site - 11.03.2019 PAN Accepted.

LA09/2018/0018/PAD - Holy Trinity College 9-29 Chapel Street, Cookstown - Proposed new school on existing site with associated works including car parking, bus drop off and new 3G pitch and site works - 22.07.2022 PAD Concluded.

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 8: Open Spaces, Sport and Outdoor Recreation

Cookstown Area Plan 2010

The site falls within the development settlement limits of Cookstown as defined in the Cookstown Area Plan 2010. The site is zoned in SETT1/26 therefore an additional planning policy must be considered, I am content that the proposed is not contrary to Plan Policy SETT 1.

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Mid Ulster District Council Draft Plan Strategy 2030

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Planning Policy Statement 8 – Open Spaces, Sport and Outdoor Recreation

This Planning Policy Statement, PPS 8 'Open Space, Sport and Outdoor Recreation', sets out the Department's planning policies for the protection of open space, the provision of new areas of open space in association with residential development and

the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans.

Policy OS 1 of PPS 8 deals with the protection of open space. The proposed is for a new wall ball court with associated paladin fencing above. The proposal states the 3G pitch surface is to be extended to facilitate this. I am content that the proposed results in no loss of open space far beyond that of the existing boundaries. I am content the proposed complies under Policy OS 1.

Policy OS 4 of PPS 8 provides that proposals for intensive sports facilities will only receive permission where these are located within settlements. I am satisfied that the proposed is not only within the settlement of Cookstown but is also within the site of the existing sporting facility currently used by Holy Trinity College Cookstown. I am content that the proposed wall ball court will not cause any unacceptable impact to the amenities of nearby residents. It is considered that the siting and scale of the proposed wall ball court is acceptable. I have no concerns in relation to the impact on nature conservation, archaeology or built heritage. The proposal does not suggest an increase in vehicular traffic or parking. Overall, I am content the proposal complies under policy OS4.

Image 1 (previous scheme of 5m x 25m wall ball) superseded drawing number 03:

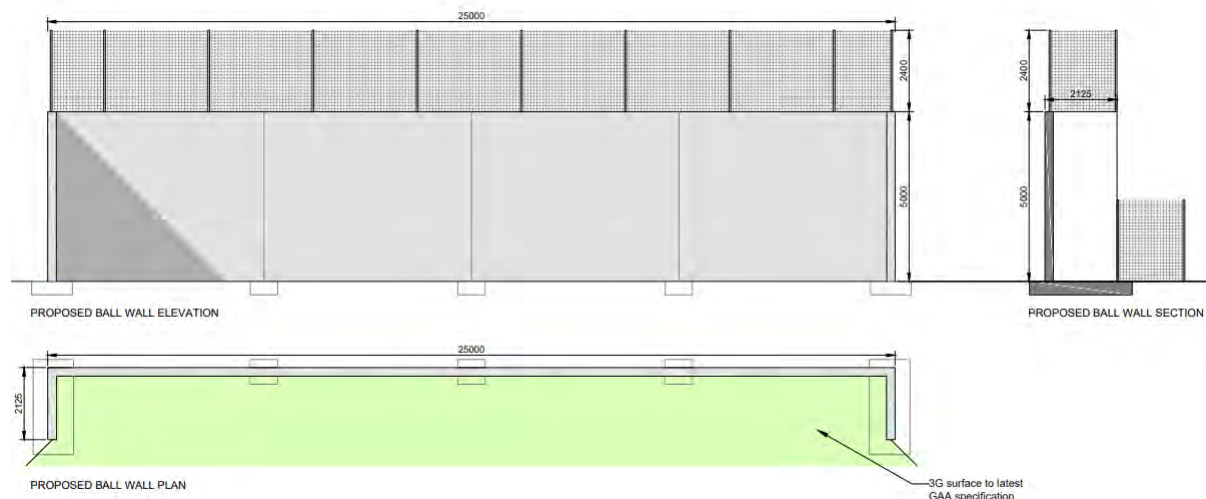
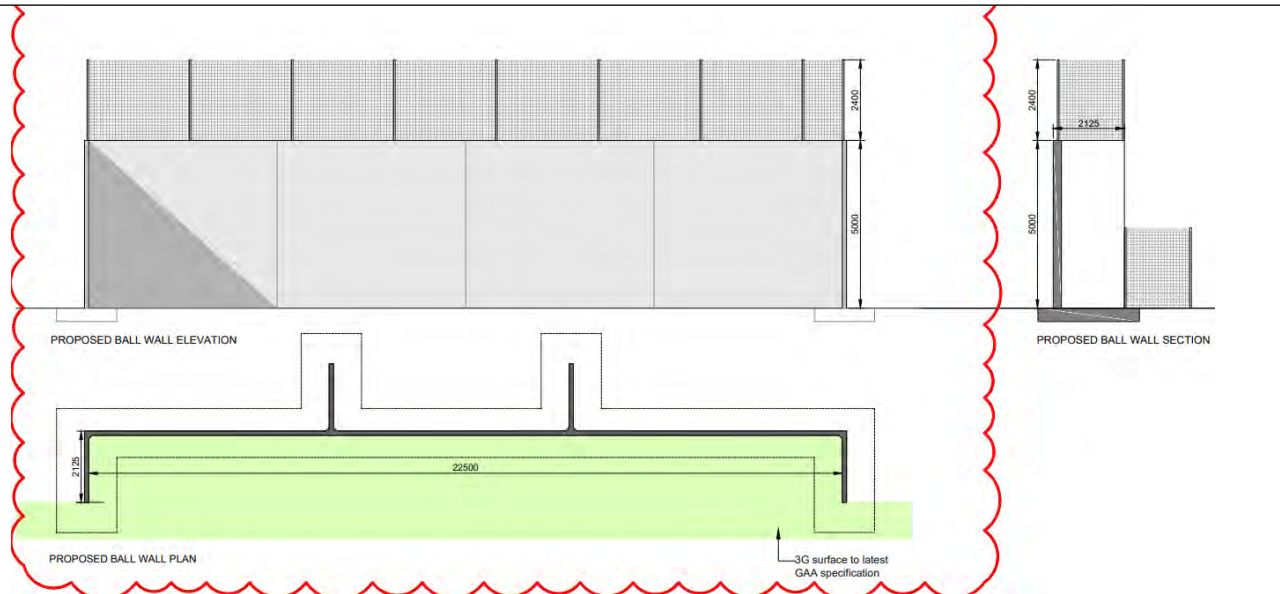


Image 2 (amended scheme of 5m x 22.5m ball wall) submitted drawing number 03/1:



Planning Strategy for Rural Northern Ireland

Policy PSU 1 Community Needs identifies a need to allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public facilities. The policy provides that emphasis should be placed upon making the best possible use of existing sites.

Policy DES 2 Townscape observes the need for development proposals within towns and villages to make a positive contribution to townscape whilst being sensitive to the character of the surrounding area in terms of design, scale and use of materials.

Given the proposed is within an existing school facility and given the recent approvals for site proposed football pitch and floodlighting, I am content the proposed Wall Ball Court complies with Policy PSU 1 and Policy DES 2 of the Planning Strategy for Rural Northern Ireland.

Additional Considerations

MUDC Environmental Health have been consulted and which noted that the proposal is linked to an existing 3G pitch granted permission under LA09/2019/0665/F. Furthermore, it is noted that under LA09/2023/1046/F permission was granted for floodlighting linked to the 3G pitch with conditions attached to control glare and spill from lighting and minimise impact on nearby residential properties. Having considered this application, the Environmental Health Department would have no objections in principle but would draw the applicant's attention to conditions attached to decision notices for both LA09/2019/0665/F and LA09/2023/1046/F.

As the proposed scheme has reduced in terms of scale and massing, I am of the opinion it was not necessary to re-consult with Environmental Health considering the Environmental Health Department had no concerns with the previous proposal.

Having assessed the proposed I have no ecological or residential amenity concerns. I am satisfied that the proposal for wall ball court and catch net meets policy requirements as detailed above, and I recommend permission be granted.

Habitats Regulations Assessment

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Signature(s): Ciara Carson

Date: 14 November 2024

ANNEX	
Date Valid	28 August 2024
Date First Advertised	12 November 2024
Date Last Advertised	10 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 7 Convent Road Cookstown Tyrone BT80 8QA	
Date of Last Neighbour Notification	30 October 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1986/0451 Proposals: TEMPORARY CLASSROOM ACCOMMODATION Decision: PG Decision Date: Ref: I/2013/0345/F Proposals: Provision of 2 nr modular classroom units Decision: PG Decision Date: 07-JAN-14 Ref: LA09/2019/1552/HSC Proposals: Hazardous Substances Consent - Installation of 4no 4 tonne LPG bulk tanks Oxygen and Acetylene storage in association with planning application LA09/2019/0665/F. Decision: Decision Date: Ref: I/2005/1395/O Proposals: Demolition of existing school, erection of new school at rear of site, new bus turning areas and car parking. Retention of existing entrance Decision: PG Decision Date: 09-MAY-06	

Ref: LA09/2021/0831/F

Proposals: Applicant is seeking permission to vary condition 14 of LA09/2019/0665/F in order to maintain continuity of education provision on the site. Variation will facilitate early occupation of the completed new school building for a period of no more than 6 months prior to the completion of all site works which will include in curtilage turning/drop off areas as shown on approved proposed site plan drawing. after completion of the site works the turning/drop off area shall remain open at all times for the use, when children are being left to and collected from the school.

Decision: PG

Decision Date: 06-OCT-21

Ref: LA09/2023/0481/DC

Proposals: Discharge of Condition 5 of Planning Approval LA09/2019/0665/F

Decision: CD

Decision Date: 14-JUL-23

Ref: LA09/2024/1000/F

Proposals: Proposed 5m x 25m concrete ball wall with 2.4m high paladin fencing above 3G surface of pitch to be extended into new ball wall area.

Decision:

Decision Date:

Ref: I/2012/0338/F

Proposals: Provision of modular drama suite

Decision: PG

Decision Date: 08-JAN-13

Ref: LA09/2018/0916/PAN

Proposals: Construction of new 16,000m², 1300pupil school building and demolition of existing and associated works on the existing school site.

Decision: PANACC

Decision Date: 11-MAR-19

Ref: LA09/2021/1152/DC

Proposals: Discharge of Conditions 2,3 and 4 of Approval LA09/2019/0665/F

Decision: AL

Decision Date: 28-APR-22

Ref: I/1988/0499

Proposals: Extension to Mobile Classroom.

Decision: PG

Decision Date:

Ref: I/1990/0236

Proposals: Pallisade security fence

Decision: PG
Decision Date:

Ref: LA09/2019/0665/F

Proposals: Demolition of existing school building construction of new 16,000m² , 1300 pupil school building and associated works on the existing school site to accommodate in-curtilage bus, car park drop offs and turning areas, 3G synthetic pitch and Multi-Use games area.

Decision: PG

Decision Date: 12-AUG-20

Ref: I/2015/0035/PREAPP

Proposals: Replacement school on existing site

Decision: EOLI

Decision Date: 09-JUL-15

Ref: I/2010/0269/F

Proposals: Removal of 24 no. existing temporary classrooms from Holy Trinity College off-site. Replacement of 16 no. temporary classrooms (2 science rooms & general classrooms) to site of existing temporary classroom.

Decision: PG

Decision Date: 30-JUL-10

Ref: LA09/2018/0018/PAD

Proposals: Proposed new school on existing site with associated works including car parking, bus drop off and new 3G pitch and site works

Decision: PAD

Decision Date: 22-JUL-22

Summary of Consultee Responses

Environmental Health Mid Ulster Council-LA09.2024.1000.F.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01/1

Site Layout or Block Plan Plan Ref: 02/1

Proposed Elevations Plan Ref: 03/1

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Elevations Plan Ref: 03

Notification to Department (if relevant)

Not ApplicableNot Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.20
Application ID: LA09/2024/1005/F	Target Date: 19 December 2024
Proposal: Alterations to shared lane and existing access to form new access	Location: Land 50M North East of 97 Coash Road Ballynakilly Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr and Mrs Simon Nixon 97 Coash Road Dungannon BT71 6JE	Agent Name and Address: Mr Barry Maguire 39 Carland Road Dungannon BT71 4AA
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Roads Consultation.DOCXDC Checklist.doc

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Two representations received by way of objections, the issues raised within these include: road safety, ground stability and drainage and a new entrance.

Characteristics of the Site and Area

The site is located at lands 50m North East of 97 Coash Road, Ballynakilly.

Description of Proposal

Full planning permission is sought for alterations to shared lane and existing access to form new access. The red line of the site includes a minor portion of lands which joins onto the existing laneway. The lands to the SW are outlined in blue, indicating ownership and includes the applicants dwelling and surrounding lands. The surrounding area is largely rural in nature, scattered with single dwellings and their associated outbuildings.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified under this application include: 93 Coash Road. At the time of writing, two third party objections have been received, both from the

same address.

The objections raise concerns about forward sight distance and visibility splays. The application site relates to a small portion of an agricultural field and does not include the existing access point onto the public Road. DfI Roads are the competent authority who would deal with road safety issues, and they raised no concerns with regards the proposal. The objection raises concerns about flooding, given the small scale of the proposal I don't envisage any issues relating to flooding at the site. The flood maps do not indicate the site is affected by flooding and the standard informatives from DfI Roads in relation to drainage would apply to any forthcoming approval. They have also raised an issue with a new entrance shown on the plans. From what I can see on the plans, the applicant intends to replace the existing access arrangement to their dwelling with this access point.

To conclude, it is considered DfI Roads are the competent authority in dealing with road safety and they have raised no concerns with the proposal and the site does not appear to be in an area affected by flooding.

Planning History

There is no recent 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 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone Plan 2010 identifies the site as being outside any defined settlement limits and there are no other zonings or designations within the Plan.

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

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

There appears to be third party issues between the applicant and neighbouring property, however the reasoning for the application have not been set out clearly with the application. It should be noted that this is a private laneway with no intensification of the access proposed and thus there is not considered to be any road safety concerns, as noted by DfI Roads in their response. The application intends to widen a small portion of this access to allow access to the applicants dwelling. Figure 1 shows the red line of the

application site highlighted in green and also shows the lands the applicant is in ownership off, highlighted in blue. Figure 2 shows how the access will provide access to the applicants dwelling.



Figure 1 – Site location plan showing application site outlined in red

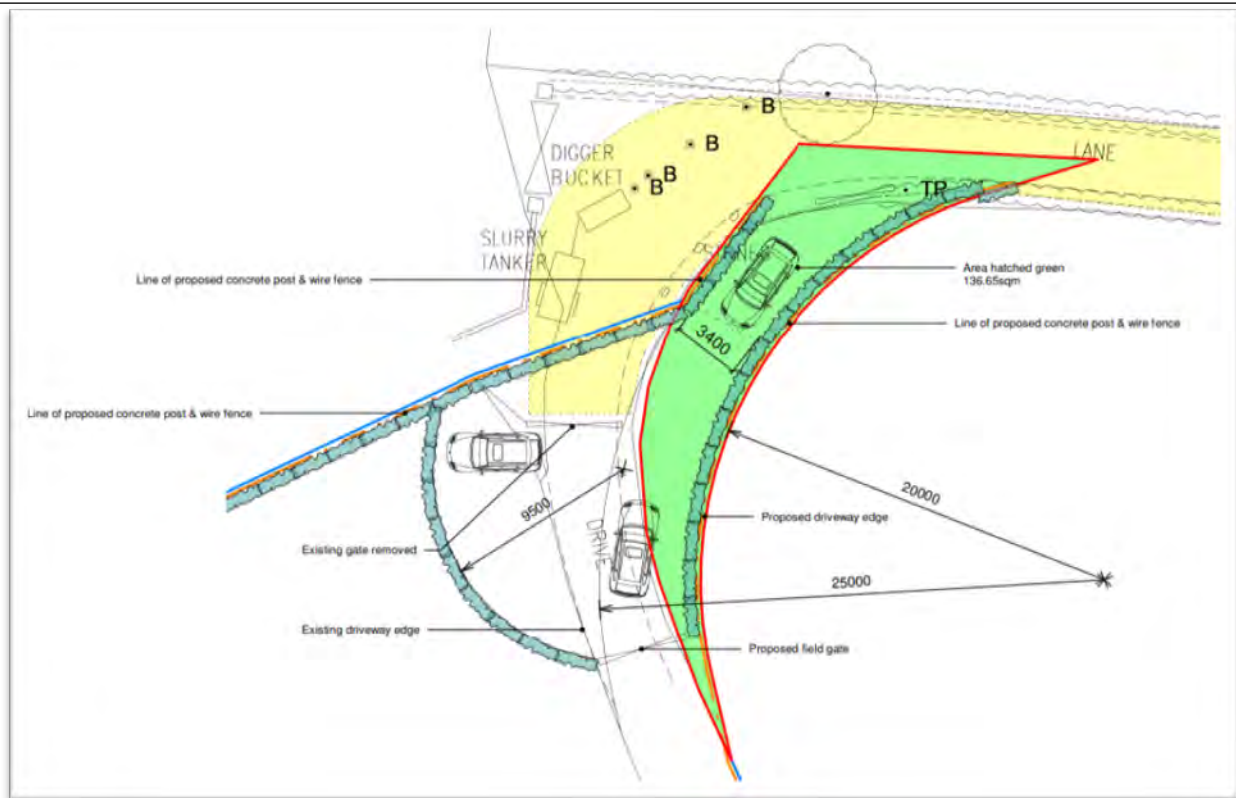


Figure 2 – Proposed access shown in green, replacing the existing access arrangement

DfI Roads were consulted and have not noted any concerns with the proposed access arrangement, adding there is no proposed intensification of the access. They have added standard informatives for any forthcoming decision on the site.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Signature(s): Sarah Duggan

Date: 18 November 2024

ANNEX	
Date Valid	5 September 2024
Date First Advertised	16 September 2024
Date Last Advertised	16 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours The Owner / Occupier 93 Coash Road Dungannon Tyrone BT71 6JE	
Date of Last Neighbour Notification	2 October 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1997/0051 Proposals: Site for Replacement Dwelling Decision: PG Decision Date: Ref: M/2001/1236/O Proposals: Replacement Dwelling with detached garage Decision: PG Decision Date: 17-JAN-02 Ref: M/2002/0608/RM Proposals: Single storey bungalow dwelling with detached double garage Decision: PG Decision Date: 18-JUL-02 Ref: M/1999/0950/F Proposals: Extensions to Dwelling Decision: PG Decision Date: 18-FEB-00 Ref: LA09/2024/1005/F	

Proposals: Alterations to shared lane and existing access to form new access

Decision:

Decision Date:

Ref: M/1997/0051B

Proposals: Replacement Dwelling

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation.DOCXDC Checklist.doc

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.21
Application ID: LA09/2024/1008/O	Target Date: 11 December 2024
Proposal: Proposed No. 2 dwellings and garages	Location: Approx 140M SW of 39 Castle Road Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mrs Vicky Boyd 39 Castle Road Cookstown BT80 8TN	Agent Name and Address: C. McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary: This outline application is for 2 no. dwellings and garages within the settlement limits of Cookstown. The case is brought to the Planning Committee with a recommendation for refusal. Through consultation with DfI Roads, it is considered that the proposal would impact on the construction works associated with the planned route of the A29 Cookstown Bypass project and prejudice the implementation of this strategically significant Northern Ireland Regional project. On this basis it is also considered that the proposal is contrary to Policy AMP 4 (Protection for New Transport Schemes) of PPS 3 (Access, Movement and Parking).	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Response.DOCX
Statutory Consultee	NI Water - Multiple Units West	LA09-2024-1008-O.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2024.1008.O.pdf

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site of the proposed development is located on the inside edge of the Cookstown settlement limit as defined in the Cookstown Area Plan 2010. The white land site

comprises an agricultural field which is set adjacent to and south east of no. 33 Castle Road, which comprises a dwelling and farm buildings. The site is set back 50 metres and slopes down from the main road. The 0.27 ha site is an agricultural field with a power line running overhead with a pole sited in the middle of the site. Site boundaries include post and wire fencing to the western and southern edges of the site. The eastern boundary is undefined and only part of the northern boundary is defined with post and wire fencing. The wider surrounding environment consists of a mix of various land uses. To the west and north west of the site is the built up form of Cookstown. To the north east and east of the site are more agricultural fields with a number of farm buildings and dwellings along the Castle Rd. The field adjacent and north of the application site was the site for a previous application for a dwelling which was refused (see planning history). Approximately 100m south of the site is the Killymoon Demesne and 70m south west of the site is a waste water treatment works.

Description of Proposal

This is a full application for 2 no. dwellings and garages.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Planning History

LA09/2024/0155/O – Dwelling and garage – Approx 110m west of 39 Castle Road Cookstown – Permission Refused (17/07/2024).

Cookstown Area Plan 2010

The site of the proposed development is located on the inside edge of the Cookstown settlement limit as defined in the Cookstown Area Plan 2010. Map no. 36a (Cookstown) of the CAP 2010 shows the site is within urban white land. The eastern boundary of the site marks the edge of the settlement limit and the same map also denotes the proposed location of the new Eastern Distributor Road. DfI Roads Western Division are progressing the design and development of the Northern Ireland Executive Flagship project, which is also known as the Cookstown Bypass.

- Plan Policy SETT 1 Settlement Limits

Favourable consideration will be given to development proposals within settlement limits including zoned sites. This is provided a list of criteria is met.

The proposal is for 2 no. single dwellings and garages. This is an outline application and therefore final design details are withheld. It is considered that a pair of well designed dwellings with a ridge height to match that of no. 33 Castle Road would be sensitive to the urban context to the west of the site and rural context to the east of the site.

The closest dwelling to the site is that which is adjacent and north west – no. 33 Castle Rd, and this land is within the ownership of the applicant. Across the road from the site to the north is third party dwelling no. 30 Castle Rd. Given the application site sits much lower than this land I anticipate there will be no loss of amenity for the occupants of this dwelling as well. There is a separation distance of over 200 metres from the site to the next third part dwelling to the east of the site. Given this, It is expected that the proposal would result in no loss to nearby residential amenity. No third party objections have been received from notified neighbours. The proposal involves the creation of a new access onto the main road and splays are provided in both directions on the site location map. DfI Roads were consulted and have not appraised the proposed access arrangements for reasons outlined below and under the consideration of PPS 3: Access, Movement and Parking.

- Plan Policy SETT 2 Protection of Access

The proposal does not encroach on any protected access points as pinpointed on the Cookstown settlement limit map. Elsewhere within settlements, there will be a presumption against development proposals that would prejudice future potential development opportunities. DfI Roads have recommended that the application be refused for the reason that ‘the proposed development impacts on the construction works associated with the planned route of the A29 Cookstown bypass project, as provided for within the associated Notice of Intention to make a Direction Order and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Regional project.’ Given the above there is a presumption against the outline proposal for the dwellings and garages at this site.

Representations

No third party representations have been received.

Other Constraints

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

This site is not located within or adjacent to any listed buildings / structures.

There are no issues relating to flooding.

Mid Ulster District Council Draft Plan Strategy 2030

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

Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 7: Quality Residential Environments

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

This is an outline application for 2 no. dwellings and garages and therefore finalised design details, including landscaping, are withheld. It is however considered that a set of dwellings of an appropriate scale, drawing upon the best local traditions of form, materials and detailing, could respect the site and surrounding context.

There are no nearby features of the archaeological and built heritage and thus the proposal will not impact such.

Given the proposal is for 2 no. dwellings there is no real expectation that public open space be provided, though it is considered that the site is adequately sized to allow for the provision of private amenity space and parking for both homes. The development is located within the settlement limit of Cookstown and is therefore within convenient walking distance to public transport services in and around the town.

At this outline stage, there is no reason to suspect that the proposed dwellings at this site would result in any unacceptable adverse impacts on neighbouring properties by way of overlooking, loss of light, overshadowing, noise or other disturbance.

Policy QD 1 also stipulates that proposals cannot create conflict with adjacent land uses. Environmental Health were consulted in this application and raised no objections to the proposal, with only recommendations and advice for potential future occupants of the dwellings. Environmental Health recommends that future occupants of the proposed development be made aware of the existence of the nearby waste water treatment works and the potential for associated odour nuisance at times. A concern was also raised

about the proposed A29 Cookstown Bypass. Environmental Health provide the comment that although the bypass is not constructed, it has the potential to impact residential amenity at the site for the dwelling and garage once completed. Again, no objection is raised to this regard, nor conditions recommended for inclusion with the decision notice, though Environmental Health provide a recommendation that all habitable rooms be provided with a standard of glazing which should help to mitigate issues arising from noise associated with the bypass (full details in response). As already discussed in the report, DfI Roads have recommended that the application be refused on the basis that it will impact the construction works for the bypass. Given all of the above, the proposal fails to comply with Policy QD 1 in that it would, if permitted, create conflict with adjacent land uses – namely, the Cookstown Bypass.

Planning Policy Statement 3: Access, Movement & Parking

The proposal involves the creation of a new access onto the public road. DfI Roads have not appraised the access arrangements given their outright objection to the proposal on a whole for reasons outlined above. It is considered that the access would not prejudice road safety or significantly inconvenience the flow of traffic. The proposed access arrangements do not offend Policies AMP 2 and AMP 3 of PPS 3 at this outline stage.

Policy AMP 4 (Protection for New Transport Schemes) provides that planning permission will not be granted for development that would prejudice the implementation of a transport scheme identified in a development plan. Map no. 36a of the Cookstown Area Plan 2010 identifies the planned Cookstown bypass (Eastern Distributor Road), which runs the length of the eastern boundary of the proposed site in this application. Given DfI Roads have recommended that the application be refused on the basis that it will impact the construction works for the bypass, it is considered that the proposal therefore fails to meet Policy AMP 4 of PPS 3.

A Planning Strategy for Rural Northern Ireland

Policy DES 2 Townscape requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. It is considered that the site can accommodate a pair of well-designed dwellings that can read as part of the wider area and as such will be sympathetic.

Recommendation

It is recommended that the application be refused for the reason that the proposal, if approved, would impact on the construction works associated with the planned route of the A29 Cookstown Bypass project and prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project. It is for this reason that the proposal also fails to meet Policy AMP 4 of PPS 3.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal, if approved, would impact on the construction works associated with the planned route of A29 Cookstown Bypass project and prejudice the implementation of this strategically significant Northern Ireland Regional project.

Reason 2

The proposal is contrary to Policy AMP 4, in that it would prejudice the implementation of a transport scheme identified in a development plan, namely the Cookstown Area Plan 2010.

Signature(s): Benjamin Porter

Date: 7 November 2024

ANNEX	
Date Valid	28 August 2024
Date First Advertised	10 September 2024
Date Last Advertised	10 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 30 Castle Road Cookstown Tyrone BT80 8TN	
Date of Last Neighbour Notification	5 September 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2016/0616/DC Proposals: Discharge Archaeological Condition No's 7 and 8 of Planning Approval I/2014/0179/O Decision: AL Decision Date: 02-JUN-16 Ref: I/2014/0179/O Proposals: Erection of dwelling and detached garage Decision: PG Decision Date: 01-OCT-14 Ref: I/2015/0053/RM Proposals: Erection of dwelling and detached garage Decision: PG Decision Date: 07-JUL-15 Ref: LA09/2024/0434/F Proposals: Retention of small shed for keeping donkeys and paddock area Decision: Decision Date: Ref: LA09/2023/0286/F	

Proposals: Stable and riding area

Decision: WDN

Decision Date: 20-SEP-23

Ref: LA09/2024/1008/O

Proposals: Proposed No. 2 dwellings and garages

Decision:

Decision Date:

Ref: LA09/2024/0155/O

Proposals: Dwelling and garage

Decision: PR

Decision Date: 17-JUL-24

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Response.DOCX

NI Water - Multiple Units West-LA09-2024-1008-O.pdf

Environmental Health Mid Ulster Council-LA09.2024.1008.O.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

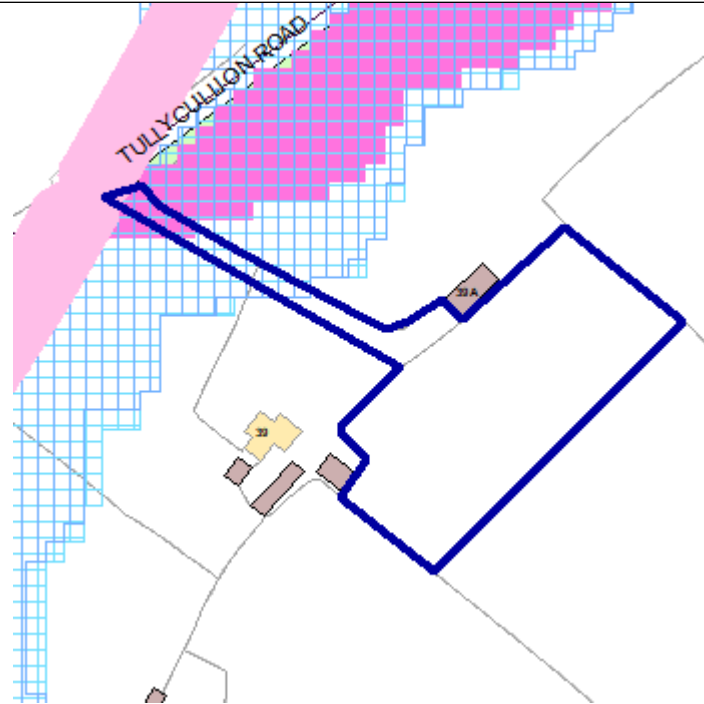


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.22
Application ID: LA09/2024/1011/O	Target Date: 12 December 2024
Proposal: Dwelling and garage on a farm	Location: 10M East of 39 Tullycullion Road Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Ms Una Corrigan 39 Tullycullion Rd Dungannon BT70 3LY	Agent Name and Address: J.Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: The application is for a dwelling and garage on a farm. DAERA have confirmed the farm business has been closed for 6 years. An affidavit was submitted to demonstrate the applicant's father has been renting the farm holding in con-acre for the past 6 years. No other evidence has been submitted to demonstrate how the applicant is gaining an income from the land or how the land is being maintained. I consider it has not been sufficiently demonstrated there is an active and established farm business at the site.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Omagh	LA09-2024-1011-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Outline & RS1 form.DOCXDC Checklist.doc
Statutory Consultee	Rivers Agency	682855 - Final reply.pdf

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, groups of farm buildings and detached dwellings on single plots. There is limited suburbanization with the immediate area from the construction of dwellings. To the south of the site are the associated farm buildings which comprise of a single storey dwelling and four agricultural buildings. There is an existing access lane which also serves the buildings at No.39. The site is a cut out of a larger agricultural field where the topography rises from the roadside to the back of the site.

Description of Proposal

This is an outline application for dwelling and garage on a farm at 10m east of 39 Tullycullion Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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 have been received.

Planning History

There are no planning histories at the application site.

Site at the entrance and within the applicant's farm holding

LA09/2018/0775/O - Proposed single storey dwelling - Adjacent To 39 Tullycullion Road, Dungannon – Application Withdrawn.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other zonings or designations as defined in the Plan. The site is located within the Greenbelt as defined in the Dungannon and South Tyrone Area Plan 2010. The introduction of PPS21 resulted in Greenbelts being removed and a new suite of policies for development in the countryside.

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

Planning Policy Statement 21

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

CTY 10 – Dwellings on Farms

DAERA confirmed the farm business ID as stated on the P1C form has been in existence for over 6 years and the farm is a Category 1 farm business. However, DAERA state the farm business has been dormant with no agricultural activity for the last 5 years and the business has now been closed. The application site is currently claimed by another farm business.

The applicant is Una Corrigan and the owner of the farm holding as shown on the site location plan is Mr Kevin Corrigan who is the applicant’s father. An affidavit was submitted by Mr Corrigan stating that from 2019 to present Mr Martin McGuigan has claimed single farm payment on the application site for the past 6 years. Mr Corrigan also states that the rest of the farm holding has been maintained by himself. I consider this not sufficient evidence to demonstrate there is an active and established farm

business at the site for at least 6 years. I consider this criterion has not been met.

Mr Corrigan has submitted farm maps from 2015 which show all the land the applicant owns. I completed various history checks on the applicant and DAERA number and I am content no sites or development opportunities have been sold off from the farm holding.

The applicant Una Corrigan has stated she lives at No.39 which comprises of a dwelling and four sheds at the farm holding. The applicant has submitted a concept plan to show a dwelling and garage to the north of the site which is adjacent to No.39. I am content the proposed dwelling will cluster with the established group of buildings on the farm. The site will be accessed via the same laneway to the farm buildings at No.39, so I have no concerns in this regard.

Having accessed all the evidence, the proposal does not meet all the criteria in CTY 10.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a portion of a larger agricultural field which is set back from the public road and accessed via an existing laneway. As shown in figure 1 the topography rises from the boundary with No.39 to the back of the site. Tullycullion Road is a long straight road which is highly trafficked and acts as a through road between Donaghmore and Cookstown. There is a lack of vegetation and enclosure at the site. It has been stated in discussions with the applicant and agent that the preferred house type is a two-storey dwelling at the site and a visual drawing has been provided to demonstrate a two-storey dwelling on the site. I consider a single or one and half storey dwelling would be the most acceptable house type on site due to the long-distance critical views of the site.



Figure 1 – Image of the application site.

There is a lack of natural boundaries at the site, but I am content a suitably designed dwelling would integrate at the site and would read with existing farm buildings. Additional landscaping could be conditioned with any approval.

I am content that the dwelling will cluster with associated farm buildings and the applicant is using an existing laneway.

Overall, I consider a dwelling, and garage will integrate at this site.

CTY 14 – Rural Character

As stated earlier in the assessment, I consider a suitably designed dwelling will not be a prominent feature in the landscape. The proposed dwelling would read with existing farm buildings in critical views so I am content a dwelling on this site would not be detrimental to rural character.

PPS 15 – Planning and Flood Risk

A portion of the access lane is within the 1 in 100-year flood plain. Rivers Agency in their consultation response state that a condition of any approval should be that the area of flood plain should not be raised, or the flood storage capacity and flood conveyance route reduced by unsuitable planting. Rivers Agency also recommend that any new development should have an additional freeboard of 600mm.

PPS 3 Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

The site does not access a protected route, so I have no concerns in this regard.

As the proposal is for an additional dwelling on an existing laneway, I consider this is intensification of access, so DFI Roads were consulted. Roads are content with the proposal subject to visibility splays.

Other Considerations

I have checked the statutory map viewers and there are no ecological, built heritage, or residential amenity concerns.

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

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet all the criteria in CTY 10 –

Dwellings on Farms in PPS 21.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential in this rural location and could not be located within a settlement.

Reason 2

Contrary to CTY 10 - Dwellings on Farms in PPS 21 as there is not an active and established farm business at the site for at least 6 years.

Signature(s): Gillian Beattie

Date: 19 November 2024

ANNEX	
Date Valid	29 August 2024
Date First Advertised	10 September 2024
Date Last Advertised	10 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 39A Tullycullion Road Dungannon Tyrone BT70 3LY The Owner / Occupier 39 Tullycullion Road Dungannon Tyrone BT70 3LY The Owner / Occupier RNN 38 Tullycullion Road Dungannon Tyrone BT70 3LY	
Date of Last Neighbour Notification	29 October 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2018/0775/O Proposals: Proposed single storey dwelling Decision: Decision Date: Ref: LA09/2024/1011/O Proposals: Dwelling and garage on a farm Decision: Decision Date: Ref: M/1993/0644 Proposals: 11 KV Rural Spur Decision: PG Decision Date:	
Summary of Consultee Responses DAERA - Omagh-LA09-2024-1011-O.DOCX DFI Roads - Enniskillen Office-Roads Outline & RS1 form.DOCXDC Checklist.doc Rivers Agency-682855 - Final reply.pdf	

Drawing Numbers and Title
Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02
Notification to Department (if relevant)
Not Applicable

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

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.23
Application ID: LA09/2024/1012/O	Target Date: 12 December 2024
Proposal: Proposed dwelling and garage	Location: Adjacent to 105 Drummurrer Lane Drummurrer Coalisland BT71 4QJ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Ferghal O' Donnell 105 Drummurrer Lane Drummurrer Coalisland BT71 4QJ	Agent Name and Address: Mr Seamus Donnelly 80A Mountjoy Road, Aughrimderg Coalisland BT71 5EF
Executive Summary: The proposal is for an infill dwelling but is at the end of a row of buildings and would not meet the criteria in CTY 8 for a small gap site in a row of three or more buildings.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Outline & RS1 form.DOCXDC Checklist.doc

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is in the countryside and the site is approximately 1.8km southeast of the settlement of Annaghmore as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and the predominant land

uses are agricultural fields, groups of farm buildings and detached dwellings on single plots. There is a lot of development pressure within the surrounding area from the construction of single dwellings. To the north of the site along a private laneway are three other dwellings and immediately north of the site are dog kennels. To the south and abutting the boundary is a woodland. The application site is an irregular shaped plot with a flat topography and is currently used as a field. There is a row of established trees along the east and west boundaries of the site.

Description of Proposal

This is an outline application for proposed dwelling and garage at adjacent to 105 Drummurrer Lane, Drummurrer, Coalisland.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

There are no planning histories at the application site.

Adjacent site to the north at No.105 Drummurrer Lane

M/2003/1147/F - Retention of greyhound kennels, pens, gallop and hard standing area - 180M Southeast Of 101 Drummurrer Lane, Coalisland – permission granted 29.12.2003.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council

submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Dungannon and South Tyrone Area Plan 2010

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

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

Planning Policy Statement 21

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

Policy CTY 8 – Ribbon Development

The application site is an irregular shaped field at the end of an existing laneway to Drummurrer Lane. There are three dwellings to the north of the site at No.103A, No.103B and No.105. I consider the three dwellings have a garden area within their curtilages that fronts onto the laneway, so I am content these buildings have a frontage to the laneway. To the south of No.105 are dog kennels which have approval through M/2003/1147/F and I am content the dog kennels have a frontage to the laneway. As shown in figure 1 below the application site is a corner plot and I consider it does not have a frontage to the laneway. No part of the application site fronts onto the laneway, so the proposal fails this criterion. I believe the proposal does not have substantial frontage of three or more buildings with a frontage to the road so cannot be considered a gap site.



Figure 1 – Image of the application site in relation to the adjacent buildings.

However, the agent has stated there is a shed to the south and within the boundary of the application site as shown in figure 2 below. This building does not have a frontage to the laneway. I consider the proposal would be adding to a ribbon of development which is detrimental to rural character.



Figure 2 – Image of a small shed in the corner of the application site.

The application site has no frontage to the laneway, No.105 has a frontage of 37m, No.103B has a frontage of 29m and No.103A has a frontage of 33m.

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

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is an irregular shaped field with a flat topography at the end of a private laneway. The site is set well back from the public road, so I consider a dwelling on this location will not be a prominent feature in the landscape. There are established trees along the east and west boundaries which provide a degree of enclosure at the

site.

CTY 14 – Rural Character

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

PPS 3 – Access, Movement and Parking

AMP 2 – Access to Public Roads

The site does not access onto a protected route, so I have no concerns.

The site uses an existing laneway but as the proposal is for a dwelling I consider this is an intensification of access, so DFI roads were consulted. Roads are content with the proposal subject to visibility splays of 2.4m by 33m in both directions. Roads state the existing laneway should be widened to 4.8m for the first 10m from the junction of the main road.

Other Considerations

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

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

Summary of Recommendation:

Refuse is recommended

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

Refusal Reasons

Reason 1

Contrary to Policy CTY 1 in PPS 21 - Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.

Reason 2

Contrary to CTY 8 - Ribbon Development in PPS 21 - Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.

Reason 3

Contrary to CTY 14 - Rural Character in PPS 21 - Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.

Signature(s): Gillian Beattie

Date: 18 November 2024

ANNEX	
Date Valid	29 August 2024
Date First Advertised	10 September 2024
Date Last Advertised	10 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 105 Drummurrer Lane Drummurrer Coalisland BT71 4QJ The Owner / Occupier 105A Drummurrer Lane Drummurrer Coalisland BT71 4QJ The Owner / Occupier 103A Drummurrer Lane Drummurrer Coalisland BT71 4QJ The Owner / Occupier 103B Drummurrer Lane Drummurrer Coalisland BT71 4QJ The Owner / Occupier RNN - 105B Drummurrer Lane Drummurrer Coalisland BT71 4QJ	
Date of Last Neighbour Notification	9 September 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2002/0402/O Proposals: Proposed dwelling - living accommodation Decision: PG Decision Date: 11-JUN-02 Ref: M/2001/0686/RM Proposals: Proposed dwelling Decision: PG Decision Date: 16-JUL-01 Ref: M/2000/0064/O Proposals: Dwelling Decision: PG Decision Date: 21-AUG-00 Ref: LA09/2019/1502/F	

Proposals: Proposed extension and refurbishment of existing dwelling, with site works.

Decision: PG

Decision Date: 13-FEB-20

Ref: M/2003/1147/F

Proposals: Retention of greyhound kennels, pens, gallop and hard standing area

Decision: PG

Decision Date: 29-DEC-03

Ref: M/2001/1283/O

Proposals: Site for dwelling.

Decision: PG

Decision Date: 12-FEB-02

Ref: M/2014/0243/PREAPP

Proposals: infill site

Decision: ELA

Decision Date:

Ref: M/2004/1518/O

Proposals: Proposed dwelling - living accommodation

Decision: PG

Decision Date: 04-JAN-05

Ref: LA09/2015/0305/O

Proposals: Proposed infill site for dwelling and garage

Decision: PG

Decision Date: 15-JUL-15

Ref: M/2006/1749/RM

Proposals: Proposed Dwelling & Garage

Decision: PG

Decision Date: 14-DEC-06

Ref: LA09/2020/1187/F

Proposals: Infill site for dwelling & garage

Decision: PG

Decision Date: 13-JAN-21

Ref: LA09/2022/1326/O

Proposals: New Private Dwelling and Detached Garage

Decision: PR

Decision Date: 28-FEB-23

Ref: LA09/2024/1012/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: M/1975/0069

Proposals: 11 KV O/H LINE

Decision: PG

Decision Date:

Ref: M/2002/0401/O

Proposals: Proposed dwelling - living accommodation

Decision:

Decision Date:

Ref: M/2003/0149/F

Proposals: Erection of dwelling and associated site works

Decision: PG

Decision Date: 07-MAY-03

Ref: M/2003/0342/O

Proposals: Proposed dwelling - living accommodation

Decision: PG

Decision Date: 02-JUN-03

Ref: M/2003/1129/F

Proposals: Retention of dwelling

Decision: PG

Decision Date: 20-OCT-03

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Outline & RS1 form.DOCXDC Checklist.doc

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.24
Application ID: LA09/2024/1084/O	Target Date: 30 December 2024
Proposal: Proposed dwelling on a farm under PPS21 Policy CTY10	Location: 250M E of 16 Gortnaglogh Road, Stewartstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr ALAN KEE 16 GORTNAGLOGH ROAD STEWARTSTOWN BT71 5ED	Agent Name and Address: Mr MALCOLM KEE 9a Clare Lane Cookstown BT80 8RJ
Executive Summary: The proposal is for a dwelling on a farm and I consider there is not active farming on the farm holding to meet CTY 10 in PPS 21. The application site does not cluster or visually link with the established buildings on the farm. There are no demonstrable health and safety reasons or verifiable plans to expand the farm to justify the siting away from the farm buildings. There is a limited sense of enclosure at the site with a lack of established natural boundaries or the backdrop of buildings or trees.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline Tri.DOCX
Non Statutory Consultee	DAERA - Omagh	LA09-2024-1084-O.DOCX

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is in the countryside and is 1.65km northwest of the settlement limit of Brockagh as defined in the Cookstown Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, groups of farm

buildings and detached dwellings on single plots. To the east of the site there are two agricultural sheds and a concrete yard and to the east of the building there is a car repair garage. Across the road from the garage is a two-storey dwelling at No.16 which is the applicant's dwelling. The application site is a portion of a larger agricultural field with a flat topography. Along the roadside and east boundary is an established hedgerow and the northern boundary is undefined.

Description of Proposal

This is an outline application for proposed dwelling on a farm under PPS21 Policy CTY10 at 250M E of 16 Gortnaglogh Road, Stewartstown.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

There are no planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Cookstown Area Plan 2010

The site is outside any settlement limits as defined in the Cookstown Area Plan 2010.

The site is not within any other zonings or designations as defined in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland:

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

Planning Policy Statement 21

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

CTY 10 – Dwellings on Farms

The applicant is Mr Alan Kee who lives at No.16 Gortnaglogh Road which comprises of a two-story dwelling and two agricultural sheds. DAERA confirmed the applicant's farm business is Category 1 and has been established for more than 6 years. DAERA state claims for Single Farm Payment were made in 2018-2021 and the site is currently claimed by another farm business. The following lease agreements have been demonstrated to show how the farm holding is being let out in con-acre.

1. Lease agreement between Mr Alan Kee and Mr David Richardson from 1st March 2024 and 31st December 2024.
2. Lease agreement between Mr Alan Kee and Phillip Abernethy from 1st March 2024 and 31st December 2024.
3. Lease agreement between Mr Alan Kee and Mr David Richardson from 1st March 2022 and 31st December 2022.
4. Lease agreement between Mr Alan Kee and Mr David Richardson from 1st March 2023 and 31st December 2023.
5. Lease agreement between Mr Alan Kee and Phillip Abernethy from 1st March 2023 and 31st December 2023.

The following receipts have been submitted to demonstrate the applicant is maintaining the land in good agricultural condition.

1. Invoice from J N Sinclair & Son for Alan Kee for posts, bucket, 12ft gate on 30th April 2022.
2. Invoice from Farm Quality Assurance Scheme for annual registration for FQAS

(Beef and Lamb) on 14th May 2021.

3. Invoice from J N Sinclair & Son for Alan Kee for cement, barley mix, feed block, wire and salt licks. No date on invoice.
4. Invoice from George Newell to Alan Kee for mowing 5 acres and 36 round bales. No date on invoice.
5. Invoice from Parklands Veterinary Ltd for Alan Kee. No date on invoice.
6. Invoice from Farm Quality Assurance Scheme for annual registration for FQAS (Beef and Lamb) on 23rd May 2019.
7. Invoice from George Newell to Alan Kee for digger work on 1st May 2019.
8. Invoice from George Newell to Alan Kee for mowing 2.5 acres and 23 round bales on 12th November 2018.
9. Receipt from Capper Trading Ltd for fuel on 10th February 2024.
10. Invoice from J N Sinclair & Son to Alan Kee for drinker, pipe, liner on 30th June 2024.
11. Receipt from NI Water for water bills on 10th May 2024.

Having assessed all the evidence submitted I consider there is an established farm business at the site. The applicant has submitted copies of lease agreements to demonstrate that he is gaining an income from the land by letting it out in con-acre. DAERA note that 2021 was the last date the applicant claimed single farm payment. Several of the invoices submitted are within the period for 2018 to 2021 when the applicant was claiming single farm payments. I believe the applicant is not currently maintaining the land as no relevant receipts are from 2023 to 2024 period. I think there is no active farming at the site by the applicant, so the proposal fails this criterion.

I completed a history check on the farm maps submitted, and I am content there has been no sell-offs or transfers off the farm holding within the past ten years.

The applicant lives at No.16 Gortnagolagh Road and there is a garage and two agricultural sheds across the road from No.16. As shown in the image below the buildings are within the applicant's ownership and the preferred siting for the proposed dwelling is at the eastern end of an adjacent field. The siting of the proposed dwelling will not cluster or visually link with the buildings on the farm holding so the proposal fails this criterion.

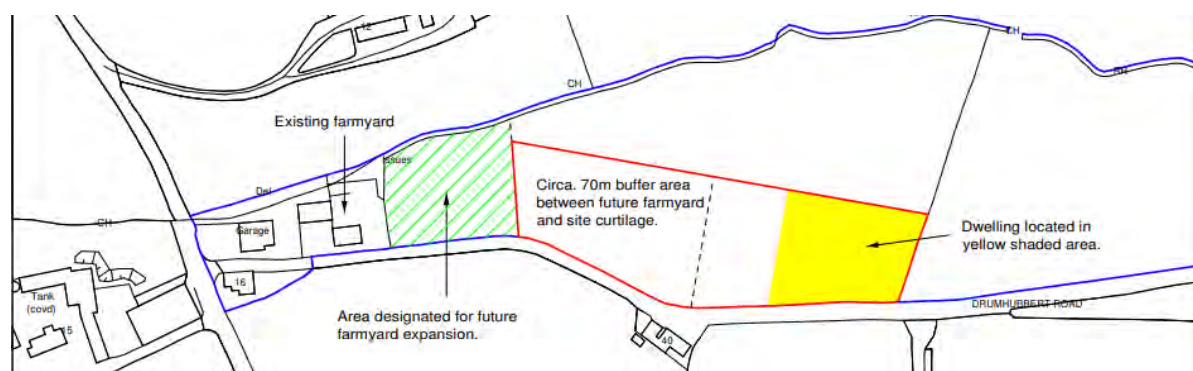


Figure 1 – Image of the site location plan.

The policy within CTY 10 states that consideration may be given to an alternative site elsewhere on the farm provided there are no other sites available elsewhere on the farm. From the farm maps submitted it is evident that the buildings at No.16 are the only buildings on the farm that the applicant could cluster or visually link with.

An alternative site is acceptable if there are demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. In a supporting statement it has been stated that the siting has been chosen for future mortgage purposes as mortgage providers are reluctant to finance a dwelling within 70m of a farm building. In terms of mortgage issues this is not a material planning consideration in this assessment. It is stated there will be environmental issues regarding odour, noise and safety in relation to proximity of a dwelling to a farmyard.





Figure 2 – Images of the farmyard and farm buildings.

The applicant is not actively farming the site and has the land rented in con-acre. Figure 2 above shows the farm buildings and farmyard and in my opinion, there will not be unacceptable issues with noise or smells. The applicant has provided no details of any animals housed with the sheds or any animals within his ownership.

The applicant has shown on the site plan in figure 1 an area designated for future farmyard expansion. It is stated in the supporting statement that the applicant intends to live in the dwelling as a retirement dwelling and for his son to live at No.16 and take over the running of the farm business. There is no planning approvals within the area shaded green on the site plan. The land is currently let out in con-acre, and I consider the applicant has not sufficiently demonstrated there is active farming at the site. As the farm is not currently farmed by the applicant, I do not consider it acceptable to site the dwelling in the proposed location on site, so the proposal fails this criterion.

The applicant has proposed a new access onto the public road and DFI Roads are content with the access subject to conditions about visibility splays. The existing access serves a farmyard so it would not be feasible to serve a new dwelling.

Having assessed all the evidence, I consider the proposal does not meet the criteria in CTY 10.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a portion of a larger agricultural field with a flat topography. Due to the flat topography, I consider dwelling at this site would not be a prominent feature in the landscape. There is established vegetation along the roadside, but a portion of this hedging will need to be removed to provide the visibility splays. There is established hedging along the east boundary and the remaining boundaries are undefined. There is a limited sense of enclosure at the site due to the lack of existing vegetation, there are

no trees to provide a backdrop, and the proposed dwelling will not group with any buildings. As this is an outline application the design of the dwelling could be agreed at the Reserved Matters Stage. The proposed dwelling will not cluster or visually link with the associated farm buildings at No.16. I believe the proposal does not meet all the criteria in CTY 13.

CTY 14 – Rural Character

As stated earlier in the proposal I consider a suitably designed dwelling will not be a prominent feature in the landscape. The site will not add or create ribbon development.

PPS 3 Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

PPS 3 policy AMP 2 outlines that planning permission will only be granted for a development proposal involving direct access onto a public road where; It does not prejudice public safety or inconvenience traffic. It does not conflict with access to protected routes. The applicant has proposed a new access onto the public road and DFI Roads have no concerns with the proposal.

Other Considerations

I have checked the statutory map viewers and there are no ecological, built heritage, flooding or residential amenity concerns.

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

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet all the criteria in CTY 10 and CTY 13 in PPS 21.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential in this rural location and could not be located within a settlement.

Reason 2

Contrary to CTY 10 - Dwellings on Farms in PPS 21 as there is not an active farm business at the site. There are no demonstrable health and safety reasons or verifiable plans to expand the farm to justify the siting away from the farm buildings.

Reason 3

Contrary to CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that there is a limited sense of enclosure at the site for the building to integrate into the landscape, and the development if permitted will not cluster or visually link with an established group of buildings on the farm.

Signature(s): Gillian Beattie

Date: 20 November 2024

ANNEX	
Date Valid	16 September 2024
Date First Advertised	1 October 2024
Date Last Advertised	1 October 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 40 Drumhubbert Road Stewartstown Tyrone BT71 5EB	
Date of Last Neighbour Notification	18 September 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1978/0257 Proposals: BUNGALOW Decision: PG Decision Date: Ref: I/2011/0320/F Proposals: Two storey extension to front & rear of dwelling Decision: PG Decision Date: 19-AUG-11 Ref: I/1978/025701 Proposals: FARM BUNGALOW Decision: PG Decision Date: Ref: LA09/2024/1084/O Proposals: Proposed dwelling on a farm under PPS21 Policy CTY10 Decision: Decision Date:	

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline Tri.DOCX
DAERA - Omagh-LA09-2024-1084-O.DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.25
Application ID: LA09/2024/1104/O	Target Date: 2 January 2025
Proposal: Proposed dwelling & domestic garage in compliance with policy CTY 2a (Dwelling in existing clusters)	Location: Immediately N □ Adj to 13 Tullyglush Road Ballygawley
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Stephen Canavan Omagh Road Ballygawley	Agent Name and Address: McKeown and Shields Ltd 1 Annagher Road Coalisland Dungannon BT71 4NE
Executive Summary: The proposal is recommended for approval as it does not meet the following criteria in CTY 2a - dwellings in existing clusters The proposed development is not associated with a focal point or located at a crossroads. The proposed development is not bounded on two sides by development in the cluster. The proposed development cannot be absorbed into the existing cluster through rounding off. The proposed development will have an unacceptable impact on residential amenity.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.docRoads Outline & RS1 form.DOCX
Statutory Consultee	Historic Environment Division (HED)	

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is a parcel of land located within the countryside between No. 13 and 17 Tullyglush Road (St Malachy's Church). The site lies approximately 2.8km north-west of

Ballygawley. It is located within the rural countryside, outside any defined settlement limit as identified in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is predominantly rural in nature, however there is a line of development to the south-east of the site with development taking the form of single dwellings and associated outhouses. Ballymackilroy St Malachy's Church lies to the west of the site, with its environs extending to the public road. This Church is a Grade B listed building of special architectural or historic interest (HB13/09/007) and is protected by Section 80 of the Planning Act (NI) 2011. The application site is a cut out of a larger agricultural field where the topography rises steeply from the roadside to the back of the site.

Description of Proposal

This is an outline application for proposed dwelling & domestic garage in compliance with policy CTY 2a (Dwelling in existing clusters) at land immediately N & Adj to 13 Tullyglush Road, Ballygawley.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

No recent planning histories at the application site.

Directly across the laneway

LA09/2022/1276/O - Proposed Dwelling - Adjacent To 13 Tullyglush Road, Ballygawley – permission granted 07.11.2023.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Dungannon and South Tyrone Area Plan 2010

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

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

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for one dwelling in a cluster CTY 2a is the relevant policy in the assessment.

CTY 2a – New Dwellings in existing clusters

I am content the application lies outside of a farm and there are four or more buildings of which at least three are dwellings. There are dwellings to the south of the site at No.13, 9, 7B, 7A as shown in figure 1 below.



Figure 1 – Image of the site and the surrounding area.

As shown in figure 1 I consider the cluster does appear as a visual entity in the landscape.

I consider the site is not associated with a focal point or a crossroads. There is a listed building at Ballymackilroy St Malachy's Church, but this is 79m west of the application site, so I consider the church is not associated with the group of buildings in the cluster.

There is a dwelling and its curtilage at No.13 which abuts the southern boundary. To the southwest of the site is a planning approval LA09/2022/1276/O for a dwelling. At the time of my site visit this approval had not commenced and there was no building on site. I consider the site is not bounded on at least two sides by development.

I do not consider the proposal will round off the existing cluster and I am of the opinion the site will extend a ribbon of development which is detrimental to rural character.



Figure 2 – Image of the application site.

As shown in figure 2 the land rises from the roadside boundary to the rear of the site and if a dwelling was located at this site there is the potential for overlooking into neighbouring amenity space.

Overall, I do not consider the proposal meets all the criteria in CTY 2a for a dwelling in an existing cluster.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a cut-out of a larger agricultural field at the end of an existing laneway. Even-though the topography rises from the roadside boundary to the back of the site there are minimal critical views from the main Tullyglush Road so I am content the proposal will not be a prominent feature in the landscape.

There is a low hedge along the southern boundary, a wire fencing along the laneway boundary and the remaining boundaries are undefined.

As this is an outline application the design of the dwelling will be considered at the reserved matters stage.

I consider a dwelling on this site would fail to blend with the existing slope and would require a lot of cutting into the slope. As shown in figure 2 above the site to the front has a steep slope and to the rear of the site the topography is still elevated.

Overall, I consider the proposal fails to meet all the criteria in CTY 13.

CTY 14 – Rural Character

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

There is already a lot of development in the immediate area from the construction of

single dwellings, so I consider the area has already been suburbanized.

The site is at the end of a laneway and there is a row of dwellings along Tullyglush Road as shown in figure 1. Extant approvals have been shown in purple on the site location plan as shown in figure 3. The sites in purple have no foundations or have been commenced. I consider the proposal will extend a ribbon of development which is detrimental to rural character.



Figure 1 – Image of the site location plan.

I consider the proposal does not meet all the criteria in CTY 14.

PPS 6 – Planning, Archaeology and Built Heritage

Policy BH 11 – Development affecting the Setting of a Listed Building is applicable. The application site is within proximity to Ballymackilroy Roman Catholic Church which is a listed building. HED were consulted as the statutory authority and are content with the proposal subject to conditions about ridge height and materials.

PPS 3 – Access, Movement and Parking

The site does not access a protected route, so I have no concerns in this regard.

There is an existing laneway to the application site, but DFI Roads were consulted and are content subject to conditions about visibility splays.

Other Considerations

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

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

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does meet all the criteria in policy CTY 2a – dwellings in existing clusters in PPS 21.

Refusal Reasons

Reason 1

Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential in this rural location and could not be located within a settlement.

Reason 2

Contrary to CTY 2a - New Dwellings in Existing Clusters in PPS 21 in that the proposed development is not associated with a focal point or is not located at a crossroads and is not bounded on two sides by development.

Reason 3

Contrary to CTY 8 - Ribbon Development in PPS 21 in that the development if permitted would extend an existing ribbon of development which is detrimental to rural character.

Reason 4

Contrary to CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would fail to blend with the existing slope and landform.

Reason 5

Contrary to CTY 14 - Rural Character in PPS 21 in that the development if permitted would extend an existing ribbon of development which is detrimental to rural character.

Signature(s): Gillian Beattie

Date: 18 November 2024

ANNEX	
Date Valid	19 September 2024
Date First Advertised	30 September 2024
Date Last Advertised	30 September 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier 9 Tullyglush Road Seskilgreen Tyrone BT70 2BZ The Owner / Occupier 13 Tullyglush Road Seskilgreen Tyrone BT70 2BZ	
Date of Last Neighbour Notification	20 September 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1986/0415 Proposals: DWELLING AND GARAGE Decision: PG Decision Date: Ref: M/2009/0294/F Proposals: Extension to rear of existing dwelling Decision: PG Decision Date: 12-JUN-09 Ref: M/1984/0411 Proposals: DWELLING Decision: PG Decision Date: Ref: M/1981/0223 Proposals: BUNGALOW Decision: PG Decision Date: Ref: LA09/2022/1274/O Proposals: Proposed Dwelling	

Decision: WDN

Decision Date: 16-OCT-23

Ref: LA09/2022/1276/O

Proposals: Proposed Dwelling

Decision: PG

Decision Date: 09-NOV-23

Ref: LA09/2024/1104/O

Proposals: Proposed dwelling ☐ domestic garage in compliance with policy CTY 2a
(Dwelling in existing clusters)

Decision:

Decision Date:

Ref: M/1984/0144

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: M/1986/0035

Proposals: DWELLING HOUSE

Decision: WITHDR

Decision Date:

Ref: M/1996/6027

Proposals: Site Tullyglush Road Ballygawley

Decision: 211

Decision Date:

Ref: M/1994/6112

Proposals: Erection of dwelling Tullyglush Road Greenhill

Decision: PRER

Decision Date: 04-OCT-94

Ref: M/1986/0036

Proposals: DWELLING HOUSE

Decision: WITHDR

Decision Date:

Ref: M/1996/0064

Proposals: Site for dwelling

Decision: WITHDR

Decision Date:

Ref: M/1988/0588

Proposals: Dwelling

Decision: PR
Decision Date:

Ref: M/1997/0250
Proposals: New Access
Decision: PG
Decision Date:

Ref: M/2007/1071/RM
Proposals: Proposed erection of domestic dwelling with attached domestic garage
Decision: PG
Decision Date: 12-OCT-07

Ref: M/1993/6089
Proposals: Dwelling Tullyglush Road Glencull
Decision: QL
Decision Date:

Ref: LA09/2016/0262/F
Proposals: Removal / variation of condition 8 of M/2011/0500/F
Decision: PG
Decision Date: 09-MAY-16

Ref: LA09/2024/0126/O
Proposals: Dwelling on a Farm
Decision: PG
Decision Date: 01-MAY-24

Ref: M/1984/0320
Proposals: TWO STOREY DWELLING
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist.doc
Roads Outline & RS1 form.DOCX
Historic Environment Division (HED)-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.26
Application ID: LA09/2024/1327/A	Target Date: 21 February 2025
Proposal: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Burnavon Arts and Cultural Centre in Cookstown at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.	Location: 7 Burn Road Cookstown BT80 8DL
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mid Ulster District Council 15 Circular Road Dungannon BT71 6DT	Agent Name and Address: Cormac McGinley 15 Circular Road Dungannon BT71 6DT
Executive Summary: This is an application for Advertisement Consent for Christmas greetings to be projected onto the Burnavon Arts and Cultural Centre. This application is being presented to Planning Committee as it has been submitted by MUDC. It has been fully considered under all relevant policy and consultation advice has been sought from DFI Roads. There is no policy conflict and it is recommended that consent be granted.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	<p>Dfi Roads do not offer an objection.</p> <p>Informative The applicant should contact the local Dfi Roads Maintenance Section in order that an agreement may be reached regarding any physical works associated with the proposal (if any) that impacts on the public road or footway</p>

Representations:

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

Number of Petitions of Objection and signatures	
-------------------------------------------------	--

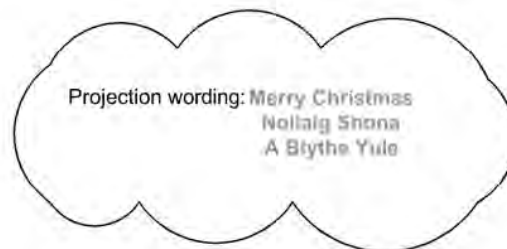
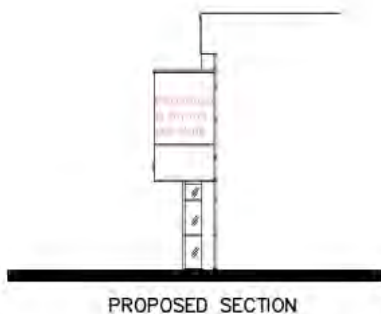
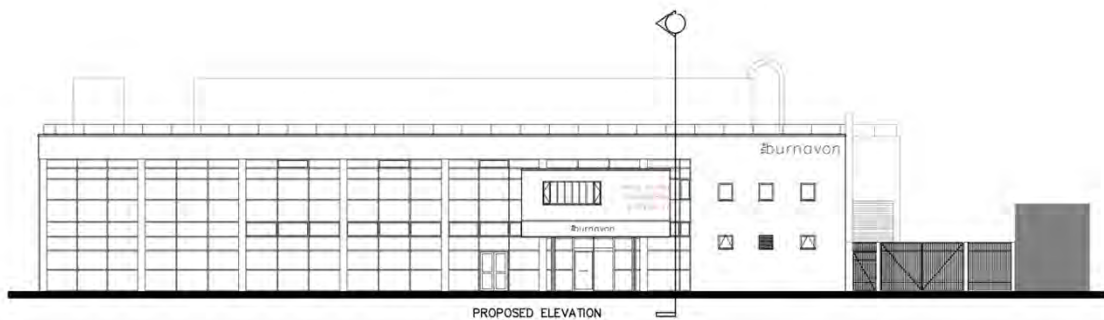
Summary of Issues

Characteristics of the Site and Area

The site of this proposal is within the development limits of Cookstown and located in an area of Townscape Character as defined in the Cookstown Area Plan 2010. The site is identified as The Burnavon Arts and Culture Centre, Burn Road, Cookstown. The surrounding area is mainly commercial with a mix of retail, business and services.

Description of Proposal

It is proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Burnavon Arts and Cultural Centre in Cookstown at set intervals. A fourth image of a general winter scene will be displayed to complete the 4-image cycle. All proposed images displayed are static. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning. The image below demonstrates how the images will be displayed on the front of the Burnavon Arts and Cultural Centre.



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

Representations

No neighbours notified under an advertisement application. No letters of representation have been received.

Relevant Planning History

LA09/2022/1369/A - 2 No Outdoor LED Video Wall - Consent Granted

Development Plan & Key Policy Considerations

- SPPS Strategic Planning Policy Statement for Northern Ireland
- Local Development Plan 2030 – Draft Plan Strategy
- Cookstown Area Plan
- Planning Policy statement 17 – Control of Outdoor Advertisements
- Planning Policy Statement 3 – Access, Movement and Parking
- Planning Policy Statement 6 (Addendum) – Areas of Townscape Character

Legislation

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

considerations indicate otherwise.

Mid Ulster Local Development Plan 2030 -Draft Plan Strategy

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

Cookstown Area Plan 2010

This site is located within the development limits of Cookstown and the town centre of Cookstown as defined in the Cookstown Area Plan 2010. This proposal is located in an Area of Townscape Character and consideration will be given to PPS 6 (Addendum) further in this report.

SPPS Strategic Planning Policy Statement for Northern Ireland

The Strategic Planning Policy Statement (SPPS) sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS states that the regional strategic objectives for the control of advertisements are to:

- Ensure that outdoor advertisements respect the amenity and do not prejudice public safety, including road safety; and
- Help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and countryside.

Planning Policy Statement 17 – Control of Outdoor Advertising

PPS 17 sets out the Departments planning policy and guidance for outdoor advertisements. Policy AD 1 states consent will be given for an advertisement where the proposed signage respects amenity when assessed in the context of the general characteristics of the locality and it does not prejudice public safety.

The guidance set out in Annex A for different categories of outdoor advertisement will be considered in the assessment of this proposal.

Annex A states in relation to High Level Signs that they are only appropriate when they relate to the scale and primary use of the building. They should not detract from any architectural feature with only the lettering illuminated.

The application site is located within the development limits of Cookstown, in an area of mixed use. The building is not Listed. There are a number of other businesses in the vicinity of the application site, this end of Burn Road in particular features outdoor advertising, therefore I am content that the current proposal is not detrimental to the character of the surrounding area. The size and scale of this proposal is considered to be appropriate for its location and the design is considered to be acceptable. This proposed illumination is temporary and will be displayed during the festive period at a time when the street lighting is on, approximately between 15:45 and 08:30.

DFI were consulted and have no concerns with regards to the impact that this application will have on road users and pedestrians who will be passing the building with the projected illumination.

The application is therefore considered acceptable against PPS 17.



PPS 3 – Movement, Access and Parking

DFI Roads were consulted and do not offer an objection in relation to this proposal. They have advised that the applicant should contact the local DfI Roads Maintenance Section in order that an agreement may be reached regarding any physical works associated with the proposal (if any) that impacts on the public road or footway. It has been demonstrated by our Technical Services Department that all appropriate licences to place festive lights on roads are in place.

The application does not create a new access therefore does not impact AMP 2 and AMP 3. It is considered the proposal will not interfere with road or pedestrian safety. The application is not in conflict with PPS 3 so is therefore considered acceptable.

PPS 6- Areas of Townscape Character

PPS 6 provides additional planning policies relating to areas of Townscape Character which includes control of advertisements. Policy ATC 3 states that consent will be granted for display of advertisements if it maintains overall character of the area and will not prejudice public safety. The size and scale of the image will not dominate the building that it is being projected onto. This area of the Burn Road features a lot of business' with outdoor advertising therefore this proposal will not detract from the

characteristics and amenity of this area.

As previously stated DFI were consulted and raised no concerns with regards to the impact that this will have on road users and pedestrians passing the building with the projected illumination. The proposed illumination will not prejudice public safety. The application is therefore considered acceptable to PPS3.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The consent hereby granted is for the temporary projection of a festive message over the Christmas period which is from the 2nd last Friday every November until 6th Jan annually and the projections shall only be displayed during normal street lighting hours within this period.

Reason: To ensure the projection is only displayed at the relevant time of year.

Condition 2

The images shall be projected in the position shown in drawings 2 and 3.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Condition 3

All of the proposed images being displayed shall be static and the exchange rate between the image shall be between 30 sec and 1 minute.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Signature(s): Jane Muldoon

Date: 19 November 2024

ANNEX	
Date Valid	8 November 2024
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/2003/0593/O Proposals: Proposed Retail Outlet Decision: PG Decision Date: 20-OCT-03 Ref: I/1988/0009 Proposals: ALTERATIONS TO EXISTING SHOP FRONT Decision: PG Decision Date: Ref: LA09/2020/0988/F Proposals: Proposed change of use from retail to restaurant and take away Decision: PG Decision Date: 29-MAR-21 Ref: I/2005/1423/F Proposals: Amendments to the original scheme, a new door opening in retail unit 5a providing access to the unit in the event of power failure to the roller shutter door system Decision: PG Decision Date: 20-JAN-06 Ref: I/2004/0950/F	

Proposals: Redevelopment of existing retail outlet to provide 3 No. retail units and installation of a new shop front.

Decision: PG

Decision Date: 17-NOV-04

Ref: I/2005/1428/A

Proposals: Shop Sign

Decision: CG

Decision Date: 21-JAN-06

Ref: LA09/2024/1327/A

Proposals: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Burnavon Arts and Cultural Centre in Cookstown at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

Decision:

Decision Date:

Ref: LA09/2021/0870/F

Proposals: To change the use of the permission without complying with condition 2 (seeking variation of opening hours from 9.00am to 3.00am

Decision: PG

Decision Date: 12-OCT-21

Ref: I/2008/0723/F

Proposals: Improvements to footpath paving and road surface, feature lighting columns, replacement brackets/lanterns to existing

Decision: PG

Decision Date: 13-FEB-09

Ref: I/2007/0540/F

Proposals: Proposed part demolition of existing outbuildings to allow for 3 storey apartment scheme consisting of 1No. one bed and 9No. two bed apartments with 5No. insitu parking and amenity spaces.

Decision: PG

Decision Date: 14-MAY-09

Ref: LA09/2023/0123/F

Proposals: Proposed part demolition of existing outbuildings to allow for 3 storey apartment scheme consisting of 1no one bed + 14no two bed apartments with 8no insitu parking and amenity spaces

Decision: PG

Decision Date: 31-JUL-24

Ref: LA09/2022/1369/A

Proposals: 2 No Outdoor LED Video Wall

Decision: CG

Decision Date: 15-NOV-22

Ref: LA09/2018/1312/F

Proposals: Proposed part demolition of existing outbuildings to allow for 3 storey apartment scheme consisting of 1 No. one bed & 9 No. two bed apartments with 5 No. insitu parking and amenity spaces.

Decision: PG

Decision Date: 01-OCT-19

Ref: I/2011/0183/F

Proposals: Proposed First Floor Extension To Existing Arts+Cultural Centre To Include Additional Performance Space Offices Conference Facilities And Toilets 1 No Retail Unit And Alterations To Existing Service Yard .

Decision: PG

Decision Date: 28-FEB-12

Ref: I/1997/0453

Proposals: Demolition of Town Hall and erection of new Arts Centre and Theatre, to include Tourist Information Office, Cafe and Exhibition Space etc.

Decision: PG

Decision Date:

Ref: I/1996/6022

Proposals: Proposed Re-development of Town Hall Burn Road, Cookstown

Decision: QL

Decision Date:

Ref: I/1974/0300

Proposals: RENOVATIONS TO TOWN HALL

Decision: PG

Decision Date:

Ref: I/1995/0406

Proposals: Demolition of rear extension and erection of new store for shop

Decision: PG

Decision Date:

Ref: LA09/2021/0132/F

Proposals: Proposed alterations to existing shop units.

Decision: PG

Decision Date: 04-NOV-21

Ref: I/1989/0080

Proposals: Extension to Shop and New Shop Front

Decision: PG

Decision Date:

Ref: I/2001/0879/A41

Proposals: Tourist Information Points

Decision: 205

Decision Date: 13-FEB-02

Ref: I/1985/0226

Proposals: EXTENSION TO EXISTING SHOP PREMISES

Decision: PG

Decision Date:

Ref: I/2010/0021/F

Proposals: Replacing the existing recessed shop front on the ground floor with a new frameless glass shop front flush with the front elevation

Decision: PG

Decision Date: 23-FEB-10

Ref: I/1990/0149

Proposals: Extension to Shop Premises

Decision: PG

Decision Date:

Ref: I/1975/0051

Proposals: ERECTION OF SHOPS AND STORES

Decision: PG

Decision Date:

Ref: I/1980/0379

Proposals: REBUILDING SHOP FRONT AND NEW CANOPY

Decision: PG

Decision Date:

Ref: I/1990/0396

Proposals: Change of use of rear part of first floor of shop to restaurant

Decision: PG

Decision Date:

Ref: I/1986/0104

Proposals: ERECTION OF STORE AND ALTERATION TO EXISTING BOOKMAKERS

Decision: PG

Decision Date:

Ref: I/1985/0033

Proposals: BOOKMAKER'S OFFICE - SHOP AND FLATS ABOVE

Decision: PG

Decision Date:

Ref: I/1994/0167

Proposals: Erection of Satellite Dish

Decision: PG

Decision Date:

Ref: I/1984/0312

Proposals: ALTERATIONS TO NIES SHOWROOM

Decision: PG

Decision Date:

Ref: I/1976/0092

Proposals: CONVERSION TO ELECTRICITY SHOWROOM

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DfI Roads do not offer an objection.

Informative

The applicant should contact the local DfI Roads Maintenance Section in order that an agreement may be reached regarding any physical works associated with the proposal (if any) that impacts on the public road or footway

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Existing Elevations Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

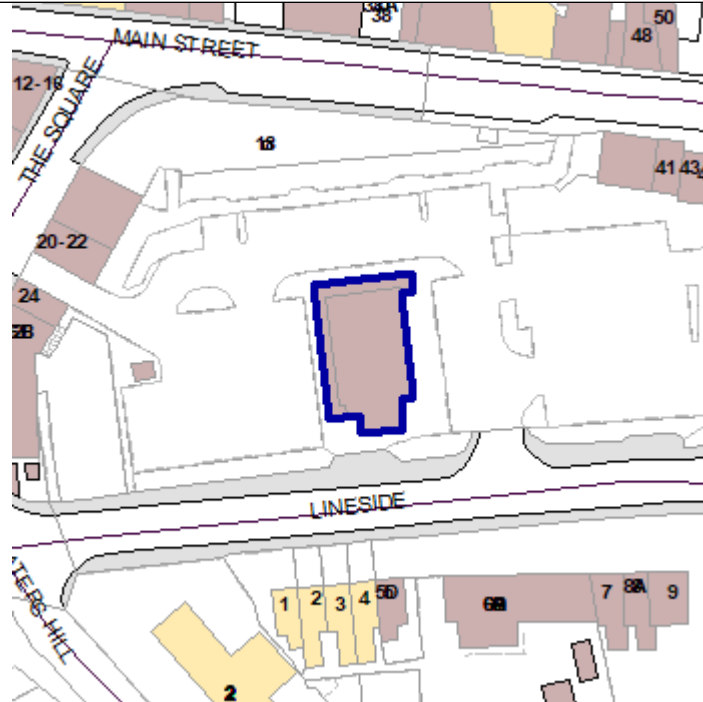


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.27
Application ID: LA09/2024/1329/A	Target Date: 21 February 2025
Proposal: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Cornmill Building at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.	Location: Cornmill Heritage Centre Lineside Coalisland
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mid Ulster District Council 15 Circular Road Dungannon BT71 6DT	Agent Name and Address: Cormac McGinley 15 Circular Road Dungannon BT71 6DT
Executive Summary: Council application to project a festive greeting onto the façade of The Cornmill Heritage Centre, Coalisland, over the Christmas period.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DFI Roads- Response.docx

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This site is Cornmill Heritage Centre, Lineside, Coalisland. It is within Coalisland Town Centre and the Area of Townscape Character as identified in the Dungannon and South Tyrone Area Plan 2010. The site is situated in the centre of Coalisland town, with access off Lineside. The immediate land use around the other three sides is car parking and a small pedestrian area, with retail premises beyond the car parks and streets.

Description of Proposal

It is proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Cornmill Heritage Centre, at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Policy

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

Representations

There is no statutory requirement to neighbour notify or advertise in the local press for an application for advertising consent, and to date no third party representations have been received.

Consultations

DFI Roads were consulted, and did not offer any objection to the proposal.

Relevant Planning History

A number of planning histories were identified which included the site. Most of these were in relation to larger town improvements, and the provision of car parking around the building. Only one application related directly and solely to the building:

- M/1990/0659 - Change of use and alteration of former Cornmill to Library and Heritage Centre – granted.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site lies within Coalisland Town Centre and the Area of Townscape Character as identified in the Dungannon and South Tyrone Area Plan 2010.

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

The SPPS states that the regional strategic objectives for the control of advertisements are to:

- ensure that outdoor advertisements respect the amenity and do not prejudice public safety, including road safety; and
- help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and countryside.

Planning Policy Statement 17 – Control of Outdoor Advertisements

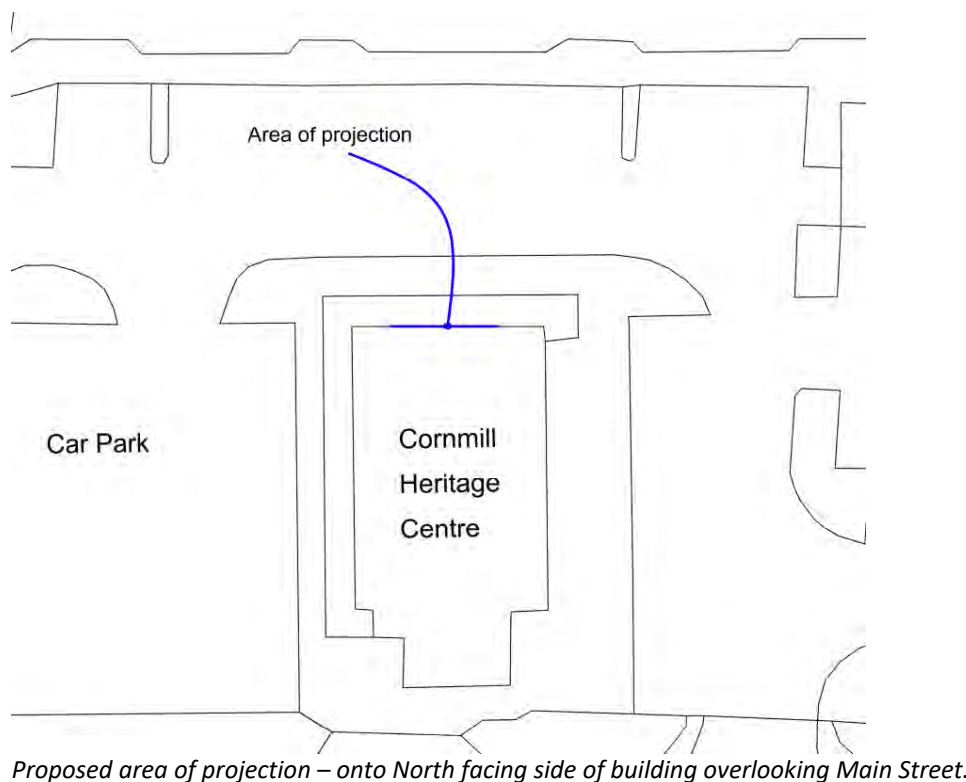
PPS17 sets out planning policy and guidance for the display of outdoor advertisements.

Policy AD1 states consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality, and it does not prejudice public safety.

The proposal is to project the festive greeting 'Merry Christmas', displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Cornmill Heritage Centre at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. Each of these images will be static, with an exchange rate between images of between 30 seconds to 1 minute. The interchange of the images will be instantaneous, with each image being stand-alone, with no cross between images. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

The projection will be temporary, operating as part of the Festive Lighting over the Christmas period until 6th January.

The projectors will be attached to a lighting pole column at the front of the building at a height of 5-6 metres.





Representation of projection onto Cornmill Heritage Centre.

Note: This is not the side of the building this proposal relates to.

In assessing the impact of an advertisement or sign on amenity PPS17 states the following matters should be taken into account:

- (a) the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;*

Given that the proposal is a light projection rather than a solid fixture, and that it is of a temporary nature over the Christmas period, it is considered the proposal will not have a negative impact on the characteristics of the area.

- (b) the position of the advertisement on the host building and its scale and size in relation to that building;*

It is considered that the scale and size of light projection onto the building is acceptable.

- (c) the cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;*

It is considered that the light projection onto the building will not result in clutter.

- (d) the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;*

It is considered that as the proposal is only of a temporary nature the size, scale, dominance and siting is acceptable.

- (e) the design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;*

The design of the proposed light projection is considered to be acceptable.

- (f) in the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located;*

As the proposal is for a light projection, the materials of the structure do not need to be considered.

- (g) the impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.*

As the projection is onto the Cornmill Heritage Centre, and will only be on when the street lights in the town centre are on, there will be minimal additional impact on the amenity of people living nearby, or for significant additional light pollution.

PPS 17 also states the main types of advertisements which are likely to pose a threat to public safety are:-

(a) those which obstruct or impair sight lines at corners, bends or at a junction or at any point of access to a road;

Given the location of the projection and projector, the projection will not obstruct or impair sight lines.

(b) those which, by virtue of their size or siting, would obstruct or confuse a road user's view or reduce the clarity or effectiveness of a traffic sign or traffic signal, or those which would be likely to distract road users because of their unusual design;

It is considered the projection (or the light from the projector to the building) will not obstruct or confuse a road user's view or clarity of a traffic sign or signal.

(c) signs which leave insufficient clearance on or above any part of the road or footpath, or insufficient lateral clearance for vehicles on the carriageway;

As the projectors are to be fitted to a lighting column at a height of 5-6 metres, neither the projection nor the light from the projector will leave insufficient lateral clearance.

(d) those which are located so as to impair the safety of any person looking at them because there is no protection from moving vehicles or where the footpath is narrow at the point where the public stop to look at them;

It is considered that given the wide footpaths and car parking areas around the building, there will be minimal additional safety issues of people viewing the projection.

(e) illuminated signs:

- *where the means of illumination is directly visible from any part of the road;*
- *which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals; and*
- *which, because of their size or brightness, could result in glare or dazzle, or otherwise distract road users especially in wet or misty weather;*

Given the position and nature of the light projection, it is considered it will not be mistaken for traffic signs, and will not result in glare or dazzle.

(f) signs which incorporate moving or apparently moving elements in their display, especially where the whole message is not displayed at one time therefore increasing the time taken to read the whole message;

The proposal is to project the festive greeting 'Merry Christmas', displayed in English, Irish and Ulster Scots by a light projector at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. Each of these images will be static, with an exchange rate between images of between 30 seconds to 1 minute. The interchange of the images will be instantaneous, with each image being stand-alone, with no cross between images. It is therefore considered the projections will not increase any threat to public safety.

(g) those which resemble traffic signs because of their colour or content or those which embody directional or other traffic elements and which could therefore cause confusion with traffic signs;

Given the position and nature of the light projection, it is considered it will not cause confusion with traffic signs,

(h) signs sited or designed primarily to be visible from a motorway or other special road;

The projection will not be visible from a motorway or special road.

(i) those which cause possible interference with a navigational light or an aerial beacon.

It is considered the light projection onto the building will not cause interference with a navigational light or aerial beacon.

Given the scale and design of the temporary light projection, it is considered the proposal will not have a negative effect on the general characteristics of the area and its scale and size in relation to the building is acceptable.

It is considered there will not be any public safety issues with regards to the proposed light projection.

Having assessed the proposed Advertisement Consent, it is deemed to be acceptable. Furthermore, it is considered that this proposal complies with Policy AD 1 of Planning Policy Statement 17 – Control of Outdoor Advertisements.

Other Considerations

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

Checks have been completed on the statutory NED, HED and flooding map viewers. There are no issues relating to this site.

There are no other ecological or residential amenity concerns.

Summary of Recommendation

Recommend Consent is granted.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The consent hereby granted is for the temporary projection of a festive message over the Christmas period which is from the 2nd last Friday every November until 6th Jan annually and the projections shall only be displayed during normal street lighting hours within this period.

Reason: To ensure the projection is only displayed at the relevant time of year.

Condition 2

The images shall be projected in the position shown in drawings 2 and 3.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Condition 3

All of the proposed images being displayed shall be static and the exchange rate between the image shall be between 30 sec and 1 minute.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Signature(s): Mark Edgar

Date: 19 November 2024

ANNEX	
Date Valid	8 November 2024
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1989/0435 Proposals: Public Car Park Decision: PG Decision Date: 21-SEP-89 Ref: LA09/2017/1442/PAD Proposals: Works will include the provision of new high quality natural stone paving ,carriageway resurfacing, street furniture, tree planting, signage, street lighting, festive lighting and drainage Decision: PAD Decision Date: 30-JAN-18 Ref: M/1988/0672 Proposals: Public Car Park Decision: PG Decision Date: 20-DEC-88 Ref: LA09/2017/0999/PAD Proposals: Public realm scheme Decision: PAD Decision Date: 30-JAN-18	

Ref: LA09/2022/1611/F

Proposals: Planning Ref Number: LA09/2018/1324/F Development Type: Public Realm Works within Coalisland Town Centre. Condition to be amended: Variation of Condition regarding the need for a stage 4 Road safety Audit. Reason for removal: As no collision data is available from the start of 2020 to present day and as per GG119, there may be no need for a stage 4 RSA. it states (Page 24), that "a stage 4 RSA report is not needed where no road traffic collisions have been recorded in the vicinity of the highway scheme over the 12 month period of post opening validated road traffic collision data". This has also been checked with DFI roads.

Decision: WDN

Decision Date: 16-MAY-23

Ref: LA09/2024/1329/A

Proposals: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Cornmill Building at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

Decision:

Decision Date:

Ref: LA09/2015/1169/F

Proposals: To include 18 no. of car parking spaces at rear of Cornmill building. The area is currently used as a common area, consisting of planters and some street furniture

Decision: PG

Decision Date: 10-FEB-16

Ref: M/1991/0066

Proposals: Environmental improvement scheme comprising provision of carparking, paved pedestrian areas, streamside walk, entrance feature and landscaping (Amended Scheme)

Decision: PG

Decision Date: 24-JUL-92

Ref: M/1990/0659

Proposals: Change of use and alteration of former Cornmill to Library and Heritage Centre

Decision: PG

Decision Date:

Ref: M/1988/0809

Proposals: Amenity Open Space

Decision: WITHDR

Decision Date:

Ref: M/1988/0856

Proposals: Retail and Office Development

Decision: WITHDR

Decision Date:

Ref: LA09/2018/1324/F

Proposals: The works will include the provision of new high quality natural stone paving, formal parking bays, carriageway resurfacing, street furniture, landscaping, signage, street lighting, festive lighting and drainage

Decision: PG

Decision Date: 09-JAN-19

Ref: LA09/2017/1242/PAN

Proposals: The works will include the provision of new high quality natural stone paving, carriageway, resurfacing, street furniture, tree planting, signage, street lighting, festive lighting and drainage

Decision: PANACC

Decision Date: 11-MAR-19

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DFI Roads- Response.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Existing Elevations Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

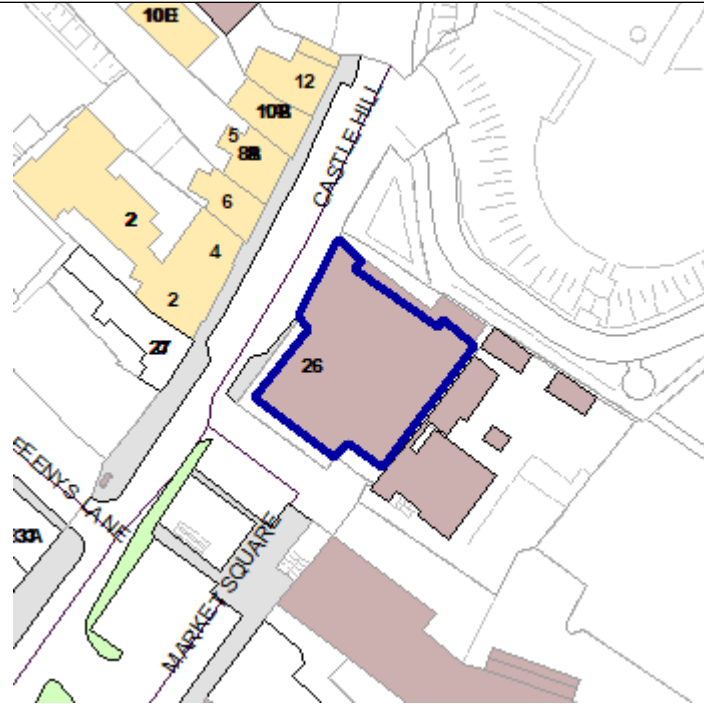


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.28
Application ID: LA09/2024/1330/A	Target Date: 21 February 2025
Proposal: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Ranfurly House Arts and Visitor centre at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.	Location: 26 Market Square Dungannon BT70 1AB
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mid Ulster District Council 15 Circular Road Dungannon BT71 6DT	Agent Name and Address: Cormac McGinley 15 Circular Road Dungannon BT71 6DT
Executive Summary: Council application to project a festive greeting onto the façade of Ranfurly House Arts and Visitor Centre over the Christmas period.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	DFI Roads- Response.docx

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This site is Ranfurly Arts & Visitor Centre located at 26 Market Square, Dungannon. It is within Dungannon Town Centre, the Area of Townscape Character and the Area of Archaeological Potential as identified in the Dungannon and South Tyrone Area Plan 2010. The building is also a Listed Building. The site is situated at the 'top' of Market Square in Dungannon town centre, with the Hill of the O'Neill to

the rear, car parking to the immediate front, and retail premises either side of Market Square.

Description of Proposal

It is proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Ranfurly House Arts and Visitor centre at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

There is no statutory requirement to neighbour notify or advertise in the local press for an application for advertising consent, and to date no third party representations have been received.

Consultations

DFI Roads were consulted, and did not offer any objection to the proposal.

HED were also consulted in relation to any potential impact on the Listed Building. HED Historic Monuments, and HED Historic Buildings are content with the proposal.

No other consultations were considered necessary for this application.

Relevant Planning History

Over 30 planning histories were identified which included the site. 13 of these related directly to the building.

- LA09/2021/1397/LBC - 2 no banner signs, fixed to front elevation on PPC aluminium frames – granted 10.02.2022
- LA09/2021/1380/A – 2 no Banner Signs, Fixed to Front Elevation on PPC Aluminium Frames – granted 10.02.2022
- M/2011/0279/LBC - Refurbishment of existing listed building and construction of new build extension – granted 20.03.2012
- M/2011/0273/F - Refurbishment of existing listed building and construction of new build extension – granted 13.03.2012
- M/2008/1200/F - Refurbishment of existing listed building and construction of new build extension – granted 11.11.2009
- M/2008/1199/LB - Refurbishment of existing listed building and construction of new build extension – granted 11.11.2009
- M/2006/1480/LB - Minor Alterations and Change of Use – granted 15.08.2006
- M/2006/1418/F - Minor alterations & change of use – granted 15.09.2006
- M/2002/1396/F - ramped access to side and rear and general refurbishment (exterior) – granted 08.04.2003

- M/2002/1302/LB - disability access at side and rear and reinstatement of railings to front – granted 08.04.2003
- M/2000/1104/LB - Alterations to existing railing at front and side to provide wheelchair access & internal restructuring – granted 20.02.2001
- M/1992/0510 - Temporary prefabricated office accommodation – granted
- M/1992/0204 - Alterations to property including removal of chimney - granted

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site lies within Dungannon Town Centre, the Area of Townscape Character and the Area of Archaeological Potential as identified in the Dungannon and South Tyrone Area Plan 2010.

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

The SPPS states that the regional strategic objectives for the control of advertisements are to:

- ensure that outdoor advertisements respect the amenity and do not prejudice public safety, including road safety; and
- help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and countryside.

Planning Policy Statement 17 – Control of Outdoor Advertisements

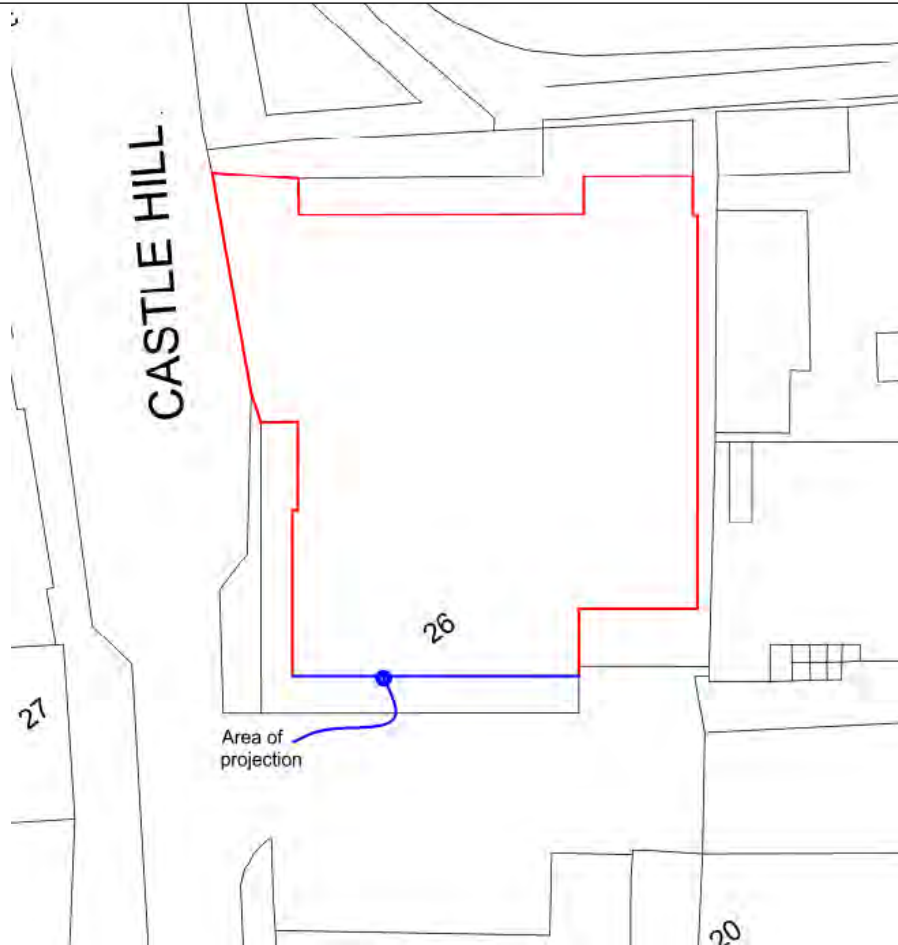
PPS17 sets out planning policy and guidance for the display of outdoor advertisements.

Policy AD1 states consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality, and it does not prejudice public safety.

The proposal is to project the festive greeting 'Merry Christmas', displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Ranfurly House Arts and Visitor centre at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. Each of these images will be static, with an exchange rate between images of between 30 seconds to 1 minute. The interchange of the images will be instantaneous, with each image being stand-alone, with no cross between images. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

The projection will be temporary, operating as part of the Festive Lighting over the Christmas period until 6th January.

The projectors will be attached to a lighting pole column at the front of the building at a height of 5-6 metres.



Proposed area of projection – on to front of building overlooking Market Square



Representation of projection onto Ranfurly House

In assessing the impact of an advertisement or sign on amenity PPS17 states the following matters should be taken into account:

- (a) *the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;*

Given that the proposal is a light projection rather than a solid fixture, and that it is of a temporary nature over the Christmas period, it is considered the proposal will not have a negative impact on the characteristics of the area.

- (b) *the position of the advertisement on the host building and its scale and size in relation to that building;*

It is considered that the scale and size of light projection onto the building is acceptable.

- (c) *the cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;*

It is considered that the light projection onto the building will not result in clutter.

- (d) *the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;*

It is considered that as the proposal is only of a temporary nature the size, scale, dominance and siting is acceptable.

- (e) *the design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;*

The design of the proposed light projection is considered to be acceptable.

- (f) *in the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located;*

As the proposal is for a light projection, the materials of the structure do not need to be considered.

- (g) *the impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.*

As the projection is onto the Ranfurly Visitor Centre, and will only be on when the street lights in the town centre are on, there will be minimal additional impact on the amenity of people living nearby, or for significant additional light pollution.

PPS 17 also states the main types of advertisements which are likely to pose a threat to public safety are:-

- (a) *those which obstruct or impair sight lines at corners, bends or at a junction or at any point of access to a road;*

Given the location of the projection and projector, the projection will not obstruct or impair sight lines.

- (b) *those which, by virtue of their size or siting, would obstruct or confuse a road user's view or reduce the clarity or effectiveness of a traffic sign or traffic signal, or those which would be likely to distract road users because of their unusual design;*

It is considered the projection (or the light from the projector to the building) will not obstruct or confuse a road user's view or clarity of a traffic sign or signal.

- (c) *signs which leave insufficient clearance on or above any part of the road or footpath, or insufficient lateral clearance for vehicles on the carriageway;*

As the projectors are to be fitted to a lighting column at a height of 5-6 metres, neither the projection or the light from the projector will leave insufficient lateral clearance.

- (d) *those which are located so as to impair the safety of any person looking at them because there is no protection from moving vehicles or where the footpath is narrow at the point where the public stop to look at them;*

It is considered that given the wide footpaths around The Square, and the car park and pedestrian area at the front of the building, there will be minimal additional safety issues of people viewing the

projection.

(e) illuminated signs:

- *where the means of illumination is directly visible from any part of the road;*
- *which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals; and*
- *which, because of their size or brightness, could result in glare or dazzle, or otherwise distract road users especially in wet or misty weather;*

Given the position and nature of the light projection, it is considered it will not be mistaken for traffic signs, and will not result in glare or dazzle.

(f) signs which incorporate moving or apparently moving elements in their display, especially where the whole message is not displayed at one time therefore increasing the time taken to read the whole message;

The proposal is to project the festive greeting 'Merry Christmas', displayed in English, Irish and Ulster Scots by a light projector at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. Each of these images will be static, with an exchange rate between images of between 30 seconds to 1 minute. The interchange of the images will be instantaneous, with each image being stand-alone, with no cross between images. It is therefore considered the projections will not increase any threat to public safety.

(g) those which resemble traffic signs because of their colour or content or those which embody directional or other traffic elements and which could therefore cause confusion with traffic signs;

Given the position and nature of the light projection, it is considered it will not cause confusion with traffic signs,

(h) signs sited or designed primarily to be visible from a motorway or other special road;

The projection will not be visible from a motorway or special road

(i) those which cause possible interference with a navigational light or an aerial beacon.

It is considered the light projection onto the building will not cause interference with a navigational light or aerial beacon.

Given the scale and design of the temporary light projection, it is considered the proposal will not have a negative effect on the general characteristics of the area and its scale and size in relation to the building is acceptable.

It is considered there will not be any public safety issues with regards to the proposed light projection.

Having assessed the proposed Advertisement Consent, it is deemed to be acceptable. Furthermore, it is considered that this proposal complies with Policy AD 1 of Planning Policy Statement 17 – Control of Outdoor Advertisements.

Other Considerations

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

Checks have been completed on the statutory NED and flooding map viewers. There are no issues relating to this site.

There are no other ecological or residential amenity concerns.

Summary of Recommendation

Recommend Consent is granted.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The consent hereby granted is for the temporary projection of a festive message over the Christmas period which is from the 2nd last Friday every November until 6th Jan annually and the projections shall only be displayed during normal street lighting hours within this period.

Reason: To ensure the projection is only displayed at the relevant time of year.

Condition 2

The images shall be projected in the position shown in drawings 2 and 3.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Condition 3

All of the proposed images being displayed shall be static and the exchange rate between the image shall be between 30 sec and 1 minute.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Signature(s): Mark Edgar

Date: 19 November 2024

ANNEX	
Date Valid	8 November 2024
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> <p>Ref: M/2011/0273/F Proposals: Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community / arts facilities with access onto Castle Hill Decision: PG Decision Date: 21-MAR-12</p> <p>Ref: M/1994/0167 Proposals: Demolition of redundant workshop to provide additional car parking Decision: PG Decision Date:</p> <p>Ref: M/1992/6035 Proposals: Demolition of Building or possible uses of premises if fully refurbished Former RUC Station 25 Market Square Dungannon Decision: QL Decision Date:</p> <p>Ref: M/2002/1310/F Proposals: Change of use to coffee shop/offices/retail Decision: PG</p>	

Decision Date: 14-NOV-03

Ref: M/2013/0308/LBC

Proposals: Proposed refurbishment of existing listed building and removal of outbuilding

Decision: CG

Decision Date: 11-MAR-14

Ref: M/2002/1309/LB

Proposals: Change of use to coffee shop/offices/retail

Decision: CG

Decision Date: 14-NOV-03

Ref: M/2013/0309/F

Proposals: Refurbishment of existing listed building and removal of outbuildings

Decision: PG

Decision Date: 11-MAR-14

Ref: M/1993/0225

Proposals: Change of use from vacant Barracks to speciality Retail,
Coffee Bistro and Offices

Decision: PG

Decision Date:

Ref: M/1993/0224

Proposals: Change of use from vacant Barracks to Retail, Bistro and
Offices

Decision: PG

Decision Date:

Ref: M/1980/0300

Proposals: 6 M HIGH WELD MESH SECURITY FENCE AND CANOPY

Decision: PG

Decision Date:

Ref: LA09/2024/1330/A

Proposals: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Ranfurly House Arts and Visitor centre at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.

Decision:

Decision Date:

Ref: M/2000/1104/LB

Proposals: Alterations to existing railing at front and side to provide wheelchair access &

internal restructuring

Decision: CG

Decision Date: 15-MAR-01

Ref: M/2006/1418/F

Proposals: Minor alterations of a portion of ground floor offices. A change of use from an office to public exhibition space of the same area.

Decision: PG

Decision Date: 15-SEP-06

Ref: M/2008/0832/Q

Proposals: 0.

Decision: ELA

Decision Date: 19-NOV-08

Ref: M/2006/1480/LB

Proposals: Minor Alterations and Change of Use

Decision: CG

Decision Date: 15-SEP-06

Ref: LA09/2021/1380/A

Proposals: 2NI. Banner Signs, Fixed to Front Elevation on PPC Aluminium Frames

Decision: CG

Decision Date: 10-FEB-22

Ref: M/2002/1396/F

Proposals: Proposed ramped access to side and rear and general refurbishment (exterior)

Decision: PG

Decision Date: 08-APR-03

Ref: M/2008/1199/LB

Proposals: Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community/arts facilities with access onto Castle Hill.

Decision: CG

Decision Date: 13-NOV-09

Ref: LA09/2021/1397/LBC

Proposals: 2 no banner signs, fixed to front elevation on PPC aluminium frames

Decision: CG

Decision Date: 10-FEB-22

Ref: M/1992/0204

Proposals: Alterations to property including removal of chimney

Decision: PG

Decision Date:

Ref: M/1992/0510

Proposals: Temporary prefabricated office accommodation

Decision: PG

Decision Date:

Ref: M/2011/0279/LBC

Proposals: Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community / art facilities with access onto Castle Hill

Decision: CG

Decision Date: 21-MAR-12

Ref: M/2008/1200/F

Proposals: Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community/arts facilities with access onto Castle Hill.

Decision: PG

Decision Date: 13-NOV-09

Ref: M/2002/1302/LB

Proposals: Proposed disability access at side and rear and reinstatement of railings to front.

Decision: CG

Decision Date: 08-APR-03

Ref: M/1989/0056

Proposals: Creation of central pedestrian area with raised terrace, street lighting, landscaping and general environmental improvements.

Decision: PG

Decision Date: 19-MAR-89

Ref: M/2009/0614/F

Proposals: Environmental improvements including revised road & parking layout, improved public space with market sq & grass terrace seating, new street lighting, tree planting, seating, litter bins & an improved setting for the cenotaph

Decision: PG

Decision Date: 18-FEB-10

Ref: M/2007/0613/Q

Proposals: Dungannon Town Centre Health Check Planning Search

Decision: 300

Decision Date: 05-JUN-07

Ref: M/1989/0521

Proposals: Replacement Screen Fences

Decision: PG

Decision Date:

Ref: M/2014/0405/F

Proposals: Change of use, refurbishment and extension of existing garages to create an internal events space including display area and viewing gallery. The construction of a new external covered events space and associated landscaping works across the site.

Decision: PG

Decision Date: 26-NOV-14

Ref: M/2008/0743/F

Proposals: Telecommunications equipment to be attached to existing lattice tower at 10.0m high. 3No dualband 2G/3G antennae, 2No 0.6m dia. dishes and 3No equipment cabinets at ground level

Decision: PG

Decision Date: 13-NOV-08

Ref: M/2009/0529/F

Proposals: Redevelopment of existing open land to provide new landscaped publicly accessible gardens and interpretive facilities for the Knox Hannington Towers/O' Neill Castle Site

Decision: PG

Decision Date: 16-SEP-09

Ref: M/2007/1304/Q

Proposals: Proposed Vodafone Base Station

Decision: 300

Decision Date: 04-OCT-07

Summary of Consultee Responses

Historic Environment Division (HED)-
DFI Roads - Enniskillen Office-DFI Roads- Response.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Existing Elevations Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

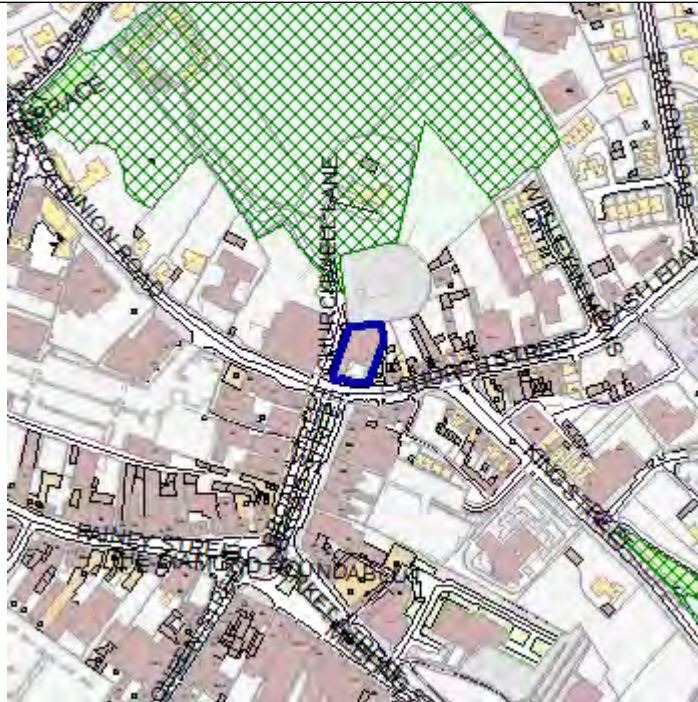


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 December 2024	Item Number: 5.29
Application ID: LA09/2024/1331/A	Target Date: 21 February 2025
Proposal: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Bridewell centre at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning.	Location: 6 Church Street Magherafelt BT45 6AN
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mid Ulster District Council 15 Circular Road Dungannon BT71 6DT	Agent Name and Address: Cormac McGinley 15 Circular Road Dungannon BT71 6DT
Executive Summary: This is an application for Advertisement Consent for Christmas greetings to be projected onto the Bridewell. This application is being presented to Planning Committee as it has been submitted by MUDC. It has been fully considered under all relevant policy and consultation advice has been sought from DFI Roads and Historic Environment Division. There is no policy conflict, and it is recommended that consent be granted.	

Case Officer Report

Site Location Plan



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Consultations:

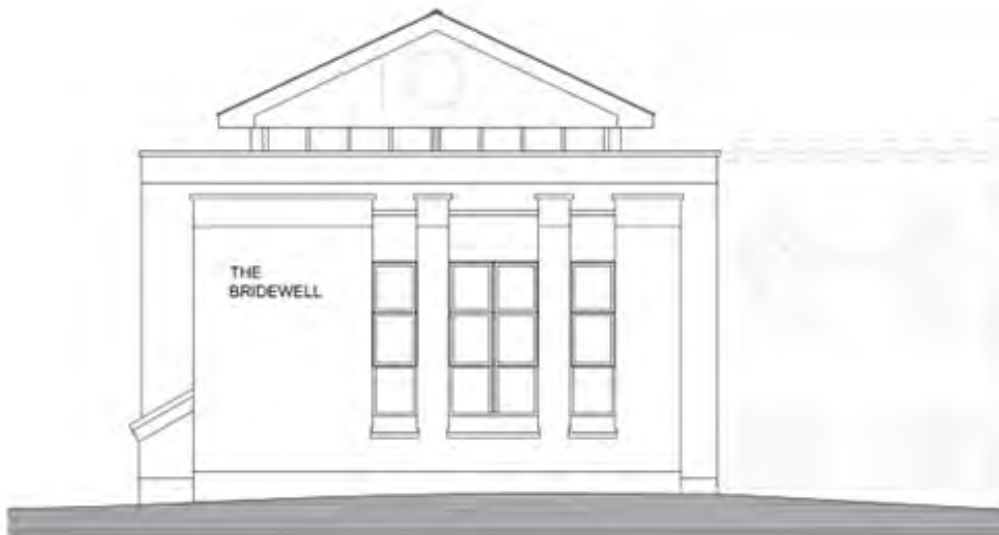
Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	<p>DfI Roads do not offer an objection.</p> <p>Informative The applicant should contact the local DfI Roads Maintenance Section in order that an agreement may be reached regarding any physical works associated with the proposal (if any) that impacts on the public road or footway</p>

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0

Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	
Summary of Issues	
<p>Characteristics of the Site and Area</p> <p>The site is located at 6 Church Street, Magherafelt, which is within the settlement limits of Magherafelt, situated within primary retail core as identified in the Magherafelt Area Plan 2015. The building currently houses Magherafelt Visitor Information Centre and Library. The building is an old courthouse with gothic tracery, arch form windows and an arched entrance doorway framed with stonework and is designated as a Listed Building. The building is accessible via hard landscaped courtyard through a stone arch that fronts onto Broad Street. The area surrounding the site is characterised by various retail, commercial and professional businesses.</p>	
<p>Description of Proposal</p> <p>The application is an advertising consent for the festive greeting 'Merry Christmas' to be displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Bridewell centre at set intervals. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will be displayed during the hours when the street lighting will be on, which is approximately from 15:45 until 08:30 the following morning.</p>	
	





Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

There is no statutory requirement to notify or advertise in the local press for an application for advertising consent, and to date no third-party representations have been received.

Relevant Planning History

There is no relevant planning history at the application site.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

SPPS – Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 17 – Control of Outdoor Advertisements

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 3 - Access, Movement and Parking

Legislation

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.

Magherafelt Area Plan 2015

The site of the proposed application is located within the settlement development limits of Magherafelt as defined within the Magherafelt Area Plan 2015.

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

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

Strategic Planning Policy Statement (SPPS)

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

The SPPS states that the regional strategic objectives are to:

Ensure that outdoor advertisements respect the amenity and do not prejudice public safety, including road safety; and

Help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and countryside.

Planning Policy Statement 17 – Control of Outdoor Advertisements

PPS 17 lays out the planning policy and guidance for the control of outdoor advertisements. Policy AD1 states consent will be granted for the display of an advertisement where it meets the policy in terms of amenity when assessed in the context of the general characteristics of the locality and public safety. The proposal is for the projection of four signs displaying “Merry Christmas” in English, Irish and Ulster Scots and the fourth is a general winter scene. Proposed images are to be projected during the hours when the street lighting is on (approx.15.45 until 08.30 the following morning).

PPS 17 Annex A (25) states design guidelines in relation to high-level signs. It states

that these will generally only be appropriate where they relate to the scale and primary use of the host building. They should not be designed to be read as part of the building and should not detract from any architectural feature. The signs should not be projected above the eaves or parapet of the host building, and they should only have the lettering illuminated.

I have no concerns with the scale and design of the signage. It is noted that the proposed signage is to be projected onto the front of the Bridewell centre from a projector mounted on DFI streetlights. I consider the proposal will not have a negative impact on the general characteristics of the surrounding area. The modest scale and size of the proposed images in relation to the surrounding buildings and the building itself is considered acceptable. The proposal does not result in clutter when read in the context of the wider streetscape.

Due to the close proximity of the projections to Church Street, a consultation was issued to DFI Roads to ensure public safety concerns are satisfied and that they are content that the projector is mounted on a streetlight. DFI Roads have advised that they do not offer any objections to the proposal. I am content that the proposed signs are not located close to any road signs and its appearance cannot be easily confused with road signage. The images are static and therefore it is considered the proposal will not interfere with road or pedestrian safety and will not be deemed distracting.

A consultation was also issued to Historic Environment Division (HED) as the Bridewell centre is a Grade B1 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. HED are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements and are content with the proposal as presented.

Having assessed the proposed Advertisement Consent, it respects amenity and does not prejudice public safety therefore, granting advertising consent is recommended.

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

PPS 6 provides additional planning policies relating to the protection and conservation of archaeological remains and features of the built heritage.

Policy BH8 within PPS 6 goes into detail regarding the extension or alteration of a listed building. The department will normally only grant consent to proposals for the extension or alteration of a listed building where all the criteria are met:

The essential character of the building and its setting are retained and its features of

special interest remain intact and unimpaired.

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;

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

The Historic Environment Division have been informally consulted as to the need for submission of Listed Building Consent. They have advised one is not needed as the signage is non-commercial and temporary.

PPS 3 – Movement, Access and Parking

DFI Roads were consulted and do not offer an objection in relation to this proposal. They have advised that the applicant should contact the local DfI Roads Maintenance Section in order that an agreement may be reached regarding any physical works associated with the proposal (if any) that impacts on the public road or footway. It has been demonstrated by our Technical Services Department that all appropriate licences to place festive lights on roads are in place.

The application does not create a new access therefore does not impact AMP 2 and AMP 3. It is considered the proposal will not interfere with road or pedestrian safety. The application is not in conflict with PPS 3 so is therefore considered acceptable.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The consent hereby granted is for the temporary projection of a festive message over the Christmas period which is from the 2nd last Friday every November until 6th Jan annually and the projections shall only be displayed during normal street lighting hours within this period.

Reason: To ensure the projection is only displayed at the relevant time of year.

Condition 2

The images shall be projected in the position shown in drawings 2 and 3.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Condition 3

All of the proposed images being displayed shall be static and the exchange rate between the image shall be between 30 sec and 1 minute.

Reason: In the interest of visual amenity, road safety and convenience of road users.

Signature(s): Gemma McGeown

Date: 19 November 2024

ANNEX	
Date Valid	8 November 2024
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> <p>Ref: H/1987/0252 Proposals: CHANGE OF USE FROM BUILDERS YARD TO FORM CAR PARK EXTENSION Decision: PG Decision Date:</p> <p>Ref: H/2007/0970/LB Proposals: Alterations & Extension To Existing Rectory Including Alterations to Outbuildings Decision: CG Decision Date: 18-AUG-08</p> <p>Ref: LA09/2024/1331/A Proposals: It is being proposed that the festive greeting 'Merry Christmas' is displayed in English, Irish and Ulster Scots by a light projector onto the facade of the Bridewell centre at set intervals.. A 4th image of a general winter scene will be displayed to complete the 4-image cycle. The projections will only be displayed during the hours when the street lighting will be on which is approximately from 15:45 until 08:30 the following morning. Decision: Decision Date:</p> <p>Ref: H/1980/0095</p>	

Proposals: SITE OF BUNGALOW

Decision: WDN

Decision Date: 08-MAY-80

Ref: H/1985/0407

Proposals: ALTERATIONS AND ADDITIONS TO EXISTING TIMBER STORE

Decision: PG

Decision Date:

Ref: H/1980/0126

Proposals: ALTERATIONS AND ADDITIONS TO BUSINESS PREMISES

Decision: PG

Decision Date:

Ref: H/1989/0583

Proposals: SHOP UNIT WITH OFFICE OVER

Decision: PG

Decision Date:

Ref: H/1976/0364

Proposals: MATERIALS STORE

Decision: PG

Decision Date:

Ref: H/1990/0280

Proposals: ALTS AND ADDS TO SHOP

Decision: PG

Decision Date:

Ref: H/1974/0077

Proposals: ALTERATIONS AND ADDITIONS

Decision: PG

Decision Date:

Ref: H/1979/0448

Proposals: SITE OF BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2022/0665/LBC

Proposals: Change of use of first floor residential unit become part of the ground floor healthcare physiotherapy clinic including internal alterations.

Decision: CG

Decision Date: 23-NOV-22

Ref: LA09/2022/0664/F

Proposals: Change of use of first floor residential unit become part of the ground floor healthcare physiotherapy clinic including internal alterations

Decision: PG

Decision Date: 10-NOV-22

Ref: LA09/2022/1151/TPO

Proposals: Request for written consent for proposed tree works on trees protected under TPO/2008/0046

Decision: CG

Decision Date: 27-JUL-22

Ref: H/1985/0041

Proposals: RETIREMENT BUNGALOW WITH GARAGE

Decision: PG

Decision Date:

Ref: H/1974/0243

Proposals: SITE OF HOUSE

Decision: PR

Decision Date:

Ref: H/1990/6049

Proposals: RENOVATION AND REBUILDING OF EXISTING BUSINESS PREMISES TO INCLUDE 4 FLATS 3-7 KING STREET MAGHERAFELT

Decision: PREA

Decision Date: 05-SEP-90

Ref: H/1993/0400

Proposals: RENOVATIONS AND EXTENSIONS TO BUILDING FOR USE AS OFFICES

Decision: PG

Decision Date:

Ref: H/1993/6107

Proposals: RESTRUCTURE PART VACANT 3-STORY BUILDING TO PROVIDE 3 MODERN OFFICES 9-11 KING STREET MAGHERAFELT

Decision: QL

Decision Date:

Ref: H/1992/0060

Proposals: ALTS & ADDS TO DWELLING

Decision: PG

Decision Date:

Ref: H/1989/0467

Proposals: CHANGE OF USE FROM ESTATE AGENTS TO DENTAL LABORATORY

Decision: PG
Decision Date:

Ref: H/1999/0436
Proposals: CONVERSION OF DWELLING TO OFFICE
Decision: PG
Decision Date:

Ref: H/1983/0193
Proposals: SHOP SIGNS
Decision: PG
Decision Date:

Ref: LA09/2019/1672/F
Proposals: Proposed change of use from foot clinic to cafe
Decision: PG
Decision Date: 13-FEB-20

Ref: LA09/2019/1581/LBC
Proposals: Business signage, including signage on South and West elevations and free standing sign in front of building
Decision: CG
Decision Date: 14-JAN-20

Ref: LA09/2019/1485/A
Proposals: Business signage, including signage on South and West elevations and free standing sign in front of building
Decision: CG
Decision Date: 14-JAN-20

Ref: LA09/2016/0723/LBC
Proposals: New doorway to 15 Church Street to provide access to new apartment above No's 15 and 17. Amendment to existing stair to provide access to apartment. Removal of existing wall in No 17 and breaking through to create internal toilet area for the existing commercial unit
Decision: CG
Decision Date: 24-MAY-17

Ref: LA09/2018/1521/LBC
Proposals: Business signage; including signage on South & West Elevations and free standing sign in front of building
Decision: CR
Decision Date: 05-JUN-19

Ref: LA09/2019/1106/PAD
Proposals: Signage

Decision: PAD
Decision Date: 01-JAN-20

Ref: H/1992/0547
Proposals: CAR PARK
Decision: PG
Decision Date: 03-FEB-93

Ref: H/2004/1317/Q
Proposals: Disposal of surplus land
Decision: 211
Decision Date: 13-OCT-04

Ref: H/1996/0692
Proposals: 2 FLATS
Decision: PG
Decision Date:

Ref: H/2006/0753/O
Proposals: Change of use from store to an off-sales (extension to existing off-sales)
Decision: PG
Decision Date: 13-FEB-07

Ref: H/2001/0360/A41
Proposals: Alterations To Off-Sales/Bar
Decision: 205
Decision Date: 16-MAY-01

Ref: LA09/2016/0510/F
Proposals: Erection of a War Memorial to commemorate WWI and WWII Dead, along with bollards and lighting
Decision:
Decision Date:

Ref: H/2002/0069/F
Proposals: New shopfront with roller shutters, erection of air conditioning units & internal alterations
Decision: PG
Decision Date: 13-APR-02

Ref: H/2005/0175/F
Proposals: Replacement of Existing Shop Window & Door, Also Lowering Cill Height Of Shop Window.
Decision: PG
Decision Date: 05-JUL-05

Ref: H/1977/0041

Proposals: REBUILDING OF SHOP AND OFFICES

Decision: PG

Decision Date:

Ref: H/1987/0097

Proposals: SHOP AND OFFICE UNITS

Decision: PG

Decision Date:

Ref: H/1980/0331

Proposals: ADVERTISING WALL PANEL

Decision: PR

Decision Date:

Ref: H/1982/0376

Proposals: SIGNS

Decision: PG

Decision Date:

Ref: H/1987/0033

Proposals: 3 NO SHOP UNITS

Decision: PG

Decision Date:

Ref: H/1989/0342

Proposals: SIGN

Decision: PG

Decision Date:

Ref: H/1996/0137

Proposals: PROPOSED GROUND FLOOR SHOP WITH 1ST FLOOR STORE

Decision: PG

Decision Date:

Ref: H/1980/0189

Proposals: SITE OF PUBLIC TOILETS

Decision: PG

Decision Date:

Ref: H/2012/0183/F

Proposals: Proposed 2 storey mixed-use complex development comprising of 3no ground floor retail units and 7no apartments, with communal courtyard, in-curtilage car parking and associated site works

Decision: PG

Decision Date: 29-MAR-13

Ref: H/1997/6032

Proposals: SHOP/OFFICE/WORKSHOP DEVELOPMENT 1-7 KING STREET
MAGHERAFELT

Decision: PRENC

Decision Date: 25-JUN-97

Ref: H/1977/0017

Proposals: CHANGE OF BUILDING FROM HOUSE TO OFFICE AND FLAT

Decision: PG

Decision Date:

Ref: H/1992/0534

Proposals: CONVERSION OF PREMISES TO INCLUDE 2 GROUND FLOOR SHOPS
WITH NEW SHOP FRONTS FIRST FLOOR FLATS AND 1 SECOND
FLOOR FLAT

Decision: PG

Decision Date:

Ref: H/1980/0155

Proposals: POSTER PANEL

Decision: PR

Decision Date:

Ref: H/1980/0227

Proposals: ONE WALL PANEL

Decision: PR

Decision Date:

Ref: H/1994/0046

Proposals: ALTERATIONS TO REAR TO FORM OFFICES

Decision: PG

Decision Date:

Ref: H/1995/0280

Proposals: CHANGE OF USE FROM SHOP TO INDIAN
TAKE AWAY WITH SIT IN FACILITIES

Decision: PG

Decision Date:

Ref: H/1998/4013

Proposals: LICENSING TO RESTAURANT

Decision: PDNOAP

Decision Date:

Ref: H/1994/0214

Proposals: REINSTATEMENT & IMPROVEMENTS TO BOMB-DAMAGED BUILDING

Decision: PG

Decision Date:

Ref: LA09/2015/0636/F

Proposals: Public realm improvements comprising: re-surfacing of existing footways with natural stone; granite kerbs; landscape proposals comprising semi-mature planting, raised planters and shrub planting; new street furniture - seating, litter bins and cycle racks, new feature lighting columns; plinth for future artwork; formalisation of existing on street parking arrangements and surface treatment to carriageways.

Decision: PG

Decision Date: 03-DEC-15

Ref: H/1995/0297

Proposals: ENVIRONMENTAL IMPROVEMENT SCHEME AND IMPROVEMENTS TO ROUNDABOUT

Decision: PG

Decision Date: 10-APR-96

Ref: H/2005/1022/A

Proposals: 1 Shop Sign and 1 Projecting Sign

Decision: CG

Decision Date: 21-DEC-05

Ref: H/1994/0030

Proposals: SIGNS

Decision: PG

Decision Date:

Ref: LA09/2017/0480/F

Proposals: Conversion of first floor office accommodation to 2 Self Contained Apartments

Decision: PG

Decision Date: 23-JUN-17

Ref: H/2003/0307/A

Proposals: One Projecting box sign and one shop sign with individual letters.

Decision: CG

Decision Date: 23-MAY-03

Ref: H/2009/0435/A

Proposals: Projecting sign (tarpulin type with s/steel brackets)

Decision: CG

Decision Date: 27-AUG-09

Ref: H/1999/0752/F

Proposals: Retail unit with office on 1st floor

Decision: PG
Decision Date: 28-APR-00

Ref: LA09/2018/0820/A
Proposals: Fascia signage with strip lighting and non illuminated projecting sign
Decision: CG
Decision Date: 18-DEC-18

Ref: LA09/2018/0849/F
Proposals: Change of use from retail premises to sit in hot food cafe
Decision: PG
Decision Date: 07-DEC-18

Ref: LA09/2018/1090/A
Proposals: Projecting Sign
Decision: CG
Decision Date: 27-SEP-18

Ref: LA09/2015/0847/F
Proposals: Proposed change of use from retail shop to a fast food carryout and internal renovations
Decision: PG
Decision Date: 05-JAN-16

Ref: H/1977/0093
Proposals: ALTERATIONS TO PREMISES
Decision: PG
Decision Date:

Ref: H/1993/0306
Proposals: RENOVATIONS TO BUILDING AND CONVERSION OF 2ND FLOOR TO OFFICE
Decision: PG
Decision Date:

Ref: H/1992/0130
Proposals: NEW SHOP FRONT
Decision: PG
Decision Date:

Ref: H/1993/0487
Proposals: RAMPED ACCESS AND ALTERATIONS TO BROAD STREET ELEVATION INCLUDING NEW WINDOWS AND PROFILED BANDING
Decision: PG
Decision Date:

Ref: LA09/2016/0748/F

Proposals: Proposed erection of a memorial to commemorate the centenary of the 1916 Easter Rising and those who died fighting for Irish Freedom, along with two flag holders and lighting

Decision:

Decision Date:

Ref: H/1977/0206

Proposals: RETAIL PREMISES AND STORES

Decision: PG

Decision Date:

Ref: H/1993/0409

Proposals: ALTS AND ADDS TO EXISTING SHOP AND 2 OFFICES

Decision: PG

Decision Date:

Ref: H/1993/0494

Proposals: NEW SHOP FRONT

Decision: PG

Decision Date:

Ref: H/1993/0570

Proposals: NEW BUS TERMINAL AND OFFICES AND RETAIL SHOP UNITS

Decision: PG

Decision Date:

Ref: H/1998/0393

Proposals: NEW BUS TERMINAL, OFFICES AND ASSOCIATED BUS PARKING

Decision: PG

Decision Date:

Ref: LA09/2019/0782/F

Proposals: Upgrade works to depot these includes surfacing, lighting, parking, pedestrian lining, alterations to existing platform and installation of pollards.

Decision: PG

Decision Date: 03-SEP-19

Ref: LA09/2018/0937/A

Proposals: 2 no projecting signs to bus station

1 no totem sign to site

1 no free standing sign to site

Decision: CG

Decision Date: 19-SEP-18

Ref: LA09/2019/0249/LDP

Proposals: Re surfacing of alleyways including replacement of existing lighting and provision of one new light to match paving, lights on Broad Street

Decision: PG

Decision Date: 10-JUN-19

Ref: H/1983/0391

Proposals: PUBLIC TOILETS

Decision: PG

Decision Date:

Ref: H/1990/0506

Proposals: CHANGE OF USE FROM COMMERCIAL PREMISES TO MEETING HALL AND ANCILLARY ACCOMMODATION

Decision: PG

Decision Date:

Ref: H/1994/0239

Proposals: ENTRANCE PORCH TO BISTRO

Decision: PG

Decision Date:

Ref: H/1979/0433

Proposals: SITE OF FURNITURE STORE

Decision: PG

Decision Date:

Ref: H/1989/0160

Proposals: CONVERSION OF GROUND FLOOR SHOPS TO RESTAURANT

Decision: PG

Decision Date:

Ref: H/1987/0517

Proposals: ERECTION OF SHOPS AND OFFICES WITH OFFICES OR HEALTH CLUB ABOVE

Decision: PG

Decision Date:

Ref: H/2011/0431/F

Proposals: Proposed shop unit

Decision: PG

Decision Date: 03-JAN-12

Ref: H/1993/0442

Proposals: REINSTATEMENT OF BOMB DAMAGED BANK PREMISES AND EXTENSION

Decision: PG

Decision Date:

Ref: H/1993/0443

Proposals: SIGNS WITH FLOODLIGHTING

Decision: PG

Decision Date:

Ref: H/1991/0047

Proposals: CANOPY ABOVE SERVICETILL

Decision: PG

Decision Date:

Ref: H/1989/0487

Proposals: FLOODLIGHTING

Decision: PG

Decision Date:

Ref: H/1990/0290

Proposals: SERVICETILL SIGN

Decision: PG

Decision Date:

Ref: H/1989/0359

Proposals: ALTS AND ADDS TO BANK PREMISES

Decision: PG

Decision Date:

Ref: H/1991/0048

Proposals: CANOPY ABOVE SERVICETILL (LB CONSENT)

Decision: PG

Decision Date:

Ref: H/1989/0517

Proposals: FLOODLIGHTING(LISTED BUILDING CONSENT)

Decision: PG

Decision Date:

Ref: H/1989/0360

Proposals: ALTS AND ADDS TO BANK PREMISES (LISTED BUILDING CONSENT)

Decision: PG

Decision Date:

Ref: H/1990/0291

Proposals: SERVICETILL SIGN(LISTED BUILDING CONSENT)

Decision: PG

Decision Date:

Ref: H/1993/0441

Proposals: REINSTATEMENT OF BOMB DAMAGED BANK PREMISES AND
EXTENSION TO REAR

Decision: PG

Decision Date:

Ref: H/2003/1103/F

Proposals: Storage unit for existing off-licence.

Decision: PG

Decision Date: 21-SEP-04

Ref: H/2000/0820/F

Proposals: Fire Escape

Decision: PG

Decision Date: 22-FEB-01

Ref: H/2010/0238/F

Proposals: Partial change of use from retail to cafe

Decision: PG

Decision Date: 29-JUN-10

Ref: H/2003/1234/F

Proposals: Alterations to existing retail units with existing use retained.

Decision: PG

Decision Date: 23-MAR-04

Ref: H/1984/0259

Proposals: ILLUMINATED SHOP SIGN

Decision: PG

Decision Date:

Ref: H/1975/0377

Proposals: STAFF ROOMS

Decision: PG

Decision Date:

Ref: H/2000/0049/F

Proposals: 5 no. CCTV Cameras For Town Security Positioned As Shown On Location
Map And Fixed To Standards At A Height Of 7.5 Metres

Decision: PG

Decision Date: 11-SEP-00

Ref: H/2007/0974/F

Proposals: Alterations & Extension To Existing Rectory And Alterations to Outbuildings

Decision: PG

Decision Date: 18-AUG-08

Ref: H/1977/0297

Proposals: TEMPORARY MARKET AREA

Decision: PR

Decision Date:

Ref: H/1977/0236

Proposals: SITE OF DWELLING

Decision: PR

Decision Date:

Ref: H/1977/0121

Proposals: SITE OF MARKET AREA FOR SALE OF GOODS

Decision: PR

Decision Date:

Ref: H/1979/0546

Proposals: SITE OF 2 SHOPS WITH 3 FLATS OVER

Decision: PG

Decision Date:

Ref: H/1982/0267

Proposals: THREE SHOP UNITS, BAR/OFF LICENCE STORAGE, 1ST FLOOR
OFFICES AND CHANGE

Decision: PG

Decision Date:

Ref: H/1990/0429

Proposals: EXTENSION TO SUPERMARKET

Decision: PG

Decision Date:

Ref: H/1980/0286

Proposals: CHANGE OF USE FROM DOMESTIC RESIDENTIAL TO RESIDENTIAL
HOME FOR THE MENT

Decision: CROWN

Decision Date:

Ref: H/1983/0028

Proposals: CHANGE OF USE OF VACANT DWELLING HOUSE TO RESIDENTIAL
HOME

Decision: WITHDR

Decision Date:

Ref: H/1998/0292

Proposals: EXTENSION TO EXISTING SUPERMARKET TO PROVIDE ADDITIONAL SALES AND STORAGE AREA

Decision: PG

Decision Date:

Ref: H/2003/0744/F

Proposals: Alterations and Additions to existing Supermarket

Decision: PG

Decision Date: 24-OCT-03

Ref: H/1991/0341

Proposals: EXTENSION TO SUPERMARKET

Decision: PG

Decision Date:

Ref: H/2004/0562/F

Proposals: Erection of Detached Store in Car Park for Storage of Home Deliveries.

Decision: PG

Decision Date: 23-AUG-04

Ref: H/2000/0662/F

Proposals: Relocation of existing vehicular access to car park and service yard

Decision:

Decision Date:

Ref: LA09/2020/1510/F

Proposals: Proposed new pedestrian access to front of existing supermarket.

Decision: PG

Decision Date: 04-JAN-22

Ref: H/1974/0371

Proposals: BUILDERS STORE (AMENDED RESERVED MATTERS)

Decision: PG

Decision Date:

Ref: H/2008/0212/Q

Proposals: Development of a small section of their land to provide dwelling for a family member

Decision: 300

Decision Date:

Ref: LA09/2022/0266/TPO

Proposals: Remedial tree works to protected trees

Decision: WTPOG

Decision Date: 04-MAY-22

Ref: H/2009/0606/O

Proposals: Site of 10-bed residential care home

Decision: PG

Decision Date: 25-JAN-10

Ref: H/2004/1149/O

Proposals: Site of 10 Bed Residential Care Home

Decision: PG

Decision Date: 04-DEC-06

Ref: H/2012/0361/F

Proposals: Construction of 14 no self contained supported/social housing units with staff accommodation and communal facilities

Decision: PG

Decision Date: 28-MAR-13

Ref: LA09/2023/0207/LBC

Proposals: Alteration to external signage including; replacement of existing blue individual letters sign with new individual purple letters sign and button logo, replacement of bus stop sign with new illuminated projecting sign, replacement of blue ATM signage with purple, replace mandatory signage blue panels with purple and new window vinyl. External works also include repainting the blue window deterrent spikes with black.

Internal works include new fittings, furniture and finishes

Decision: CG

Decision Date: 05-MAY-23

Ref: LA09/2024/0913/LBC

Proposals: Proposed alteration to the existing ATM aperture and replacement of the existing ATM with new model ATM

Decision: CG

Decision Date: 11-NOV-24

Ref: LA09/2023/0196/A

Proposals: Replace existing blue individual shop sign and button logo with individual letter purple sign and logo. Replace existing blue bus stop sign with purple bus stop sign. New internally mounted digital display screen. Replace ATM blue signage with purple signage. New vinyl manifestations to existing windows

Decision: CG

Decision Date: 05-MAY-23

Ref: H/1983/0001

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: H/1989/0080

Proposals: SITE OF BUNGALOW

Decision: PR

Decision Date:

Ref: H/1981/0008

Proposals: EXTENSION TO PUBLIC HOUSE

Decision: PG

Decision Date:

Ref: H/1994/0015

Proposals: CHANGE OF USE TO COMMERCIAL DEVELOPMENT

Decision: PG

Decision Date:

Ref: H/1981/0400

Proposals: CONVERSION OF DWELLING INTO TWO FLATS

Decision: PG

Decision Date:

Ref: H/1983/0176

Proposals: CONVERSION OF VACANT DWELLING AND SHOP TO SNOOKER ROOM AND FLAT

Decision: PR

Decision Date:

Ref: H/1981/0399

Proposals: CHANGE OF USE FROM SHOP TO HOT FOOD BAR

Decision: WITHDR

Decision Date:

Ref: H/1992/0031

Proposals: 4 DWELLING UNITS (LISTED BUILDING)

Decision: PG

Decision Date:

Ref: H/1993/0034

Proposals: 4 NO APARTMENTS

Decision: PG

Decision Date:

Ref: H/1993/0035

Proposals: 4 NO APARTMENTS (LISTED BUILDING CONSENT)

Decision: PG

Decision Date:

Ref: H/1992/0030

Proposals: 4 DWELLING UNITS

Decision: PG

Decision Date:

Ref: H/1982/0193

Proposals: CONVERSION OF SHOP AND DWELLING INTO 2 FLATS

Decision: PG

Decision Date:

Ref: H/2002/0376/F

Proposals: Change of Use to Betting Shop & Internal Refurbishment.

Decision: PG

Decision Date: 08-OCT-02

Ref: H/1996/0014

Proposals: CHANGE OF USE TO FAST SERVICE DINER

Decision: PG

Decision Date:

Ref: H/2002/0375/A

Proposals: Shop Sign - Stanley Racing

Decision: CG

Decision Date: 08-OCT-02

Ref: H/1974/0061

Proposals: EXTENSION TO SHOP

Decision: PG

Decision Date:

Ref: H/2005/1132/A

Proposals: Erection of Fascia Shop Sign (Retrospective)

Decision: CG

Decision Date: 03-APR-06

Ref: H/1989/0496

Proposals: CONVERSION FROM 1 SHOP INTO 2 SHOPS

Decision: PG

Decision Date:

Ref: H/1977/0268

Proposals: SITE OF REBUILDING OF SHOP WITH CONVERSION OF OFFICE TO FLAT

Decision: PG

Decision Date:

Ref: H/1981/0184

Proposals: CHANGE OF USE OF GROCER/HARDWARE SHOP TO CHINESE CARRY OUT

Decision: PR

Decision Date:

Ref: H/1981/0397

Proposals: CHANGE OF USE FROM GROCERY SHOP TO CAFE TO TEA ROOMS

Decision: WITHDR

Decision Date:

Ref: LA09/2021/0523/F

Proposals: Retrospective change of use application from yard to beer garden

Decision: PG

Decision Date: 14-APR-22

Ref: H/1990/0297

Proposals: ALTS AND ADD TO LICENCED PREMISES

Decision: PG

Decision Date:

Ref: H/1988/0402

Proposals: ALTERATIONS AND ADDITIONS TO PUBLIC HOUSE

Decision: PG

Decision Date:

Ref: H/2006/0856/F

Proposals: Proposed two and a half storey office development including the demolition of existing single storey store

Decision: PG

Decision Date: 09-JUL-07

Ref: H/1994/0054

Proposals: 2 SHOP UNITS AND OFFICE ACCOMMODATION

Decision: PG

Decision Date:

Ref: H/1992/0146

Proposals: STORE/PREPARATION ROOM TO SERVICE RESTAURANT

Decision: PG

Decision Date:

Ref: H/1986/0107

Proposals: FOOD PREPARATION UNIT

Decision: PG

Decision Date:

Ref: H/1984/0164

Proposals: STORE

Decision: PG

Decision Date:

Ref: H/1984/0165

Proposals: CONVERSION OF DRAPERY SHOP TO HOME BAKERY AND CAFE AT REAR

Decision: PG

Decision Date:

Ref: H/1982/0081

Proposals: CHANGE OF USE OF PREMISES TO HOT FOOD CARRY OUT BAR

Decision: PG

Decision Date:

Ref: H/1982/0255

Proposals: NEW SHOP FRONT AND PROJECTING SIGN

Decision: PG

Decision Date:

Ref: H/2005/0253/F

Proposals: Alterations and Change of Use from storage to 2 self contained 2 bedroom flats

Decision: PG

Decision Date: 14-OCT-05

Ref: H/2009/0197/A

Proposals: 1 No Freestanding Poster Panel 1.8m x 1.2m.

Decision: CG

Decision Date: 01-JUN-09

Ref: H/1993/0543

Proposals: CONVERSION OF PREMISES TO CHINESE RESTAURANT, CARRYOUT & LIVING ACCOMMODATION TO REAR

Decision: PG

Decision Date:

Ref: H/1992/0673

Proposals: CHANGE OF USE FROM OFFICE TO LICENSED RESTAURANT

Decision: PG

Decision Date:

Ref: H/1990/0023

Proposals: RECONSTRUCTION OF PREMISES INCORPORATING 2 NO SHOPS AND OFFICE ACCOMMODATION

Decision: PG
Decision Date:

Ref: H/1991/0429
Proposals: CHANGE OF USE TO TEA/COFFEE SHOP
Decision: PG
Decision Date:

Ref: H/2000/0679/A
Proposals: Business Signs
Decision: CR
Decision Date: 21-JUN-01

Ref: LA09/2021/0789/F
Proposals: Proposed change of business use from optician to an ice cream parlour
Decision: PG
Decision Date: 27-OCT-21

Ref: LA09/2015/0737/F
Proposals: Change of use from opticians to a hot food takeaway; installation of extraction / ventilation equipment and a replacement shopfront
Decision: PG
Decision Date: 25-NOV-15

Ref: H/1978/0310
Proposals: CONVERSION OF GROUND FLOOR OF DWELLING TO SHOP AND EXTENSION TO REAR OF
Decision: PG
Decision Date:

Ref: H/1988/0395
Proposals: CHANGE OF USE FROM STORE TO DROP-IN-CENTRE
Decision: PG
Decision Date:

Ref: H/2014/0427/F
Proposals: Mixed use development incorporating retail unit on ground floor and 8 apartments on first and second floors (change to front elevation and ground floor unit approved under H/2008/0060/F)
Decision: PG
Decision Date: 30-MAR-15

Ref: LA09/2016/0054/A
Proposals: 2 no Shop Signs
Decision: CG
Decision Date: 14-MAR-16

Ref: H/2000/0858/A
Proposals: Advertising hoarding
Decision: CG
Decision Date: 19-JAN-01

Ref: H/2008/0060/F
Proposals: Supermarket on ground floor and 8 number apartments on first and second floors - amended plan
Decision: PG
Decision Date: 20-JAN-09

Ref: H/1977/0101
Proposals: CONVERSION OF SHOP TO BANKING OFFICE
Decision: PG
Decision Date:

Ref: H/1992/0469
Proposals: SIGN
Decision: PG
Decision Date:

Ref: H/1994/0569
Proposals: SHOP EXTENSION AND STORAGE PROVISION
Decision: PG
Decision Date:

Ref: H/1994/0019
Proposals: EXTENSION TO SHOP WITH STORE AT FIRST FLOOR
Decision: PG
Decision Date:

Ref: H/2003/0235/F
Proposals: Store
Decision: PG
Decision Date: 08-JUN-04

Ref: H/2002/1039/F
Proposals: 4 No. Townhouses
Decision: PG
Decision Date: 20-MAY-04

Ref: LA09/2015/0403/A
Proposals: Hoarding
Decision: CG
Decision Date: 18-SEP-15

Ref: H/1999/0577

Proposals: EXTENSION FOR MEETING ROOM AND NEW PUBLIC LIBRARY

Decision: PG

Decision Date: 10-OCT-00

Ref: H/1987/0295

Proposals: THEATRE AND INTERPRATIVE ARTS CENTRE

Decision: PG

Decision Date:

Ref: H/1983/0366

Proposals: RE-ROOFING LISTED BUILDING

Decision: PG

Decision Date:

Ref: H/1988/0343

Proposals: CONVERSION OF BRIDEWELL TO TOURIST INFORMATION AND
INTERPRETIVE ARTS CENTRE PLUS EXTENSION

Decision: PG

Decision Date:

Ref: H/1993/0099

Proposals: CHANGE OF USE TO ART GALLERY AND PICTURE FRAMING(LBC)

Decision: PG

Decision Date:

Ref: H/1993/0098

Proposals: CHANGE OF USE TO ART GALLERY AND PICTURE FRAMING
WORKSHOP

Decision: PG

Decision Date:

Ref: LA09/2017/1196/A

Proposals: Business signage; including signage on South & West Elevations and free
standing sign in front of building

Decision: CR

Decision Date: 05-JUN-19

Ref: LA09/2016/0725/F

Proposals: Proposed alterations to provide new residential apartment above existing
commercial units at 15 - 17 Church Street Magherafelt

Decision: PG

Decision Date: 24-MAY-17

Ref: H/2007/1100/F

Proposals: Mixed use development incorporating ground floor retail units at nos 17 to 21 and first floor office accommodation at nos 17 to 21 and apartment to rear of 17 to 21

Decision: PG

Decision Date: 26-FEB-09

Ref: H/2007/0920/LB

Proposals: Mixed used development incorporating ground floor retail units at 17-21, first floor office accommodation and apartment to rear of 17-21

Decision: CG

Decision Date: 26-FEB-09

Ref: LA09/2015/0996/LBC

Proposals: Internal fit out of 19 with demolition and replacement of rear return for structural reasons

Decision: CG

Decision Date: 03-JUN-16

Ref: LA09/2015/0880/F

Proposals: Proposed new lounge and waiting area with external dining garden, associated toilets and serving area.

Decision: PG

Decision Date: 03-JUN-16

Ref: H/1989/0380

Proposals: ALTS AND ADDS TO RESTAURANT(LISTED BUILDING CONSENT)

Decision: PG

Decision Date:

Ref: H/2012/0255/LBC

Proposals: Change of use from Art Gallery and Gym on 1st floor to Restaurant, work to include removal of stud wall to internal storage areas on ground floor, no change to external finishes

Decision: CG

Decision Date: 31-AUG-12

Ref: H/1989/0039

Proposals: NEW SHOP/POST OFFICE AND EXTENSION TO HOUSE

Decision: PG

Decision Date:

Ref: H/1989/0035

Proposals: CONVERSION OF SHOP TO RESTAURANT

Decision: PG

Decision Date:

Ref: H/1989/0036

Proposals: CONVERSION OF SHOP TO RESTAURANT
(LISTED BUILDING CONSENT)

Decision: PG

Decision Date:

Ref: H/2003/1115/LB

Proposals: Change of use from restaurant premises to ground floor aromatherapy shop and 1st floor gymnasium inclusive of shop frontage alterations.

Decision: CG

Decision Date: 25-AUG-04

Ref: H/1989/0357

Proposals: ADDITIONAL TOILET, STORAGE AREA TO RESTAURANT

Decision: PG

Decision Date:

Ref: H/2003/1114/F

Proposals: Change of use from restaurant premises to ground floor aromatherapy shop and 1st floor gymnasium inclusive of shop frontage alterations.

(Amended proposal).

Decision: PG

Decision Date: 25-AUG-04

Ref: H/2012/0141/F

Proposals: Proposed material change of use from art gallery and gym to restaurant

Decision: PG

Decision Date: 31-AUG-12

Ref: H/1999/0576

Proposals: EXTENSION (L.B. CONSENT) FOR MEETING ROOM AND NEW PUBLIC LIBRARY

Decision: CG

Decision Date: 27-APR-01

Ref: H/1988/0344

Proposals: CONVERSION OF BRIDEWELL TO TOURIST INFORMATION & INTERPRETIVE ARTS CENTRE PLUS EXTENSION

Decision: PG

Decision Date:

Ref: LA09/2021/0600/LBC

Proposals: Proposed Installation of telecoms apparatus (internal cyber) to council site, a part of the full Fibre Northern Ireland project

Decision: CG

Decision Date: 21-JUN-21

Ref: H/2007/0662/LB

Proposals: Proposed repositioning of stone archway structure to accomodate road safety provisions

Decision: CG

Decision Date: 21-NOV-07

Ref: H/1985/0376

Proposals: CONVERSION OF 2 NO FLATS TO ONE NUMBER FLAT

Decision: PG

Decision Date:

Ref: H/1994/0050

Proposals: ALTS AND ADDS TO HAIRDRESSING SALON

Decision: PG

Decision Date:

Ref: H/1989/0516

Proposals: ALTS AND ADDS TO SHOP AND CONVERSION OF DWELLING TO 2 NO FLATS

Decision: PG

Decision Date:

Ref: H/1998/6012

Proposals: RESIDENTIAL APARTMENTS 26 CHURCH STREET MAGHERAFELT

Decision: PRENC

Decision Date: 18-MAR-98

Ref: LA09/2019/1572/F

Proposals: Proposed demolition of existing commercial premises and redevelopment to provide new Credit Union Building

Decision: PG

Decision Date: 01-MAY-20

Ref: H/2013/0078/F

Proposals: Redevelopment to provide a 2 storey research and development and office building with improved access

Decision: PG

Decision Date: 19-AUG-13

Ref: H/1979/0629

Proposals: CHANGE OF USE OF SHOP TO SHOP SELLING HOT FOOD

Decision: PR

Decision Date:

Ref: H/1983/0452

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE AND SHOP

Decision: PG
Decision Date:

Ref: H/1989/0096
Proposals: ALTERATIONS TO CAFE AND SHOP
Decision: PG
Decision Date:

Ref: H/1975/0434
Proposals: SITE OF CONVERSION OF STORE TO SURGERY
Decision: PG
Decision Date:

Ref: H/1987/0232
Proposals: CONVERSION FROM PUBLIC HOUSE TO SHOP & IMPROVEMENTS TO
DWELLING ACCOMMODATION
Decision: PG
Decision Date:

Ref: LA09/2017/1673/LDE
Proposals: Rear yard smoking shelter and rear bar store converted to small kitchen for
the Terrace Hotel
Rear bar store converted to small kitchen for the Terrace Hotel
Decision: PG
Decision Date: 25-JAN-18

Ref: H/2001/0648/F
Proposals: Hotel
Decision: PG
Decision Date: 18-DEC-01

Ref: LA09/2017/0468/LDP
Proposals: Proposed relocation of existing bar serving counter within the basement
restaurant with no additional floor space
Decision: PG
Decision Date: 03-MAY-17

Ref: H/2002/1022/F
Proposals: Alteration to Existing Approval H/2001/0648/F, converting external courtyard
to internal courtyard, relocating kitchen to external wall, increasing size of kitchen and
Toilets.
Decision: PG
Decision Date: 18-MAR-03

Ref: H/2000/0739/F
Proposals: Alterations and Additions to Licensed Premises

Decision: PG
Decision Date: 21-NOV-00

Ref: H/2007/1063/F
Proposals: Proposed change of use from existing rear yard to proposed smoking area
Decision:
Decision Date:

Ref: H/1979/0586
Proposals: ILLUMINATED PROJECTING SIGN
Decision: PG
Decision Date:

Ref: H/1976/0289
Proposals: PROJECTING SIGNS
Decision: PG
Decision Date:

Ref: H/1980/0118
Proposals: SITE OF 2 SELF-CONTAINED FLATS OVER REAR OF LICENCED PREMISES
Decision: PG
Decision Date:

Ref: H/1975/0239
Proposals: SITE OF RE-BUILDING OF BOMB DAMAGED LICENSED PREMISES
Decision: PG
Decision Date:

Ref: H/1993/6105
Proposals: EXTENSION TO PREMISES UNION ROAD MAGHERAFELT
Decision: QL
Decision Date:

Ref: H/2006/0880/A
Proposals: Externally illuminated individual letters/logo. Externally illuminated projecting sign on fascia. Welcome/security/ATM signage
Decision: CG
Decision Date: 28-DEC-06

Ref: H/2004/0980/LB
Proposals: Provision of new external ramp, steps and handrail to provide DDA compliant access to Bank. Provision of new external lights at ramp, step and entrance.
Decision: CG
Decision Date: 03-FEB-05

Ref: H/2006/0883/LB

Proposals: Remove & replace as per corporate image externally illuminated individual letters/logo. Externally illuminated projecting sign on fascia. Welcome/security/ ATM signage.

Decision: CG

Decision Date: 28-DEC-06

Ref: H/2004/0981/F

Proposals: Provision of new external ramp, steps and handrail to provide DDA compliant access to Bank. Provision of new external lights at ramp, steps and entrance.

Decision: PG

Decision Date: 22-SEP-05

Ref: H/2005/0366/A

Proposals: Internally illuminated tablet with raised logo and push text

Decision: CG

Decision Date: 21-OCT-05

Ref: H/2005/0485/LB

Proposals: Internally illuminated tablet sign with raised logo and push through text 2 x signs either side of door W 250mm H 625mm. New Internally illuminated projection sign New ATM surround to match signage.

Decision: CG

Decision Date: 14-DEC-05

Ref: H/1993/0456

Proposals: EXTENSION TO EXISTING BAR INTO ADJACENT SHOP UNIT AND REFURBISHMENT OF FRONTAGE AND ROOF

Decision: PG

Decision Date:

Ref: H/1989/0176

Proposals: ALTS AND ADDS TO LICENCED PREMISES AND SHOPS

Decision: WITHDR

Decision Date:

Summary of Consultee Responses

Historic Environment Division (HED)-

DFI Roads - Enniskillen Office-DfI Roads do not offer an objection.

Informative

The applicant should contact the local DfI Roads Maintenance Section in order that an agreement may be reached regarding any physical works associated with the proposal (if any) that impacts on the public road or footway

Drawing Numbers and Title
Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02 Existing Elevations Plan Ref: 03
Notification to Department (if relevant)
Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0992/O	Target Date: <add date>
Proposal: Proposed dwelling and domestic garage	Location: Site 150m West of 115 Clonavaddy Road Aghnagar Cappagh Dungannon
Applicant Name and Address: Plunkett Nugent 126 Goland Road Ballygawley BT70 2LB	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: This application is one of 2 such applications for dwellings in substitution for sites that were approved on the A4 road line and were not built. One application was withdrawn to pursue this as a farming case. There is no policy to allow for this substitution, a considerable amount of time has passed and a farming cases was proposed but has not been provided for consideration.	
Summary of Consultee Responses: DFI Roads - provided standards for safe access	
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

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.

Deferred Consideration:

This application was before the Planning Committee in December 2020 where it was deferred for meeting with Dr Boomer to discuss the issues. At a meeting on 20 January the applicant had some difficulty joining online but was able to confirm he was aware of the issues and what was required. The application was brought back to Committee in October 2023 where it was deferred for as a new agent had been appointed and additional information was to be submitted. A reminder was issued in October 2024 and to date no new information has been submitted for consideration.

In light of the above and as set out in the previous reports it is my recommendation that planning permission is refused for this proposal.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this is an established and currently active farm and a dwelling if approved would not be sited to cluster or visually link with a group of buildings on a farm.

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: LA09/2020/0992/O	Target Date: <add date>
Proposal: Proposed dwelling and domestic garage	Location: Site 150m West of 115 Clonavaddy Road Aghnagar Cappagh Dungannon
Applicant Name and Address: Plunkett Nugent 126 Goland Road Ballygawley BT70 2LB	Agent Name and Address:
Summary of Issues: This application is one of 2 such applications for dwellings in substitution for sites that were approved on the A4 road line and were not built. There is no policy to allow for this substitution, a considerable amount of time has passed and a farming cases was proposed but is unable to be approved at this time.	
Summary of Consultee Responses: DFI Roads - provided standards for safe access	
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

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.

Deferred Consideration:

This application was before the Planning Committee in December 2020 where it was deferred for meeting with Dr Boomer to discuss the issues. At a meeting on 20 January the applicant had some difficulty joining online but was able to confirm he was aware of the issues and what was required.

Members will see from the previous case officer report this application was submitted as a substitution for a site which was on the line of the now constructed A4 dual carriageway near Goland Road, Balygawley. This is one of 2 applications that were submitted, the other (LA09/2020/0991/O) has been withdrawn with the applicant wishing to pursue this site. Members will be aware that in some cases a substitution of a site may be acceptable where it is within the time commencement period of an extant permission or planning permission has lawfully commenced on a site. In those cases, it is usually close to the original site and there are clearly justifiable reasons why the original cannot be built. This proposal is approx. 7.5kms from the previously approved site and there is no indication that a carte blanche acceptance of alternative sites would be forthcoming. While the applicant feels there was some agreement that alternatives would be accepted, there does not appear to be any records to advise this site would have been suitable. The applicant has advised he did not receive market value for the 2 sites but instead received only agricultural value for the lands. He provided information from DFI Roads – Lands Branch detailing the compensation that was awarded which was broken into land/property cost, injury to retained land and disturbance/temporary injurious affection. From the amounts set out it is clear the applicant did receive agricultural costs for the land however the more considerable injury to retained land costs may be a reflection of the value of the sites. This information can be provided to members in closed session if necessary.

Following further discussions with the applicant it appeared there may have been a farming case to be considered under CTY10. The applicant advised he has owned the lands here for a considerable time. Conacre agreements for years 2019 – 2022 were submitted, however no further information about the works carried out to keep the land in good agricultural condition were provided. The applicant advised that round bales were stored on the land. I visited the site and it is clear there is no current agricultural activity taking place on the lands. All the lands have been scraped back and soil stockpiled on them. I explained to the applicant that it did not appear that the farm is currently active and established and afforded the opportunity to provide additional information to establish the 6 years for farming and resoil the lands to allow it to be used for agricultural activity. This has not been done and as such I do not consider this is a currently active and established farm. No sites have been sold off the farm at this location that I am aware of. I do not have any other information about all the lands that may be owned by Mr Nugent to make the necessary checks. Therefore I cannot with certainty advise if there are any opportunities

sold off or other permissions granted within the last 10years. There is a large building to the east of the application site, which is set well back from the road and there is an appreciation of separation between the proposed site and that building. That said it is only one building and not a group of buildings. A dwelling on this site would not be sited to cluster with or visual link with an existing group of buildings on the farm.



Site viewed from west



Building on adjacent land

In light of the above it is my recommendation that planning permission is refused for this proposal.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this

development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this is an established and currently active farm and a dwelling if approved would not be sited to cluster or visually link with a group of buildings on a farm.

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: LA09/2020/0992/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

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: LA09/2020/1387/O	Target Date: <add date>
Proposal: Dwelling and Domestic Garage	Location: Site 40m East of 26 Washingbay Road Coalisland
Applicant Name and Address: Mr Declan McClure 26 Washingbay Road Coalisland	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: This application is for a new dwelling in the settlement limits of Coalisland. The access to serve the site is substandard and requires upgrading. The applicant refers to another site that was approved and did not require the upgrade. Amendments have been requested no details have been provided.	
Summary of Consultee Responses: DFI Rivers - development not inside 1 in 100 year flood area DFI Roads – could stop up lane and provide new access for some of the houses of the lane	
Characteristics of the Site and Area: The site is located within the development limits of Coalisland, as defined in the Dungannon and South Tyrone Area Plan 2010 situated between the Annagher Road and Washing Bay Road to the north and south of the site respectively. It is a square shaped plot measuring approx. 0.2 hectares and comprising of a large agricultural field located to the East of no 26 Washingbay Rd. It is proposed to be accessed from the Washingbay Rd via an existing access and shared laneway. The site is currently bounded mainly by existing post and wire fencing with scattered	

trees along the boundary also. The site has a gradual incline from the south of the site towards the north. Lands at either side of the site are hatched blue indicating ownership. Whilst the is located within settlement limit of Coalisland, to the west is The Mills, a medium density housing development, as the lands within this zoning are largely undeveloped the area retains a rural feel overlooking agricultural lands on the outskirts of the town with a farm located just north of the site.

Description of Proposal

Outline planning permission is sought for a dwelling and domestic garage.

Deferred Consideration:

This application was before the Planning Committee on 2 March 2021 with a recommendation to refuse due to road safety concerns. At the meeting it was deferred for a meeting with the Planning Manager and at a meeting in March 2021 the agent was advised to enter discussion with DFI Roads to improve the laneway.

Members are advised the access off the existing lane is substandard as the required sight lines and turn in radii are not in situ. The proposal is intensifying the use of the lane and so Policy AMP2 indicates this must be upgraded. Planning permission was granted for a dwelling without requiring the upgrade of the access, this should have been requested and wasn't. Members are advised to allow another dwelling would compound the issues further.

A revised plan was submitted for a lane to serve this development. DFI Roads have no concerns in principle about this, however they wish to see details of the impacts on a bridge parapet wall before they can advise further. (Fig 1)



Fig 1 Revised Plan

Additional information was requested to show this in September 2023 and December 2023 and nothing has been provided. The applicant changed agent in June 2024 and despite a request to engage with the Planning Office in October 2024, no further information has been provided.

As it has not been demonstrated that a safe access can be achieved to serve this development the application is recommended for refusal.

Conditions/Reasons for Refusal:

- 1) The proposal is contrary to Planning Policy Statement 3 – Policy AMP 2 in that it has not been demonstrated a safe access can be provided to serve this development, the existing access road is not of an adequate standard to provide for additional dwellings in accordance with the provisions of Creating Places or DCAN 15 Vehicle access standards and if the dwelling were permitted it would further erode high way safety.

Signature(s)

Date:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1387/O	Target Date:
Proposal: Dwelling and Domestic Garage	Location: Site 40m East of 26 Washingbay Road Coalisland
Referral Route: Contrary to DfI Roads	
Recommendation:	Refusal
Applicant Name and Address: Mr Declan McClure 26 Washingbay Road Coalisland	Agent Name and Address: McKeown and Shields 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	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

There were no representations received in relation to the proposal.

Characteristics of the Site and Area

The site is located within the development limits of Coalisland, as defined in the Dungannon and South Tyrone Area Plan 2010 situated between the Annagher Road and Washing Bay Road to the north and south of the site respectively. It is a square shaped plot measuring approx. 0.2 hectares and comprising of a large agricultural field located to the East of no 26 Washingbay Rd. It is proposed to be accessed from the Washingbay Rd via an existing access and shared laneway.

The site is currently bounded mainly by existing post and wire fencing with scattered trees along the boundary also. The site has a gradual incline from the south of the site towards the north. Lands at either side of the site are hatched blue indicating ownership. Whilst the is located within settlement limit of Coalisland, to the west is The Mills, a medium density housing development, as the lands within this zoning are largely undeveloped the area retains a rural feel overlooking agricultural lands on the outskirts of the town with a farm located just north of the site.

Description of Proposal

Outline planning permission is sought for a dwelling and domestic garage.

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: 1, 2, 3, 4, 5, 6 The Mills and 16, 19, 24, 26, 38 Washingbay Road. At the time of writing, no third party representations have been received.

Planning History

LA09/2019/0869/O - Site to the rear and North of 24 Washingbay Road, Lower Annagher, Coalisland - Proposed dwelling & domestic garage – PERMISSION GRANTED



Historical Approval – LA09/2019/0869/O

The above application relates to the most recent dwelling approved of the laneway proposed to serve the site, which is located NW of this application site. There is extensive history associated with the lands surrounding the site, relating to the Mills housing development and other development accessed off this lane. There is no other relevant planning history associated with this application site.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 7: Quality Residential Environments
- PPS 7 (Addendum) – Safe Guarding the Character of Established Residential Areas
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy
- Creating Places
- DCAN 8: Housing in Existing Urban Areas
- DCAN 15: Vehicular Access Standards

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

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

Dungannon and South Tyrone Area Plan is the extant Plan for the area and identifies the site as being within the settlement limits for Coalisland of Annagher Road and north of Washing Bay Road.

The proposal is for a dwelling and domestic garage. Details surrounding the design of the dwelling and garage have not been submitted as this application relates to outline planning consent only, however I find no reason why a modest sized dwelling could not be designed to respect the surrounding context and character of this area whilst remaining respectful in terms of layout, size and scale. In considering the surrounding context, there is a diverse mix of dwellings surrounding the site. In considering the surrounding context, there is an eclectic mix of dwelling sizes and designs.

There are no protected archaeological or built heritage features identified within the site or its surrounding setting and thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests. The proposal has no existing boundaries in terms of landscaping, however a landscaping scheme can be requested for further considered under any subsequent reserved matters application. Adequate private open space should be provided as part of the RM application. As the proposal is for a single dwelling and garage, it is considered that it would be unnecessary and inappropriate to ask the developer to provide additional neighbourhood facilities. The proposal would not significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

The site accesses onto the Washingbay Rd whereby footpaths link the development to services located within Coalisland and Clonoe. The location of this site within Coalisland allows for sustainable methods of travel for pedestrians and public transport users. Any potential issues surrounding parking and design would be identified at Reserved Matters stage subsequent to any planning approval. Given the dimensions of the site which are similar to the plots along the laneway at present, adequate in-curtilage parking for 2 vehicles could be accommodated. DFI Roads have raised no concerns in respect of parking. There is a mix of land uses in this area, with a substantial amount of the adjacent land uses being used for residential purposes, therefore it is not considered that there would be a conflict of land uses.

In terms of overlooking, loss of light and overshadowing, I consider that a dwelling could be designed at a proportionate size, scale and height to avoid causing any significant detrimental impact on neighbouring amenity. The proposal is within the settlement limits

of Coalisland and I have no reason to believe there would be any reasons why crime or personal safety would be an issue at this site.

The site is proposed to be accessed off the Washingbay Rd via an existing access and shared laneway with 6 other dwellings 5 within the settlement limits of Coalisland, with 1 just outside and 1 live outline planning approval. DFI Roads have been consulted and as detailed further below, advised roads servicing in excess of 5 units as is the case here should be brought up to adoptable standards. They also advised of the excessive width at the laneway entrance to the site and potential for piecemeal development. DFI Roads have advised that if the access is utilised correctly then the visibility splays are in situ, subsequently I think it is reasonable to approve this application. In terms of piecemeal development, I believe there is limited opportunity for further housing to be accessed off this lane. Adequate in-curtilage parking for 2 vehicles could be accommodated. I am therefore content that this proposal is in compliance with the policy provisions of PPS 3.

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

DFI Roads were consulted in relation to the access arrangement to the site and referred to their previous response for a similar type of application, LA09/2020/0869/O. This previous application was subsequently put to committee and was approved as an exception to policy. DFI stated the proposed site is situated within the settlement limits at Lands South of Annagher Road and North of Washing Bay Road, as illustrated in the Dungannon and South Tyrone Area Plan 2010. The section of access laneway within the settlement limits, appears to be currently serving five units and one additional single unit, outside the limit. Roads serving more than five dwellings must be determined in accordance with the Private Streets Order and the Layout of the Housing Roads design guide, "Creating Places". They have noted that they could not recommend approval for this application either given that it would be contrary to DCAN 15 and the guidance held within it relating to requirements of the Private Streets Order. Creating Places notes that all access roads serving new residential developments in excess of 5 dwellings will normally need to be designed and constructed to adoptable standards. This application would be the seventh dwelling located along this laneway taking into account the current live application and we are of the opinion that we cannot continue to allow further development to access of this laneway.

DFI advised that the approval of this proposal would exceed criteria where a road servicing in excess of 5 units should be designed in accordance with Creating Places. They noted in their previous response for LA09/2019/0869/O that the Council should consider the implications of any approval and the potential for further piecemeal development / applications being serviced via this un-adopted road. Their site inspection indicated an excessive width at the laneway entrance to the site of 13.5m. That visibility splays to the west comply with DCAN15, however visibility splays to the east vary due to possible points a vehicle can exit the laneway. Visibility splays of 2.4m x 60m are achievable if the distance is measured from 2m of the westerly point of the access however visibility splays of only 2.4m x 27.8m is achievable if the distance is measured from 2m of most easterly point of the access. Due to current design widths there is no

physical restraint to prevent vehicles exiting the entrance at the most easterly point, which could compromise road safety.	
Neighbour Notification Checked	Yes
Summary of Recommendation: Given the road safety concerns provided by DfI Roads, the proposal is recommended for refusal.	
Reasons for Refusal: 1. The road is not of an adequate standard to provide for additional dwellings in accordance with the provisions of Creating Places or DCAN 15 Vehicle access standards and if erected would further erode high way safety.	
Signature(s) Date:	

ANNEX	
Date Valid	6th November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 The Mills, Coalisland, Tyrone, BT71 4UB The Owner/Occupier, 16 Washingbay Road, Coalisland, Tyrone, BT71 4PU The Owner/Occupier, 19 Washingbay Road, Coalisland, Tyrone, BT71 4PU The Owner/Occupier, 2 The Mills, Coalisland, Tyrone, BT71 4UB The Owner/Occupier, 24 Washingbay Road, Coalisland, Tyrone, BT71 4PU The Owner/Occupier, 26 Washingbay Road, Coalisland, Tyrone, BT71 4PU The Owner/Occupier, 3 The Mills, Coalisland, Tyrone, BT71 4UB The Owner/Occupier, 38 Washingbay Road, Coalisland, Tyrone, BT71 4PU The Owner/Occupier, 4 The Mills, Coalisland, Tyrone, BT71 4UB The Owner/Occupier, 5 The Mills, Coalisland, Tyrone, BT71 4UB The Owner/Occupier, 6 The Mills, Coalisland, Tyrone, BT71 4UB	
Date of Last Neighbour Notification	4th December 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1340/F Proposal: Alterations of "The Mills" housing development entrance, Washingbay Road, Coalisland as approved in M/2009/0954/F Address: The Mills Washingbay Road, Coalisland, Decision: Decision Date:	

Ref ID: LA09/2019/0869/O

Proposal: Proposed dwelling & domestic garage.

Address: Site to the rear and North of 24 Washingbay Road, Lower Annagher, Coalisland.,

Decision: PG

Decision Date: 20.08.2020

Ref ID: LA09/2020/1387/O

Proposal: Dwelling and Domestic Garage

Address: Site 40m East of 26 Washingbay Road, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2019/0781/F

Proposal: Removal of condition 3 from Planning Approval M/1978/0567.

Address: 26 Washingbay Road, Coalisland, BT71 4PU.,

Decision: PG

Decision Date: 11.09.2019

Ref ID: M/2000/1002/O

Proposal: Site for retirement dwelling

Address: Adjacent to 32 Washingbay Road Coalisland

Decision:

Decision Date: 15.02.2001

Ref ID: M/1979/0249

Proposal: RESIDENTIAL DEVELOPMENT

Address: LOWER ANNAGHER, COALISLAND

Decision:

Decision Date:

Ref ID: M/2012/0579/O

Proposal: Proposed Dwelling and Garage

Address: 30m South of 32 Washingbay Road, Coalisland,

Decision: PG

Decision Date: 08.01.2013

Ref ID: M/2013/0186/RM

Proposal: Proposed dwelling and garage

Address: 30m South of 32 Washingbay Road, Coalisland,

Decision: PG

Decision Date: 23.08.2013

Ref ID: M/1975/0203
Proposal: ERECTION OF A SEWAGE PUMPING STATION
Address: ANNAGHER, COALISLAND
Decision:
Decision Date:

Ref ID: M/2007/1520/Q
Proposal: Alternative Access for proposed housing development
Address: Washingbay Road, Coalisland
Decision:
Decision Date:

Ref ID: M/1998/0343
Proposal: Erection of 6 No. Dwellings and construction of new
roadway and alteration to existing roadway
Address: WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1995/0594
Proposal: Erection of Replacement Dwelling
Address: APPROX 60M EAST OF 32 LOWER ANNAGHER COALISLAND
Decision:
Decision Date:

Ref ID: M/1995/0594B
Proposal: Proposed two storey dwelling
Address: APPROX 60M EAST OF 32 LOWER ANNAGHER COALISLAND
Decision:
Decision Date:

Ref ID: M/1990/0317B
Proposal: Erection of dwelling
Address: APPROX 150M WEST OF NO 28 WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1990/0317
Proposal: Dwelling
Address: APPROX 150M WEST OF 28 WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1992/0210
Proposal: Site for Dwelling
Address: ADJACENT TO NO 24 WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1978/0567
Proposal: RETIREMENT DWELLING
Address: WASHINGBAY ROAD, ANNAGHER
Decision:
Decision Date:

Ref ID: M/1986/0354
Proposal: BUNGALOW
Address: WASHINGBAY ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/2011/0419/F
Proposal: Extension of time on condition 1 currently 6 months up to 18 months to allow time for completion of legal documentation prior to works commencing on site.
Address: Site entrance serving The Mills Housing Development Washingbay Road Coalisland.,
Decision:
Decision Date: 07.12.2011

Ref ID: M/1990/4100
Proposal: Alterations to dwelling
Address: 28 WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/2009/0954/F
Proposal: Alt. to entrance of existing "The Mills" Housing Development, Washingbay Road, Coalisland to include the demolition and repositioning of existing entrance wall to the left side of development entrance.
Address: Site Entrance serving "The Mills" Housing Development, Washingbay Road, Coalisland
Decision:
Decision Date: 08.02.2011

Ref ID: M/1999/0170
Proposal: Proposed Extension to Dwelling
Address: ANNAGHER MILLS LOWER ANNAGHER COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0042

Proposal: 33/11 KV system improvement (Part 5)

Address: CULLION, EDENDORK, DERRY, BRACKAVILLE, ANNAGHER GORTGONIS
DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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: LA09/2020/1533/F	Target Date: <add date>
Proposal: Retention of steel framed building with cladded roof for storage for the public house. (Amended Proposal)	Location: 9-10 The Square Moy Co Tyrone BT71 7SH.
Applicant Name and Address: Mr Barry McNeice 8 The Square Moy BT71 7SH	Agent Name and Address: Paul Douglas 16 Collegelands Road Charlemont Moy BT71 7SE
Summary of Issues: This application was submitted for the retention of change of use of lands to rear of existing public house to beer garden including steel framed building with cladded roof sitting area with acoustic fence to perimeter. The proposal has been amended to remove the beer garden element of the proposal and retain the existing steel framed building as a store associated with the public house. Objections were received to the original proposal and are laid out in the previous report to the committee. One further letter of objection has been received to the revised proposal's now under consideration. The building is not out of character and if used for store is unlikely to result in intensification of the use of a substandard access or adversely impact on residential amenity.	
Summary of Consultee Responses: DfC HED – due to the distance and on site characteristics, no concerns offered about impacts on listed buildings MUDC Environmental Health – no concerns if no plant or cooling equipment in the building DFI Roads - confirmation of any traffic being generated by the building, access (onto Brick Lane) is substandard	

Characteristics of the Site and Area:

The site is located in The Square in the settlement limit of Moy and also within the Moy conservation area, as defined in the Dungannon and South Tyrone Area Plan 2010. The site is located in a row of three-storey buildings that face onto a car parking area, The Square, in the Moy. The surrounding area has a mix of residential and retail/service uses such as beauty salon, antiques shop and restaurants.

The application site is a Grade 2 Listed building and is a three-storey mid terrace property with a pitched roof with natural slate tiles, a smooth render with a painted finish external walls and softwood painted sliding sash windows. The site is currently a public bar 'Tomneys' with the bar on the ground floor and living accommodation on the upper floors of the building.

The site also includes a long narrow rear garden area which has been laid in decorative stone, and D rail fencing along the sides and also separating off particular areas. There are a number of picnic tables in the upper part which is now used as a smoking area for the associated bar.

The site slopes from the roadside North to the rear and the rear portion of the site houses a large steel framed structure which is the subject of this revised proposal.

Description of Proposal

Retention of steel framed building with cladded roof for storage for the public house.
(Amended Proposal)

Deferred Consideration:

This application was before the Planning Committee in June 2021 where it was deferred to allow the submission of acoustic reports which were under preparation. Since then the application has been amended with provision of additional acoustic barriers and finally the submission that is currently before the members for the retention of the steel framed building as a store for the public house.

Following the receipt of the current amended plans, the application was re-advertised in a local paper and the neighbours and other objectors were notified about the amended scheme. One additional letter of objection was received which raises issues in relation to how the use of the building will be controlled and that it will eventually be used for entertainment purposes. They also raise questions about access to the store as there is a gate beside their property which if used to service the site would adversely impact on their property and own access.

The building is located within the Settlement Limits of Moy where SETT1 policies in the Dungannon and South Tyrone Area Plan (the extant plan for the area) are in place. SETT1 is permissive and allows development provided it does not have adverse impacts on the appearance of the area, amenity of existing development other recognised conservation interests and has suitable arrangements for access, parking and sewage disposal. The site is also within Moy Conservation Area where Policy BH12 is a relevant consideration. There are a number of criteria in SETT1 and BH12 that are similar.

Historic Environment Division have assessed the proposal and given its location at the end of the long garden and sitting lower in the landscape, have no concerns the proposal

will adversely impact on Listed Buildings. The building is located within the Moy Conservation Area and is well enclosed by other development and existing vegetation. A glimpse of the roof is achievable from Diamond Court, the residential development to the west. From here the building is seen with other back land development and it has a simple style and appearance that I do not consider is out of character with this area. (fig 1)

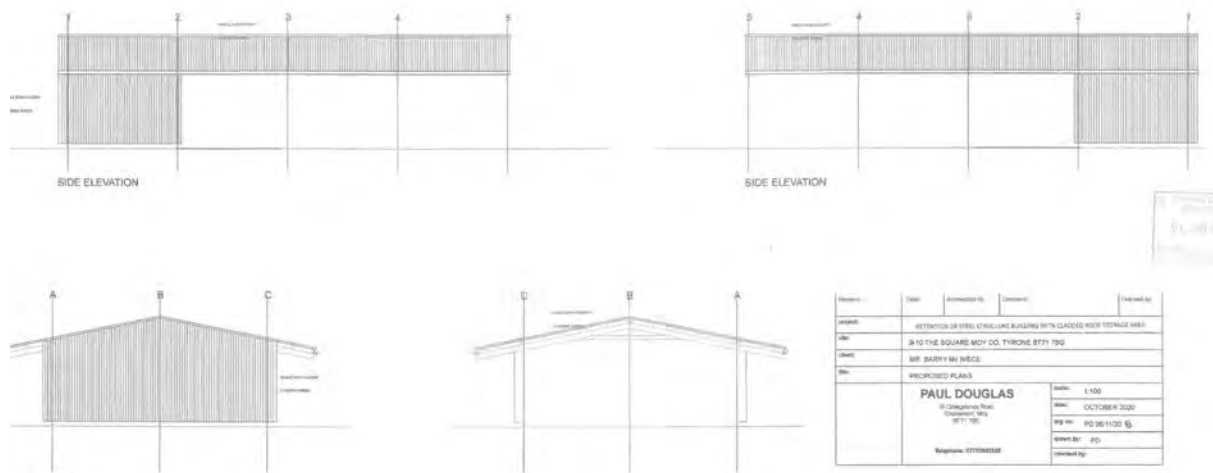


Fig 1 – proposed building

Access to the rear of the bar and the shop was already existing off Brick Lane and has been in place since before 2016, as can be seen on the attached aerial photograph (Fig 2). As this has been in place for over 5 years it is immune from enforcement action. DFI Roads advised the access is substandard and requested details of the traffic generation for this building. The agent confirmed it is only for the storage of the applicants vintage helicopter and furniture for the pub. The helicopter is not a functioning machine and it is not envisaged the proposal will result in any intensification of the use of the access. As the proposal does not involve the creation of or intensification of the use of the access, AMP2 of PPS3 is not a consideration and DFI Roads were not consulted further.



Fig 2 – 12 May 2016 and 9 August 2022

Members will be aware that planning conditions can be used to control development within buildings and on land. If a condition is not adhered to then enforcement action can be taken through the issuing of a breach of condition notice. Any uses within the building that are outside the scope of any conditions will be the subject of a separate application and this will require consideration and consultation. I consider it appropriate and necessary to restrict the use within the building to storage purposes only and that no cooling equipment or other noise emitting equipment or machinery shall be operated without the express consent of the Council, to allow assessment of any impacts on residential amenity.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy: was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. The Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28th May 2021 for them to carry out an Independent Examination. In light of this the draft plan cannot currently be given any determining weight.

As this amended scheme is now for storage only, it is simple in style and form, located away from public view, does not result in the intensification of use of a substandard access or result in loss of amenity to residential development, I recommend it is approved with a condition limiting its use.

Conditions/Reasons for Refusal:

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

Reason: This is a retrospective application.

2. The building hereby approved shall be used solely for storage purposes associated with Tomney's Bar and for no other purpose. There shall be no cooling equipment or other noise generating equipment or noise generating machinery operated within in the building.

Reason: To protect the amenity of the adjacent residential properties.

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: LA09/2020/1533/F	Target Date:
Proposal: Retention of change of use of lands to rear of existing public house to beer garden including steel framed building with cladded roof sitting area with acoustic fence to perimeter.	Location: 9-10 The Square Moy Co Tyrone BT71 7SH.
Referral Route: Objections received + contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Barry McNeice 8 The Square Moy BT71 7SH	Agent Name and Address: Paul Douglas 16 Collegelands Road Charlemont Moy BT71 7SE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	13
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

13 Objections were received. Concerns were;

- Impact on private amenity via;
- Noise nuisance
- Vibrations
- Smells from portaloos and chip van.
- Increase in anti-social behaviour
- Increase in littering in the area, bottles and other rubbish thrown into rear gardens

- Fear over personal safety due to patrons climbing over rear fences
- Traffic congestion via taxis using neighbouring estate for drop off points and Sewerage lorry blocking estate whilst emptying portaloos each weekend.
- Impact on wildlife along river
- Operating after hours
- Devaluation of property.

Characteristics of the Site and Area

The site is located in The Square in the settlement limit of Moy and also within the Moy conservation area, as defined in the Dungannon and South Tyrone Area Plan 2010. The site is located in a row of three-storey buildings that face onto a car parking area, The Square, in the Moy. The surrounding area has a mix of residential and retail/service uses such as beauty salon, antiques shop and restaurants.

The application site is a Grade 2 Listed building and is a three-storey mid terrace property with a pitched roof with natural slate tiles, a smooth render with a painted finish external walls and softwood painted sliding sash windows. The site is currently a public bar 'Tomneys' with the bar on the ground floor and living accommodation on the upper floors of the building.



The site also includes a long narrow rear garden area which has been laid in decorative stone, and D rail fencing along the sides and also separating off particular areas. There are a number of picnic tables in the upper part which is now used as a smoking area for the associated bar.



The site slopes from the roadside North to the rear and the rear portion of the site houses a large steel framed structure with open sides and at the time of site visit the roof had not been completed.



Description of Proposal

The proposal seeks full planning permission for the retention of change of use of lands to rear of existing public house to beer garden including steel framed building with cladded roof sitting area with acoustic fence to perimeter.

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2019/0847/F - Tomneys Bar, 9-10 The Square, Moy - Extension of public house into the existing basement - PERMISSION GRANTED - 30.09.2019

LA09/2019/0850/LBC - Tomneys Bar, 9-10 The Square, Moy - Extension of public house into the existing basement - PERMISSION GRANTED - 27.09.2019

LA09/2020/0098/CA - Tomneys Bar, 9-10 The Square, Moy -Alleged unauthorised 'beer garden' to rear of Tomneys Bar – Ongoing.

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan 2010
- Mid Ulster District Council Local Development 2030 - Draft Plan Strategy
- Planning Policy Statement 3 - Access, Movement and Parking.
- PPS 6 - Planning, Archaeology and the Built Heritage
- DCAN 7 Public Houses

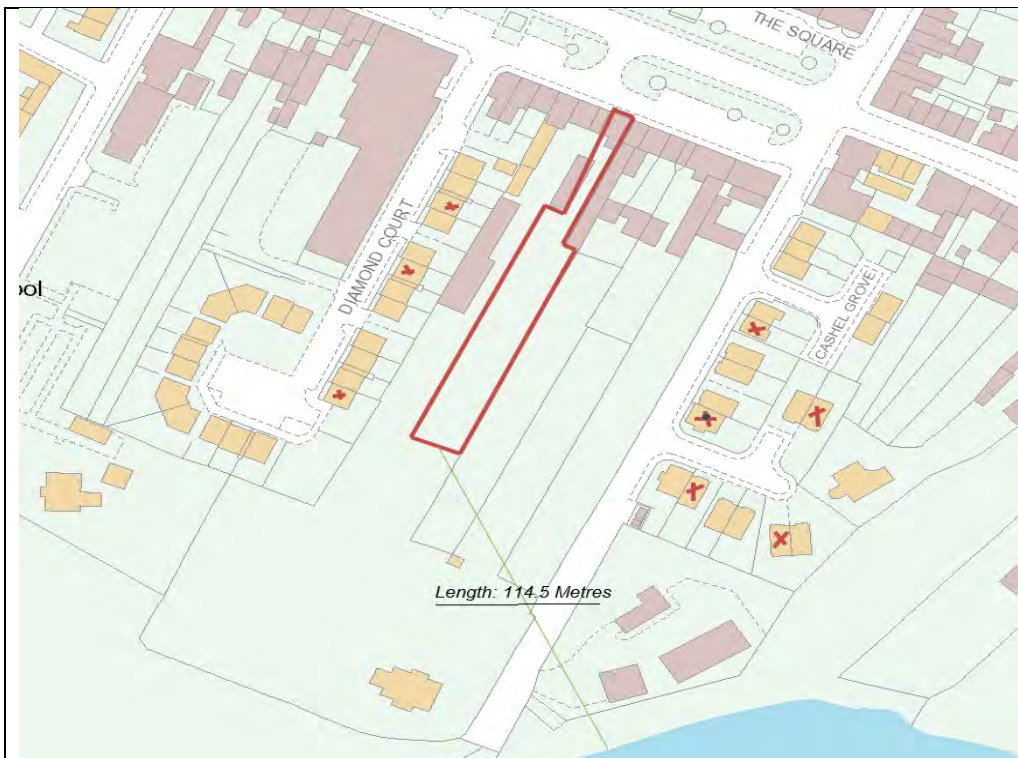
Representations

A number of third party objections have been received from the local residents.

6 objections have been received from residents of Brick row to the East of the site including dwellings at no's 8, 12, 16, 22 and 2 x not numbered.

6 objections were received from residents of Diamond court to the West of the site including dwellings at no's 3, 6, 12 and 3 x not numbered.

1 objection was received from No.5 Cashel Court.



Concerns

- Impact on private amenity via;
- Noise nuisance
- Vibrations
- Smells from portaloos and chip van.
- Increase in anti-social behaviour
- Increase in littering in the area, bottles and other rubbish thrown into rear gardens
- Fear over personal safety due to patrons climbing over rear fences
- Traffic congestion via taxis using neighbouring estate for drop off points and Sewerage lorry blocking estate whilst emptying portaloos each weekend.
- Impact on wildlife along river
- Operating after hours
- Devaluation of property.

Consideration

The objectors raise a number of significant concerns which need thorough consideration. There is a considerable amount of detrimental impact on the private rear amenity of the residents in Diamond Court and Brick Row. The lack of any real partition gives weight to objectors concerns over noise, smells, littering, witnessing anti-social behaviour etc which would severely impact their amenity. EHO were consulted and re iterated these concerns. (discussed in detail below). The applicant has suggested an acoustic wall which may have reduced this impact however, as yet no details of this wall have been received. The operating hours would be dealt with by way of condition should the application receive approval. The river is over 110metres from the nearest part of the site and there would therefore be minimal impact on the wildlife at the river. It is also separated by 3 boundaries, a road, a dwelling and a yard and shed. Devaluation of property whilst understandable a concern for the residents is not a material consideration we as the council can accredit any weight.

Strategic Planning Policy Statement (SPPS)

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

The SPPS provides a regional framework of planning policy that is taken account of in the preparation of Mid Ulster Councils Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS encourages development in villages and small settlements of a scale, nature and design appropriate to the character of the settlement. In my opinion, the proposed change of use from rear yard area to beer garden including steel framed building with cladded roof sitting area with acoustic fence to perimeter will increase the amount of area for entertainment and services in Moy, however, these changes will not have a positive impact on the local area. Paragraph 6.278 states policies and proposals in villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need (i.e. day-to-day needs), and be of a scale, nature and design appropriate to the character of the settlement.

Mid Ulster Draft Plan Strategy 2030

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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 application site is located within the settlement limit for Moy as defined in the Plan. It is also located within the designated Moy Conservation Area. I consider if the proposal meets the policy in BH12 - new development in a conservation area and BH8 - extension or alteration of a listed building in PPS 6 it will also meet SETT 1 - Settlement Limit in Dungannon and South Tyrone Area Plan 2010.

PPS 6 - Planning, Archaeology and the Built Heritage**Policy BH8 - Extension or Alteration of a Listed Building**

The proposal is to change the use of the rear yard area to beer garden including steel framed building with cladded roof sitting area with acoustic fence to perimeter.



These works include an acoustic fence along the full length of the sides, a large steel framed covered seating area in the most rear portion of the site and a stoned slope between the existing bar and the rear steel structure. This slope area is the beer garden space and is dotted with numerous picnic tables. The scale of the proposal massively increases the amount of overall area covered by the premises and would allow punters to roam freely the full length of the current rear yard. Consequently, it is my opinion that the essential character of the premises is affected and the works will have a negative impact on the local area.

Historic Environment Division (HED) were consulted as the building is listed building HB13/08/009B and is within the 200m buffer zone of an archaeological site and monument. HED had no objections with regards to the historic monument, however, have requested further information in regards to historic buildings. See HED HB comments below.

The application site is located to the rear of HB13/08/010, which together with a substantial number of the adjoining properties are listed in their own right. Therefore, consideration for any proposal which may affect the setting of all or any of these buildings needs careful evaluation.

As a consequence, HED – (Historic Buildings) requires further information on the following, before it would be in a position to provide a substantive response;

- Longitudinal site sections illustrating the proposal in context with the listing building (outline will suffice).

- Details of the physical size, including height, of the covered seating area. Please provide details of all external finishes.

- Landscaping proposals to indicate how the structure will assimilate into the existing garden area. Please confirm the composition of the existing boundaries of the Beer Garden and the extent to which they will be affected by this proposal.

- Further details on the proposed acoustic fence installation – including composition, height and colour.

*To date none of this information has been received.

In conclusion, in my opinion the proposals would not respect the essential character of the existing listed building and its setting; the works do not make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and the architectural details do not match or are in keeping with the existing building. Therefore it is contrary to Policy BH8.

However, it must be noted that in the absence of the requested information, EHO have not provided a substantial response as yet and this is my assessment of the policy.

Policy BH12 - New Development in a Conservation Area

As stated earlier in the assessment there are no external works to the facade or extension proposed at the site and all works are for a change of use. I consider there will be no impact on the character and appearance of Moy Conservation Area.

The council will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

- (a) the development preserves or enhances the character and appearance of the area;
- (b) the development is in sympathy with the characteristic built form of the area;
- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
- (e) important views within, into and out of the area are protected;
- (f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- (g) the development conforms with the guidance set out in conservation area documents.

In consideration of the above the proposal will not preserve or enhance the character of the area, the large steel structure in particular would have a negative impact on the appearance of the area. In addition it would not have any sympathy to the surrounding built form, in terms of scale, form and materials. It would also result in noise, nuisance or disturbance which would be detrimental to the local area in particular the neighbouring residential properties on each side and therefore is contrary to policy BH12.

Environmental Health were consulted on this application and have recommended refusal. See comments from EHO below.

This department has visited the location on numerous occasions in the past year as the site and activities were subject to several noise complaints. During a most recent site visit it was observed that the steel frame is in place along with several areas of seating. There are domestic dwellings overlooking the garden area, with another residential properties within 20 metres along the other boundary. It is noted that the previous land use was a green/yard area to the rear of the established public house. The applicant has submitted additional information by way of a proposed acoustic barrier, however, no supporting information has been submitted.

It is the Environmental Health opinion that the barrier will be of limited effect in mitigating noise at residential receptors.

This department is of the opinion that the proposed would cause a disturbance due to noise from patrons and activities associated with outdoor socialising. It is the view of the

Environmental Health department that the land use is incompatible with the existing land use, which is predominately residential. Therefore, this department is of the opinion that this proposal be recommended for refusal.

EHO recommendations:

The proposed, if approved would result in an unacceptable level of disturbance to neighbouring properties due to noise levels from patrons and activities associated with outdoor socialising. It is the view of the Environmental Health department that the land use is incompatible with the existing land use, which is predominately residential.

Reason; in the interests of protecting neighbouring residential amenity.

Parking Standards

I am aware there can be issues with parking in Moy, especially at busy times. There are spaces to the front of the site at The Square, which are shared with other businesses and there is other on-street car parking within Moy.

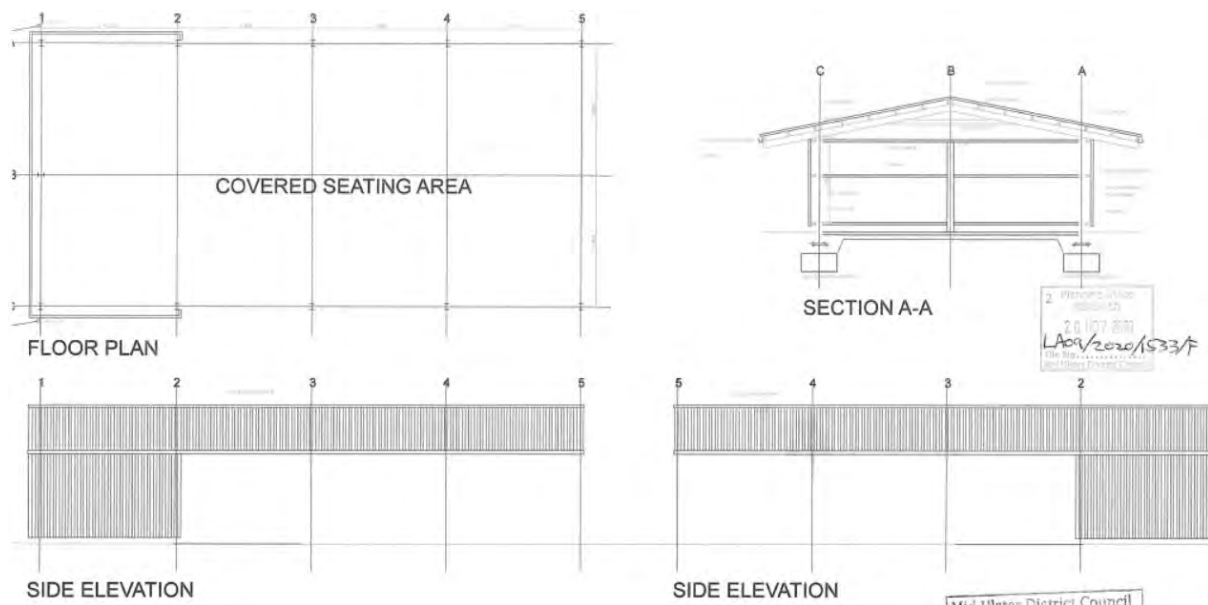
On balance, given the scale of the proposal and the type of development it relates to, I consider it will not significantly increase the need for parking provision within the village.

DCAN 7 Public Houses:

This development control advice note gives the council general guidance on the regulations of Public houses.

In this case the proposed changes include:

- Change of use from the existing rear yard to an outdoor beer garden
- Acoustic perimeter fence
- Steel framed building with cladded roof sitting area



There are no external changes to the existing building fronting on The Square.

Conclusion.

On balance it is my opinion that there will be a significant affect the privacy and private rear amenity of neighbouring residents. The proposed development would have an adverse impact upon the character of the surrounding area and outstanding information requested by HED HB has not been received, and for the reasons documented above I recommend Refusal.

Unacceptable level of disturbance to neighbouring properties
 Incompatible with surrounding land uses.
 PPS 6 bh8
 PPS6 bh12
 Lack of information

Neighbour Notification Checked

Yes

Refusal Reasons

1. The proposed, if approved would result in an unacceptable level of disturbance to neighbouring properties due to noise levels from patrons and activities associated with outdoor socialising. It is the view of the Environmental Health department that the land use is incompatible with the existing land use, which is predominately residential.

2.The proposal is contrary to Policy BH12 of the Council's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the Moy Conservation Area and the development would, if permitted, result in problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area. In addition the steel framed building is not in sympathy with the characteristic built form of the area in terms of scale, form and materials and does not conform with the guidance set out in the Moy Conservation Area document.

3. Having notified the applicant under Article 7 (4) of the Planning (General Development) Order (Northern Ireland) 1993 that further details regarding Historic Environment Division concerns were allowed the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

Signature(s)

Date:

ANNEX	
Date Valid	2nd December 2020
Date First Advertised	15th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 The Square,Moy,Tyrone,BT71 7SG The Owner/Occupier, 10a,The Square,Moy,Tyrone,BT71 7SG The Owner/Occupier, 11 The Square Moy Tyrone B & K Grimley 12 Diamond Court, Moy, Tyrone, Northern Ireland, BT71 7TZ Doreen Dowds 16 BRICK ROW, MOY, TYRONE, BT71 7UL The Owner/Occupier, 16-19 ,The Square,Moy,Tyrone,BT71 7SG C Fox 22 BRICK ROW, MOY, TYRONE, Northern Ireland, BT71 7UL Stefano Zennaro 3 Diamond Court, Moy, Tyrone, Northern Ireland, BT71 7TZ Greg Connolly 5 Cashel Grove, Moy, Tyrone, BT71 7UJ The Owner/Occupier, 7 The Square Moy Tyrone Kelly Little 8 BRICK ROW, MOY, TYRONE, Northern Ireland, BT71 7UL The Owner/Occupier, 8 The Square,Moy,Tyrone,BT71 7SG The Owner/Occupier, 8b ,The Square,Moy,Tyrone,BT71 7SG The Owner/Occupier, 8c ,The Square,Moy,Tyrone,BT71 7SG The Owner/Occupier, 9 The Square,Moy,Tyrone,BT71 7SG The Owner/Occupier, 9 The Square,Moy,Tyrone,BT71 7SG Wilfried Sharp Email R O'Neill Email A O'Neill Email Fintan Kelly	

Daisy O'Mahony Ciaran Mullen Brenda Nugent	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1533/F Proposal: Retention of change of use of lands to rear of existing public house to beer garden including steel framed building with cladded roof sitting area with acoustic fence to perimeter. Address: 9-10 The Square, Moy, Co Tyrone BT71 7SH., Decision: Decision Date: Ref ID: LA09/2019/0850/LBC Proposal: Extension of Public House in to Existing Basement Address: Tomneys Bar, 9-10 The Square, Moy, Dungannon, BT71 7SG, Decision: CG Decision Date: 27.09.2019 Ref ID: LA09/2019/0847/F Proposal: Extension of public house into the existing basement Address: Tomney's Bar, 9-10 The Square, Moy, Dungannon, Decision: PG Decision Date: 30.09.2019 Ref ID: M/1995/6182 Proposal: Refurbishment of properties 8,9,10,11 & 12 The Square Moy Address: 8,9,10,11 & 12 The Square Moy Decision: Decision Date: Ref ID: M/1995/0684 Proposal: Re-roofing of existing premises Address: 9-12 THE SQUARE MOY Decision: Decision Date: Ref ID: M/1995/0685 Proposal: Re-roofing of existing premises Address: 9-12 THE SQUARE MOY Decision: Decision Date:	

Ref ID: M/1999/0636/F

Proposal: Change of use and alterations (including increase in height) to domestic store to create dwelling house.

Address: Store to rear of no.8 The Square, Moy

Decision:

Decision Date: 08.05.2001

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: Elevations and Floor Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

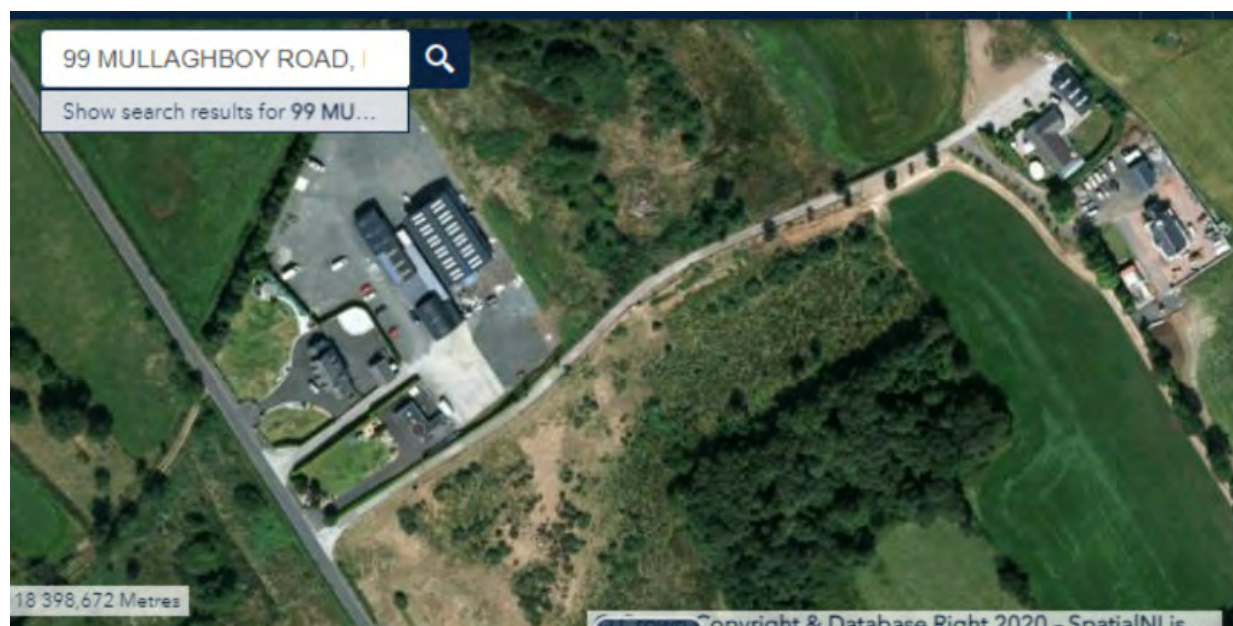


Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0230/O Recommendation: Refuse	Target Date: 20 April 2022
Proposal: Proposed site for dwelling and garage	Location: Lands Approx. 30M South East Of 99 Mullaghboy Road Bellaghy
Applicant Name and Address: Mr Hugh Glackin 99 Mullaghboy Road Bellaghy	Agent Name and Address: Cmi Planners Ltd 38 Airfield Road Toomebridge
Summary of Issues: <p>This application was first presented as a refusal to Members at April 2023 Planning Committee. It was considered that the proposal did not meet the criteria for a Farm Dwelling under Policies CTY 1 and CTY 10 of PPS 21. It was also considered that the development, if approved, would create a ribbon of development and have a negative impact on the rural character of the area and as such was contrary to Policies CTY 8 and CTY 14 of PPS 21. Members agreed to defer the application for an office meeting which was facilitated on the 21st April 2023. Following this meeting and a subsequent site inspection the application was presented to Members for a 2nd time at September 2023 Planning Committee with a recommendation to refuse for the same reasons. Members agreed to defer the application again to allow the applicant to submit additional information to support his farm case. Having considered this information my opinion remains unchanged and I recommend that the application be refused for the reasons stated below. My justification for this recommendation is detailed further in this report.</p>	
Summary of Consultee Responses: <p>No additional or new consultations were issued to inform this deferred consideration.</p>	

Description of Proposal

This is an outline planning application for a proposed site for a dwelling and garage.



Deferred Consideration:

This is an outline application for a farm dwelling. Under Policy CTY 10 of PPS 21 the first test is whether or not there is a currently active and established farm business for at least 6 years. This is normally demonstrated with evidence such as a DAERA Business Number. The applicant does have a business number which DAERA have confirmed is a category 3 business number assigned in October 2022. A category 3 business number is awarded for veterinary purposes and enables a person to obtain a herd/flock/pig number, however with a category 3 number a person cannot make any claims or receive grants. He has not made any claims. The business number is registered to an address 6 Bells Terrace, Castledawson. This is not the address of the application site. The farm map submitted shows 5.28 hectares of farm lands, with name on the map being Mrs Kathleen Glackin and her business number (now deceased). Following the office meeting the applicant was given the opportunity to provide additional evidence to demonstrate that there is an active and established farm business for the required 6 year period. This was not forthcoming. After being brought back to a second Planning Committee, Members agreed to give the applicant another opportunity to provide information to demonstrate an active and established farm business. What has now been submitted is a Solicitors letter which states that the farmland South of 99 Mullaghboy Road is now in the ownership of Hugh Glackin (the applicant) having previously been owned by his mother, Mrs Kathleen Glackin. In my opinion this letter is only stating change in ownership of the lands that I assume to be the lands shown on the farm map submitted with the application. The letter does not demonstrate evidence that the farm business is currently active nor does it set out any evidence that the farm business has been established in excess of 6 years. Having viewed the site on the ground I witnessed no evidence of active farming. There were no farm animals, farms sheds housing equipment, animals or feed and no other evidence has been submitted to demonstrate otherwise. As such, I remain of the opinion that the proposal fails to meet the first test under CTY 10 of PPS 21.

It would appear from a planning history search of the farm lands identified on the farm map that no dwellings or development opportunities have been sold off the holding in the past 10 years and so the second policy test of CTY 10 has been met.

The third test of the policy relates to siting a dwelling so it clusters/visually links with an established group of buildings on the farm. CTY 10 does not state that these buildings have to be agricultural and Members have previously accepted dwellings and garages as buildings on the farm - as long as there is a group of buildings.

The business number details provided with this application gives the address of the farm business as being in Castledawson which is some distance away from the application site. The site location submitted with the application identifies the land owned by the applicant and on this land are 2 dwellings and sheds to the rear of number 99 Mullaghboy Road. These sheds relate to a business identified as FG Plumbing and Heating. Having reviewed the policy again and the fact that the sheds to the rear of number 99 Mullaghboy Road are on lands confirmed by a solicitor as being on farm land in Hugh Glackin's ownership, I would now take the view that a

dwelling on the application site would visually link with these buildings. There is no longer any conflict with this policy criteria.

It does remain that the applicant hasn't demonstrated that he has an active or established farm business and for this reason conflict remains with Policy CTY 10.

All applications for development listed in CTY 1 of PPS 21 must also be assessed under Policies CTY 13 - Design and Integration and CTY 14 - Rural Character.

If a dwelling were approved on this location it would extend a ribbon of development along this section of the Mullaghboy Road. This ribbon would consist of the 2 dwellings to the immediate NW as well as the accompanying development to the rear and if a dwelling were approved it would add a third dwelling to this frontage - which is clearly a ribbon as defined in Policy CTY 8 of PPS 21. This in turn would have a negative impact on rural character. For this reason the development is also considered contrary to policies CTY 8 and CTY 14 of PPS 21.

To conclude, it is my recommendation that Members refuse this application as it fails to meet policies CTY 1, CTY 8, CTY 10 and CTY 14 of PPS 21

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business is currently active and has been established for at least 6 years

Reason 3

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, extend a ribbon of development along the Mullaghboy Road and negatively impact on the rural character of the area.

Signature(s):Karla McKinless

Date: 19 November 2024



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0230/O Recommendation: Refuse	Target Date: 20 April 2022
Proposal: Proposed site for dwelling and garage	Location: Lands Approx. 30M South East Of 99 Mullaghboy Road Bellaghy
Applicant Name and Address: Mr Hugh Glackin 99 Mullaghboy Road Bellaghy	Agent Name and Address: Cmi Planners Ltd 38 Airfield Road Toomebridge
Summary of Issues: This application was presented as a refusal to Members at April 2023 Planning Committee. It was considered that the proposal did not meet the criteria for a Farm Dwelling under Policies CTY 1 and CTY 10 of PPS 21. It was also considered that the development, if approved, would create a ribbon of development and have a negative impact on the rural character of the area and as such was contrary to Policies CTY 8 and CTY 14 of PPS 21. Members deferred the application for an office meeting with Dr Boomer. Following this meeting and a subsequent site inspection by the Senior Officer the application is before Members again with a recommendation to Refuse. The justification for this recommendation is detailed further in this report.	
Summary of Consultee Responses: No additional or new consultations were issued to inform this deferred consideration.	
Description of Proposal This is an outline planning application for a proposed site for a dwelling and garage.	
Relevant Site History LA09/2021/1583/O- Proposed site for dwelling and garage. Lands Approx. 30M South East Of	

99 Mullaghboy Road Bellaghy. Application withdrawn.

LA09/2021/0213/F- Retrospective application for existing storage unit & associated works to include car parking. 55M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0214/F- Part retrospective application for existing offices, storage and associated works to include car park. 30M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0330/LDE- Existing offices and existing storage unit. 25M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2022/0627/F- Application for storage unit and associated works. 25M North Of 99A Mullaghboy Road, Bellaghy. Permission Granted.

Deferred Consideration:

This is an outline application for a farm dwelling. Under Policy CTY 10 of PPS 21 the first test is whether or not there is an active and established farm business for at least 6 years. This is normally demonstrated with evidence such as a DAERA Business Number. The applicant does have a business number which DAERA have confirmed is a category 3 business number assigned in October 2022. A category 3 business number is awarded for veterinary purposes and enables a person to obtain a herd/flock/pig number, however with a category 3 number a person cannot make any claims or receive grants. He has not made any claims. The business number is registered to an address 6 Bells Terrace, Castledawson. This is not the address of the application site. The farm map submitted shows 5.28 hectares of farm lands, with name on the map being Mrs Kathleen Glackin and her business number (now deceased). Following the office meeting the applicant was given the opportunity to provide additional evidence to demonstrate that there is an active and established farm business for the required 6 year period. This has not been forthcoming and as such the proposal fails to meet the first test under CTY 10 of PPS 21. It would appear that no dwellings or development opportunities have been sold off the holding in the past 10 years and so the second policy test of CTY 10 has been met. The third test of the policy relates to siting a dwelling so it clusters/visually links with an established group of buildings on the farm. The business number details provided with this application gives the address of the farm business as being in Castledawson. No case has been provided to consider an alternative siting. It is also noted that the applicant has identified sheds at the rear of number 99 Mullaghboy Road as being part of the farm. These buildings in fact relate to a business identified as FG Plumbing and Heating. The business is established under LA09/2021/0330/LDE and other planning approvals. As such, they cannot be relied upon for siting or clustering with and the proposal fails to meet this test of CTY 10.

All applications for development listed in CTY 1 of PPS 21 must also be assessed under Policies CTY 13 - Design and Integration and CTY 14 - Rural Character.

If a dwelling were approved on this location it would extend a ribbon of development along this section of the Mullaghboy Road. This ribbon would consist of the 2 dwellings to the immediate NW and if a dwelling were approved it would add a third dwelling to this frontage - which is clearly a ribbon as defined in Policy CTY 8 of PPS 21. This in turn would have a negative impact on rural character. For this reason the development is also considered contrary to

policies CTY 8 and CTY 14 of PPS 21.

To conclude, it is my recommendation that Members refuse this application as it fails to meet policies CTY 1, CTY 8, CTY 10 and CTY 14 of PPS 21

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business has been active and established for at least 6 years and, the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, would extend a ribbon of development along the Mullaghboy Road

Signature(s):Karla McKinless

Date: 16 August 2023

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.4
Application ID: LA09/2022/0230/O	Target Date: 20 April 2022
Proposal: Proposed site for dwelling and garage	Location: Lands Approx. 30M South East Of 99 Mullaghboy Road Bellaghy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Hugh Glackin 99 Mullaghboy Road Bellaghy	Agent Name and Address: Cmi Planners Ltd 38 Airfield Road Toomebridge
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DAERA - Coleraine	Substantive: TBCResponseType: FR
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-0230-O (No. 2).DOCX

Representations:

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

Summary of Issues

Proposal is contrary to policy

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. The red line of the application site is the roadside portion of a larger agricultural field which is a flat agricultural field with some scrub hedges located within the field. The north eastern and south eastern boundaries are currently undefined. The south west and north western boundaries are defined by a low level hedge and post and wire fence with a shared laneway running between dwelling No.99 Mullaghboy and the application site. The surrounding area is a mix of land uses, with residential dwellings, business sheds and agricultural lands.

Representations

No third party written representations have been received.

Description of Proposal

This is an outline planning application for a proposed site for a dwelling and garage.

Relevant Site History

LA09/2021/1583/O- Proposed site for dwelling and garage. Lands Approx. 30M South East Of 99 Mullaghboy Road Bellaghy. Application withdrawn.

LA09/2021/0213/F- Retrospective application for existing storage unit & associated works to include car parking. 55M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0214/F- Part retrospective application for existing offices, storage and associated works to include car park. 30M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0330/LDE- Existing offices and existing storage unit. 25M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2022/0627/F- Application for storage unit and associated works. 25M North Of 99A Mullaghboy Road, Bellaghy. Permission Granted.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

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

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

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

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

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

The agent originally completed the application form in which they provided a farm business No. for a Ms. Kathleen Glackin and a consultation was issued to DAERA on this business ID who confirmed the business has been in existence for more than 6 years but that no claims have been made on the farm business in any of the last 6 years, No further evidence of farming/business activity was provided. It was then brought to the attention of the planning department that the business ID holder had passed away prior to this application being made, therefore we needed further information regarding the farm business. The agent then submitted further info with a new farm business ID assigned to Hugh Glackin of 6 Bells Terrace, Castledawson. (It should be noted that this is the same name as the applicant but a different address as provided in the application form.) DAERA were then reconsulted on this new business ID and confirmed it was

assigned on October 2022 as a category 3 and no payments have been claimed in any of the last 6 years. As it was only assigned in the last 6 months, the farm business has not been established for at least 6 years and no further information has been provided to indicate otherwise. Therefore, the proposal is contrary to CTY 10.

No dwellings or development opportunities have been sold off from the farm holding within the last 10 years. The farm business has only been established since October 2022.

With regards criteria C the agent has identified existing farm sheds at the rear of 99 Mullaghboy Road. However, there is extensive planning history for these buildings and surrounding which relate to the business identified as FG Plumbing & Heating. LA09/2021/0330/LDE sought a certificate of lawfulness for the existing business and subsequent applications were submitted and approved for the business here. As such from this there are no existing farm buildings which the proposed dwelling can visually link with or cluster with. Therefore, the proposal fails to meet criteria C of CTY 10.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been provided however, I am content a dwelling with a maximum ridge height of 6m above finished floor level would not be a prominent feature in the landscape. A dwelling of this size would integrate into the landscape and the existing dwellings adjacent and the business to the rear of these dwellings provide a backdrop when travelling north west. Additional planting would be required but the site would not primarily rely on new landscaping for integration. As previously mentioned the dwelling is not visually linked or sited to cluster with an established group of buildings on a farm and fails Policy CTY 13.

Policy CTY 14 states, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, no design details were submitted. As previously mentioned a dwelling with a ridge height of no more than 6m would ensure it is not a prominent feature. However, criteria (d) refers to creating or adding to a ribbon of development which I feel if a dwelling was approved here it would extend a ribbon of development along the Mullaghboy Road. Therefore, the proposal fails to comply with CTY 8 and CTY 14 of PPS 21.

Other Material Considerations

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm business ID provided has not been established for at least 6 years and, the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, would extend a ribbon of development along the Mullaghboy Road

Signature(s): Ciaran Devlin

Date: 21 March 2023

ANNEX	
Date Valid	23 February 2022
Date First Advertised	8 March 2022
Date Last Advertised	8 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 101B Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 101A Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 101 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 99A Mullaghboy Road Bellaghy Londonderry BT45 8JH	
Date of Last Neighbour Notification	9 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2003/1173/O Proposals: Site of replacement dwelling and garage. Decision: PG Decision Date: 23-MAR-04 Ref: H/2005/0370/O Proposals: Site of Dwelling and Garage Decision: PG Decision Date: 05-OCT-06 Ref: H/1986/0426 Proposals: SITE OF BUNGALOW MULLAGHBOY ROAD, MULLAGHBOY, BELLAGHY. Decision: HISAPP Decision Date: Ref: LA09/2021/0204/F Proposals: Existing offices & existing storage unit associated with established business. Decision: Decision Date: Ref: LA09/2021/0213/F Proposals: Retrospective application for existing storage unit & associated works to include car parking.	

Decision: PG
 Decision Date: 31-MAR-22
 Ref: H/2004/0463/O
 Proposals: Site of New Dwelling and Garage.
 Decision: PR
 Decision Date: 24-NOV-05
 Ref: LA09/2021/0214/F
 Proposals: Part retrospective application for existing offices, storage and associated works to include car park.
 Decision: PG
 Decision Date: 31-MAR-22
 Ref: LA09/2022/0230/O
 Proposals: Proposed site for dwelling and garage
 Decision:
 Decision Date:
 Ref: H/2004/0160/O
 Proposals: Site of dwelling and garage.
 Decision: PR
 Decision Date: 28-NOV-05
 Ref: H/2005/0107/F
 Proposals: Dwelling and garage (amended house type from that approved under H/2002/0565/
 Decision: PG
 Decision Date: 05-JUL-05
 Ref: LA09/2021/0725/F
 Proposals: Change of house type & garage to previously approved site H/2009/0535/F with sma
 extension of site curtilage.
 Decision: PG
 Decision Date: 17-AUG-21
 Ref: LA09/2021/1583/O
 Proposals: Proposed farm dwelling and Garage
 Decision: PG
 Decision Date: 02-FEB-22
 Ref: H/2007/0220/RM
 Proposals: Proposed replacement dwelling.
 Decision: PG
 Decision Date: 24-AUG-07
 Ref: H/1998/0164
 Proposals: EXTENSION TO DWELLING
 Decision: PG
 Decision Date:
 Ref: H/2009/0535/F
 Proposals: Re-positioning of replacement dwelling approved under H/2003/1173/O and
 H/2007/0220/RM and removal of foundations and re-instatement of land and proposed
 detached domestic garage
 Decision: PG

Decision Date: 12-OCT-09
 Ref: H/1979/0285
 Proposals: BUNGALOW
 Decision: PG
 Decision Date:
 Ref: LA09/2021/0330/LDE
 Proposals: Existing offices and existing storage unit
 Decision: PG
 Decision Date: 03-MAR-22
 Ref: H/2011/0550/F
 Proposals: Proposed dwelling and garage for residential purposes
 Decision: PG
 Decision Date: 05-JUL-12
 Ref: H/1993/0258
 Proposals: SITE OF BUNGALOW
 Decision: PR
 Decision Date:
 Ref: H/1989/0302
 Proposals: DWELLING
 Decision: PR
 Decision Date:
 Ref: H/2002/0565/F
 Proposals: Dwelling and Garage
 Decision: PG
 Decision Date: 16-SEP-02

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR
 DAERA - Coleraine-Substantive: TBCResponseType: FR
 DAERA - Coleraine-Consultee Response LA09-2022-0230-O (No. 2).DOCX

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2023/0340/F Recommendation: Approve	Target Date: 11 July 2023
Proposal: Proposed Dwelling and Garage	Location: Lands Approx 40M South of 117 Cavanakeeran Road Pomeroy
Applicant Name and Address: Ms Kate McAleer 117 Cavanakeeran Road Pomeroy BT70 2TB	Agent Name and Address: Mr Aidan Begley 76 Main Street Pomeroy Dungannon BT70 2QP
Summary of Issues: This application was first before Members at June 2024 Planning Committee. It was recommended for refusal under policies CTY 13 and CTY 14 of PPS 21 due to prominence and design concerns. Members agreed to defer the application for an office meeting which was facilitated on the 13 th June. Following a site inspection and submission of an amended design the proposal is now being recommended for approval and my justification for this is detailed further in this report.	
Summary of Consultee Responses: No new or additional consultations have been issued to inform this deferred consideration	
Description of Proposal This is a full application for a proposed dwelling and garage at lands approximately 40m South of No. 117 Cavanakeeran Road, Pomeroy.	

dwelling had a ridge height of 8m which is in excess of the 6m ridge height conditioned under the outline approval. For this reason the initial case officer considered that the dwelling was of a scale too excessive for the site. It was also considered that the proposed designed did not reflect the traditional rural dwelling designs in the locality.

Following the deferred office meeting the applicant agreed to submit a revised drawing dealing with the concerns raised over the design. The designed now has removed the semi circular front projection, reduced the amount of glazing and introduced a 3rd first floor dormer instead of a double door opening. Whilst the design now proposed is slightly more in keeping with modern rural examples throughout the countryside it is important to acknowledge the limited visual impact a dwelling on this site will have. Having carried out a site inspection it is evident that the public interest in the site will be minimal. Any views are transient and short term. Existing boundary vegetation to the SE screens the site from any long term critical views travelling out of Pomeroy. The road bend and rising landform to the NW screens the site when travelling in the opposite direction. The dwelling has also been slightly reduced in height. For these reasons it is my opinion that the dwelling as proposed will not appear overly prominent and the design is more compatible with what is considered traditional and rural for the purposes of policies CTY 12 and CTY 14.

It is recommended that approval is granted subject to the conditions set out below.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

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

Condition 2

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02 rev 03 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

The existing natural screenings of this site, as identified on drawing No 02 Revision 3 shall be permanently retained.

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

Condition 4

During the first available planting season after the occupation of the dwelling hereby approved, all landscaping as detailed on drawing 02 revision 3 shall be provided.

Reason: To ensure the development integrates into the countryside

Signature(s):Karla McKinless

Date: 20 November 2024



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 June 2024	Item Number: 5.4
Application ID: LA09/2023/0340/F	Target Date: 11 July 2023
Proposal: Proposed Dwelling and Garage	Location: Lands Approx 40M South of 117 Cavanakeeran Road Pomeroy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Ms Kate McAleer 117 CAVANAKEERAN ROAD POMEROY BT70 2TB	Agent Name and Address: Mr Aidan Begley 76 MAIN STREET POMEROY DUNGANNON BT70 2QP
Executive Summary: The current application for a dwelling and domestic garage is presented as a refusal as it fails to meet Policy CTY 13 and Policy CTY 14 of PPS 21: Sustainable Development in the Countryside: - This proposal fails to meet Policy CTY 13 of PPS 21 as the proposed dwelling would appear as a prominent feature in the landscape, it cannot be visually integrated into the surrounding landscape, and it is not of an appropriate design for the site and its locality. - This proposal fails to meet Policy CTY 14 of PPS 21 as the proposed dwelling would be unduly prominent in the landscape.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template.docx
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docx

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The site comprises a small paddock to the south of No. 117. The site gently slopes downwards in southerly direction

towards the Cavanakeeran Road. There is an existing shared access onto Cavanakeeran Road which it is proposed be modified to serve the new dwelling. The frontage along Cavanakeeran Road on the western side comprises a grassed bank with a line of mature trees and hedgerow. The eastern boundary is defined by a concrete lane bordered and a post and wire fence. A post and wire fence provides the northern boundary; the western boundary is comprised of mature trees and thick hedge; whilst the southern is undefined. No. 222 Cavanakeeran Road located to the south bisected by Cavanakeeran Road consists of a modern single storey dwelling, and Nos. 170 and 180 Cavanakeeran Road are detached dwellings, lie adjacent and west of the application site. To the north lies No. 117 Cavanakeeran Road, a chalet bungalow.

It is important to note there is a recent outline planning approval on this site under planning reference LA09/2019/1081/O.

Description of Proposal

This is a full application for a proposed dwelling and garage at lands approximately 40m South of No. 117 Cavanakeeran Road, Pomeroy.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Four neighbour notification letters were issued in relation to this application; however no representations were received.

Relevant Planning History

LA09/2019/1081/O – Site for dwelling under PPS21 CTY2A. Site 40M South Of 117 Cavanakeeran Road, Pomeroy. Permission granted – 19.02.2020.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 1: General Principles

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

CTY 2a – New Dwellings in Existing Clusters

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 14 – Rural Character

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

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

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

Development in the countryside is controlled under the provisions of PPS 21: Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development area are acceptable in the countryside. In this instance the application is for a new dwelling in an existing cluster therefore this development must be considered under CTY 2a of PPS 21. 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;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

Planning application LA09/2019/1081/O was approved on this site for a dwelling at an existing cluster, and no planning policy has changed since this time, therefore we must hold material weight to that approval, and as I am content this application complies with



Image 1 – Photo of application site

This application must also comply with CTY 13 and CTY 14 of PPS 21. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. 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.

It is important to note, that the outline approval on this site had a condition attached that the proposed dwelling shall have a ridge height of less than 6 metres above finish floor levels to ensure that the development is satisfactorily integrated into the landscape.

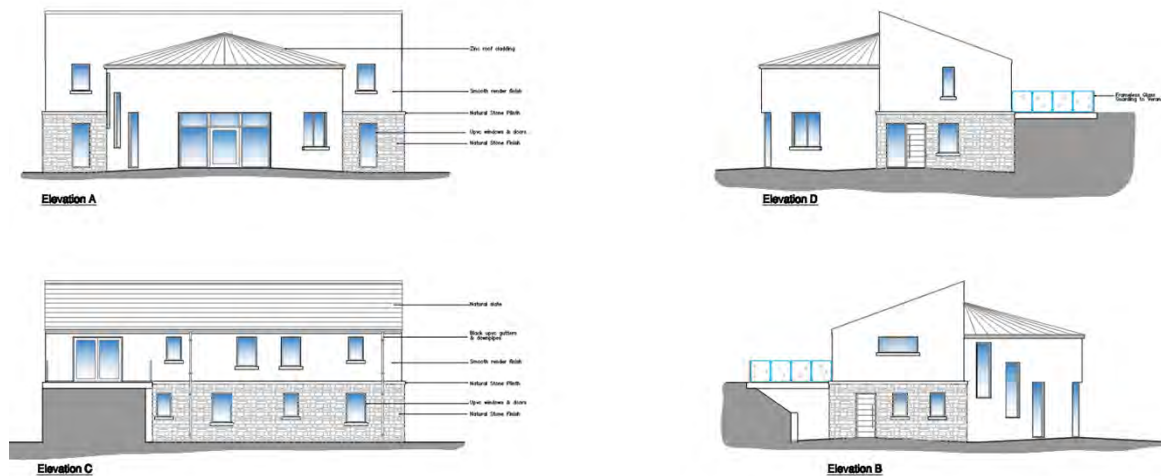


Figure 1 – Original design, Drawing No. 03 (received 27th March 2023)

In terms of the design of the building, the original design of the building was received 27th March 2023. The proposed dwelling had a ridge height of approximately 8m above finish floor levels, and the dwelling was not traditional or rural in form. When discussed at group discussion, it was considered by officers that this design was unacceptable. There was a 6m ridge height condition attached to the outline approval on site to ensure that the development is satisfactorily integrated into the landscape, and officers agreed with the original decision to attach this condition. The site cannot take a dwelling with an 8m ridge height, and the scale is too excessive for the site. The design of the dwelling should represent a dwelling that is traditional and rural in form in line with Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside. The previous case officer recommended a redesign to the agent.

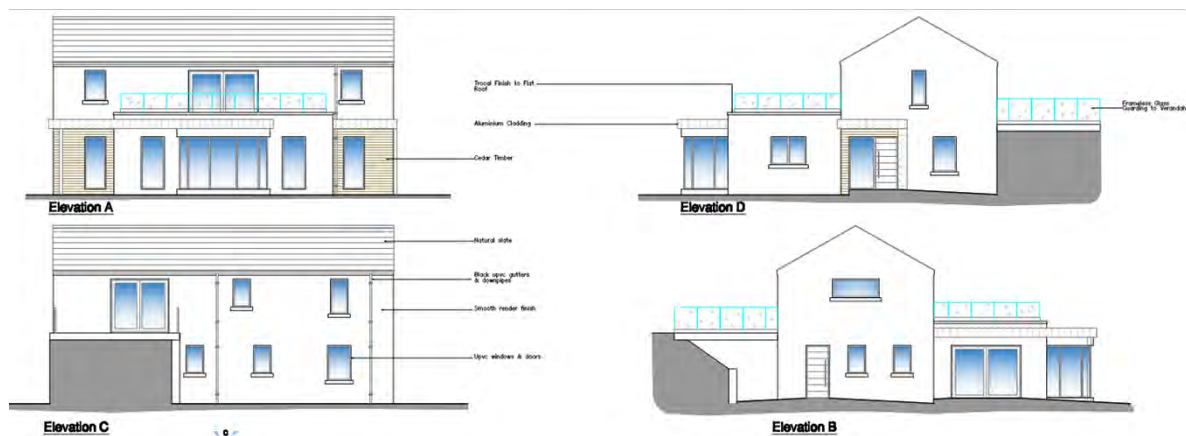


Figure 2 – Revised Drawing No. 03 Rev 01 (received 1st September 2023)

The agent submitted a revised design on 1st September 2023. This redesign was

discussed by officers at group discussion, and the officers were still of the opinion that the design was unacceptable, and that the redesign did not address any concerns that had previously been noted. The ridge height had only been reduced slightly to approximately 7.6m, the scale of the dwelling was still excessive, and the design was not traditional and rural in form. The original opinion from the previous group discussion still remained. Officers believed that the design of the dwelling was inappropriate for the site and its locality. A further redesign was recommended to properly address these concerns, specifically reducing the ridge height (noting to the agent to bear in mind that a 6m ridge height was conditioned under the outline permission).

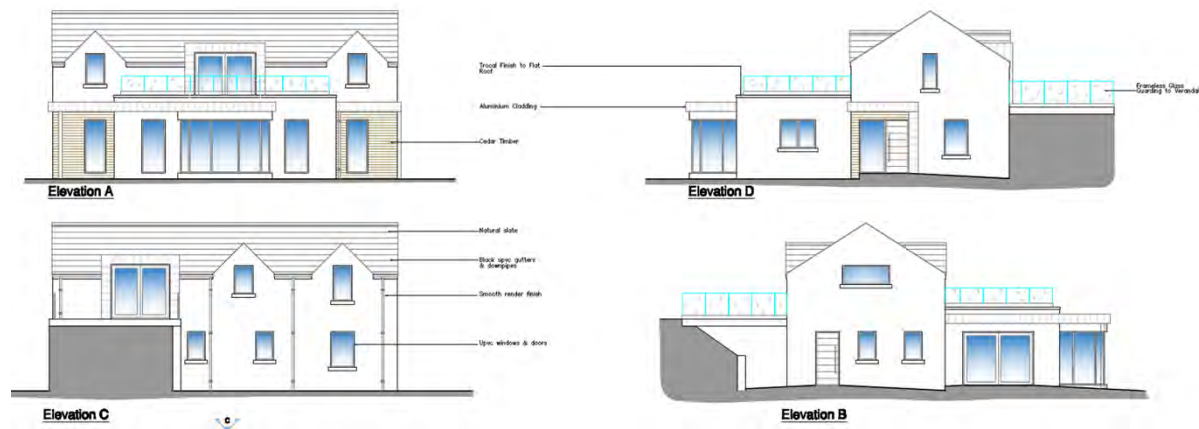


Figure 2 – Revised Drawing No. 03 Rev 02 (received 15th February 2024)

Revised drawings were received from the agent on 15th February 2024. The ridge height had been reduced slightly to approximately 7m, and the scale and form of the dwelling had not changed significantly. This amended design was discussed at group discussion and the officers were of the opinion that this design did not adequately address the original concerns that were relayed to the agent numerous times at this point. The scale of this proposed dwelling is too excessive for this site, and it would make it dominant in the local landscape. The design of the dwelling is not traditional, and is inappropriate for its rural location. It would not integrate harmoniously with the surrounding area.

Officers are of the opinion the design of the proposed dwelling is not in line with Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside. Officers are of the opinion that the proposal would appear as a prominent feature in the landscape, it cannot be visually integrated into the surrounding landscape, and it is not of an appropriate design for the site and its locality, and for these reasons fails to comply with Policy CTY 13 of PPS 21. Officers are of the opinion that the proposed dwelling would be unduly prominent in the landscape and for this reason it fails to comply with CTY 14 of PPS 21. For these reasons, it is recommended that this application is refused.

Other policy and material considerations**PPS 3: Access, Movement and Parking**

DfI Roads were consulted, and their response confirmed that they had no objection, subject to conditions. I am content that the access is acceptable under PPS 3.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons**Reason 1**

This proposal is contrary to Policy CTY 13 of Planning Policy Statement 21: Sustainable Development in the Countryside as the proposed dwelling would appear as a prominent feature in the landscape, it cannot be visually integrated into the surrounding landscape, and it is not of an appropriate design for the site and its locality.

Reason 2

This proposal is contrary to Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside as the proposed dwelling would be unduly prominent in the landscape.

Signature(s): Seáinín Mhic Íomhair

Date: 17 May 2024

ANNEX	
Date Valid	28 March 2023
Date First Advertised	11 April 2023
Date Last Advertised	11 April 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 222 Termon Road Pomeroy Tyrone BT70 2TA The Owner / Occupier 170 Loughmallon Road Pomeroy Tyrone BT70 2SY The Owner / Occupier 180 Loughmallon Road Pomeroy Tyrone BT70 2SY The Owner / Occupier 117 Loughmallon Road, Pomeroy, Tyrone, BT70 2SY	
Date of Last Neighbour Notification	14 April 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1990/0359 Proposals: Bungalow Decision: PR Decision Date: Ref: I/2006/0364/O Proposals: Site for dwelling Decision: PR Decision Date: 15-JAN-07 Ref: I/1994/0249 Proposals: Dwelling Decision: PG Decision Date: Ref: LA09/2023/0340/F Proposals: Proposed Dwelling and Garage Decision:	

Decision Date:

Ref: I/1998/0316

Proposals: Proposed Extension and Repairs to Dwelling

Decision: PG

Decision Date:

Ref: I/2005/1389/F

Proposals: Proposed sun-lounge extension

Decision: PG

Decision Date: 08-MAR-06

Ref: I/2002/0172/F

Proposals: Extension to Dwelling

Decision: PG

Decision Date: 17-JUN-02

Ref: I/1979/0031

Proposals: EXTENSION TO DWELLING HOUSE

Decision: PG

Decision Date:

Ref: I/1999/0413/O

Proposals: Dwelling House (Replacement) Store and Garage to House Classic Cars/Tractors - Garage and Store 80' x 25' approx - Domestic Use Only.

Decision: PG

Decision Date: 29-OCT-99

Ref: I/2000/0718/RM

Proposals: Single Storey replacement dwelling

Decision: PG

Decision Date: 13-DEC-00

Ref: LA09/2019/1081/O

Proposals: Site for dwelling under PPS21 CTY2A

Decision: PG

Decision Date: 19-FEB-20

Ref: I/1985/0338

Proposals: DWELLING

Decision: PR

Decision Date:

Ref: I/1986/0338

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: I/2003/0651/O

Proposals: Proposed replacement two-storey dwelling and domestic garage

Decision: PG

Decision Date: 11-SEP-03

Ref: I/1991/0135

Proposals: Change of use from agricultural land to golf course

Decision: WITHDR

Decision Date:

Ref: I/1995/0301

Proposals: Site for dwelling

Decision: PR

Decision Date:

Ref: I/1990/0217

Proposals: Erection of Bungalow

Decision: WITHDR

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Response Template.docx

DFI Roads - Enniskillen Office-

DFI Roads - Enniskillen Office-Roads Consultation.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Elevations Plan Ref: 03

Garage Plans Plan Ref: 04

Proposed Elevations Plan Ref: 03 Rev 01

Site Layout or Block Plan Plan Ref: 02 Rev 01

Proposed Elevations Plan Ref: 03 Rev 02

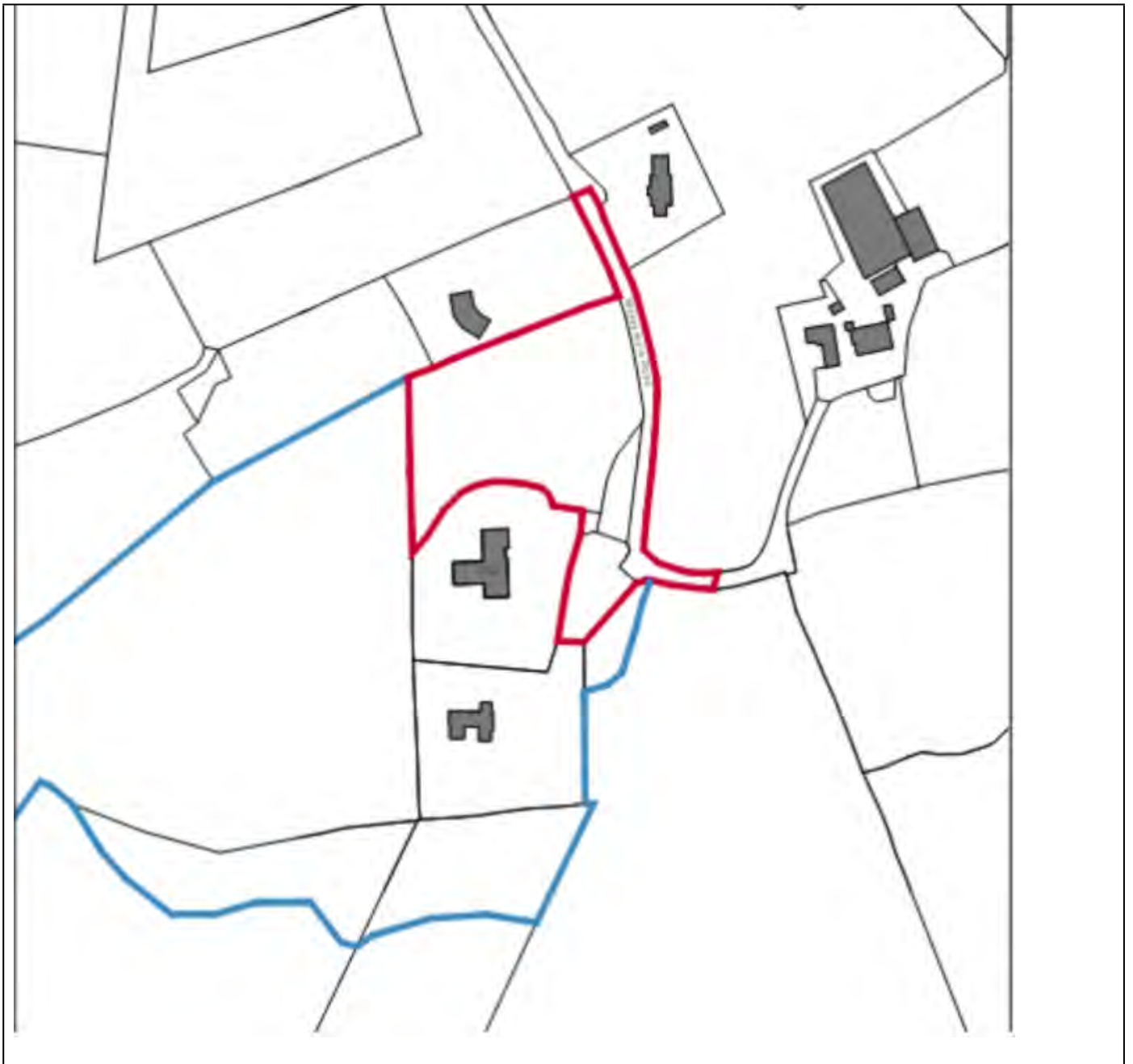
Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2023/0659/O Recommendation: Approve	Target Date: 27 September 2023
Proposal: Infill site for dwelling and garage under CTY 8	Location: Lands Approx. 50M North of 152 Moneymore Road, Magherafelt
Applicant Name and Address: Mrs Dorothy Bradley 152 Moneymore Road Magherafelt BT45 6HL	Agent Name and Address: Mrs Katherine McCann 1a Loves Road Magherafelt BT45 6NP
Summary of Issues: This application was first before Members at May 2024 Planning Committee with a recommendation to refuse. It was considered that the proposal was contrary to Policy CTY 8 of PPS 21 in that it didn't represent an infill opportunity along a road frontage site. It was also considered contrary to Policy CTY2A of PPS 21 in that there was no valid focal point to merit it being assessed as a dwelling in an existing cluster of development. Members agreed to defer the application for an office meeting, which was facilitated on the 13 th June 2024. Following this meeting, the carrying out of a site inspection and a reconsideration of the application, I now recommend that the application be approved. The justification for this revised recommendation is detailed further in this report.	
Summary of Consultee Responses: No new or additional consultations have been issued to inform this reconsideration	
Description of Proposal This is an outline application for a proposed infill site for a dwelling and garage under Policy CTY 8.	







Deferred Consideration:

This outline application for a dwelling has been applied under infill policy (CTY 8) however it has also been assessed under cluster policy (CTY2A). I would agree with the previous case officer that the Bed and Breakfast located to the immediate North of the site would not meet the requirement of being considered a focal point for the purpose of the CTY2A policy test. As all the criteria listed in policy CTY2A are not being met it remains that the proposal must be considered under Policy CTY8 of PP21.

CTY 8 clearly states that permission will be refused for a building which creates or add to a ribbon of development. It does have an exception which allows for the development of a small gap site within a substantial and built up frontage. The policy defines a road frontage as a line of 3 or more buildings along a road frontage without accompanying development to the rear. The previous case officer had concern that 2 of the dwellings being relied upon, numbers 152 and 152a Moneymore Road, didn't have a direct road frontage. Having carried out a site inspection I can confirm that number 152 would have a direct road frontage if it wasn't for a large copse of shrub and trees located just to the North of the entrance to the site. Number 152a is set back off the Moneymore Road but utilises the same access point as number 152. It is a slightly convoluted access arrangement onto the Moneymore Road for both dwellings but if the existing boundary treatment were to be removed the curtilage of number 152 would extend down to the road edge. It is actually evident on the ground that entrance lighting is located in this area. It would appear that the applicant has just decided to keep the vegetation in this area in order to provide some screening for the existing dwelling. It would be a very harsh application of policy to consider that the dwellings at 152 and 152a did not having a road frontage and for this reason I would consider the application site as a gap site within a substantial built up road frontage and recommend that Members approve this application subject to the conditions set out below.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

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

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

Condition 2

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

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

Condition 3

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the RS1 form available to view on public access.

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

Condition 4

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

Reason: To ensure the dwelling integrates into the landform

Condition 5

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

Reason: In the interest of visual amenity

Condition 6

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

Condition 7

The existing natural screenings of this site shall be permanently retained, except where it is necessary to provide sight splays.

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

Condition 8

During the first available planting season after the occupation of the dwelling, a (hawthorn/natural species) hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site

Reason: To ensure the amenity afforded by existing hedges is maintained and to encourage biodiversity

Condition 9

The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level

Reason: To ensure that the development satisfactorily integrates.

Condition 10

No vegetation clearance/removal of hedgerows, trees or shrubs/demolition of buildings or structures shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds

Signature(s): Karla McKinless

Date: 19 November 2024



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 May 2024	Item Number: 5.9
Application ID: LA09/2023/0659/O	Target Date: 27 September 2023
Proposal: Infill site for dwelling and garage under CTY 8	Location: Lands Approx. 50M North of 152 Moneymore Road, Magherafelt
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mrs Dorothy Bradley 152 Moneymore Road Magherafelt BT45 6HL	Agent Name and Address: Mrs Katherine McCann 1a Loves Road Magherafelt BT45 6NP
Executive Summary: This application is brought before the planning committee with a recommendation for refusal. The proposal is contrary to Policies CTY 8 and CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development. The proposal is also contrary to CTY 2a of PPS 21 for a cluster dwelling, in that the cluster does not appear as a visual entity in the local landscape and nor does it have a valid focal point.	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located in the rural countryside approximately 1.5 miles south and outside of the Magherafelt settlement limit as defined in the Magherafelt Area Plan 2015. The red-lined site boundary encompasses a 0.84 hectare area, hilly agricultural field which is adjacent to, though completely screened from the Moneymore Road. Adjacent and north of the site is dwelling no. 148D. Adjacent and south of the site is dwelling no. 152, followed by no. 152a south of this again. The site is enclosed by thick screening in the form of mature trees along all boundaries. The wider surrounding environment consists mostly of agricultural fields with a number of dwellings and farm buildings dotted along this stretch of road, particularly toward the southern end.

Description of Proposal

This is a full application for a proposed infill site for a dwelling and garage under Policy CTY 8.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

considerations indicate otherwise.

Planning Histories

H/2002/0628/O – Site of dwelling and garage – south west of 150 Moneymore Road, Magherafelt – Permission Granted 21/11/2002

H/2003/0447/F – Dwelling and garage with attached granny flat – south west of 150 Moneymore Road, Magherafelt – Permission Granted 05/03/2004

H/2012/0430/F – Retirement dwelling and garage within a farm grouping utilising existing access lane within existing cluster like pattern to Moneymore Road

Representations

To date no third party representations have been received.

Magherafelt Area Plan 2010

The site is located in the rural countryside approximately 1.5 miles south and outside of the Magherafelt settlement limit as defined in the Magherafelt Area Plan 2015.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings 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 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. The proposal involves the construction of a new access to a public road. A consultation was made to DfI Roads who provided no objection to the proposed. In light of this, I am content that the proposed complies with PPS 3.

PPS 21 – Sustainable Development in the Countryside

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

In terms of the plot size, I am content that the site would be able to accommodate a dwelling. For the purposes of this policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. I am content that there are 3 substantial buildings; these are no. 148D adjacent and north of the site, no. 152 adjacent and south, and no. 152A south of this again. While it is considered that these buildings are substantial, only the curtilage of no. 148D adjacent and north of the site has a road-fronting boundary. The curtilages of nos. 152 and 152A to the south of the site are set back and separated from the road by a thick forested area of mature trees which are not deemed to be a part of the domestic curtilages of these properties. Ortho satellite imagery supports this finding. It is therefore the case that the application is without a substantial and built up frontage that includes a line of 3 or more buildings along a road frontage. The proposed fails to comply with Policy CTY 8 of PPS 21.

Consideration is also afforded to Policy CTY 2a, which allows for a dwelling at an existing cluster of development subject to criteria as addressed below:

From a satellite perspective it can be argued that there is a cluster of four buildings (of which at least three are dwellings). These can include no. 148D adjacent and north of the site, nos. 152 and 152A to the south of the site and 148a to the north east of the site on the other side of the road. However, I do not believe that the cluster appears as a visual entity in the local landscape. This is notable when driving south along the Moneymore Rd where the mature road-side screening renders nos. 152 and 152a out of sight, meaning there is no apparent cluster of buildings. Contrary to the supporting statement provided by the agent, I do not agree that the Air BnB at no. 148D (Blanket Nook) is a valid focal point for the purposes of a social / community building / facility. The application site is bounded on two sides, north and south, by other development. 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 I believe a well designed dwelling with an appropriate ridge height would not adversely impact on residential amenity.

The proposal fails to meet Policy CTY 2a in that it does not appear as a visual entity in the local landscape and nor does it have a valid focal point.

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 design, size and scale that is comparable to the dwellings in the vicinity. The site is complete with strong natural boundaries in the form of mature trees along all its boundaries which renders it completely out of site from the main road. In the event of an approval of a dwelling at this site, it is expected that most of these trees could be retained to provide for excellent screening. The site would not rely heavily on new landscaping for integration. The proposal complies with CTY 13 at this outline stage.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As provided above, a dwelling at this site would not appear prominent in the landscape. However, given the proposal creates a ribbon of development, the proposal does not comply with Policy CTY 14.

Other Considerations

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

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

There are no issues pertaining to amenity at the site.

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application is refused on the grounds that it does not meet Policies CTY 2a, CTY 8 and CTY 14 of PPS 21.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 8 and Policy CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.

Reason 2

The proposal is contrary to CTY 2a of PPS 21 in that the cluster does not appear as a visual entity in the local landscape and nor does it have a valid focal point.

Signature(s): Benjamin Porter

Date: 17 April 2024

ANNEX	
Date Valid	14 June 2023
Date First Advertised	27 June 2023
Date Last Advertised	27 June 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 152 Moneymore Road Magherafelt Londonderry BT45 6HL The Owner / Occupier 148A Moneymore Road Magherafelt Londonderry BT45 6HL The Owner / Occupier 150 Moneymore Road Magherafelt Londonderry BT45 6HL The Owner / Occupier 152A Moneymore Road Magherafelt Londonderry BT45 6HL The Owner / Occupier 148D Blanket Nook Moneymore Road Magherafelt Londonderry BT45 6HL	
Date of Last Neighbour Notification	6 November 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2005/0618/O Proposals: Site of Dwelling and Garage Decision: PG Decision Date: 21-OCT-05 Ref: H/2002/0423/O Proposals: Site of dwelling Decision: PR Decision Date: 05-JUN-03 Ref: H/2003/1109/O Proposals: Site of dwelling and garage. Decision: Decision Date: Ref: H/2009/0136/F	

Proposals: Revised house type to approved dwelling ref: H/2008/0014/RM. - Revisions include natural stone finish and 1.3m increase to ridge height and reduced house footprint.

Decision: PG

Decision Date: 28-MAY-09

Ref: LA09/2023/0659/O

Proposals: Infill site for dwelling and garage under CTY 8

Decision:

Decision Date:

Ref: H/2003/0447/F

Proposals: Dwelling and garage with attached granny flat

Decision: PG

Decision Date: 05-MAR-04

Ref: H/2012/0430/F

Proposals: Retirement dwelling and garage within a farm grouping utilising existing access lane within existing cluster like pattern to Moneymore Road.

Decision: PG

Decision Date: 10-DEC-13

Ref: H/2002/0628/O

Proposals: Site of Dwelling and Garage

Decision: PG

Decision Date: 21-NOV-02

Ref: H/2005/1284/F

Proposals: 11kv Supply

Decision: PG

Decision Date: 03-APR-06

Ref: H/2000/0287/O

Proposals: Site of single storey split-level dwelling

Decision: PG

Decision Date: 17-OCT-00

Ref: H/2008/0014/RM

Proposals: Erection of 1no. dwelling

Decision: PG

Decision Date: 18-AUG-08

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

Drawing Numbers and Title Site Location Plan Plan Ref: 01
Notification to Department (if relevant) Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2023/0752/F	Target Date: 20 October 2023
Proposal: LA09/2020/0318/RM Proposed domestic bungalow with domestic garage. Condition No. 2. Proposed to be changed to: 'The vehicular access shall be improved and maintained in accordance with drawing 2318/A01. 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'. Background and justification set out by transport consultants letter attached with application.	Location: 63B Anneeter Road Coagh Cookstown
Applicant Name and Address: Mr Oliver Conlon 63b Anneeter Road Coagh Cookstown BT80 0HZ	Agent Name and Address: Les Ross Planning 14 King Street Magherafelt BT45 6AR
Summary of Issues: This application is for amendment of a condition in relation to the provision of sight lines for an access for a dwelling. The dwelling has been built and is breach of a condition of the planning permission. Amendments have been provided, these propose to remove a telegraph pole to improve the sight lines, this has not been done and does not meet the minimum standard for an access for a dwelling.	

Summary of Consultee Responses:

DFI Roads - the proposal does not meet the minimum standard for a new access and DFI Roads cannot recommend approval

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. 1 mile northeast of Moortown and just a short distance west of Lough Neagh and a Commercial Fishing Quay.

The site is a relatively flat square shaped plot containing a detached dwelling and its curtilage set back approx.150 metres from and accessed off the Anneeter Road via an existing concrete lane serving 2 existing dwellings and the Fishing Quay to its east. Whilst the site was approved for a dwelling and garage under previous planning applications LA09/2019/0344/O and LA09/2020/0318/RM, respectively, the pre commencement access arrangements of 2.4m x 45m, off the Anneeter Road, were not put in place as conditioned and are now the subject of this application.

The immediate area surrounding the site is rural in character, located on the shores of the Lough. However, it has come under considerable development pressure in recent times with a number of single dwellings with ancillary buildings and sheds clustered around the Fishing Quay to the east. This development extends southwest to a bend in the Anneeter Road and includes a Fish Processing Plant just 100m to the south west.

Description of Proposal

Variation of Condition 2 (sight lines) of LA09/2020/0318/RM Proposed domestic bungalow with domestic garage.

Deferred Consideration:

This application was before the Planning Committee in November 2023 with a recommendation to refuse as the proposal was considered to be unsafe as it could not meet the access standard of 2.4m x 45.0m sight lines to the north, required to provide a safe access. The application was deferred for a meeting with the Service Director to explore the issues further.

At a meeting on 16 November 2023 a DFI Roads representative advised, due to the speed of traffic on the road, the amount of traffic on the road and the amount of traffic using the access they would accept the minimum standard for sight lines of 2.0m x 33.0m to the north.

The roads engineer acting for the applicant advised the access cannot be improved to this standard as they are unable to obtain land from the neighbour to the north, to provide any additional sight lines. The engineer advised this lane has been used to serve a quay on Lough Neagh and other existing dwellings with much reduced sight lines of 2.4m x 5.0m. The use of the access has decreased as the quay is not used to the same extent as it was. The applicant has improved the standards here already and the policy only refers to

improving the access. A Planning Appeal Decision (2020/R0004) has been quoted as a precedent as has a housing development in Chancellors Road in Newry.

Following the meeting I visited the site to see the access and noted there is a telegraph pole in the sight line that blocks views to the north. (Photos 1 and 2). The applicant was asked to explore removing this pole and provide some indication of how the removal of the pole would affect the sight lines. (Fig1) The applicant has engaged with Openreach in relation to the alterations to the BT Infrastructure and they have advised they intend to relocate the pole within 6 weeks of the 24 October 2024.



Photos 1 and 2 – view to north from access and view from near side of the public road from 33.0m north of the access looking towards the access

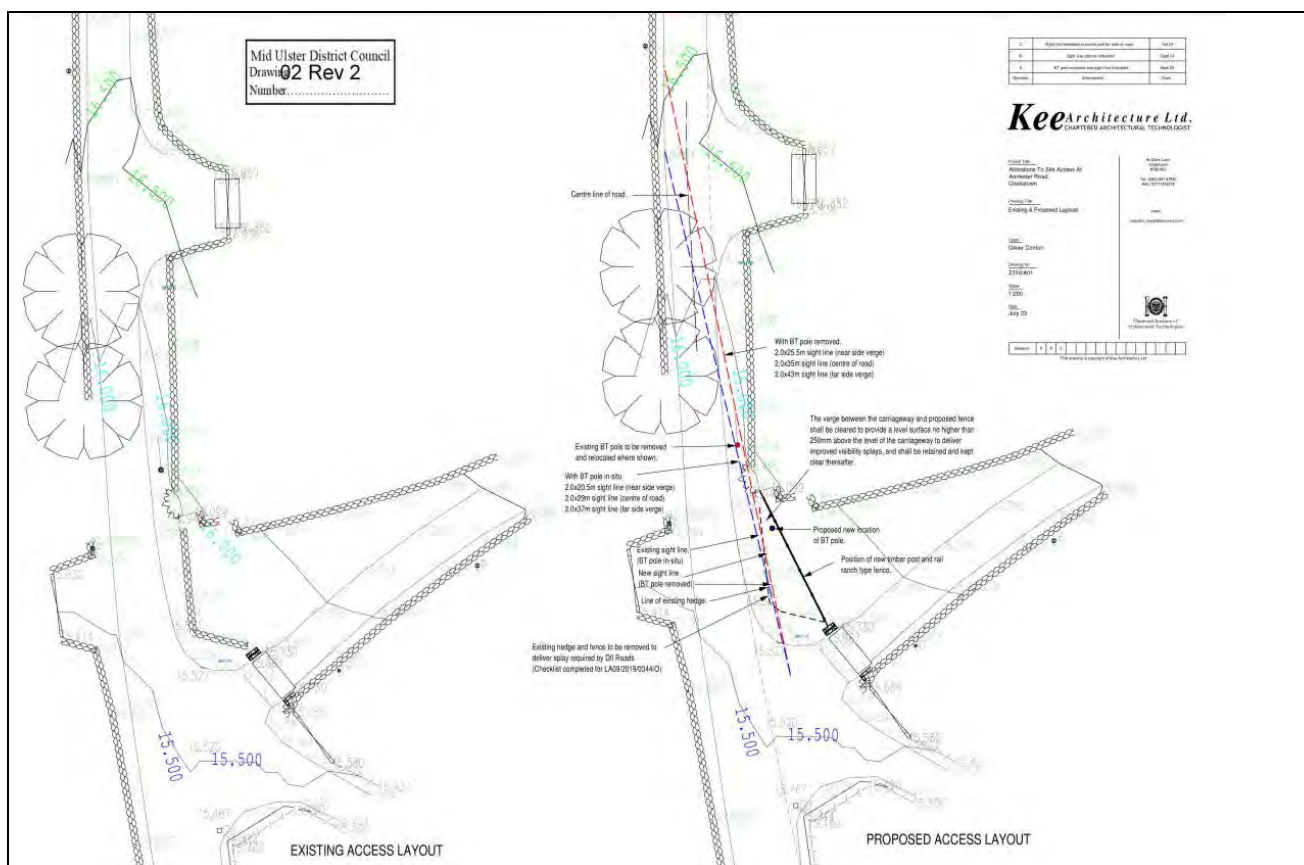


Fig 1 – access before any improvements on left, access with telegraph pole in situ and with telegraph pole removed on right.

The relevant policy for members to consider is Policy AMP 2 in PPS3. That policy states 'Planning permission will only be granted for a development proposal involving direct access, or 'the intensification of the use of an existing access', onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic

The policy then sets out that accesses will be assessed against the published guidance (DCAN1) and 5 stated factors that will also be given consideration (see below).

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of existing accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

Extract from AMP2 of PPS3

Members are advised this is an existing lane that provides access to other development, and it is accepted the applicant has improved the access from 2.4m x 5.0m to 2.4m x 20.0m in the northerly direction. It has already been considered that while the quay does not have the same traffic generation as there was previously, there is nothing to prevent this from increasing again. It has been accepted by all parties this dwelling has resulted in intensification of the use of the lane. DCAN15 sets sight lines of 2.0m x 33.0m as a safe minimum standard for an access of this type. It is clear the applicant cannot achieve this standard.

Members may take into account the standard of the existing road network together with the speed and volume of traffic approaching the access from the north. Facts that may be taken into account are the low road speeds due to:

- the road being approx. 3.0m in width (measured on site)

This is only suitable for a single vehicle at a time and the neighbouring property has large white painted rocks in the grass verge to discourage drivers from pulling onto the verge, therefore ensuring the vehicles stay on the road (Photo 2)

- a near 90 degree bend in the road approx. 95 metres to the north of the access

This restricts views around the corner and encourages low road speeds (Photo 3)

- the position of a driver of a vehicle approaching from the north (Photo 4),

Any driver will be on the opposite side of the road. Currently the lamppost opposite and north of the driveway of the neighbouring property is visible from the lane (Photo 1). This is approx. 45 metres away (measured on site). If the telegraph pole is removed the view in that direction will be increased further and subsequently the view of drivers approaching the lane and those exiting the lane will be increased.



Photo 3 – view of bend in road to the north of the access



Photo 4 – View from opposite side of the road approx. 33.0m from the access.

DFI Roads engineers were asked to comment on these facts and they advised their standard is to measure from the nearside of the public road and this could set a precedent. They cannot recommend anything below the minimum standard and they have advised cyclists or motorcyclists on the road would not be visible if close to the hedge on the nearside.

Members will be aware that precedent is set where the circumstances of the case are considered to be the same and is quoted in legal decisions as ‘being on all fours’. The cases quoted by the agent relate to

- 2020/R0004 is an appeal against the Roads Order in relation to moving the access for a single dwelling in Belfast, an urban location with footpaths both sides of the road, in this case the access standards of 2.0m x 35.0m were achieved
- 2003/A039/A041 is co-joined appeals in relation to an access for one house in a housing development in Newry. The Department did not consider any enforcement action could be taken on the access or a wall that was erected blocking the sight lines. The Commissioner identified issues in relation to the precision of the conditions and the enforceability of them,

I do not consider these comparable, the access condition here is enforceable and precise, it is in a rural location and the minimum standard is not being met.

That said, in this case the facts are

- it is an existing lane leading to a quay which could be a significant traffic generator and has been in the past,
- it provides access to a number of other existing dwellings and has resulted in improvement to the sight lines in the northerly direction,
- this is a single track rural road and the access is close to a sharp right hand bend, vegetation along the road is closed in to reduce visibility around that corner, resulting in low road speeds of traffic approaching from that direction.

In my opinion these factors would limit any potential precedent if this condition was amended to the access standards proposed. I understand DFI Roads concerns about motorcyclists and cyclists on the road potentially being close to the nearside verge. However motorcyclists would also be travelling at low speeds due to the factors on the

road and cyclists are unlikely to be able to travel at any great speed here to create a danger.

Following the receipt of amended plans a comment was received which indicates there is poor broadband connection and to be aware of this when considering the application. The applicant has contacted the infrastructure owner and they will be responsible for any relocation of the pole and any connections. Moving the pole may disrupt broadband or telephone service, however this is not a planning matter and is for the service provider to resolve for the consumer.

In light of the above factors, while the access does not meet the minimum standard in DCAN15, where sight lines are measured to the near side of the road. It is noted there are no recorded accidents here that have been made known. The proposal is improving the sight lines and the applicant has engaged the infrastructure provider to move the existing telegraph pole which will further improve the sight lines.

I recommend to members this condition is amended to state: 'Within 6 weeks of the date of this decision the vehicular access, including visibility splays of 2.0m x 25.5m to the north and relocation of the telegraph pole, shall be provided in accordance with the details as set out on Drawing No.02 Rev 2 received dated 25 October 2024. 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.'

The other condition in relation to landscaping should also be restated on the decision.

Conditions:

2. Within 6 weeks of the date of this decision the vehicular access, including visibility splays of 2.0m x 25.5m to the north and relocation of the telegraph pole, shall be provided in accordance with the details as set out on Drawing No.02 Rev 2 received dated 25 October 2024. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The scheme of planting hereby approved shall be carried out in accordance with drawing no. 02a date stamped 2nd September 2020 during the first available planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Mid Ulster District Council gives written consent to any variation.

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

Signature(s)
Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 November 2023	Item Number: 5.23
Application ID: LA09/2023/0752/F	Target Date: 20 October 2023
Proposal: LA09/2020/0318/RM Proposed domestic bungalow with domestic garage. Condition No. 2. Proposed to be changed to: 'The vehicular access shall be improved and maintained in accordance with drawing 2318/A01. 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'. Background and justification set out by transport consultants letter attached with application.	Location: 63B Anneeter Road Coagh Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Oliver Conlon 63b Anneeter Road Coagh Cookstown BT80 0HZ	Agent Name and Address: Les Ross Planning 14 King Street Magherafelt BT45 6AR
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - RESPONSE.docx
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc
Statutory Consultee	DFI Roads - Enniskillen Office	

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	3
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

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. 1 mile northeast of Moortown and just a short distance west of Lough Neagh and a Commercial Fishing Quay.



Fig 1: Site outlined red

The site is a relatively flat square shaped plot containing a detached dwelling and its

curtilage set back approx. 150 metres from and accessed off the Anneeter Road via an existing concrete lane serving 2 existing dwellings and the Fishing Quay to its east.

Whilst the site was approved for a dwelling and garage under previous planning applications LA09/2019/0344/O and LA09/2020/0318/RM, respectively, the pre commencement access arrangements of 2.4m x 45m, off the Anneeter Road, were not put in place as conditioned and are now the subject of this application.



Fig 2: Existing access off Anneeter Road viewed from north and south, respectively



Fig 3: Google image of access captured June 2023 from west.

Views of the existing access, which as can be seen above is paired with another access serving a no. of dwellings, are limited on both the northern and southern approach (see Fig 2, further above) until passing it due to its recessed nature, the mature trees/vegetation bounding it to the north and the mature roadside vegetation and development running to its north and south in the wider vicinity screen it.

The immediate area surrounding the site is rural in character, located on the shores of the Lough. However, it has come under considerable development pressure in recent times with a number of single dwellings with ancillary buildings and sheds clustered around the Fishing Quay to the east. This development extends southwest to a bend in the Anneeter Road and includes a Fish Processing Plant just 100m to the south west.

Description of Proposal

This is a full planning application to change condition 2 of previous planning application LA09/2020/0318/RM which granted permission for a bungalow and garage on lands south of 63 Anneeter Road Coagh Cookstown on the 10th November 2020.

The approved dwelling has been constructed and occupied on site however the pre-commencement access arrangements (condition 2) have not been put in place as conditioned and the applicant is seeking their reduction.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

Relevant Planning History

- LA09/2019/0344/O - Proposed domestic bungalow with separate domestic garage to allow access for commercial fisherman to his places of work - Site adjacently south of 63 Anneeter Road Cookstown - Granted 5th June 2019
- LA09/2020/0318/RM - Proposed domestic bungalow with domestic garage - Site South Of 63 Anneeter Road Coagh Cookstown - Granted 10th November 2020
- LA09/2021/0205/CA - Alleged Breach of Condition 2 of planning permission LA09/2020/0318/RM (visibility splays not in place) - Enforcement Investigation Ongoing.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 3 objections were received:

- 1 from Mr & Mrs J McLernon the owners / occupiers of no. 65 Anneeter Road, the dwelling located immediately adjacent and north of the proposed access to the site off Anneeter Road.
- 1 from Mr & Mrs B Quinn the owners / occupiers of no. 59 Anneeter Road, the two-storey

dwelling located on lands immediately adjacent and south of the access.

- 1 from Mr J Quinn the owner / occupier of no. 59A Anneeter Road, a bungalow also located on lands immediately adjacent and south of the access. This bungalow sits just between the access and no. 59.

Mr & Mrs McLernon objected, as they had previously on the outline and reserved matters application on site, to the sight lines of the dwelling approved on site encroaching on their property; and that again the applicant had completed Certificate A of the application form stating that he is in actual possession of all lands connected with the application, which he is not. Mr & Mrs B Quinn and Mr J Quinn raised the same concerns that the sight lines encroached on their properties, that they did not give the applicant such permission, and that he should have completed Certificate C serving notice on relevant parties.

Consultees

1. DFI Roads were consulted in relation to the access arrangements proposed and made the following comments for Planning to consider prior to decision, taking account of MRA Partnership consultant's report submitted in support of the proposal:
 - a. The site is accessed from an existing established laneway. MRA Partnership consultant's report demonstrated previous vehicular usage of this laneway once used as a fishing boat docking area has been significantly reduced.
 - b. Priority road speed is 20-25mph and vehicular movements are at a minimal rate per day as such DCAN 15's bracketed figure of 2m x 33m can be used, reduced from the 2.4m x 45m conditioned.
 - c. MRA Partnership consultant's report demonstrated that a site visit on the 18th May 2023 a sight visibility line of 2.4m x 24m was achievable.
 - d. DfI Roads site visit on the 10th October 2023 established a visibility line to the north approx. 20m. DCAN 15's minimal requirements are 2m x 33m the sight visibility line to the north is sub-standard.
 - e. Objections from adjacent landowner to north said the sight visibility line crosses, and would require a hedge and or fence to be set back to obtain the minimal sight visibility line to the north.

In conclusion DfI Roads advise whilst improvements have been made to the lane; it has been demonstrated vehicular movements have been significantly reduced, a reduction in the requirements of DCAN 15 to the minimum of 2m x 33m is reasonable from the 2.4m x 45m previously conditioned however achieving a 33m Y distance to the North may require 3rd party consent for any hedge or fence removal and or setback of same.

Cookstown Area Plan 2010 - The site is located in the open countryside as defined by the Plan. Development in the countryside is controlled under the provisions of the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 21 Sustainable Development in the countryside.

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

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

PPS 21 is the overarching policy for development in the countryside. Policy CTY1 of PPS 21 outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aim of sustainable development. It highlights all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. That access arrangements must be in accordance with the Departments published guidance.

Planning Policy Statement 3: Access, Movement and Parking

Policy AMP 2 Access to Public Roads outlines planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where: a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes. The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors: the nature and scale of the development; the character of existing development; the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement; the location and number of existing accesses; and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

As outlined previously this full planning application seeks to change condition 2 of previous planning application LA09/2020/0318/RM which granted permission for a bungalow and garage on lands south of 63 Anneeter Road Coagh Cookstown on the 10th November 2020.

The approved dwelling has been constructed and occupied on site however the pre-commencement access arrangements (condition 2) have not been put in place as conditioned and the applicant is seeking their reduction.

Condition 2 of LA09/2020/0318/RM was that:

- Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45m and a 45m forward sight line, shall be provided in accordance with the details as set out on Drawing No.01a dated 20th August 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.

This application seeks to change condition 2, above, to:

- The vehicular access shall be improved and maintained in accordance with drawing 2318/A01. 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.

Drawing 2318/A01 seeks to reduce the previously conditioned visibility splays to their current state, which as detailed in the main body of this report (see 'Planning Assessment of Policy and Other Material Considerations') is less than the 2m x 33m minimal requirements set out in DCAN 15.

MRA Partnership Consultant's submitted a report alongside and in support of this application to reduce the access arrangements conditioned under previous outline and reserved matters applications to serve the dwelling on site and highlighted the following key points:

- There is no intensification of the access to serve the dwelling approved on site. The access serving the dwelling accesses a quay on Lough Neagh that used to accommodate 10 boats per day but with a declining fishing industry now only 3. Now considerably less vehicles per day use the access.
- Intensive use of the access took place with poor visibility splays. A high, overgrown hedge with fence within limited the north splay to approx. 2.4m x 15.5m when the previous applications on site were assessed.
- No known collision history here despite theoretically low splays. Traffic speeds on road are low. Whilst it has a 60mph speed limit, approach speeds are estimated to be 25mph and 20mph from the south and north, respectively.
- DfI Roads under previous applications on site sought 2.4m x 45m site splays in both directions. These seemed high for an existing access on a slow road but were not challenged at the time for good reason. DfI Roads DC checklist detailed they were content the south splay was in place and the north splay would need the fence removed. There were no concerns the splays were undeliverable at this point. Subsequently a neighbour (Mr McLernon to the north) noted the required splay encroached on his garden and an amended P2 certificate of ownership was submitted to address this.
- The applicant implemented the access DfI Roads sought by removing the fence and hedge to the north delivering splay improvement but not full 2.4m x 45m sought. The north splay on the 18 May 2023 was 2.4 x 24m. PPS 3 AMP2 notes substandard existing accesses need to be improved. The fence removal substantially improved the splay from 2.4m x 15.5m. A splay of 2 x 26m was achieved also commensurate with the splay at the next access to the south satisfactorily serving a commercial fishing business.
- The improved north splay has since been diminished by a metal panel erected and protruding 600mm over the public verge and an adjacent hedge not being maintained.
- PPS3 recognises not always practicable to comply fully with appropriate visibility splays. The 2.4 x 45m splays sought are appropriate for a new access to 1000 vehicles per day onto a busy road (greater than 300 vehicles per day). This is not a new access but a long established, historically busier access. It will be exceptionally quiet and Anneeter Rd is not a busy, well below 3000 vehicles per day threshold in DCAN 15 allowing lesser splays.
- When measured against DCAN15 requirements the existing access of 2.4m x 24m to north is substandard, because the minimum is 2m x 33m. However, the access has been the access to a potentially busy quay, and the 2.4 x 15.5 m splays served this adequately. Planning policy seeks improvement, which has been delivered. Visibility from lane has been improved considerably by the applicant for all lane users. Improvement is the key requirement for existing accesses within in AMP2.
- There is an absence of harm – there is no known collision history, nor would any be expected because the splays have been improved and use of quay lane reduced despite construction of the additional dwelling on site. The applicant was already using the lane to access the quay. Now that he lives on the lane, he no longer needs to use the access to get to work. Indeed, were he to vacate the dwelling he would still be using the lane to travel to and from work.

Having taken account of MRA Partnership Consultant's report above in support of this application to reduce the access arrangements conditioned under the previous outline and

reserved matters applications on site to serve the dwelling already constructed and occupied on site; having taken account of the objection letters received (see 'Representations' further above); and having consulted with DfI Roads (see 'Consultees' further above) I consider this proposal contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the minimum access requirements of 2m x 33m sight splays in both directions onto the public road, as per DfI Roads advice, has not been provided in accordance with the standards contained in the Department's Development Control Advice Note 15. It cannot be demonstrated that there is no intensification of use of the access. Whilst the access may not be busy at present there is nothing to stop it being used in the future to access the Quay. The access splay to the north has not been achieved and cannot be achieved without encroachment onto neighbouring lands. The owner of the lands Mr & Mrs J McLernon advised they have not given permission for this. The applicant was made aware of the need to provide the conditioned visibility splays under the previous applications and the need for third party land before commencing the house. It is the applicant's responsibility to ensure that he controls all the lands necessary to carry out the proposed development. Whilst I note that there is no collision history and DfI Roads accept that the splays conditioned could be reduced from 2.4m x 45m to the minimum specified in DCAN 15 of 2m x 33m in this instance these are not available and cannot be provided.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the minimum access requirements of 2m x 33m sight splays in both directions onto the public road has not been provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

Signature(s): Emma Richardson

Date: 26 October 2023

ANNEX	
Date Valid	7 July 2023
Date First Advertised	25 July 2023
Date Last Advertised	25 July 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 63 Anneeter Road Cookstown Tyrone BT80 0HZ The Owner / Occupier Fish Processing Plant Anneeter Road Cookstown Tyrone BT80 0HZ The Owner / Occupier 65 Anneeter Road Cookstown Tyrone BT80 0HZ The Owner / Occupier 59 Anneeter Road Cookstown Tyrone BT80 0HZ The Owner / Occupier 63A Anneeter Road Cookstown Tyrone BT80 0HZ The Owner / Occupier 59A Anneeter Road Cookstown Tyrone BT80 0HZ	
Date of Last Neighbour Notification	14 July 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/2006/0970/F Proposals: Private Access Lane Lighting Decision: Decision Date: Ref: I/1985/0461 Proposals: ERECTION OF DOMESTIC GARAGE AND STORE Decision: PG Decision Date: Ref: LA09/2015/0318/F Proposals: Alterations and Extension to rear of existing dwelling Decision: PG	

Decision Date: 16-SEP-15

Ref: I/2002/0299/F

Proposals: Proposed dwelling and domestic garage

Decision: PG

Decision Date: 29-AUG-02

Ref: I/1985/0265

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: I/2004/0083/O

Proposals: Site for Dwelling

Decision: PG

Decision Date: 16-APR-04

Ref: I/2006/1231/RM

Proposals: Domestic dwelling

Decision: PG

Decision Date: 10-MAY-07

Ref: LA09/2020/0318/RM

Proposals: Proposed domestic bungalow with domestic garage.

Decision: PG

Decision Date: 10-NOV-20

Ref: LA09/2023/0752/F

Proposals: LA09/2020/0318/RM Proposed domestic bungalow with domestic garage.

Condition No. 2. Proposed to be changed to: 'The vehicular access shall be improved and maintained in accordance with drawing 2318/A01. 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'. Background and justification set out by transport consultants letter attached with application.

Decision:

Decision Date:

Ref: LA09/2019/0344/O

Proposals: Proposed domestic bungalow with separate domestic garage to allow access for commercial fisherman to his places of work.

Decision: PG

Decision Date: 05-JUN-19

Ref: I/1990/0158B

Proposals: Dwelling

Decision: PG
Decision Date:

Ref: I/1980/0318
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: I/1990/0158
Proposals: Dwelling
Decision: PG
Decision Date:

Ref: I/2002/0768/F
Proposals: Domestic Double Garage
Decision: PG
Decision Date: 15-JAN-03

Summary of Consultee Responses

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

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable

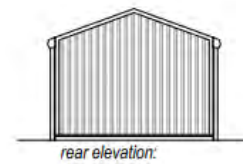
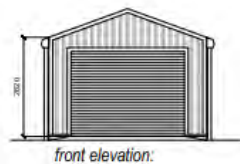
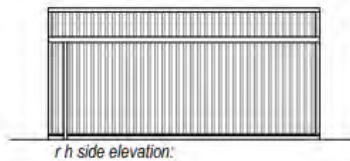
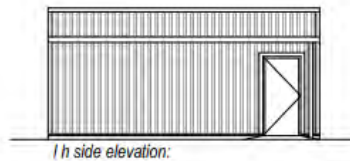


Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2023/1279/F Recommendation: Approve	Target Date: 8 March 2024
Proposal: Extension to curtilage to provide garden space and domestic storage shed	Location: 96 Mullan Road Coagh
Applicant Name and Address: Mr Terence Maynes 86 Mullan Road Coagh BT80 0JF	Agent Name and Address: CMI Planners 38A Airfield Road Antrim BT41 3SQ
Summary of Issues: This application was first before Members at April 2024 Planning Committee with a recommendation to refuse. It was considered that the proposal was contrary to the Addendum to PPS7 in terms of scale and massing and how the development would detract from the surrounding area. It was also considered that the proposal was contrary to policies CTY 13 and CTY 14 of PPS 21 in terms of prominence, integration and impact on rural character. The addition to an existing ribbon of development was also a concern and a CTY 8 refusal reason was also cited. Members agreed to defer the application for an office meeting which was facilitated on the 22nd April 2024. The agent has since submitted a revised scheme to deal with the policy concerns and I am now recommending that the application be approved. The justification for this recommendation is detailed further in this report.	
Summary of Consultee Responses: No new or additional consultations have been issued to inform this deferred consideration.	
Description of Proposal This is a full application for the proposed extension of curtilage to provide garden space and a domestic storage shed at 96 Mullan Road, Coagh.	



EXTERNAL FINISHES	
ROOF	- Single skin cladding panel Colour - Grey
EXTERNAL WALLS	- Single skin cladding panel Colour - Cream
RAINFALL GOODS	- uPVC gutters and downpipes
DOORS	- Metal door & frames



CMI Planners Ltd.
38 Ashford Road
The Cragh
Trompsburg
BT16 5BQ
Tel: 028 7965 1759

Client:	Mr Terence Mayne.	Scale/Sheet:	1:100 (2 of 3)	Drawing no.:	L03
Project:	Extension to curtilage to provide garden space & Domestic Storage Shed at No 96 Mullan Road, Cough - BT16 6UE	Date:	Oct 2023	Reason:	
Drawing Title:	Proposed Shed Details	Job No.:	1154	Drawn By:	MMAC

Deferred Consideration:

The application is to extend the existing domestic curtilage to the NE of the existing dwelling, taking in a portion of an adjacent agricultural field. The initial proposal sited the domestic shed obtrusively and removed from the dwelling which was resulting in concerns regarding integration and rural character. The proposal now under consideration has re-sited the domestic shed closer to the dwelling. This has resulted in a development that is visually more acceptable. The shed will cluster and read with the host dwelling and will not detract from the rural character of this area.

Whilst it will introduce another building along this road frontage, the level of development existing on this section of the Mullan Road has resulted in rural character that has somewhat been eroded already. The proposed minor extension of the domestic curtilage and the introduction of a small domestic shed would not further erode this character given how close it will be situated to the existing dwelling at number 96. To bring the shed closer to the road would locate it forward of the existing building line and this would not be characteristic of the pattern of development in this area and would in effect detract from the existing dwelling. For these reasons it is considered that the addition of this building will not extend an existing ribbon of development that will negatively impact on the rural character of this area.

The proposed shed is not excessive in terms of scale and massing. It measures 4.1m in width x 7.1m in length x 3m in height. This would be considered domestic in scale and with the revised siting moving it closer to the dwelling, along with proposed planting, it will not appear overly prominent on this roadside site.

I have no policy concerns with this proposal and recommend that Members approve the application subject to conditions to ensure proposed planting along the new site boundaries and to ensure its use is domestic and ancillary to the dwelling at 96 Mullan Road.

Conditions/Reasons for Refusal:**Approval Conditions****Condition 1**

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

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

Condition 2

During the first available planting season after the occupation of the building for its permitted use, trees shall be planted along the new boundaries of the site in accordance with drawing no 02 rev A, uploaded on the Planning Portal on the 28th October 2024

Reason: To ensure the development integrates into the rural area

Condition 3

The building and yard hereby approved shall be used only for domestic purposes ancillary to the dwelling located at 96 Mullan Road, Coagh.

Reason: To prevent the introduction of an unacceptable use in the countryside

Signature(s):Karla McKinless

Date: 19 November 2024



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 April 2024	Item Number: 5.15
Application ID: LA09/2023/1279/F	Target Date: 8 March 2024
Proposal: Extension to curtilage to provide garden space and domestic storage shed	Location: 96 Mullan Road Coagh
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Terence Maynes 86 Mullan Road Coagh BT80 0JF	Agent Name and Address: CMI Planners 38A Airfield Road Antrim BT41 3SQ
Executive Summary: This case is being brought before members for refusal, due to the proposal failing to meet requirements of Paragraphs A11 and A13 of 'Addendum to PPS7: Residential extensions and alterations' and CTY policies 13 and 14 under PPS21: Sustainable Development in the Countryside.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

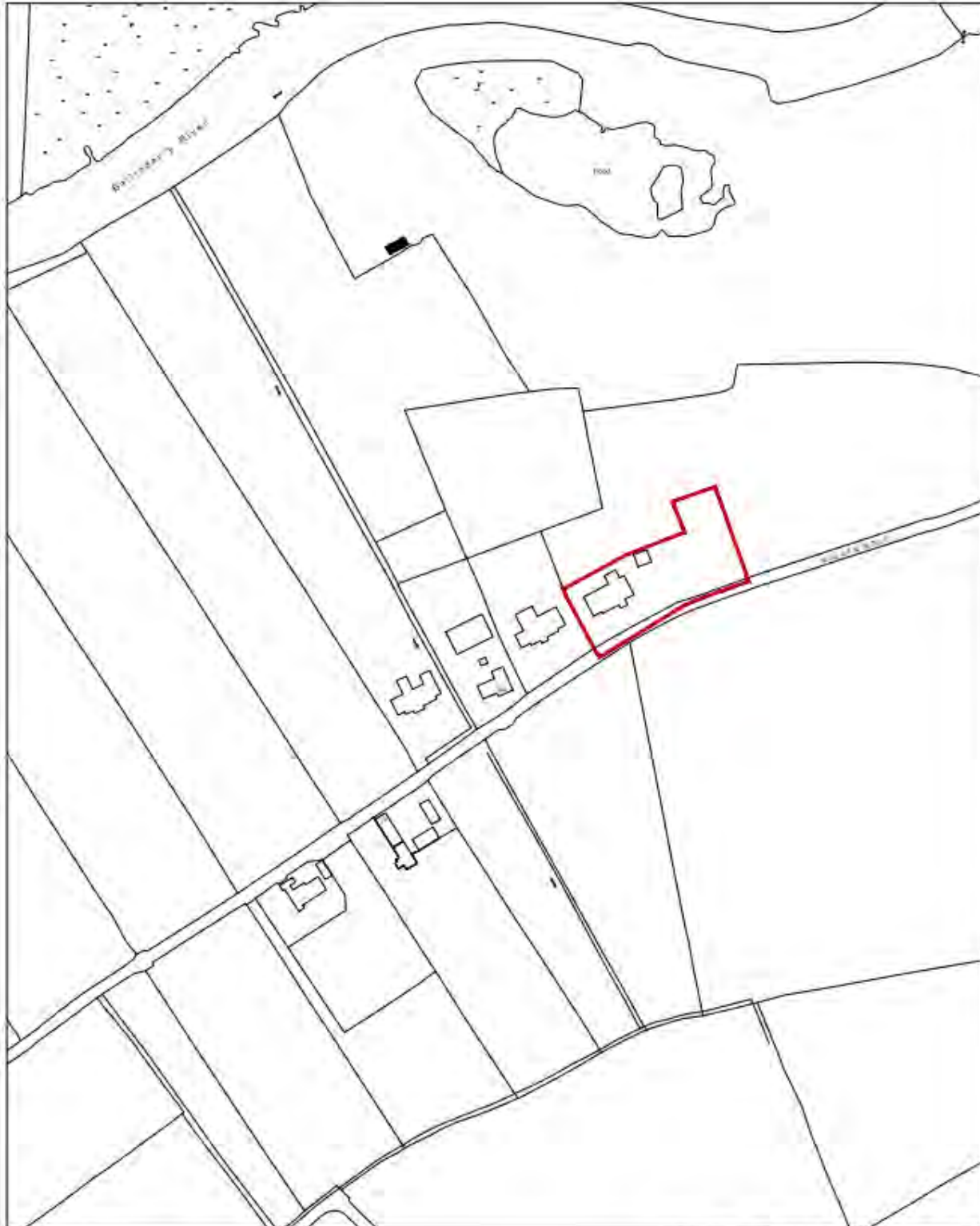
Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

This site is located approximately 3.84 Miles from the the village of Coagh and is located in the open countryside as per the Cookstown area plan 2010. The site is identified as 96 Mullan Road, Coagh. The area is rural in character, consisting mostly of agricultural fields with a few dwellings present, the site is also close to the shore of Lough Neagh,

putting it within the CTY2/02 countryside policy area: Lough Neagh Shore, Cookstown.

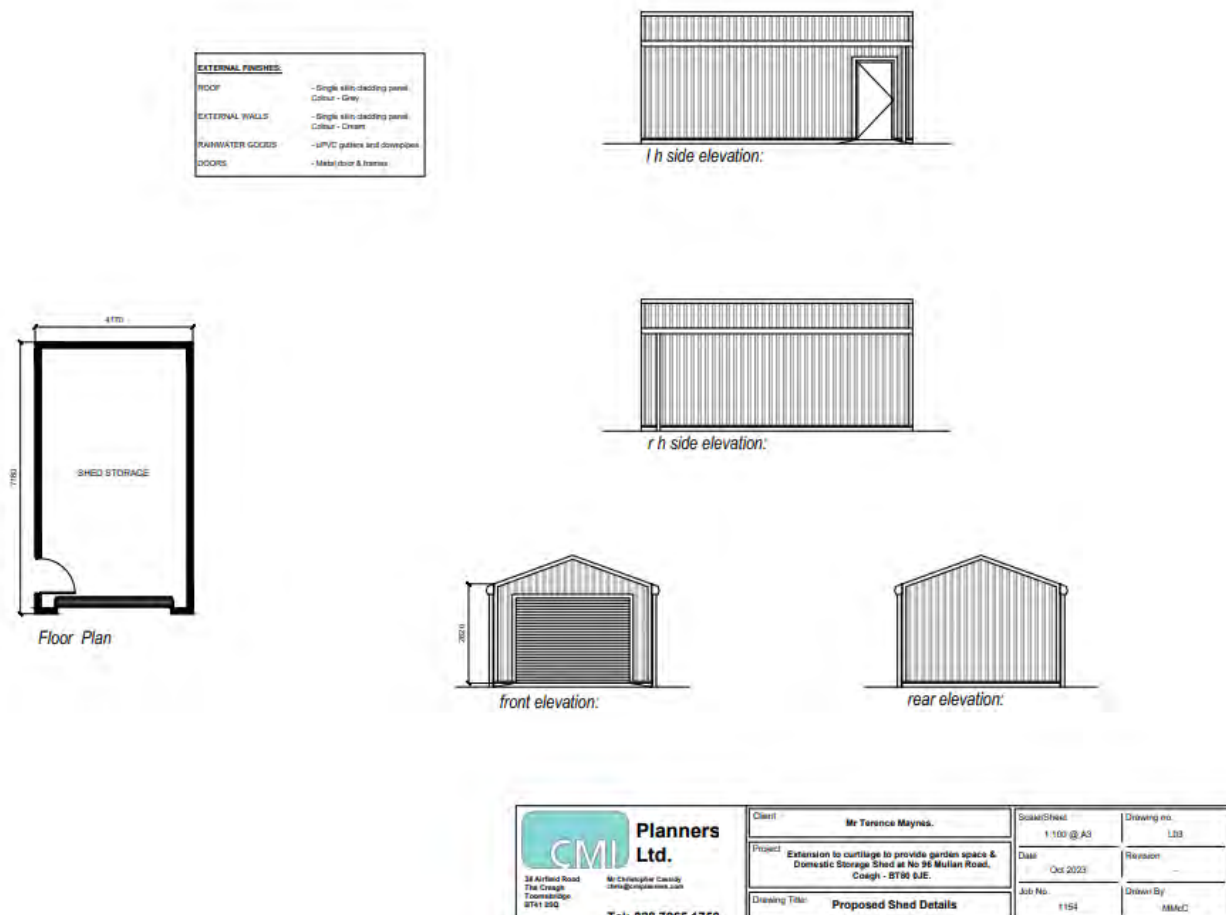


Location Plan
Scale 1:2500

O.S. Map Ref: 110-13 NE & 110-13 SE

Description of Proposal

[illegible]



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Site History (Last 5 years)

LA09/2015/0792/LDP

Proposed Agricultural Shed

Permission Granted

LA09/2017/0710/F

25M And 50M North East Of 92 Mullan Road

Coagh, Proposed infill/gap site for 2 dwellings and domestic garage based on policy CTY8

Permission Granted

LA09/2019/1005/NMC

Site 2 - 50M North East Of 92 Mullan Road., To raise finished floor and ground levels on site 2 by 350mm from approved
NMC Granted

LA09/2019/0177/F

25M North East Of No. 92 Mullan Road, Coagh
BT800JE, Proposed change of house type for that originally approved under application no. LA09/2017/0710/F.
Permission Granted

Other Histories**LA09/2017/0096/CA**

50M North East Of 92 Mullan Road
Unauthorised building, hardcore and access.
Enforcement Case closed

Representations

In line with Statutory Neighbour Notification Procedures, 2 neighbouring properties were notified of this application. To date, there have been no letters of objection received in respect of the proposal.

This application was advertised in the Derry Post on the 5th of December 2023.

No official body or organization was consulted for this application.

Cookstown Area Plan 2010

This site is located approximately 3.84 Miles from the village of Coagh and is located in the open countryside as per the Cookstown area plan 2010. The site is not subject to any development plan designations relevant to this assessment.

The SPPS

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. As this development is being proposed in the countryside, policies CTY 13 and 14 of PPS21 will be material considerations. As well as this, Addendum to PPS 7: Residential Extensions and Alterations will be another aspect of retained policy used for consideration.

Local Development Plan

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

Addendum to PPS 7 – Residential Extensions and Alterations

Addendum to PPS 7 - Residential Extensions and Alterations states that when dealing with proposed garages and other associated outbuildings, proposals within the residential curtilage, such as, garages, sheds and greenhouses can often require as much care in siting and design as works to the existing residential property.

They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. The use of false pitches should be avoided as these often detract from the appearance of these buildings, particularly when viewed from the side.

The proposal includes an extension to the curtilage eastwards towards the loughshore, and it is in the northeastern corner of this expansion where the shed and concrete yard also proposed for this application will be sited. The proposed Shed will be 7.18 Metres long, 4.17 Metres wide, and 2.62 Metres tall from floor height. It will be sited approximately 46.4 Metres from the existing dwelling, or 30.5 Metres from the smaller shed that currently exists between the proposed site and existing dwelling. These particular dimensions, scale and position of the proposed shed give it the impression of being too far removed and separate from the existing dwelling to be considered a domestic structure, or to be associated with the Dwelling at No.96.

Considering this, I believe that the proposal will have a negative impact upon the surrounding area and does not accord with the policy criteria set out specifically, paragraphs A11 (“They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the

building from surrounding views.”) and A13 (“In the countryside, ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings”).

PPS 21 – Sustainable Development in the Countryside

As this proposal is a development in the countryside, PPS 21 applies, specifically CTY policies 13 and 14. As the dwelling that this application relates to (96 Mullan Road) was approved under CTY 8, we will also consider it.

CTY 8 – Ribbon Development

Planning permission will be refused for a building which creates or adds to a ribbon of development.

The dwelling to which this application for curtilage extension relates (96 Mullan Road) was approved under CTY 8 in the application LA09/2017/0710/F, as an infill dwelling based on the presence of an agricultural shed (previously approved under LA09/2015/0792/LDP). This proposal to extend the curtilage and build a new shed will significantly extend the ribbon of development eastwards and past the site of the original shed that was a material consideration in 96 Mullan Road previously being approved as an Infill dwelling, particularly of relevance to this expansion of the development ribbon is the siting of the proposed shed. The size and scaling of this proposal would also be contrary to CTY 8, as it does not respect the existing development pattern along the road frontage (Dwellings presenting first towards the roadside, with sheds and garages sited to their rear).

Considering the above, I do not believe this proposal meets the criteria required to meet CTY 8.

CTY 13: Integration and design of buildings in the countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural

features which provide a backdrop; or

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on the farm.

The proposed siting of the shed (approximately 46 metres away from the existing dwelling, and on higher ground as seen in site photos) means it will sit apart from the existing dwelling and consequently fails to blend with the landform and existing buildings already present on site while also being a prominent feature in the local landscape, breaching points (f) and (a) respectively. The design of the proposed driveway will not integrate with the sites surroundings and appears to be excessively hard-cored, breaching point (d). The proposal also relies primarily on the use of new landscaping for integration rather than appropriate siting and scaling of ancillary works, therefore breaching point (b).

For these reasons, I am not content that this proposal meets the criteria of CTY 13.

CTY 14: Rural Character

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The proposed siting of the shed; a 4.17m wide x 7.18m long x 2.62m tall structure sited approximately 46 metres from the existing dwelling and on higher ground, will make it unduly prominent in the landscape, breaching point (a). The proposed design and placement also does not respect the traditional pattern of settlement exhibited in the area (due to the proposed shed being located so far from the dwelling it should be visually linked to, it is too far removed and separate to be considered a domestic shed), and the impact of ancillary works (specifically the implementation of the new drive and scheme of planting) will damage the rural character of the local area, breaching points (c) and (e) respectively.

For these reasons I do not believe this proposal meets the criteria of CTY 14.

Other Considerations

A Habitats Regulations Assessment (HRA) was conducted to determine any potential

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

Summary of Recommendation:

Refuse is recommended

I believe that this proposal should not be approved, as it breaches multiple points of CTY13 and CTY14 under PPS21, and paragraphs A11 and A13 of Addendum to PPS7: Residential Extensions and Alterations.

Refusal Reasons

Reason 1

The proposed development is contrary to Policy EXT 1 of the Addendum to Planning Policy Statement 7, as it is considered the scale and design of the proposal will detract from the appearance and character of the surrounding area.

Reason 2

The proposed development is contrary to Policy CTY 13 of Planning Policy Statement 21, as it is considered the proposal will be a prominent feature in the landscape, the ancillary works will not integrate with their surroundings, the proposal will fail to blend with the landform and it relies primarily on the use of new landscaping to integrate into this rural area.

Reason 3

The proposed development is contrary to Policy CTY 14 of Planning Policy Statement 21, as it is considered the proposal will be unduly prominent, it will not respect the traditional pattern of settlement in the area, it will add to a ribbon of development and the impact of the ancillary works will damage the rural character of this area.

Reason 4

The proposed development is contrary to Policy CTY 8 of Planning Policy Statement 21, as the siting of the proposed building will add to a ribbon of development.

Signature(s): Ciaran O'Neill

Date: 22 March 2024

ANNEX	
Date Valid	24 November 2023
Date First Advertised	19 December 2023
Date Last Advertised	19 December 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 92 Mullan Road Coagh Tyrone BT80 0JF The Owner / Occupier 94 Mullan Road Coagh Tyrone BT80 0JF	
Date of Last Neighbour Notification	28 November 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2017/0710/F Proposals: Proposed infill/gap site for 2 dwellings and domestic garage based on policy CTY8 Decision: PG Decision Date: 11-JUN-18 Ref: LA09/2023/1279/F Proposals: Extension to curtilage to provide garden space and domestic storage shed Decision: Decision Date: Ref: I/1977/0310 Proposals: 11 KV O/H LINE Decision: PG Decision Date: Ref: LA09/2019/1005/NMC Proposals: To raise finished floor and ground levels on site 2 by 350mm from approved Decision: CG Decision Date: 25-SEP-19 Ref: LA09/2019/0177/F	

Proposals: Proposed change of house type for that originally approved under application no. LA09/2017/0710/F.

Decision: PG

Decision Date: 14-MAY-19

Ref: LA09/2015/0792/LDP

Proposals: /Proposed agricultural isolation and storage building

Decision: PG

Decision Date: 27-NOV-15

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2023/1286/F	Target Date: 12 March 2024
Proposal: Proposed extension and alterations to dwelling.	Location: 22 Ballynagowan Road Stewartstown BT71 5ET
Applicant Name and Address: Mr and Mrs Enda and Nuala Devlin 22 Ballynagowan Road Stewartstown Dungannon BT71 5ET	Agent Name and Address: Mr Seamus Donnelly 80A Mountjoy Road, Aughrimderg Coalisland BT71 5EF
Summary of Issues: This application was originally for a large 3 storey extension onto the existing house. The scheme has been reduced to a one and half storey. The extension now meets the policy for extensions as set out in PPS7 Addendum.	
Summary of Consultee Responses: None necessary	
Characteristics of the Site and Area: The site is located in the rural countryside, as defined by the Cookstown Area Plan 2010, approx. 4.5km east and 2.7km west of Stewartstown and Lough Neagh, respectively. The site is an irregular shaped plot located adjacent the Ballynagowan Road. It comprises a modest single storey dwelling and its curtilage including a small no. of ancillary outbuildings, and part of an adjoining roadside field to its north. The dwelling and its curtilage, no 22 Ballynagowan Road, is well set back from and accessed off the Ballynagowan Road via an existing lane that runs to the west side of a large building of agricultural appearance approved under planning application LA09/2019/0037/F as a	

Views of the dwelling on site are largely screened on the east approach along the Ballynagowan Road and passing along its roadside frontage by vegetation along the roadside and the within the wider vicinity. A view of the dwelling, sitting to the rear of the large domestic garage and private art studio exists, over a short distance on the west approach to the site along the Ballynagowan Road.

The area surrounding the site is predominantly rural in nature with a scattering of single dwellings and farm holdings located along the roadside.

This is a full planning application for the proposed extension and alteration of an existing single storey dwelling located at 22 Ballynagowan Road Stewartstown. The proposal includes a new laneway and parking area to the front of the proposed extension.





Fig 2 – site layout

Deferred Consideration:

This application was before the Planning Committee in February 2024 where it was recommended for refusal due to the sizescale and massing of the proposed extension. At that meeting it was deferred for a meeting with the Service Director. Since then the applicant has revised the scheme to provide an extension which is approx. 7.0m high and attached to the front of the existing dwelling (Fig 1 and 2 above).

Following the submission of the revised plans, neighbours and contributors were notified about the changes. As it is a reduction to the original scheme, no press advertisement was deemed necessary. One further letter of objection has been received to the revised proposal. The objection refers to PPS21 Policies CTY13 and CTY14 stating the extension is out of character, window design and chimneys are not in keeping with the surrounding area, it is prominent and lacks integration and does not respect the development pattern in the area. Members are advised CTY1 of PPS21 sets out the overarching Policy for development in the Countryside. It permits extensions to dwellings provided they meet with Policy EXT1 of PPS7 Addendum – Residential Extensions and Alterations. The SPPS is silent in relation to Extension to Dwellings in the Countryside, though it does advise that development should integrate and cluster or group with existing established buildings.

EXT1 of PPS 7 sets out 4 criteria that should be met. In this case the proposed development is set within its own grounds well away from other residential development, it does not propose to impact on any established trees or landscape features and the

proposal includes an expansion of the curtilage for new parking and turning areas and private amenity space. I consider the proposal meets with Criteria b, c and of EXT1.

Criteria a states; the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area. Guidance in Annex A of PPS7 Addendum recognises there may be occasions where larger extension are required to allow small rural dwellings, such as this (Fig 3), to be upgraded.

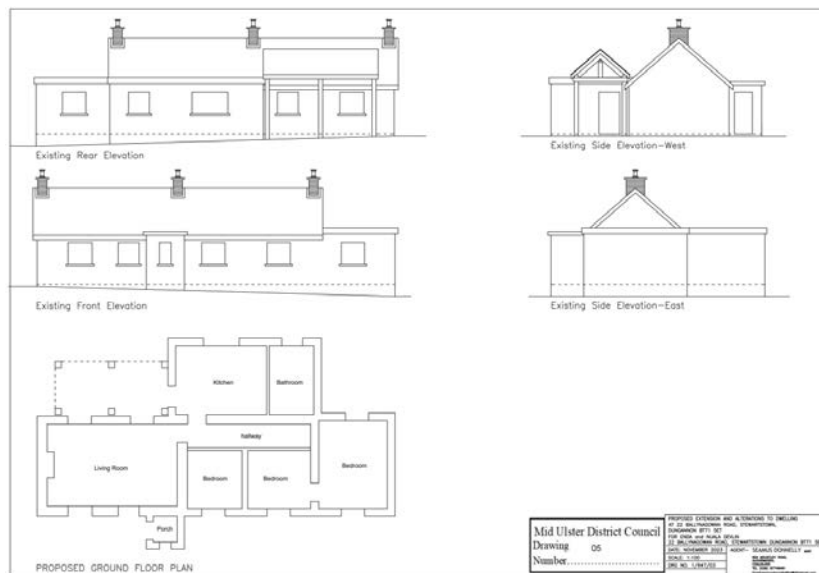


Fig 3 – existing dwelling

This application is for a large extension to an existing house, the existing house has a low ridge of approx. 4.5m and the proposed extension is approx. 7.0m to the ridge with upstairs accommodation. The extension proposes to have finishes that match the existing dwelling and the windows have a vertical emphasis. The extension will be well screened from views on Ballynagowan Road by existing vegetation and development, as can be seen in photographs 1, 2 and 3 below.



Photo 1 – view from the Ballygowan Road to the east



Photo 2 – view from entrance to the site, walls and piers have planning permission



Photo 3 site viewed from west on Ballygowan Road, to rear of and on the other side of the shed in the middle of the photo

There may be a glimpse of the development from Mountjoy Road to the south, this is distant and the development is again well screened by trees and unlikely to be prominent in the landscape. (Photos 4 & 5).



Photo 4 & 5 view from Mountjoy Road site approx positioned in blue

Whilst the extension is larger than the house, I consider it respects it in terms of the finishes and appearance. The dormers at the rear will not be visible or dominant and in my opinion the proposal will be well integrated and grouped with the existing buildings here so as not to be prominent in the landscape.

As the extension will be well enclosed and grouped with existing buildings, I do not consider it would detract from the appearance or character of the surrounding area. I recommend this application is approved.

Conditions/Reasons for Refusal:

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

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

Signature(s)

Date:

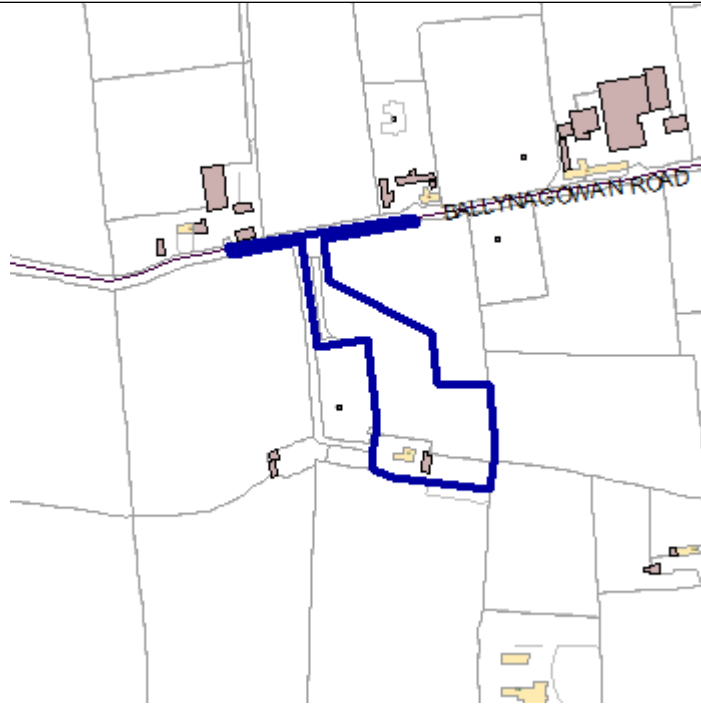


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 February 2024	Item Number: 5.33
Application ID: LA09/2023/1286/F	Target Date: 12 March 2024
Proposal: Proposed extension and alterations to dwelling	Location: 22 Ballynagowan Road Stewartstown BT71 5ET
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr and Mrs Enda and Nuala Devlin 22 Ballynagowan Road Stewartstown Dungannon BT71 5ET	Agent Name and Address: Mr Seamus Donnelly 80A Mountjoy Road, Aughrimderg Coalisland BT71 5EF
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located in the rural countryside, as defined by the Cookstown Area Plan 2010, approx. 4.5km east and 2.7km west of Stewartstown and Lough Neagh, respectively.



Fig 1: Site outlined red



Fig 2: Site outlined red



Fig 3: Dwelling to be extended and altered.

The site is an irregular shaped plot located adjacent the Ballynagowan Road. It comprises a modest single storey dwelling and its curtilage including a small no. of ancillary outbuildings, and part of an adjoining roadside field to its north.

The dwelling and its curtilage, no 22 Ballynagowan Road, is well set back from and accessed off the Ballynagowan Road via an existing lane that runs to the west side of a large building of agricultural appearance approved under planning application LA09/2019/0037/F as a domestic garage and private art studio in association with and just to the northwest of no. 22 Ballynagowan Road.

As seen above in Fig 3 the dwelling on site has a rectangular shaped floor plan and a pitched roof construction with 3 stacked chimneys expressed along its ridgeline and a small flat roofed front porch. Finishes to the dwelling include a mix of render, stone and brick to its walls and red tiles / slates to its roof. An outbuilding of similar size, scale and finish exists to the east side of, and runs perpendicular, to the dwelling. The dwelling has a hard cored driveway /amenity area to its west side and rear with a substantial garden running right round the property to the outside of this area. The curtilage of the dwelling is enclosed to the rear and sides by a mix of post and wire fencing, hedging and mature trees; and to the front by wooden d-rail fencing as in Fig 3, further above.

The portion of field located immediately to the north of the dwelling that has been included within this application to accommodate the extension and a new access lane to serve the resultant dwelling is defined to its most outer sides by a mix of well-established trees and hedging and to its inner sides by post wire fencing enclosing the curtilage of the aforementioned domestic garage and private art studio and newly planted trees.



Figs 4 & 5: View of dwelling from the Ballynagowan Road on the west approach and same view zoomed in, respectively. Dwelling sits to rear of the large domestic garage and private art studio.

Views of the dwelling on site are largely screened on the east approach along the Ballynagowan Road and passing along its roadside frontage by vegetation along the roadside and the within the wider vicinity. A view of the dwelling, sitting to the rear of the large domestic garage and private art studio exists, over a short distance on the west approach to the site along the Ballynagowan Road as seen in Figs 4 & 5, above.

The area surrounding the site is predominantly rural in nature with a scattering of single dwellings and farm holdings located along the roadside.

Description of Proposal

This is a full planning application for the proposed extension and alteration of an existing single storey dwelling located at 22 Ballynagowan Road Stewartstown.

As seen below in Figs 6 & 7 a substantial unit of accommodation comprising a mix of ridge heights and styles up to three storeys, which for all intents and purposes could function as a standalone dwelling, is proposed to be attached to the front of the existing property via a single storey flat roofed orangery. The orangery will in effect act as a link corridor between the old and new part of the resultant dwelling.

The existing dwelling has a ridge height approx. 5m above FFL. The highest ridge height of the proposed extension will be approx. 15.5m above the FFL of existing dwelling.

Finishes to the proposal which includes two hipped roofs incorporating roof dormers, will have finishes in keeping with the existing property.

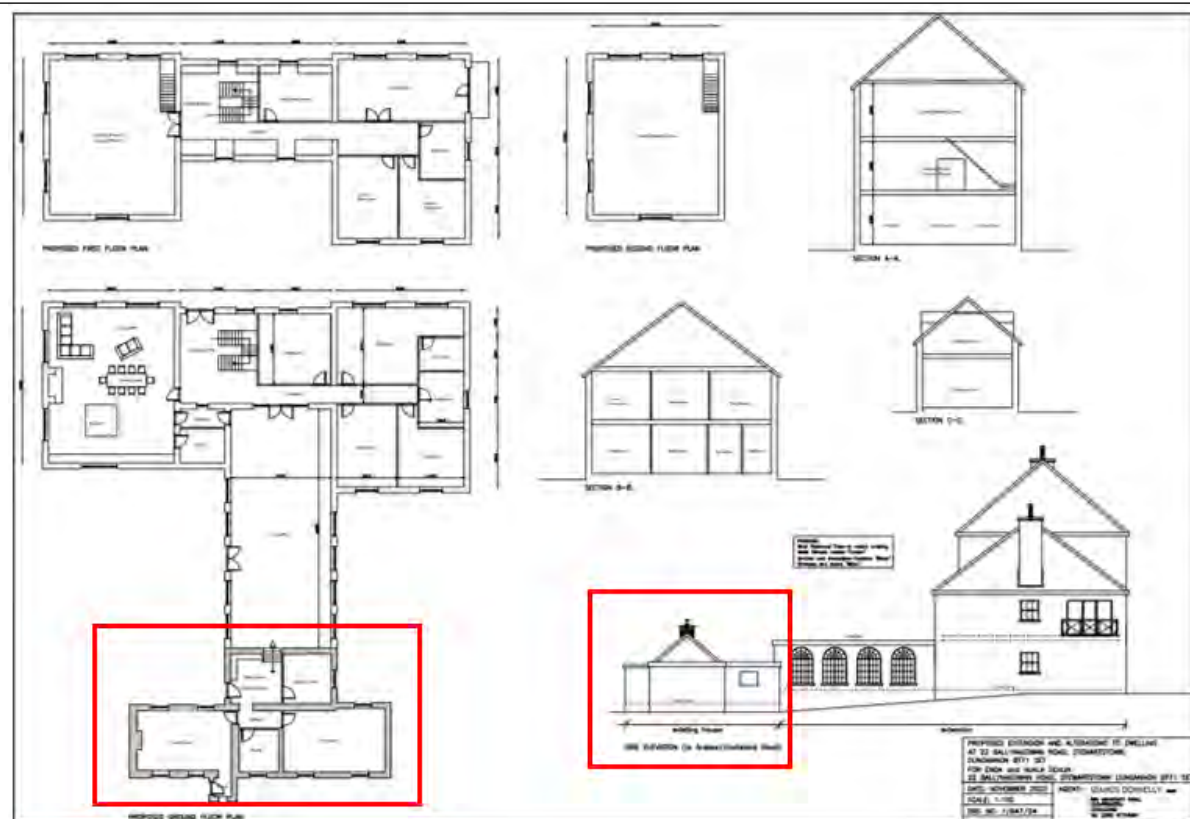
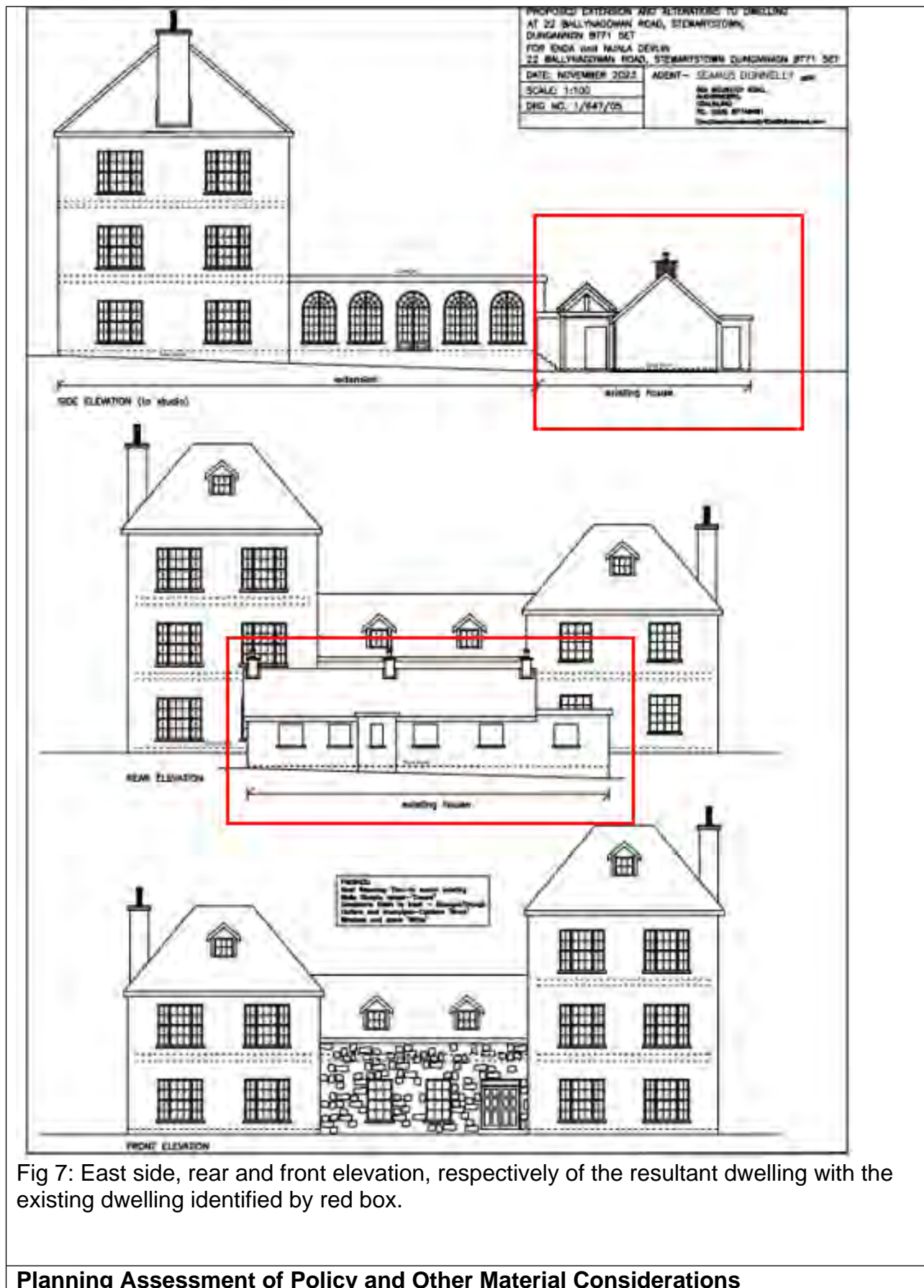


Fig 6: Proposed floor plans and west side elevation of of the resultant dwelling with the existing dwelling identified by red box.



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Key Policy Context

Regional Development Strategy

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21: Sustainable Development in the Countryside

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

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

Relevant Planning History on Site

- I/1978/0150 - Improvements to dwelling - Granted (Historical Decision)
- LA09/2019/0037/F - Proposed domestic garage and private art studio - Granted 7th May 2019
- LA09/2021/1497/F - Retention of existing access, walls and pillars - Granted 11th October 2022

Consultees

N/A

Cookstown Area Plan 2010 – The site is located in the rural countryside outside any settlement limit identified within the Plan.

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

Planning Policy Statement 21 Sustainable Development in the Countryside - Policy CTY1 of Planning Policy Statement 21 allows for extensions in the countryside where they meet with Policy EXT1 of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations.

Addendum to Planning Policy Statement 7 Residential Extensions and Alterations

- Policy EXT 1 of this policy outlines planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

With regards to the above, I am content that this proposal meets criteria b), c) and d) in that: it should not unduly affect the privacy or amenity of neighbouring residents in terms of overlooking or overshadowing given there are no properties in close proximity; DAERA's Natural Environment Map Viewer available online was checked and identified no natural heritage features of significance on site and the extension is to be located on improved grasslands as such will not cause any loss of, or damage to, trees or other landscape features contributing significantly to local environmental quality; and sufficient space will be retained within the curtilage of the existing dwelling for recreational and domestic purposes including the parking and manoeuvring of vehicles and additional space is to be provided through the extension of the properties curtilage.

The above said, it is not considered that the proposal meets criteria a) in that the scale, massing, design and external materials of the proposal are not considered sympathetic with the built form and appearance of the existing modest property and will detract from the appearance and character of the surrounding area.

The addendum to PPS 7 seeks to ensure a proposal to extend or alter a dwelling in the countryside is sensitive to its setting within the rural landscape. It encourages high quality design solutions irrespective of whether the approach followed seeks to mirror the style of the existing property or adopts a contemporary modern design approach. It outlines that to ensure good design any extension or alteration will need to complement the host building and respect its location and wider setting.

This 3 - storey extension with a hipped roof construction incorporating roof dormers is not of a scale, massing and design in keeping with the existing modest single storey pitched roof dwelling on site, which it is to be located to the front of. The extension, which will project significantly above the ridge line of the existing dwelling not usually considered acceptable, is considered so large and prominent that it will dominate the host property and its wider surroundings when viewed from the Ballynagowan Road. This is despite the site benefitting from a good sense of enclosure provided by vegetation in the wider vicinity, on and along the boundaries of the site and a large domestic garage and private art studio. A critical view of this proposal will be over a short distance on the west approach to the site along the Ballynagowan Road as seen in Figs 4 & 5, further above. On this approach, whilst the large domestic garage and private art studio provide some screening to the proposed extension, at approx. 15.5m above the

FFL of existing dwelling it is considered it will tower above the shed and be prominent in skyline.

In relation to the access arrangements, I am content there is no intensification here and that the proposal will utilise an existing unaltered access onto the public road. Whilst I acknowledge that the curtilage extension to accommodate the proposed extension and new access lane as part of this proposal was not detailed in the description of proposal used for neighbour notifying / advertising I have considered this ancillary development. In my opinion had the dwelling on site only sought this curtilage extension and new access lane, given the low-lying level of such development and enclosed nature of the site, it would not be visually apparent in the landscape when viewed from the public road.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party objections had been received on the 7th December 2023. Whilst the letter was signed, the objector's name could not be made out, and no address was provided to acknowledge receipt. A summary of the issues raised is provided below:

- The design of proposal including its 3 storey's, hipped roof construction and style of windows is contrary to MUDC Draft Plan and plan policy, is not in keeping with the character of existing property or the local area and if granted would be a prominent focal point in the sky and set a precedent for similar proposals contrary to policy within the district. No evidence submitted to explain how design is appropriate to dwelling and area. Design should be rethought to be sympathetic to the existing house and surrounding context. There is no need for curtilage extension to property, as there is scope within it, consideration should be given to keeping the extension within.
- The new lane proposed to serve the dwelling, off the existing lane; and the increase to the dwelling's curtilage, requiring planning permission, has not been mentioned.
- The new lane and curtilage extension proposed will create an infill opportunity under Policy CTY 8 of PPS 21 for a minimum of 3 future sites as seen below:



- The proposal will lead to the loss of agricultural land in an area dependent on land for farming.
- No need for this development as there is scope to meet local housing need as 3 sites in close proximity with foundations poured but not yet developed.

I have considered the objection above and would agree that the design of the proposed extension is contrary to policy in its current form in that it is not in keeping with the character of existing property or the local area as detailed further above in my assessment of the proposal. That said in my opinion had the dwelling on site only sought the curtilage extension and new access lane, given the low-lying level of such development and enclosed nature of the site, it would not be visually apparent in the landscape when viewed from the public road and thus acceptable. Albeit I acknowledge that the curtilage extension to accommodate the proposed extension and new access lane as part of this proposal was not detailed in the description of proposal used for neighbour notifying / advertising. In relation to bullet point 3 the new lane and curtilage extension proposed would not in my opinion create an infill opportunity. Policy CTY 8 – Ribbon Development Planning only permits 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 and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The location of the 3 sites identified are not located within a gap as defined. In relation to the last two bullet points above, the applicant's have detailed they own these lands and have the right to apply for planning permission.

Additional Considerations

In addition to checks on the planning portal Historic Environment Division (HED) map viewer available online has been checked and no built heritage assets of interest were identified on or near the site.

Flood maps indicate no flooding on site.

Case Officer recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary Policy EXT1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

Signature(s): Emma Richardson

Date: 25 January 2024

ANNEX	
Date Valid	28 November 2023
Date First Advertised	12 December 2023
Date Last Advertised	12 December 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 22A Ballynagowan Road Stewartstown Tyrone BT71 5ET The Owner / Occupier 19 Ballynagowan Road Stewartstown Tyrone BT71 5AF The Owner / Occupier 25 Ballynagowan Road Stewartstown Tyrone BT71 5ET The Owner / Occupier 21 Ballynagowan Road Stewartstown Tyrone BT71 5ET	
Date of Last Neighbour Notification	21 December 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/2007/0769/RM Proposals: Proposed single storey dwelling and domestic double garage Decision: PG Decision Date: 19-MAY-08 Ref: LA09/2023/1286/F Proposals: Proposed extension and alterations to dwelling Decision: Decision Date: Ref: LA09/2021/1497/F Proposals: Retention of existing access, walls and pillars (amended plans) Decision: PG Decision Date: 18-OCT-22 Ref: LA09/2019/0036/F Proposals: Proposed domestic garage and private art studio	

Decision:

Decision Date:

Ref: LA09/2019/0037/F

Proposals: Proposed domestic garage and private art studio

Decision: PG

Decision Date: 07-MAY-19

Ref: I/1978/0150

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: I/2005/0675/O

Proposals: 1 No dwelling house

Decision: PG

Decision Date: 14-JUL-05

Ref: I/2006/0370/O

Proposals: Site for dwelling & detached garage

Decision: PG

Decision Date: 16-OCT-06

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Floor Plans Plan Ref: 03

Proposed Elevations Plan Ref: 04

Existing Plans Plan Ref: 05

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2024/0536/O	Target Date: 21 August 2024
Proposal: Proposed site for a dwelling and domestic garage based on Policy CTY2a (Cluster)	Location: 30M North of Sessiagh Lodge 80 Annaghone Road Stewartstown Tyrone BT80 8SW
Applicant Name and Address: Mr James Wilkinson 42 Kilcronagh Road Cookstown BT80 9HG	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: This application is for a dwelling and garage in the countryside. The application is being assessed against CTY2a, clustering policy.	
Summary of Consultee Responses: DFI Roads - provided standards for acceptable access NI Water – standard comments	
Characteristics of the Site and Area: The application site is situated in open countryside, approximately 3 km southeast of Cookstown and 1 km northeast of the village of Tullyhogue as defined within the Cookstown Area Plan 2010. This rectangular site measures approximately 0.95 hectares and abuts the crossroads of Annaghone Road and Sessiagh Road and forms part of a larger agricultural field. Adjacent to and south of the application site, across the Sessiagh Road is a large, detached dwelling at 80 Annaghone Road, with dual access points. There is a row of three detached dwellings adjacent to and north of the site on	

the opposite side of the road at 46, 48 and 50 Lower Grange Road. In terms of the topography, the site rises towards the west, with the low point nearest the crossroads and also falls further to the north. The southern boundary is well defined by native species hedging at a height of approximately 1.5 metres; the eastern boundary near the crossroads comprises a sparse complement of vegetation which thickens further northwest on the Lower Grange Road defined by native species hedging. The northern and western site boundaries are undefined. The predominant land use of this wider rural area is for agricultural purposes.

Description of Proposal

Proposed site for a dwelling and domestic garage based on Policy CTY2a (Cluster).

Deferred Consideration:

This application was before the Planning Committee in October 2024 where it was being recommended for refusal, at the meeting the application was deferred for a meeting with the Local Planning Service Lead. A meeting was held on 10 October and the agent provided additional information and clarification about the potential siting of any dwelling and access to the site.

I carried out a site inspection and noted the site is outside of a farm cluster and reads with 2 bungalows and a 2 storey hipped roof dwelling with associated outbuildings to the opposite side of Annaghone Road/Lower Grange Road and a 2 storey dwelling and outbuildings to the opposite side of Sessiagh Road. I consider the proposal meets the first criteria in CTY2a. On approach from the north east, the site and the group of buildings do read as a visual entity in the local landscape as they are quiet close together. I consider the second criteria in CTY2a is met. Immediately to the north east of the site at its north east corner is the intersection between Sessiagh Road which travels north east-south west and Annaghone Road/Lower Grange Road which travels north west -south east. As this is a crossroads I am satisfied the third criteria in CTY2a has been met. The site is part of a larger agricultural field, it rises to the south east away from the road. The site is screened on approach from the south west (Sessiagh Road) due to the landform, it is screened from the south east by Sessiagh Lodge and it is screened from the north east by the 2 storey dwelling and mature conifers on the opposite side of the road. The site has development on its northeast and south east boundaries. I am of the opinion the fourth criteria has been met. A dwelling located in line with Sessiagh Lodge or in front of that line would, in my opinion be absorbed into this cluster of development and as it is screened as described above, I do not consider there would be wide ranging views or appear to significantly expand the cluster here. I consider the fifth criteria has been met. This application is for outline permission and so there are no details of the house type. That said, the site is separated from other residential development by public roads, I am content a dwelling here would not adversely impact on amenity of these residential development if properly designed and sited. The sixth criteria has been met and I am content his application meets the policy for a dwelling in a cluster.

Policy NH5 of PPS2 relates to the protection of priority habitats. The biodiversity checklist is an aid to identify if there are any priority habitats and it indicates if there are mature trees or 30m of field hedge at risk then a biodiversity checklist should be completed. Access to the site will be from Grange Lower Road on the northeast boundary. Any

access from Sessiagh Road would require the removal of a significant amount of roadside hedge and extensive site works to dig down to the road level. One mature tree is located on the boundary with Grange Lower Road/Anaghnone Road. The tree is sited immediately adjacent to the road and its trunk is at the road edge. The tree will have to be removed to accommodate the sight lines for any dwelling here. The remainder of the road frontage is post and wire fence with loose hedging and briars. This is not a priority habitat and as there is only one tree I do not consider the biodiversity checklist requires further information to be provided. I do recognise that biodiversity will be displaced and I consider it reasonable to replace the hedge to the rear of the site lines with a native hedge row and also along the new boundaries of the site as mitigation for the loss of the tree.



In light of all of the above I consider the proposal does meet the clustering test and a dwelling and garage may be approved on this site.

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. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

4. The dwelling hereby approved shall be sited in the area indicated in yellow of the approved drawing No 01 Rev 2 received 19 June 2024.

Reason: In the interest of visual amenity and to ensure the dwelling integrates into the cluster.

5. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the site. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

6. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4mx 80.0m and an 80.0m forward sight distance shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 October 2024	Item Number: 5.21
Application ID: LA09/2024/0536/O	Target Date: 21 August 2024
Proposal: Proposed site for a dwelling and domestic garage based on Policy CTY2a (Cluster)	Location: 30M North of Sessiagh Lodge 80 Annaghone Road Stewartstown Tyrone BT80 8SW
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr James Wilkinson 42 Kilcronagh Road Cookstown BT80 9HG	Agent Name and Address: CMI Planners 38B Airfield Road Toomebridge BT41 3SG
Executive Summary: This application is recommended for Refusal and requires Planning Committee oversight. The proposal is contrary to CTY 1, CTY 2A, CTY 13 and CTY 14 of PPS 21; contrary to Policy NH 5 of PPS 2 Natural Heritage. There is no existing cluster of development; the cluster does not appear as a visual entity in the landscape; the site cannot be absorbed into the existing cluster through rounding off and consolidation; will visually intrude into open countryside; the site is reliant upon new landscaping for integration; the site lacks long established boundaries; the site will be unduly prominent; does not respect the existing pattern of settlement; will result in a detrimental change to or further erode the rural character; and it has not been demonstrated that priority species and priority habitats will not be harmed by this proposal.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	DC Checklist 1.docRoads Outline.DOCXFORM RS1 STANDARD.doc
	NI Water - Single Units West	LA09-2024-0536-O.pdf

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is situated in open countryside, approximately 3 km southeast of Cookstown and 1 km northeast of the village of Tullyhogue as defined within the

Cookstown Area Plan 2010. This rectangular site measures approximately 0.95 hectares and abuts the crossroads of Annaghone Road and Sessiagh Road and forms part of a larger agricultural field. Adjacent to and south of the application site, across the Sessiagh Road is a large, detached dwelling at 80 Annaghone Road, with dual access points. There is a row of three detached dwellings adjacent to and north of the site on the opposite side of the road at 46, 48 and 50 Lower Grange Road.

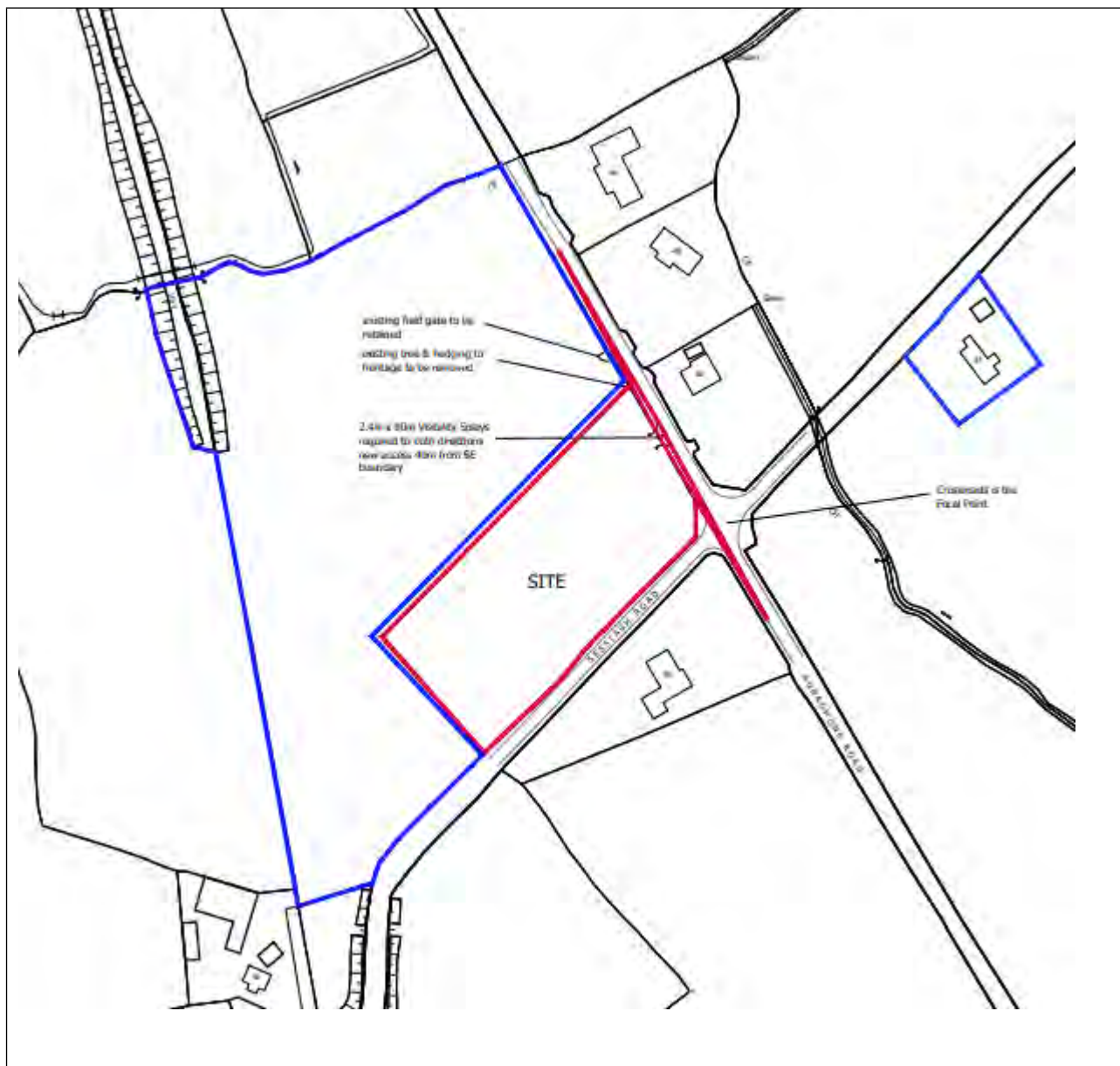
In terms of the topography, the site rises towards the west, with the low point nearest the crossroads and also falls further to the north. The southern boundary is well defined by native species hedging at a height of approximately 1.5 metres; the eastern boundary near the crossroads comprises a sparse complement of vegetation which thickens further northwest on the Lower Grange Road defined by native species hedging. The northern and western site boundaries are undefined. The predominant land use of this wider rural area is for agricultural purposes. The application site is shown below indicated by a yellow arrow.



Description of Proposal

Proposed site for a dwelling and domestic garage based on Policy CTY2a (Cluster).

Site Location map Drawing 01 Rev 2.



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

SPPS – Strategic Planning Policy Statement.

The SPPS provides a regional framework of planning policy that will be considered in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted and 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 and must not have an adverse impact on the rural character of the areas and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy.

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

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

PPS 21 outlines planning policies for development in the countryside, i.e. land that is outside of the settlement limits as defined within the respective Development Plans. Policy CTY 1 of PPS 21, states that all development proposals within the countryside must be sited and designed to integrate sympathetically with their surroundings.

The regional strategic policy within the SPPS is a lesser test than the current operational Policy CTY 2a in that it does not state that the proposed site should be bounded on at least two sides with other development in the cluster. However, at paragraph 1.12, the text states, *“where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy”*. In accordance with the SPPS’s transitional arrangements, retained policy applies.

This application requires assessment against Policy CTY 2a New dwellings in Existing Clusters of PPS 21 and must meet all six criteria specified therein.

- 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 cross-roads.
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.
- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- development would not adversely impact on residential amenity.

Following a site visit on the 25th of June 2024; internal Group discussions with a Principal Planner; and having studied current orthophotography for this locus and documentation submitted with the application, I am not persuaded that this site represents an ‘existing cluster of development’. I concede that there is no justification or amplification text in Policy CTY 2a to define what can constitute a cluster of development. However, the first

three criterion give an indication of the intended meaning.

In this case, there is a ribbon of development north of the application site on the opposite side of the road comprising three detached dwellings at 46, 48 and 50 Lower Grange Road, each with their own road frontage. Beyond the sites southern boundary across the road is the detached dwelling at Sessiagh Lodge, 80 Annaghone Road. There is a further dwelling around 120 metres east of the site's eastern boundary (37 Sessiagh Road), however the separation distance and field boundaries means there is little or no visual linkage with the application site. In relation to the first criteria, there are four buildings, all of which are dwellings that lie outside of a farm, and as such the first criteria is met.

The second criteria require the cluster to appear as a visual entity in the landscape. However, some of the buildings relied upon have no visual relationship with one another. For example, 80 Annaghone Road is approximately 170m south of 46 Lower Grange Road and around 143 metres south of 48 Lower Grange Road. In addition, there are mature trees along the road frontage and surround 50 Lower Grange Road, which further expels the notion of there being a cluster of development or there being a visual entity in the landscape. The below imagery from Google Streetview in 2022, travelling along the Annaghone Road in a northwest direction, 80 Annaghone Road is on the left, with 50 Lower Grange Road on the right and the dwellings at 46 and 48 Lower Grange Road cannot be seen from this viewpoint. When considering the visual relationship between 80 Annaghone Road, and the nearest dwelling within the 'proposed cluster', the extended garden of 80 Annaghone Road results in a minimal visual connection with the next nearest property, with the distance between the two buildings being approximately 96 metres.



Similarly, travelling towards the site along Lower Grange Road in a south eastern direction, the existing ribbon of development (46, 48 and 50) is visible on the left, with 80 Annaghone Road visible on an elevated location on the right of the below image. These buildings when viewed together from this different vista, again do not represent a discrete visual unit in the local landscape. The mature roadside vegetation and undeveloped agricultural lands creates a visual break between the buildings, which negates the notion of there being an existing cluster of development or there being a visual entity in the landscape.



Again, on approach to the site from the northeast on Sessiagh Road near number 37, mature trees obscure views of both the application site and the dwellings relied upon to constitute a cluster of development. Likewise, approaching the crossroads from the southwest, with the garden at 80 Annaghone Road on the right, the ribbon of dwellings are largely hidden behind mature trees, and coupled with the elongated garden of number 80, there is a distinct physical separation, and the buildings do not read as a visual entity in the landscape. There is a ribbon of development opposite the application site which does not read as a visual entity in the landscape. The proposal therefore fails to satisfy the second criteria of CTY 2a.



The third criteria demand that the cluster to be associated with a focal point. Notwithstanding the fact that there is no cluster, the application site is beside a crossroads, which is permissible, and the proposal meets this requirement.

In relation to the fourth criteria, the chosen site forms part of a larger agricultural field and despite being bounded on at least two sides by other development (80 Annaghone Rd and 50 Lower Grange Rd), the western and northern site boundaries are undefined, which means that the site does not benefit from a suitable degree of enclosure and fails to meet this criterion.

The fifth criterion of Policy CTY 2a reads ‘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’. In the first instance, internal Group deliberations do not consider there is an existing cluster of development at this locus and consequently this proposal fails at the first element of this criterion. There is no opportunity to absorb a dwelling through ‘rounding off and consolidation’ given a cluster does not exist here and permitting a dwelling in this location would result in a visual intrusion into open countryside and potentially alter the existing rural character.

The sixth criteria require that the development will not adversely impact the residential amenity of neighbouring properties. Taking account of the separation distances and existing vegetational complements, I am satisfied that an appropriately designed and sited dwelling would not have a detrimental impact on the residential amenity of nearby properties.

For the reasons outlined above, the proposal fails to comply with four of the six criteria outlined within Policy CTY 2a of PPS 21 and must be refused.

PPS 21, CTY 13 Integration & Design of Buildings in the Countryside.

The main driver of CTY13 with respect to a building in the countryside is to ensure the new building is not a prominent feature in the landscape, integrates successfully within the existing landform and is of an appropriate design for its location.

Although this is an Outline application, the proposed design is not a consideration within this application type. This large rectangular plot adjacent to a crossroads sits above the level of most of the surrounding lands and lacks long and established natural boundaries. The southern boundary along Sessiagh Road is well defined; however, the eastern boundary provides an intermittent degree of enclosure along the Lower Grange Road frontage, although the roadside vegetation does thicken further away from the cross roads, with the northern and western boundaries undefined. A dwelling approved on this site would be heavily reliant on proposed landscaping in order to integrate successfully. While I acknowledge the sloping nature of the site, it would prove very difficult to site a dwelling in this field without adjusting the landform, and the ridge line would likely protrude above the natural slope of the field. An approval would result in a prominent build that fails to blend with the existing landform and could not avail itself of the sites topography to act as a backdrop, and therefore contrary to CTY 13 of PPS 21.

CTY 14 – Rural Character.

Policy CTY14 of PPS 21 states that, “planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area”.

A dwelling on this exposed and elevated piece of land would likely be a prominent landscape feature as the proposal would be sited on its own within a larger agricultural field. The proposal would therefore result in an isolated form of development that significantly exceeds the plot sizes of dwellings in the vicinity and would not respect the traditional pattern of settlement in the area. For this reason, the proposal does not comply with Policy CTY 14 of PPS 21.

PPS 2 Natural Heritage, Policy NH 5, Habitats, species or features of Natural Heritage importance.

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- ☐ priority habitats.
- ☐ priority species.
- ☐ active peatland.
- ☐ ancient and long-established woodland.
- ☐ features of earth science conservation importance.
- ☐ features of the landscape which are of major importance for wild flora and fauna.
- ☐ rare or threatened native species.
- ☐ wetlands (includes river corridors); or
- ☐ other natural heritage features worthy of protection.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

DfI Roads whilst not raising an objection to the proposal, have indicated that native species hedging and a large mature tree along the Lower Grange Road frontage will need removed to achieve the necessary sightlines. DAERA issued guidance in 2017 which emphasised the importance of hedgerows, and how all hedgerows are a priority habitat due to their significant biodiversity value. It is important to note also that the large tree identified by DfI Roads, while not a priority habitat, could potentially be home to a protected species, for example Bats.



Furthermore, a Court of Appeal Decision (*Gordon Duff versus Newry, Mourne and Down District Council, Ref TRE12475*) also impressed the importance of protecting Natural Heritage features with specific reference to hedgerows as a priority habitat. The extent of the perceived loss of hedgerows is a material consideration in the determination of such application types and must be factored into any decisions arrived at. The sites road frontage measures around 60 metres, although the first ten metres or so didn't appear to contain any native species hedging during a site visit on the 25th of June 2024. The large tree sits beyond the sites red line boundary (although within lands under the applicant's control), the extent of the sightlines extends beyond the large tree shown above. A conservative estimate of roadside hedge removal would be in the region of 40 – 50 metres.

In this case, despite the site area exceeding the 0.5 hectares that triggers the submission of a Biodiversity Checklist it was considered unnecessary to request this information from the Agent / Applicant given our recommendation to Refuse.

Based on the above assessment, the proposal would also be contrary to Policy NH 5 of PPS 2.

Other material considerations:

The site is not impacted by any Listed Buildings or Listed Structures.

The site is not impacted by any fluvial flooding, nor has any evidence of surface water flooding come to light.

No representations have been received to date (13/09/24).

Recommendation:

Having carried out an appropriate assessment of this development proposal against prevailing planning policy and other material planning considerations, the Group consensus is that the proposal is contrary to CTY 1, CTY 2a, CTY 13 and CTY 14 of PPS 21; and contrary to Policy NH 5 of PPS 2, and I therefore recommend this application be Refused.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons**Reason 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 location and could not be located within a settlement.

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, in that the proposed dwelling is not located with an existing cluster of development resulting in an isolated form of development; the cluster does not appear as a visual entity in the local landscape; the site cannot be absorbed into the existing cluster through rounding off and consolidation and will significantly alter its existing character through visual intrusion into the open countryside.

Reason 3

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries; is reliant upon new landscaping for integration; and will be a prominent feature in the landscape.

Reason 4

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, not respect the traditional pattern of settlement exhibited in that area; would be unduly prominent; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Reason 5

The proposal is contrary to Policy NH 5 of PPS 2 Natural Heritage, in that it has not been demonstrated that this development would not cause harm to a priority habitat or priority species.

Signature(s): Ruairi OKane
Date: 13 September 2024

ANNEX	
Date Valid	8 May 2024
Date First Advertised	4 June 2024
Date Last Advertised	21 May 2024
Details of Neighbour Notification (all addresses) The Owner / Occupier RNN Sessiagh Lodge 80 Annaghone Road Stewartstown Tyrone BT80 8SW The Owner / Occupier 46 Lower Grange Road Cookstown Tyrone BT80 8SL The Owner / Occupier 48 Lower Grange Road Cookstown Tyrone BT80 8SL The Owner / Occupier 50 Lower Grange Road Cookstown Tyrone BT80 8SL The Owner / Occupier 30 Sessiagh Road Cookstown Tyrone BT80 8SN	
Date of Last Neighbour Notification	22 May 2024
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2024/0536/O Proposals: Proposed site for a dwelling and domestic garage based on Policy CTY2a (Cluster) Decision: Decision Date:	
Summary of Consultee Responses DFI Roads - Enniskillen Office-DC Checklist 1.docRoads Outline.DOCXFORM RS1 STANDARD.doc NI Water - Single Units West-LA09-2024-0536-O.pdf	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01 Rev 2
Site Location Plan Plan Ref: 01 Rev 01
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

Report on	Public Consultation on Validation Checklist
Date of Meeting	5 th December 2024
Reporting Officer	Karen Doyle, Planning Service Lead - Local Planning
Contact Officer	Karen Doyle

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To report on a letter received from a Director in Department for Infrastructure (DfI) advising of a new Statutory Rule entitled "The Planning (General Development Procedure) (Amendment) Order (NI) 2024 and the powers therein for Council to consider adopting.
2.0	Background
2.1	It is a statutory target that Major planning applications will be processed within 30 weeks and Local applications will be processed with 15 weeks. Mid Ulster District Council has not met the Major target for processing times and since planning powers were transferred to Local Government, Mid Ulster District Council has only met the yearly Local target for processing applications within 15 weeks on three occasions, the last reporting year being 2019/2020.
3.0	Main Report
3.1	A paper was presented to the Planning Committee on 5 March 2024 with suggested measures to improve the performance of the Planning Department in the Council. Members agreed that I could prepare a draft Good Practice Guide and hold a workshop with those who submit planning applications in our district.
3.2	Following the presentation of the paper in March 2024, we were invited to engage with other local authorities on an "in confidence" basis with DfI in the preparation of draft legislation to facilitate a statutory introduction of validation checklists. The proposed workshop agreed by Planning Committee in March 2024 was subsequently paused pending engagement with DfI on their proposed legislation which has now been published.
3.3	In March 2022, the Public Accounts Committee issued a report, "Planning in Northern Ireland". It states that "since the transfer of functions in 2015, planning authorities have failed to deliver on many of their key targets, particularly on major and significant development". The Committee heard that there are opportunities to improve application quality, but these have not been taken either centrally or locally".

3.4	<p>Article 3 of the Planning (General Development Procedure) Order (Northern Ireland (2015) sets out the information that must be contained in an application for planning permission for it to be considered “valid”. The information that is required includes:</p> <ul style="list-style-type: none"> - A written description of the proposal - The address of the application site - The name and address of the applicant and the agent if acting on behalf of the applicant - A plan identifying the application site and its relationship with neighbouring land (otherwise known as the “red line”) - A plan identifying any neighbouring land owned by the applicant (otherwise known as the “blue line”) - Any other plans and drawings necessary to describe the proposed development - A certificate of ownership of the lands - A pre-application community consultation report if it is a development in the Major category - A Design and Access Statement if required by Article 6 of that 2015 Order - The required planning fee
3.5	<p>There are also additional requirements for applications for outline planning permission, approval of reserved matters and renewal of planning permission. Currently there are many policy requirements for additional information contained within the current suite of planning policy statements that are not required by legislation for submission with an application for planning permission. For example, a Flood Risk Assessment, a Transport Assessment, an Odour Assessment, a Noise Impact Assessment and a Design Concept Statement.</p>
3.6	<p>It has become accepted practice by those submitted planning applications in this Council area to submit the minimum information that is required to make an application valid under legislation. This has a significant impact on a case officer’s ability to process planning applications in an expedient manner. It also leads to an outcome of delays in processing planning applications and the ability of the Council to deliver on the statutory targets for both Major and Local planning applications.</p>
3.7	<p><u>Legislative Context</u></p> <p>On 3 October 2024 Rosemary Daly, DfI Director for Regional Planning Governance and Legislation, write to all Chief Executives and Heads of Planning to advise they have made a statutory rule entitled “The Planning (General Development Procedure) (Amendment) Order (NI) 2024 (see Appendix 1). The Order will come into operation on 1 April 2025.</p>
3.8	<p>The purpose of the Order is to enable local council planning authorities to prepare and publish planning application validation checklists. The additional provisions of the 2024 Order give the Council a statutory power, above the current minimum statutory requirements which would remain unchanged, to set out the additional supporting information/evidence which would be required to accompany different types of planning applications.</p>

3.9	The interim period between now and 1 April 2025 will give the Council time to prepare and consult upon their proposed statutory validation checklists.
3.10	The additional supporting information/evidence which will be required to be submitted with a planning application will be published in the validation checklist. Such a list will set out the additional supporting information required to accompany different types of planning applications made to the Council and will be specific and proportionate to the type of development proposed, including its nature, scale and location. The information required under the 2024 Order must be reasonable to the proposed development and be a material consideration in determining the application. The legislation must be published or reviewed and re-published by the Council every 3 years from the date of first publication.
3.11	When the validation checklist is published all new planning applications will be assessed for their information requirements before being accepted as a valid application. If the Council considers the application has not been accompanied by the information published on the checklist the legislation allows for the Council to issue a non-compliance notice in writing. This notice will set out the reasons for issuing the notice and shall specify the particulars the Council considers reasonable to request.
3.12	<p>The 2024 Order also introduces an appeal mechanism where an applicant has been issued with a non-compliance notice and disagrees with the Council's decision not to validate a planning application. The applicant must submit an appeal to the Planning Appeals Commission within 14 days from the date of the notice and there are four grounds on which an appeal may be brought as follows:</p> <ul style="list-style-type: none"> A) The application was submitted by the information on the checklist; B) The information not submitted was not included on the checklist; C) The information requested under the non-compliance notice is unreasonable; or D) The planning application is not one to which the checklist applies.
3.13	The Planning Appeals Commission may either allow the appeal and the applicant is not required to submit the information contained in the notice, the Planning Appeals Commission may dismiss the appeal thereby requiring the application to be submitted with the information in the notice, or the Planning Appeals Commission may vary the notice, and their decision will be final.
3.14	Once the checklist has been published the date the application will be made valid will be the date on which the last of the required information is submitted in accordance with the validation checklist.
	<u>Public Consultation</u>
3.15	Although there is no legislative requirement for the Council to publicly consult on a proposed validation checklist it is considered good practice. The Planning Service Leads for Local Planning and Strategic Planning will carry out a public consultation exercise through an online questionnaire with agents and feedback from this exercise will help to inform the Mid Ulster Validation Checklist before it

	is brought to Members for adoption. The Planning Service Leads are currently engaging with statutory consultees through the Planning Statutory Consultee Forum.
3.16	The Committee is asked whether it would like a Member Workshop for specific engagement with Members during the consultation process.
3.17	The outcome of the consultation process and the proposed Validation Checklist will be presented before the Planning Committee for feedback before being presented to Policy and Resource Committee for information and it is to be agreed at Full Council.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None
	Human: Consultation process with both agents and statutory consultees
	Risk Management: None identified at present.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None identified
	Rural Needs Implications: None identified
5.0	Recommendation(s)
5.1	That Planning Committee agree to the public consultation exercise and consider if a Member Workshop is required with Planning Service Leads.
6.0	Documents Attached & References
	Appendix 1 - Letter from Rosemary Daly, DfI Director for Regional Planning, Governance and Legislation Appendix 2- Copy of The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2024.



Council Chief Executives
& Heads of Planning

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julie.maroadi@infrastructure-ni.gov.uk

Your Ref:

Our Ref:

3 October 2024

Dear Chief Executives & Heads of Planning

Planning Application Validation Checklists

I am writing to advise you that the Department for Infrastructure has made a Statutory Rule entitled "The Planning (General Development Procedure) (Amendment) Order (NI) 2024" (S.R. 2024 No.176), which comes into operation on 1 April 2025. The interim period between laying and making the SR and its commencement is to give time to councils to prepare and consult upon their proposed statutory validation checklists (including engaging with agents in the local area), and to allow the PAC time to develop, consult upon, and put in place its approach to the associated dispute mechanism including drafting potential advice and guidance. A copy of the Order is attached and will be available on the Legislation website in due course: Legislation.gov.uk

This Order amends Articles 3, 5, and 20 of The Planning (General Development Procedure) Order (NI) 2015 (S.R. 2015 No. 72) (the 2015 Order) and introduces a number of new provisions enabling councils to prepare and publish planning application validation checklists to address 'poor quality' or 'incomplete' applications entering the planning system.

A validation checklist will help inform applicants, (above the current minimum statutory requirements which remain unchanged), on the level and type of information required to be submitted with a planning application. Such a list will set out the additional supporting information required to accompany different types of planning applications made to a

council, specific and proportionate to the type of development proposed, including its nature, scale and location.

The Statutory Rule also introduces an associated appeals mechanism in circumstances where an applicant disagrees with a council's decision (by way of notice issued by the council) not to validate a planning application, and is to be conducted upon application, by the Planning Appeals Commission.

The Department has also taken the opportunity (in the amending Order) to make three technical amendments to the 2015 Order, namely: amending the interpretation of 'outline planning permission' in Article 2 to align with the definition of 'outline planning permission' at section 62 of the Planning Act (NI) 2011; and amending Articles 13 and 15 to allow statutory consultees 30 days to consider planning applications that are accompanied by an Environmental Statement. The latter amendments would align the 2015 Order with the timeframes currently required by the Environmental Impact Assessment Regulations (Northern Ireland) 2017. These technical amendments do not represent a new policy, or substantive change to any existing policy.

These provisions form part of the Department's Planning Improvement Programme, arising from the recommendations contained in the First Report on the Implementation of the Planning Act (NI) 2011, and in addition to recommendations contained in both the NIAO and PAC reports on Planning published in 2022.

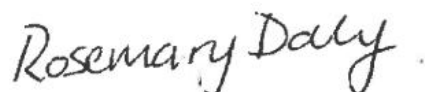
The overall objective of such the amendments is to enhance the quality of applications entering the system, to front-load the decision-making process, resulting in better processing times and more efficient consultee responses.

Finally, I wish to put on record the Department's gratitude to councils for their contributions and assistance in developing the amending legislation.

Copies of the Rule may be purchased from the Stationery Office at www.tsoshop.co.uk or by contacting TSO Customer Services on 0333 202 5070 or viewed online at www.legislation.gov.uk.

I trust you find this information helpful.

Yours sincerely



ROSEMARY DALY
Director

Encl

STATUTORY RULES OF NORTHERN IRELAND

2024 No. 176

PLANNING

**The Planning (General Development Procedure) (Amendment)
Order (Northern Ireland) 2024**

Made - - - -

1st October 2024

Coming into operation

1st April 2025

The Department for Infrastructure makes the following Order in exercise of the powers conferred by sections 32, 40(1), and 247(6) of the Planning Act (Northern Ireland) 2011(a) and now vested in it(b).

Citation and commencement

1. This Order may be cited as the Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2024 and shall come into operation on 1st April 2025.

Amendment of the Planning (General Development Procedure) Order (Northern Ireland) 2015

2.—(1) The Planning (General Development Procedure) Order (Northern Ireland) 2015(c) is amended in accordance with paragraphs (2) to (9).

(2) In Article 2(1) interpretation—

(a) after the definition of “the Department” insert—

““EIA application” has the meaning assigned to it by regulation 2 of the EIA Regulations”;

(b) for the definition of “outline planning permission” substitute—

““outline planning permission” means planning permission granted in accordance with the provisions of a development order, conditional on the subsequent approval by the council or, as the case may be, the Department of the particulars of the proposed development (referred to in this Order as reserved matters)”.

(3) In Article 3(3) (applications for planning permission)—

(a) in paragraph (3)(h) omit “and”;

(b) in paragraph (3)(i) after “Regulations” omit “.” and insert “; and”;

(c) after paragraph (3)(i) insert—

(a) 2011 c.25(N.I.)

(b) S.R. 2016 No. 76 – see Article 8 and Part 2 of Schedule 5 of the Departments (Transfer of Functions) Order (Northern Ireland) 2016

(c) S.R. 2015 No. 72

“(j) by such particulars and be verified by such evidence, as may be specified by a direction in writing given by a council made under this Order and published on its website.”.

(4) In Article 5 (application for approval of reserved matters)—

- (a) in paragraph (5)(b) after “permission;” omit “and”;
- (b) in paragraph (5)(c) after “required” omit “.” and insert “; and”;
- (c) after paragraph (5)(c) insert—

“(d) shall be accompanied by such particulars and be verified by such evidence, as may be specified by a direction in writing given by a council made under this Order and published on its website.”.

(5) After Article 5 insert—

“Validation particulars specified by direction

5A.—(1) Subject to paragraph 2 the council may specify by direction published on its website what particulars or verifying evidence shall accompany any application—

- (a) for planning permission; or
- (b) for approval of reserved matters.

(2) Paragraph (1) only applies if the direction is—

- (a) reasonable having regard, in particular, to the nature, scale and location of the proposed development;
- (b) about a matter which it is reasonable to think will be a material consideration in the determination of the application; and
- (c) published or reviewed and re-published by the council during the 3 year period immediately before the date on which the application is made.”

(6) After Article 12 (applications made under planning condition) insert—

“Notice confirming non-compliance with direction

12A.—(1) This Article applies where any application is made to the council—

- (a) for planning permission; or
- (b) for approval of reserved matters,

and the council has made a direction under this Order specifying the particulars, or such verifying evidence, which shall accompany the application.

(2) In the case of any application—

- (a) for planning permission mentioned in paragraph (1)(a); or
- (b) an application for approval of reserved matters mentioned in paragraph (1)(b),

the council shall give notice to the applicant if it considers the application has not been accompanied by such particulars, or verified by such evidence, as specified in the direction made under this Order.

(3) A notice given under paragraph (2) shall be in writing and set out the council’s reasons for issuing the notice and shall specify the particulars or evidence as are reasonable for the council to request.

(4) A notice given under paragraph (2) shall be deemed a refusal for an approval required under a development order under section 58(1) of the 2011 Act.

Appeal against a notice of non-compliance with direction

12B.—(1) If a council gives notice to an applicant under Article 12A(2) the applicant may by notice in writing stating the applicable grounds of appeal, appeal to the planning appeals commission.

(2) Any notice under this Article shall be served on the planning appeals commission and the council within 14 days from the date of the council's notice under Article 12A(2).

(3) The appeal may be brought on any of the following grounds—

- (a) the application was accompanied by such particulars, or was verified by such evidence, as specified in the direction;
- (b) the identified particular, or such evidence verifying the particular, which the council asserts did not accompany the application has not been specified in the direction;
- (c) the council's request specifying the particulars or evidence under the notice issued under Article 12A(2) is unreasonable; or
- (d) that the application is not one to which the direction applies.

(4) The planning appeals commission may—

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) vary the notice issued under Article 12A(2) to give effect to its determination on the appeal.

(5) The planning appeals commission decision on the appeal is final.”

(7) In Article 13(4)(b)(ii) for “28” substitute “30”.

(8) In Article 15(2)(a) after “the period of 21 days” insert “, or 30 days in the case of an EIA application, in either case”.

(9) In Article 20(3) (time periods for decisions)—

- (a) in paragraph (3)(b) omit “and”;
- (b) in paragraph (3)(c) after “council” omit “.” and insert “; and”;
- (c) after paragraph (3)(c) insert—

“(d) any direction made by the council under this Order specifying the validation particulars or verifying evidence which shall accompany the application has been complied with.”.

Sealed with the Official Seal of the Department for Infrastructure on 1st October 2024.



Rosemary Daly
A senior officer of the Department for Infrastructure

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Planning (General Development Procedure) Order (Northern Ireland) 2015 (the 2015 Order), to enable local council planning authorities to prepare and publish planning application validation checklists.

Article 5A is inserted to enable councils to specify by direction validation particulars or verifying evidence that is required by the council to accompany an application for planning permission or for approval of reserved matters.

Article 12A is inserted requiring councils to issue a notice (notice of non-compliance with direction) to an applicant where an application does not comply with the specified information requirements in the direction.

Article 12B is inserted and sets out four grounds for appealing against a notice of non-compliance with direction. Appeals are to be to the Planning Appeals Commission.

This Order includes three technical amendments to the 2015 Order, namely amending the interpretation of ‘outline planning permission’ in Article 2 to align with the definition of ‘outline planning permission’ at section 62 of the Planning Act (Northern Ireland) 2011; and amending Articles 13 and 15 to allow statutory consultees 30 days to consider planning applications that are accompanied by an Environmental Statement. The latter technical amendments would align the 2015 Order with the timeframes currently required by the Environmental Impact Assessment Regulations (Northern Ireland) 2017.

The Explanatory Memorandum is available alongside the instrument on the Government’s legislation website: www.legislation.gov.uk

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 November 2024 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present	Councillor Robinson, Chair	
	Councillors Bell, Black, J Buchanan, Carney, Clarke, Cuthbertson, Graham*, Martin*, McElvogue, D McPeake, Mullin*, Varsani	
Officers in Attendance	Mr Bowman, Head of Strategic Planning (HSP) Ms Donnelly, Council Solicitor Ms Doyle, Head of Local Planning (HLP) Mr Marrion, Principal Planning Officer (PPO) Ms McAllister, Principal Planning Officer (PPO) Ms McCullagh, Principal Planning Officer (PPO) Mr McClean, Principal Planning Officer (PPO) Ms McKinless, Principal Planning Officer (PPO) Ms Heron, Principal Planning Officer (PPO) Ms McNamee, ICT Mr McGuckin, ICT Mrs Grogan, Committee and Member Services Officer	
Others in Attendance	LA09/2018/0565/F LA09/2018/0565/F LA09/2024/0647/O LA09/2022/0641/F LA09/2022/0641/F LA09/2024/1016/F	Brian McLernon*** Jim Maneely Cllr Gavin Bell Garry McCullagh Barry O'Kane Cathal Mallaghan MP

* Denotes Members present in remote attendance

** Denotes Officers present by remote means

*** Denotes Others present by remote means

The meeting commenced at 6.00 pm.

The Chair, Councillor Robinson welcomed everyone to the meeting and those watching the meeting through the Live Broadcast.

P138/24 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

P139/24 Apologies

Councillors Kerr, McFlynn, S McPeake.

P140/24 Declarations of Interest

The Chair, Councillor Robinson reminded members of their responsibility with regard to declarations of interest.

Councillor Bell declared an interest in Agenda item 5.16 – LA09/2024/0647/O.

P141/24 Chair's Business

Ms Doyle (HLP) updated members on statics published by DfI on 3rd October for the first quarter 2024/25. Reference was made to local applications, major applications and enforcement.

Ms Doyle (HLP) in referring to local applications advised that Mid Ulster had received the second highest number of planning applications across Northern Ireland, with the average processing time for local applications during the first quarter across all Councils standing at 19 weeks and was delighted to inform members that Mid Ulster Council had exceeded the target of 15 weeks with a figure of 14.8 weeks. She advised that this was an improvement in performance from last year and also improved performance in the number of local planning applications which were processed in the first quarter with an increase from 48% to 51.8%. She advised that this was a brief snapshot of a lengthy statistical report that has been published by DfI each quarter but does reflect the positive performance of the Council in processing local planning applications.

Mr Bowman (HSP) updated members on major applications and advised that these were always difficult ones to achieve in relation to meeting the target of 50% within 30 weeks. In relation to Quarter 1 on the positive side, nine were determined which was the highest of any Council in Northern Ireland, unfortunately still not hitting the target of 30 weeks and currently sitting at 89 weeks. The HSP advised that restructuring had taken place within the department, with a major applications team having been reinstalled again and hoped that this would allow to focus more on the applications which were in isolation and allow the team to raise performance. The HSP advised that four new applications were also received in the first quarter. In regard to enforcement he advised that unfortunately things had taken a dip in relation to closure time with 40% and 39 weeks but were currently working through this. The HSP said that this related to coming out of covid time and having very little staff during that time and focus was on cases that were about to become immune, with the other applications being parked to cope with more urgent cases. He advised that officers were slowly working their way through those cases again but was affecting the average processing time but hoped that going forward that working through these would get 70% closure time target reinstated again.

Councillor Cuthbertson thanked officers for their update and said that whilst looking at the report, the majority of the applications were year 2023/24, there were still some older ones in the system and said that it may be worthwhile to get a breakdown of how many applications were still outstanding pre 2023 mandate of

the committee or even pre-2020. The member said that it would be useful to get an idea of how many older applications were still in the system.

The Head of Local Planning (HLP) referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting/submission of further information/withdrawn –

Agenda Item 5.2 - LA09/2020/0406/F – 2 retail units at Crossowen Road, approx. 85m SW of 33 Main Street, Augher for Mr Stephen Robinson

Agenda Item 5.3 - LA09/2022/1410/F – Battery energy storage system (BESS) 1000MWh (100 MW/1/hr), new access and alterations/extensions of existing lane and ancillary development of lands approx. 500m NE of 32 Drumkee Road, Dungannon (to rear of Tamnamore 275kv Electricity Station) for Wilmar LLP

Agenda Item 5.4 - LA09/2023/0510/F - Continued use of the yard for the storage of containers associated with VK Removals and Storage at 106 Pomeroy Road, Pomeroy for Mr Vincent Dynes

Agenda Item 5.7 – LA09/2023/0794/F - Car parking facilities for established business units at 23 Ballymacombs Road, Portglenone for James Donnelly & Sons

Agenda Item 5.8 – LA09/2023/1257/F – Distribution hub and associated ancillary works at lands C.60m SW of 21 Hillhead Road, Toomebridge for Mr Declan Graffin

Agenda Item 5.10 – LA09/2024/0049/F – Retention of extension of agricultural yard and associated development including; hardstanding yard area with a landscaped bund along northern boundary; and partially open sided building to provide a livestock shelter and associated works (retrospective) (includes removal of unauthorised security lighting and bund along western boundary and return of part hardstanding area to grassed paddock) at lands at and immediately W of 101 Dungannon Road, Cookstown for Mr Niall Bell

Agenda Item 5.11 - LA09/2024/0059/F - Domestic Storage Shed at 19 Hillside Road, Upperlands, Maghera for Mr Joe McMurray

Agenda Item 5.14 - LA09/2024/0438/O – Dwelling and garage adjacent and W of 21 Tullyheran Road, Maghera for Mr Andrew Warnock and Ms Aimee Cassidy

Agenda Item 5.15 - LA09/2024/0438/O - Change of use from salon to 2 bed apartment at 41C William Street, Cookstown for Paul Campbell Properties Ltd

Agenda Item 5.18 - LA09/2024/0695/F – Alterations to dwelling to provide house of multiple occupancy (HMO) at 9 Victoria Road, Dungannon for Mr Eugene Daly

Agenda Item 5.19 – LA09/2024/0699/O - Site for dwelling and domestic garage at land approx. 95m E of 81 Mullaghboy Road, Bellaghy for Mr Brendan Scullion

Agenda Item 5.20 - LA09/2024/0701/O – Site for dwelling and domestic garage (infill) at 80m S of 89 Derrytresk Road, Coalisland for Mr Sean Hagan

Agenda Item 5.23 - LA09/2024/0993/F – Dwelling and domestic garage (Gap Site) at land between 25A & 25B Old Monaghan Road, Clogher for Mr Sean McKenna

Agenda Item 5.24 – LA09/2024/1000/F – 5m x 25m concrete ball wall with 2.4m high paladin fencing above. 3G surface of pitch to be extended into new ball wall area at Holy Trinity College, 9-29 Chapel Street, Cookstown for St Patrick's Educational Trust

Agenda Item 5.25 - LA09/2024/1006/F – Retention of agricultural building for general farm storage purposes, access and ancillary site works at lands approx. 20m SE of 20 Reaskcor Road, Castlecaulfield, Dungannon for Mr Robert Carson

Agenda Item 5.26 – LA09/2024/1016/F - Dwelling at approx. 130m N of 116 Lurgylea Road, Galbally, Dungannon for Patrick Clarke

Agenda Item 6.1 – LA09/2018/0073/F – 2 Poultry Units (16,000 bird capacity in each unit) with 4 meal storage bins, 2 underground wash water storage tanks and associated access lane/turning area at approx. 240m N of 93 Ballagh Road, Ranenly, Fivemiletown for Mr Gary Beacom

Agenda Item 6.9 – LA09/2023/1381/O – Dwelling and garage (infill) at 35m SE of 37 Ballynacross Road, Knockloughrim for T Elliott Esq

Agenda Item 6.10 – LA09/2023/1385/O – Dwelling and garage (infill) at 85m SE of 37 Ballynacross Road, Knockloughrim for T Elliott Esq

The Chair indicated to those present that due to a perceived conflict of interest relating to Item 6.2 that planning officers would be leaving the room during the discussion of that item.

Resolved That the planning applications listed above be deferred for an office meeting/submission of further information/withdrawn.

Matters for Decision

P142/24 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2018/0565/F	Housing Development of 36 dwellings (6 detached and 30 semi-detached), services and infrastructure at lands N of 7 Lisnastraine Heights, Coalisland for McAvoy Roan Pension Fund
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Ms McCullagh (PPO) presented previously circulated report on planning application LA09/2018/0565/F which had a recommendation for approval. The PPO drew members attention to previously circulated agenda.

The Chair advised that requests to speak had been received, one in favour and one against.

The Chair advised that Mr McLernon was in attendance to speak against the application and invited him to address the committee.

Mr McLernon said that one of the key site requirements for this development of this zone is that vehicular access should be from the main Stewartstown Road, this proposal does not comply with this. A letter from EDC Consulting Engineers confirms that access while this is the height was wholly unsuitable as outlined in annex 2 in the MBA planning report. All other reasons why this height should not be used as access in the MBA planning report and only fair to members as they have a decision to make, a decision that's going to impact people's lives, their homes and their safety that members should be afforded the time to read the complete report before a decision is made.

Mr McLernon said that his next objection was based to the layout of the houses on this site. An extension has been approved and constructed to a side elevation of 3 Lisnastraine Court, this extension includes a side window at the ground floor to a bedroom and closest to sites 6 and 7 of the development. This extension was passed and built before the proposal of the 36 houses and cannot help but draw an inference that was being implied that the extension for the downstairs bedroom came after the new proposal for this development. At no time was the outline of his downstairs extension ever added to any of the new plans to illustrate the people who have to make a decision on what's acceptable and what's not and has been pointed out through his objections on the planning portal and also in the MBA planning report.

Mr McLernon said that in his view houses No.s 6,7,8 and 9 are being built to close to his home. The committee report states that there's more than 10% open space being proposed within the development, this space is being created to the detriment of himself who lives at 3 Lisnastraine Court. There will be many windows on the proposed buildings directly facing the bedroom window of extension 3 Lisnastraine Court, given that the proposed building will be much closer than the plan illustrates, there will be an unacceptable impact on the privacy of No. 3. Also, the rear gardens of No's 6,7,8 and 9 will be too small once landscaping and boundary features were to be provided. When this is established, there will not be 10m garden depth for No.s 6 and 7 as the report suggests as this corner plot is unsuitable for building on given the conflict with 3 Lisnastraine Court and the lack of quality and private amenity space. The gardens of No.s 8 and 9 have a depth less than 10m which was recommended in the guidance document of creating spaces. The planners have illustrated the planting of trees on the boundary of these gardens, this is not acceptable as these trees will grow and block his home from any natural light and leave his property in a dark and damp corner of a development. Mr McLernon said that if this site was going to be passed, he hoped that common sense and a position of compromise could be reached regarding the close proximity of the sites 6,7,8 and 9 to his property, 3 Lisnastraine Court. He said that there was ample open space within the site for the building of these 4 houses, so they won't be infringing on the privacy of any existing residents.

The Chair advised that Mr Maneely was in attendance to speak in favour of the application and invited him to address the committee.

Mr Maneely advised that through no fault of Mid Ulster Council, this application was running for an excess of 5 years specifically to deal with Road Service issues and wished to thank the planning team for their patience and understanding on matters in resolving issues revolving around access around DfI Roads. This application was sited on phase 1 lands which was on the old plan and also on the current plan, the key requirements of this plan has been met in the design that vehicle access should be from the Stewartstown Road. It doesn't define where the Stewartstown Road is and under AMP2 and AMP3 the development has been taken through the existing entrance of Lisnastraine Park out onto the Stewartstown Road therefore removing the requirement for an additional new access onto this road. It also states that vehicle access should be linked through this housing development to link Stewartstown Road and Mullaghmore Road and again the scheme provides for this. It also requires that pedestrian access should be provided through the site from the Stewartstown Road to Mullaghmore Road and Mousetown Road which has been provided for within the scheme. Other requirements in regards to mine shafts, the detailed survey and retention of open water course have also been identified within the scheme and possible supervision of the existing waterway.

Mr Maneely stated that the proposal is comparable in design and density to the adjacent residential properties, with the proposal providing for the upgrading of the existing footpath along the Stewartstown Road and within Lisnastraine Heights and increase in road width the same to meet standards. The proposal provides for the increase of the existing sight lines from Lisnastraine Heights onto Stewartstown Road which was lost through a previous permission for creation of a boundary wall at the junction and this proposal is for reinstatement of the existing approved sight lines. Further to a request from the planning team and meeting with neighbours including the objector, a buffer planting zone between the boundaries not alone the development in front of or to the rear of the objector's house, but also around the periphery of the site. To comply with aspirations of the zoning, the internal site road through the site has been increased to 6m, not required under this scheme to provide a natural link from the Stewartstown Road to the rear lands should someone else want to build in the future. Under this proposal no key land has been retained by the developer and this land on the road has been seated over to DfI Roads. While there have been minor changes to the internal scheme, the main issue to resolve was the main entrance which has taken almost 5 years for DfI Road Service to come full circle on their agreement during pre-application discussions. There have been no objections with consultees including DfI Roads and therefore if it was necessary that Council deemed it essential that further screening or screen fencing be provided to the rear of the objector's boundary, this could be accommodated.

Councillor Clarke said that he listened attentively to both sides of the story and said that he had an issue which he had raised many times regarding the lack of maps, drawings and plans being circulated to members and said that it was difficult for them to make a decision when all the relevant information was not in front of them. The member felt that the committee were not in a position to make a decision here tonight.

The Chair said that members had the opportunity to go onto the portal and see all the drawings.

Councillor Clarke advised that members were issued a pack involving these applications and that it was important that everything should be included within that pack as he had not the time to go through documents which was not in front of him. The member said that he would not be making a decision when all the relevant information was not in front of him and the only thing that could be done was to defer the application until members acquire all the information or defer for a site visit.

The Chair said that he took the member's point but if the committee were to get all the drawings and plans for every application on the schedule tonight, members would be going through it for a long period of time and felt that it wouldn't be practical.

Ms Doyle (HLP) said that whilst talking about the logistics and not having the time to go through the applications, with 37 being brought before members tonight, advised it was her understanding that there was an excess of 30 drawings for this application alone. She said that this would be time consuming for someone to scan across drawings for that one application and send it through when digital system was up and running and working really well to be able to be efficient. The HLP said that officers would be guided by members if this was something they wished to discuss further and request if they want officers to consider how logistically they wished to make this happen. She said that this would impact on officer's time to get it across with heavy agendas each month, where there would be one or two having the volume of applications. The HLP advised that a site visit may be considered, but members have site drawings in front of them tonight and key points have been pulled through on areas of contentions in terms of the objector this evening.

Councillor Varsani referred to this particular case where it had taken 5 years to sort an issue with Roads in regard to access and 58 objections from people. The member advised that she was only on the panel for 18 months but did appear to be the highest number of objections in that period of time and appeared to be something extra within this proposal that may well warrant a site visit in terms of what the impact would be for the people in the front estate with a new development of 36 houses, with 2 to 3 people in each dwelling and also two cars for each property. She felt that this may be quite an onerous thing for people living within an established development to have to undertake through no fault of their own and whether or not they already known this fact before moving into their properties.

Councillor Varsani referred to second objection from the objector here tonight about the impact on his property and amenity and whether his extension was taken into account. The member said that that it was unclear whether the extension was taken into account when the plans were drawn up and felt it would be beneficial for members to actually go out and see for themselves and help benefit the decision-making process.

Councillor Varsani referred to Councillor Clarke's comment regarding a particular planning application which was complex and caused a lot of challenges, it may be those particular cases who would benefit from having all the relevant information

within the pack as this case particularly illustrates that there may well be particular ones each month that would benefit members around the chamber having that access on the evening.

The Chair enquired if there were any objections to date from any of the agencies.

Ms McCullagh (PPO) advised that no objections have been forthcoming.

The Chair said that he did take on board members point on having all the relevant drawings etc, but members do have the ability to log onto the portal and see for themselves all the appropriate information but was at members discretion if they wished to go down the alternative route.

Councillor Varsani proposed a deferral for a site visit as she was confident that this would help members to fully engage with all the different elements due to the complexity of the case which was ongoing for some time.

Proposed by Councillor Varsani
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/0565/F be deferred for a site visit.

LA09/2020/0406/F **2 retail units at Crossowen Road, approx. 85m SW of 33 Main Street, Augher for Mr Stephen Robinson**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/1410/F **Battery energy storage system (BESS) 100 MWh (100 MW/1 hr), new access and alterations/extensions of existing lane and ancillary development at lands approx. 500m NE of 32 Drumkee Road, Dungannon (to rear of Tamnamore 275kv Electricity Substation) for Wilmar LLP**

Agreed that application be withdrawn from tonight's schedule earlier in meeting.

LA09/2023/0510/F **Continued use of the yard for the storage of containers associated with VK Removals and Storage at 106 Pomeroy Road, Pomeroy for Mr Vincent Dynes**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2023/0639/RM **Mixed use development to include Building (Class D1 Use) and associated play area, fuel filling station and shop and business units class B1 (Business Use) and (B2 Light Industrial) at lands to the rear of 114 Bush Road, Dungannon for Silverford Property Ltd**

Members considered previously circulated report on planning application LA09/2023/0639/RM which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0639/RM be approved subject to conditions as per the officer's report.

LA09/2023/0793/F **Retrospective relocation of previously approved storage shed with a change of use of the shed from storage to manufacturing and assembly at Unit D, 23 Ballymacombs Road, Portglenone for Mr James Donnelly & Sons**

Members considered previously circulated report on planning application LA09/2023/0793/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Bell and

Resolved That planning application LA09/2023/0793/F be approved subject to conditions as per the officer's report.

LA09/2023/0794/F **Car parking facilities for established business units at 23 Ballymacombs Road, Portglenone for Mr James Donnelly & Sons**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2023/1257/F **Distribution hub and associated ancillary works at lands C. 60m SW of 21 Hillhead Road, Toomebridge for Mr Declan Graffin**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2023/1387/F **2 workshop buildings (3 units) to replace existing workshops at 68A Mullaghmore Road, Dungannon for Mr Gareth Hutton**

Mr Marrion (PPO) presented previously circulated report on planning application LA09/2023/1387/F which had a recommendation for refusal.

Councillor Cuthbertson advised that this was one of two applications recommended for refusal which hadn't been deferred tonight and asked if it would be possible to hold it for one month until the requested information was submitted.

Ms Doyle (HLP) advised that the applicant had been given two chances and every opportunity to bring the information forward. She advised that some evidence was needed in terms of history and was unsure of the impact on neighbouring residents

as objections has been raised and no confirmation from the applicant whether there was an established business use on the site. She said that planning department was trying to process applications, and this application has been in the system from 2023 and waiting on requested information from May.

Councillor Cuthbertson proposed to hold the application for one month to allow the applicant one final chance. If information is not forthcoming in one month, then refusal to be issued.

The Chair advised that the application would have to be presented before the Planning Committee again before a decision can be made on the application.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Buchanan and

Resolved That planning application LA09/2023/1387/F be deferred for one month to request additional information.

LA09/2024/0049/F **Retention of extension of agricultural yard and associated development including; hardstanding yard area with a landscaped bund along northern boundary; and partially open sided building to provide a livestock shelter and associated works (retrospective) (includes removal of unauthorised security lighting and bund along western boundary and return of part hardstanding area to grassed paddock) at lands at and immediately W of 101 Dungannon Road, Cookstown for Mr Niall Bell**

Agreed that application be withdrawn from tonight's schedule earlier in the meeting.

LA09/2024/0059/F **Domestic Storage Shed at 19 Hillside Road, Upperlands, Maghera for Mr Joe McMurray**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2024/0213/F **Retrospective application for the retention of stables, storage shed, yard, paddock, horse walker, hard standing and associated laneways at 190m S of 2 Coltrim Road, Moneymore for Mr Mark Hamilton**

Members considered previously circulated report on planning application LA09/2024/0213/F which had a recommendation for approval.

Proposed by Councillor Black
Seconded by Councillor J Buchanan and

Resolved That planning application LA09/2024/0213/F be approved subject to conditions as per the officer's report.

LA09/2024/0428/O **Learner pool with associated village changing kitchen and toilet facilities. Carparking, charging points and photovoltaics, clustered within an existing settlement of Washingbay Centre, Derrylaughan Club House and football/training field at lands approx. 120m N of 255 Washingbay Road, Coalisland for Miss Eve McAvoy**

Members considered previously circulated report on planning application LA09/2024/0428/O which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Varsani and

Resolved That planning application LA09/2024/0428/O be approved subject to conditions as per the officer's report.

LA09/2024/0438/O **Dwelling and garage adjacent and W of 21 Tullyheran Road, Maghera for Mr Andrew Warnock and Ms Aimee Cassidy**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2024/0507/F **Change of use from salon to 2 bed apartment at 41C William Street, Cooktown for Mr Paul Campbell Properties Ltd**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2024/0647/O **Site for dwelling in a cluster at 120m N of 26 Moss Road, Coagh, Cookstown for Mr Jason Lawn**

Ms McKinless (SPO) presented previously circulated report on planning application LA09/2024/0049/F which had a recommendation for refusal.

The Chair advised that a request to speak in support had been made and invited Councillor Gavin Bell to address the committee.

Councillor Bell advised that he was speaking tonight in support of the application and wished to point out and make people aware that we in Mid Ulster have the fastest growing population out of all Councils in the North and our population is sitting just shy of 150k and forecast to grow beyond 170k within the next 5 to 6 years. Mid Ulster boast to have the fastest growing business base outside of Belfast and of a talented and highly skilled workforce, our region produces 7.3% of economic output and fastest growing district over the past 10 years. On our Council's website we talk about property solutions and that we offer excellent property options at affordable prices from greenfield sites to turnkey solutions already available for investors to move in. We also promote a superb quality of life, a perfect combination of urban and rural living. In contrast to these very positive figures and soundbites, we have also a very large number of young people leaving these shores to places as far away as Australia, more often than not, they never

return home to live here permanently. One of the main contributory factors to this growing number especially within our rural communities is an inability to buy or build an affordable home in their townlands. For those within this district that grew up and lived in the countryside all their lives and wanting to continue with that tradition, it is becoming more and more difficult as land becomes more scarce and prices driven up as a result of draconian planning policies that are outdated with some arguing that they are not fit for purpose and devised by some direct rule Minister sat in Whitehall completely detached from this place and its people.

Councillor Bell advised that the background provided feeds into the current difficulties of what our young people were experiencing today and also feeds into this application.

The member said that this application was made by a young gentleman from Ballinderry who lived his whole life there, attended the local school, developed lifelong friendships, represented the local football team and strengthening the local community. The applicant wished to continue this proud tradition by building his own house in a place he calls home and start a family of his own and then follow in his footsteps. The member said that he was of the strongest view that this application ticked all the boxes of the policy for development in the countryside and was very much within the spirit of the policy. On the 6th of June last year planning application LA09/2023/0214/O was granted permission at the very same location, within a few metres from this site. Reading the case officer's report for that particular application, he believed that Mr Lawn's is no different at all. Mr Lawn's application has been tested on the same criteria, but unfortunately, he has arrived at a different outcome which was not right. Mr Lawn's application site sits within the same cluster of development that lies outside a farm and consists of 4 more buildings of which 3 are dwellings.

Councillor Bell concluded by saying that taking these points into consideration, would ask the committee to do the right thing and please approve this application. The member said that he lived on the road himself, and it was his strong view that this development can be integrated and absorbed into the existing cluster through rounding off. In relation to not being bound on two sides by development, it was bookended and as seen in the overhead presentation, a forest was visible which was owned by the local authority and no more houses can be built as there was no opportunity to go further.

Councillor Bell withdrew from the meeting at 6.46 pm

Ms Doyle (HLP) said that she wished to advise members on a few points and add weight to some of the points which have been raised in terms of draconian and outdated planning policies. She advised that these were our policies and adopted areas plans that were in place and was one of planning's material considerations which decisions were based upon. If they were considered draconian and out of date, this was what planners have to assess planning applications on when reports are brought forward to members every month and every day in terms of delegated applications. The HLP asked members to give weight to this with extreme caution. She said that the application does not tick all the boxes and was different from the last application. In regard to the last application, officers considered the dwelling across the road which was set at an angle which helped to have development on

two sides. This application was set back from that so there is a gap and an unauthorised mobile home and dwelling and cannot rely on an unauthorised development for development in a cluster. She agreed that it was within the cluster and four more buildings but meets five of the six policies and up to members to decide on what weight they give as it wasn't an exception as there was no exception to the policy but a departure from policy.

Councillor Black sought clarity as it was his understanding that the only issue was that the application was not bound on two sides. There's an application in the system at the moment that has yet to be determined and if this was determined positively that this could potentially help this application.

Ms McKinless (PPO) advised that the situation was that there was a current reserved matters application in on that site which was undecided and stated that the gentleman who owns the parcel of land in front of the site has erected an unauthorised building without planning permission and does not benefit from planning permission. If planners approve the reserved matters, then they would be insisting on a more permanent construction and if reserved matters application got approved, then it would be a design of a permanent construction but would not deal with the unauthorised building that was currently there. The gentleman who owns the site could apply for a temporary permission for the unauthorised building until such times he was in a position to build the permanent dwelling approved under the reserved matters if it gets approval. She stated that it was a bit more convoluted than just there being a reserve matters application in for the unauthorised building as reserved matters application cannot be used to deal with an unauthorised development.

Councillor Black suggested holding this application until the other one was determined. The member felt if the only reason for this application was falling down was due to bounding on two sides, then it may be beneficial to wait until the outcome of the reserved matters determination for the other application as this may give members an answer on whether this would then be acceptable or not.

Ms McKinless said that potentially this might be the case but there were two different landowners and one relying on the other application being approved.

Councillor Varsani referred to the visuals and how it fits within the existing buildings amongst other issues, felt it was incredibly harsh that on one side of the road there was an identical strip of housing including where it was backing onto the forest area. The member said that it almost looked like a mirror image in terms of the actual plot, with the Evergreen Club beside it and could be considered as a focal point. The member advised that these were not people moving into the area, these were families from the area and to be turned down on one point on what looks like a mirror image plot. She referred to comment previously in the chamber regarding the spirit of the policy and may well be the case in another year or two if it came forward, it would be passed and would be interested to hear the views of other members as she found it harsh not to pass it.

In comparing the 5 out of 6 Policy tests acknowledged as being met in this case, Councillor Clarke stated that this still represented 85% of the Policy being met but yet this was still being seen as a failure to satisfy the Policy.

The HLP said that the difficulty was that policy states that an application must meet all the criteria and unfortunately in this instance planners have no other option to recommend a refusal of the application.

Councillor Clarke said that given what we have heard at this stage it wasn't going to change but there was a possibility that the other application could be successful and change things for this application and suggested that the application be deferred until a decision is made on the other application.

The HLP said that it could possibly change things, as the other application would not be held much longer as a reserved matter and pretty straightforward if approved but would still not be development as it did not meet that criteria. She agreed that this application could be held until a decision was made on the reserved matters and bring it back to committee to see what the intention of the other applicant was at that stage.

Proposed by Councillor Clarke
Seconded by Councillor Varsani and

Resolved That planning application LA09/2024/0049/F be deferred to allow determination of adjacent RM application.

Councillor Bell returned to the meeting at 6.58 pm.

LA09/2024/0653/O Two storey dwelling and detached double garage at 60m SE of 148C Washingbay Road, Clonoe, Coalisland for Mr Philip Brady

Mr Marrion (PPO) presented previously circulated report on planning application LA09/2024/0653/O which had a recommendation for refusal.

Councillor Carney enquired whether the local hurling club would be a focal point as it was only a couple of yards from the proposed site.

The PPO advised that policy was quite clear when it states that it has to be associated with the focal point and what the member referred to was further over to the East. He stated that all the development over there had been considered and approved within the cluster but because this was so far removed from the hurling club, it was not seen as being associated with that focal point.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Buchanan and

Resolved That planning application LA09/2024/0653/O be refused subject to conditions as per the officer's report.

LA09/2024/0695/F Alterations to dwelling to provide house of multiple occupancy (HMO) at 9 Victoria Road, Dungannon for Mr Eugene Daly

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2024/0699/O **Site for dwelling and domestic garage at land approx. 95m E of 81 Mullaghboy Road, Bellaghy for Mr Brendan Scullion**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2024/0701/O **Site for a dwelling and domestic garage (infill) at 80m S of 89 Derrytresk Road, Coalisland for Mr Sean Hagan**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2024/0794/RM **Infill site for 2 dwellings and associated garages at 30E of 21A School Lane, Gulladuff for Mr Eugene Bradley**

Ms McKinless (PPO) presented previously circulated report on planning application LA09/2024/0794/RM which had a recommendation for refusal.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2024/0794/RM be approval subject to conditions as per the officer's report.

LA09/2024/0869/F **Single-storey extension to the existing Sports Pavilion with reconfiguration and extension of the existing hard-standing car parking area and wheelchair access provision connecting both and solar panels on the new extension at Castlecaulfield Playing Field, Drumreany Road, Castlecaulfield for Mr Johnny McNeill (Mid Ulster District Council)**

All members declared an interest in the application as relating to Mid Ulster District Council.

Members considered previously circulated report on planning application LA09/2024/0869/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Varsani and

Resolved That planning application LA09/2024/0869/F be approved subject to conditions as per the officer's report.

LA09/2024/0993/F **Dwelling and Domestic Garage (Gap Site) at land between 25A & 25B Old Monaghan Road, Clogher for Mr Sean McKenna**

Agreed that application be deferred for submission of additional information earlier in meeting.

LA09/2024/1000/F **5m x 25m concrete ball wall with 2.4m high paladin fencing above 3G surface of pitch to be extended into new ball wall area at Holy Trinity College, 9-29 Chapel Street, Cookstown for St Patrick's Educational Trust**

Agreed that application be withdrawn from tonight's schedule to allow consideration of additional information earlier in the meeting.

LA09/2024/1006/F **Retention of agricultural building for general farm storage purposes, access and ancillary site works at lands approx. 20m SE of 20 Reaskcor Road, Castlecaulfield, Dungannon for Mr Robert Carson**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2024/1016/F **Dwelling at approx. 130m N of 116 Lurgylea Road, Galbally, Dungannon for Mr Patrick Clarke**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2018/0073/F **2 Poultry Units (16,000 bird capacity in each unit) with 4 meal storage bins, 2 underground wash water storage tanks and associated access lane/turning area at approx. 240m N of 93 Ballagh Road, Ranenly, Fivemiletown for Mr Gary Beacom**

Agreed that application be withdrawn from tonight's schedule earlier in the meeting.

LA09/2022/0641/F **Retention of boundary wall/fence at 29 Glengomna Road, Draperstown for Mr Barry O'Kane**

Mr Doyle (HLP) withdrew from the meeting at 7.02 pm.

Ms McCullagh (PPO) withdrew from the meeting at 7.02 pm.

Ms McKinless (PPO) presented previously circulated report on planning application LA09/2022/0641/F which had a recommendation for approval.

The Chair advised that requests to speak had been received, one in favour and one against.

The Chair advised that Mr McCullagh was in attendance to speak against the application and invited him to address the committee.

Mr McCullagh advised that he wished to state that this application was not for a garden wall but a retaining wall between a farmyard and a dwelling. Secondly, planning had stated that this wall would have limited visual impact on third parties, and he would strongly dispute this as it was having serious impact on third parties. This was his farmyard for years and previous wall that was erected had a clear view of the main road and beautiful scenery of Slieve Gallion mountain which has now been blocked. It seems to be the case now that a farmer was not important. Thirdly, planning appears to be washing their hands of anything to do with structural stability of this wall and on the 5th September in which they stated there's no planning policy requirement that deals with the structural stability of the wall, yet for the past two years Ms McKinless (PPO) and Ms Doyle (HLP) asked for numerous Engineers reports to be carried out and submitted to them. The HLP insisted that site visits be carried out by a Structural Engineer and Ms Jane Leadon issued her report to the planning department as planning couldn't be based on assumptions. Ms Jane Leadon this past two years had sent three reports to the planning department with over 50 pages of facts and figures, not assumptions which the Council seems to be now dismissing. He referred MEA's report carried out on behalf of their client Barry O'Kane which was based mainly on assumptions and was in front of members. An assumption that he really wished to highlight is that there was supposedly a 300mm x 500mm concrete section connected to the wall which should make this the strongest stable part of the structure, and he believes that this concrete structure does not exist. The planning department however has taken on board their own Independent Engineer and Mr Liam O'Neill's report states that "this wall is more than adequate" a report that has been backed up by no facts, no figures, no drawings and no evidence proving that this concrete block exists and based solely on its assumptions during a site visit with Ms McKinless (SPO). He referred to document in front of members tonight dated 10th October by Structural Engineer, Jane Leadon where she states how there were two completely different planning applications submitted for this one wall. The first application was for full wall all along the back of the dwelling and down the side of the laneway. The second application was for the wall just along the back of the house, however this was all the one structure and asked why the Council's planning department allowed the second application to go ahead completely along the shared laneway at the side where it carries farm vehicles, cars and pedestrians as this was the most dangerous part of the structure retaining 1.2m of soil. Mr McCullagh said that he had raised this issue on numerous occasions and had been dismissed and asked if this was the way planning was moving forward by allowing applicants to submit two applications ensuring the most dangerous unsafe part as withdrawn. To finalise it was his belief that throughout this application, planning had focused on getting this retaining wall passed and not for the reasons why it should be refused. He felt that this should be refused as himself and Ms Jane Leadon a highly competent Structural Engineer, were both of the opinion that this retaining wall and its entirety is not structurally safe.

The Chair advised that Mr O'Kane was in attendance to speak in favour of the application and invited him to address the committee.

Mr O'Kane said as previously alluded to by the case officer, this wall was applied for in May 2022 and first before committee in November 2022. During that time, it was deemed necessary for the safety and privacy of his family and construction of the wall commenced. At a later date it was deemed that the wall was now

retrospective to have substantive works being done to it and had argued the point that there was still groundwork to be done and was yet to be completed and as Mr McCullagh pointed out ground levels were changed. Although the application for the wall was for 2.7m, it was actually 1.9m high which includes the fence on top of it. He referred to submitted storm data proving the stability and safety of the wall and felt that the wall was in good shape as evident in the recent photos he had submitted.

The Chair said that members had heard what has been stated here tonight and asked for their comments.

Councillor Varsani advised that to be clear there were no grounds described to members according to policy on which they can refuse. The application has been recommended for approval according to a very thorough process and understood the very different views which were presented but in terms of what Councillor may and may not do, there were no avenues to refuse the application and, on that basis, would be happy to propose the recommendation.

Proposed by Councillor Varsani
Seconded by Councillor Robinson and

Resolved That planning application LA09/2022/0641/F be approved subject to conditions as per the officer's report.

LA09/2023/0405/O Farm dwelling & domestic garage at lands 170m S of 82 Bancran Road, Draperstown for Mr Aidan Coyle

Members considered previously circulated report on planning application LA09/2023/0405/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2023/0405/O be approved subject to conditions as per the officer's report.

Mr Doyle (HLP) returned to the meeting at 7.20 pm.

Ms McCullagh (PPO) returned to the meeting at 7.20 pm.

LA09/2023/0771/O Site for a dwelling and domestic garage at approx. 120m E of 65 Moneysharvan Road, Swatragh for Mr Patrick Turner

Members considered previously circulated report on planning application LA09/2023/0771/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2023/0771/O be approved subject to conditions as per the officer's report.

LA09/2023/0790/F Garage at 73 Favour Royal Road, Aughnacloy for Mr Stuart Henderson

Members considered previously circulated report on planning application LA09/2023/0790/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Black and

Resolved That planning application LA09/2023/0790/F be approved subject to conditions as per the officer's report.

LA09/2023/0939/F Retention of agricultural building for agricultural storage and hardcored yard (amended description) at 26 Reenaderry Road, Coalisland for Mr Gerard McStravog

Members considered previously circulated report on planning application LA09/2023/0939/F which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0939/F be approved subject to conditions as per the officer's report.

LA09/2023/1031/F Removal of Condition 4 (dwelling to be sited in the area shaded green on drawing L01) of application LA09/2022/1294/O at lands approx. 35m N of 12 Drumard Road, Kilrea for Mr Colm Bradley

Members considered previously circulated report on planning application LA09/2023/1031/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/1031/F be approved subject to conditions as per the officer's report.

LA09/2023/1217/O Dwelling and garage on a farm at land adjacent to 30 Killyfaddy Road, Magherafelt for Mr Ian Brown

Members considered previously circulated report on planning application LA09/2023/1217/O which had a recommendation for approval.

Proposed by Councillor McElvogue
Seconded by Councillor Black and

Resolved That planning application LA09/2023/1217/O be approved subject to conditions as per the officer's report.

LA09/2023/1381/O **Dwelling and garage (infill) at 35m SE of 37 Ballynacross Road, Knockloughrim for T Elliott Esq**

Agreed that application be deferred for submission of amended proposal.

LA09/2023/1385/O **Dwelling and garage (infill) at 85m SE of 37 Ballynacross Road, Knockloughrim for T Elliott Esq**

Agreed that application be withdrawn from tonight's schedule earlier in the meeting.

LA09/2024/0177/O **Dwelling and garage in an existing cluster with access onto Curr Road at land adjacent to 33 Moneymore Road, Desertmartin for Thomas and Brigid McGuigan**

Members considered previously circulated report on planning application LA09/2024/0177/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Varsani and

Resolved That planning application LA09/2024/0177/O be approved subject to conditions as per the officer's report.

Matters for Information

P143/24 **Minutes of Planning Committee held on 1 October 2024**

Members noted Minutes of Planning Committee held on 1 October 2024.

Proposed by Councillor Carney
Seconded by Councillor Varsani and

Live broadcast ended at 7.26 pm.

Local Government (NI) Act 2014 – Confidential Business

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 P144/24 to P136/24.

Matters for Decision

P144/24 Receive Enforcement Report

Matters for Information

P145/24 Confidential Minutes of Planning Committee held on 1
October 2024

P146/24 Enforcement Cases Opened

P147/24 Enforcement Cases Closed

P148/24 Duration of Meeting

The meeting was called for 6 pm and ended at 7.39 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: 5th November 2024

Additional information has been received on the following items since the agenda was issued.

Chair's Business

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.1	<p>A late objection has been received from the solicitor of objector stating that condition 6 is not achievable. This has been considered in the case officer report and is not new information.</p> <p>Second letter of objection from B McLarnon on 2 Nov, no new issues raised.</p>	For members to note
6.2	<p>Additional information received with Speaking Rights for application LA09/2022/0641/F</p>	For members to note

Report on	Numbers of older applications held in the Planning Department
Date of Meeting	3 rd December 2024
Reporting Officer	Karen Doyle
Contact Officer	Karen Doyle

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To provide details on the number of 'older' applications still being considered in the Planning Department
2.0	Background
2.1	At the November Planning Committee, Cllr Cuthbertson requested details on the number of pre 2023 planning applications still under consideration by the Planning Department.
3.0	Main Report
3.1	<p>The number of applications still under consideration, by year, are as follows:</p> <p>2012 1 application</p> <p>2014 1 application</p> <p>2015 1 application</p> <p>2016 5 applications</p> <p>2017 9 applications</p> <p>2018 14 applications</p> <p>2019 21 applications</p> <p>2020 26 applications</p> <p>2021 42 applications</p> <p>2022 66 applications</p>

	2023 174 applications
3.2	You will see that here are 3 'legacy' cases that remain from the (former) Department of Environment, one of which is the wind turbine application at Crancussy (I/2012/0398/F), that is now with outside consultants to provide a recommendation for the Planning Committee.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial:
	N/A
	Human:
	N/A
	Risk Management:
	N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications:
	N/A
	Rural Needs Implications:
	N/A
5.0	Recommendation(s)
5.1	That Members note the contents of this report.
6.0	Documents Attached & References
6.1	N/A