



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2018/0566/F	Target Date: <add date>
Proposal: Erection of 6 no dwellings and associated access road	Location: Approx 90M East Of 96 Davagh Road Omagh
Applicant Name and Address: M Conway 113A Davagh Road Mountfield Omagh Tyrone BT79 8JL	Agent Name and Address: Desmond O'Neill 17 Main Street Dromore Omagh BT78 3AE
Summary of Issues: There are two letters of objection which make the following points: <ul style="list-style-type: none">- The proposal is contrary to the relevant plan and is not suitable at this location- The proposal will adversely affect the intrinsic environmental value and character of the local landscape area;- The proposal will have an adverse impact on the established character of the neighbourhood;- The area is heavily populated with diverse wildlife;- The location is rural and unspoilt by residential development. <p>These letters have been received from the same objector on the following dates</p> <ul style="list-style-type: none">- 11 June 2018- 22 June 2022 (post committee meeting in May 2022). <p>In response to the issues of concern the application site is located within a DRC as identified in the Cookstown Area Plan, it is located at a focal point, and this is addressed later in this report. I will also address the character of the area in the Deferred Consideration below.</p>	
Summary of Consultee Responses: No issues of concern have been raised by the consultees.	

Characteristics of the Site and Area:

The site is in the rural countryside outside any settlement limits and within the designated Broughderg Dispersed Rural Community as depicted within the Cookstown Area Plan 2010. The site is located approximately 5.5km NW of the defined settlement limits of Dunnamore. The proposal site comprises a portion of a large agricultural field Page 8 of 368 Application ID: LA09/2018/0566/F located at the crossroads where Broughderg Road and Davagh Road meet. There is traffic directional signs and a fenced plaque located adjacent to the application site on the grass verge at the public road junction. The field is accessed via an agricultural gate onto Broughderg Road, however the site also has frontage along Davagh Road. The roadside boundaries of the site are defined by post and wire fencing. The topography of the site is relatively flat with the surrounding landform undulating and remote. The site is located within the Sperrin's AONB, and the surrounding area is rural in character. The predominant land use in the surrounding area is agricultural fields, there is low development pressure with some dispersed dwellings. Our Lady of the Wayside Church is in close proximity to the west and beyond this to the west, a short distance away is Broughderg Post Office.

Description of Proposal

This application seeks full planning permission for the erection of 6 dwellings and associated works located on lands approximately 90m East of 96 Davagh Road, Omagh. The dwelling is being applied for under Planning Policy Statement 21, Policy 2 Development in Dispersed Rural Communities.

Deferred Consideration

This application was presented before Members in May 2022 with a recommendation to approve, subject to several conditions. Members sought a site visit as there was some confusion with a letter of objection being received or not and the site visit has been carried out.

The application site is located within the Broughderg and Davagh Upper Dispersed Rural Community (DRC) with the Sperrin Area of Outstanding Natural Beauty, Area of Constraint on Mineral Development, and an Area of Significant Archaeological Interest. The area plan acknowledges the development pattern in the area varies considerably with the landscape to the north of the Broughderg Road dominated by upland moorland and few occupied dwellings. However, to the south of the road the land becomes more arable and there are several dwellings scattered throughout the area. A locally significant focal point is noted at the St Mary's Church and former post office. Housing within the DRC will be regulated in accordance with the provisions of prevailing regional planning policy and considering guidance in the Cookstown Area Plan, which is currently the extant plan for this site. I will come onto a consideration of the regional policy later in this report.

The Area Plan states that new development and individual dwellings should be located on sites that visually integrate into the landscape and designed in a manner that is in keeping with the vernacular traditions of the Sperrin AONB. The Area Plan seeks an informal layout which reflects a clachan style and dwellings should be of simple form.

Key to the consideration of this application is *"clusters of development will normally be located close to the existing focal point on the Draperstown Road"*. The site is located on

the southern side of the Sixtowns Road, at a crossroads at which is also sited Our Lady of the Wayside Church.

Policy CTY 2 of PPS 21 deals with development in a DRC. It states within a DRC planning permission will be granted to suitable proposals for a small cluster or “clachan” style development of up to 6 houses at an identified focal point and permission will generally be limited on one cluster per focal point.

From the site visit with Members, it is my opinion the site is located at a focal point being situated at a crossroads with the Lady of the Wayside Church also located at the crossroads. There is another focal point to the southwest of the application site at St Mary’s Church and former post office within this DRC and this is c.0.5 miles from the application site. There is development on both sides of the Broughderg Road and Davagh Road. The land rises to the northern side of the road and falls away to the southern side of the road.

The proposal is for a small cluster of 6 houses which is acceptable in terms of Policy CTY 2 of PPS 21 and there is no history of a cluster at this focal point. I consider the design of the proposed dwellings acceptable, and the layout is acceptable considering planning policy.

No concerns have been raised by the consultees.

I recommend an approval of this application subject to the conditions listed below.

Conditions:

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

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

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 12 bearing the date stamp 02 November 2021.

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

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

under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of visual amenity.

Signature(s)

Date:

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

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

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

Description of Proposal

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

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

Planning Assessment of Policy and Other Material Considerations

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

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

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

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

Representations

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

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

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

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

History on Site

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

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

Key Policy Considerations/Assessment

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

The Plan states a Dispersed Rural Community is designated at this location to accommodate the need for limited, local housing in recognition of its existing community facilities and strong local identity in an area of low development pressure. Cookstown Area Plan 2010 identifies St Mary's Church and Broughderg post office as forming a locally significant focal point on Broughderg Road. It is noted the application site is located in proximity of Broughderg Post Office and is adjacent to Our Lady of the Wayside Church. The Plan states housing within the DRC will be regulated in accordance with the provisions of prevailing regional planning policy and in the light of plan guidance set out below.

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

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

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

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

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. The proposal falls under one of these instances, Policy CTY 2 - Development in Dispersed Rural Communities. Policy CTY 2 states planning permission will be granted to suitable proposals for a small cluster or 'clachan' style development of up to 6 houses at an identified focal point within a Dispersed Rural Community designated in a development plan.

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

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

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

Planning Policy Statement 3: Access, Movement and Parking

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

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

Conditions:

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

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

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 12 bearing the date stamp 02 November 2021

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of visual amenity.

Informatives

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

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

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

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2020/0343/F	Target Date:
Proposal: Proposed residential development of 2 no detached dwellings & 2 no semi-detached dwellings	Location: 62 Glen Road Maghera
Applicant Name and Address: Danny McMaster 103 Glen Road Maghera	Agent name and Address: CMI Planners Ltd 38B Airfield Road Toomebridge Antrim BT41 3SG
Summary of Issues: <ul style="list-style-type: none">- The turning head for traffic is too close to the neighbouring residential property and will impact upon their amenity.- The proposed HT4 will sit immediately next to an existing neighbouring property and is too close to that property and will result in overlooking.- The demolition of the existing dwelling and redevelopment of the site will have a negative impact on the character of this ATC.- There are too many houses being proposed in the ATC.- The proposed houses are not in keeping with the building line along the Glen Road.- The Glen Road is already a busy road with a mixture of houses, schools and commercial premises and the additional dwellings will further exacerbate the current problems. <p>There were a total of 15 objections received prior to the revised layout being submitted. Subsequent to the revised layout one letter of objection has been received from no 64 Glen Road who have raised the following concerns:</p> <ul style="list-style-type: none">- The development fails to enhance the overall character and does not respect the built form of the ATC- The application is contrary to the SPPS- Fails to demonstrate it is not likely to harm a European protected species.	

The concerns raised will be dealt with under “Deferred Consideration” below.

Characteristics of the Site and Area:

The site is located within the settlement limits of Maghera and designated Area of Townscape Character (Designation MA 14) as defined in the Magherafelt Area Plan 2015. The application site comprises an existing 2 storey detached dwelling and garage on a large plot with generous side and rear garden. The existing dwelling appears to be rundown and currently unoccupied, this existing dwelling will need to be removed to accommodate the proposed scheme. The site is currently accessed via an existing driveway which this application seeks to amend, relocating slightly west. There are number of protected trees subject to a Tree Protection Order on the site. There are currently mature trees to the front of the site, the front boundary is enclosed by a low dashed wall approx. 1 metre in height. The western and southern boundary are defined by mature vegetation and the eastern boundary is defined by close board fencing, which appears to be recently erected, and some scattered trees and vegetation. The immediate surrounding context is predominantly residential and urban in character, comprising large detached dwellings on extensive plots at both sides of the Glen Road. There is a high density modern housing development immediately south of the site comprising detached dwellings. In proximity to the northeast, there is a row of two storey semi-detached dwelling set close to the public road with small front gardens/yards.

Description of Proposal

The application has been revised from a 6 detached dwellings to 4 dwellings, comprising of two detached dwellings to the front of the site and a pair of semi detached dwellings to the rear of the site.

Deferred Consideration:

This application was presented before Members of the Planning Committee in November 2021 with a recommendation to refuse. The application was deferred by Members for an office meeting with the Service Director. Following the office meeting the agent has revised the proposed scheme from 6 dwellings down to 4 dwellings.

Policy ATC 2 of PPS 6 addresses new development in an ATC. Development is only permitted in an ATC where it maintains or enhances the overall character and respects the built form of the area. Any trees, archaeological or other landscape features which contribute to the distinctive character of the area are to be protected and integrated in a suitable manner into the design and layout of the development.

The existing built form at this ATC includes some backland development at No 81A Glen Road (on the opposite side of the road) which is to be included in the consideration of the character of the area. This has also been approved for an extension to the dwelling which will raise the height from single storey to two storey and, thereby, will be more visible in the local area. There is also a commercial building at No 81 Glen Road which sits within the ATC. From a site inspection, it is apparent the proposal will respect the built form of the ATC. The trees to the front of the site are to be mostly retained and these will provide a high-quality foreground to any development on the application site. The two detached dwellings will sit nestled behind the trees, particularly site 2 and I consider the design to be

appropriate at this location. Policy ATC 2 requires trees, such as these, which contribute to the distinctive character of the area, to be protected and integrated in a suitable manner into the design and layout of the development.

I consider the reduced scheme acceptable at this location and in line with the principles of the ATC and recommend an approval.

Conditions-

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

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

2. The vehicular access including visibility splays of 2.4m x 70m shall be provided in accordance with drawing no 08 rev 7 bearing the date stamp 04 March 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All protective fencing will be provided in accordance with drawing no 09 rev 5 and will be erected prior to commencement of any site works and retained during construction phase of development.

Reason: To protect, conserve and enhance the protected trees under TPO/2009/0093.

4. All proposed remedial works shall accord with the report by M Large Tree Services, surveyed on 3 February 2021.

Reason: To protect, conserve and enhance the protected trees under TPO/2009/0093.

5. All hard and soft landscaping, including the planting of additional trees shall be provided in accordance with drawing no 08 rev 7.

Reason: To protect, conserve and enhance the protected trees under TPO/2009/0093.

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: LA09/2020/0343/F	Target Date:
Proposal: Proposed residential development of 4 No. detached dwellings (Amended Plans)	Location: 62 Glen Road Maghera
Referral Route: Refusal recommended & 15 objections received	
Recommendation:	Refusal
Applicant Name and Address: Danny Mc Master 103 Glen Road Maghera	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt
Executive Summary: Proposal considered against prevailing planning policy. It is considered the proposal as it stands is contrary to Policy ATC 2 of PPS6, Policy QD1 of PPS7, Policy LC1 of APPS 7 and Policy NH 2 of PPS2. 15 letters of objection received which are considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	15
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site is located within the settlement limits of Maghera and designated Area of Townscape Character (Designation MA 14) as defined in the Magherafelt Area Plan 2015. The application site comprises an existing 2 storey detached dwelling and garage on a large plot with generous side and rear garden. The existing dwelling appears to be rundown and currently unoccupied, this existing dwelling will need to be removed to accommodate the proposed scheme. The site is currently accessed via an existing driveway which this application seeks to amend, relocating slightly west. There are number of protected trees subject to a Tree Protection Order on the site. There are currently mature trees to the front of the site, the front boundary is enclosed by a low dashed wall approx. 1 metre in height. The western and southern boundary are defined by mature vegetation and the eastern boundary is defined by close board fencing, which

appears to be recently erected, and some scattered trees and vegetation. The immediate surrounding context is predominantly residential and urban in character, comprising large detached dwellings on extensive plots at both sides of the Glen Road. There is a high density modern housing development immediately south of the site comprising detached dwellings. In proximity to the northeast, there is a row of two storey semi-detached dwelling set close to the public road with small front gardens/yards.

Description of Proposal

This application seeks full planning permission for 4 no. detached dwelling units at 62 Glen Road, Maghera.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- PPS 2: Natural Heritage
- PPS 3 - Access, Movement and Parking
- Addendum to PPS 6 Areas of Townscape Character
- PPS 7 - Quality Residential Environments
- Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (APPS 7)
- A Planning Strategy for Rural Northern Ireland

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 History

LA09/2017/0283/F - Proposed retaining wall within existing approved housing development (H/2014/0314/F) - Located 60m South of 62 Glen Road, Maghera due east of sites 3,4 and 5 Glen Gardens off Glen Road, Maghera - Permission Granted 15/01/19

LA09/2017/0800/F - Change of house type to Sites 1 and 2 (Planning Ref: H/2014/0314/F) and provision of 3 no additional dwellings and domestic garages (Sites 20, 21 & 22) - Located 20m East of 62 Glen Road, Maghera, Glen Gardens off Glen Road, Maghera - Permission Granted 26/06/18

H/2014/0314/F – Proposed Residential Development of 19No. Dwellings (detached) and Garages - Rear of 58A, 62, 64 & 80 Glen Road Maghera – Permission Granted 25/08/16

H/2014/0394/O - Site for dwellings and garages for residential use - 58A and 60 Glen Road, Maghera – Permission Granted 11/02/16

H/2007/0978/F - Proposed demolition of two no. dwellings to provide lands for housing development consisting of 2no. detached, 3no. townhouses, 6no. apartments and 6no. semidetached dwellings (Amended proposal received showing amendments to apartments 1-6 adjacent to No 58 Glen Road) - Nos. 59a & 60 Glen Road, Maghera – Permission Granted 14/12/09

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 15no. Letters of objection have been received which were sent from or on behalf of the owner/occupiers of No. 58, 64, 77, 81a and 83 Glen Road. It should be noted that a number of the objection letters refer to 6 proposed dwellings and were received prior to the submission of an amended scheme which removed 2 units, reducing the scheme to 4no. Proposed dwellings. 2no. objection letters also include a number of photographs which are available to view on the Planning Portal Public Access.

Four almost identical objection letters were received in respect of the proposed development which outline the following concerns:

- The proposal is a gross violation of MA14 Area of Townscape Character, Policy ATC1 & ATC2 and Annex 6 of PPS6;
- TPO provisions would be seriously compromised by the proposed development;
- The existing property of No.62 should not be replaced by multiple properties.

I have aimed to summarise all concerns outlined in the remaining objection letters below:

- Contrary to Policy ATC1 as existing dwelling contributes significantly to ATC. The dwelling was built in 1956 and has a unique copper roof, the architect-designed modernist property was 'Avant Garde' for its time of construction. Demolition would detract from the ATC and redevelopment will spoil the distinctive character of the area.
- Refers to Policy ATC1 J&A which states ATCs exhibit a distinct character normally based on their historic built form or layout and argues this is the reason this ATC was granted, comprising 7 individual houses in their own grounds, set back from the road.
- Existing dwellings on Glen Road have a unique design and all face the road with front gardens. The proposal would break this attractive pattern, does not respect and is out of keeping with the surrounding built form design and layout.
- Argues 2 houses maximum would enable Glen Road to retain its character.
- Argues there are too many houses being proposed in this area.
- Reference to sections and paragraphs of the RDS 2035 including RG8 "manage housing growth to achieve sustainable patterns of residential development"; and

RG11 "Conserve, protect and where possible enhance our built heritage and our natural environment".

- Glen Road is heavily congested and in the past 10-15 years there has been a dramatic increase in the volume of traffic including Glen Gardens housing development. Refers to the existing traffic generated from No.81, large electrical contractor, a factory at 100 Glen Road and 4 schools on the Glen Road. Increased volume of traffic impacts health and safety of everyone who lives on Glen Road and pedestrians using this road.
- Argues the proposal should not create an extra opening onto Glen Road and the sight lines entering and existing onto no.62 are not safe.
- Proposed new houses not in keeping with the building line with 2 proposed detached houses some distance in front of the building line of adjacent and long established homes.
- Two proposed houses are only 1 meter from the boundary of No.64 which may cause overlooking with ground and first floor windows and will block light to the property and garden. Argues houses are squeezed into the space without regard to neighbours and turning head is too close to No.64 and creates potential for traffic fumes, bright lights and noise pollution.
- States No.81, opposite no. 62 and 64, applied to build several houses which was refused some years ago for the reasons already mention.
- Unacceptable loss of privacy and overlooking contrary to criteria h of PPS7 from minimal separation distance between Plot 4 open sided balcony towards no.64 and Plot 1 first floor bedroom windows to the east gable and Plot 2 first floor bedroom windows to the western gable.
- Plot 4 turns its back onto the internal road meaning the front of the dwelling faces south which is unacceptable in terms of street scene and informal surveillance contrary to Creating Places.
- Insufficient information to demonstrate no harm to protected species contrary to Policy NH2 of PPS6 from the demolition works and relocation of trees which could cause harm to protected species namely bats. Council should not make a positive determination to the proposal without necessary ecological reports in place or it will have erred in the decision making process
- Proposal offends the rationale for the ATC designation as the proposed dwellings would not be sited within large plots but instead medium sited pilots, some units would be sited within plots not subservient to the mature trees and some dwellings would not be within mature gardens.
- The density of the proposal represents 13.no dwellings per hectare compared to 3.5 dwellings per hectare in the existing ATC. Significantly greater housing density resulting in the erosion of low density housing contrary to Policy ATC2 of PPS6 and MAP.

Consideration of concerns raised:

The proposal will be considered against the policy criteria outlined in the objection letters and all relevant prevailing planning policy in detail later in the report. I will aim to consider the remaining concerns and points raised in the objection letters in turn below.

- It is noted that the proposal site is subject to a Tree Protection Order. During the processing of this application, further information was requested including an

Arboricultural Methodology Statement, up to date Tree Health and Condition Survey and Tree Management and Maintenance Statement to establish the impact of the proposal on protected trees. Internal consultation was carried out Mid Ulster District Council Environment and Conservation team and specifically the Tree Protection Officer. The Tree Protection Officer has considered the information and plans provided and advised based on the evidence provided that certain specific named trees which are determined to be in a poor condition and/or for site safety may be removed under s.122 (5) of the Planning Act (NI) 2011. Plan 08 Rev 7 illustrates additional supplementary/replacement planting is considered to be acceptable. The Tree Protection Officer has not raised any objections subject to relevant planning conditions.

- The proposal seeks to demolish an existing detached dwelling and redevelop the site to provide 4no. detached dwellings. The principle of residential use on the site is established. The proposal site is located within the settlement limits on white land with no specific zoning. The site is with a designated ATC and the arguments regarding density and impact on the ATC will be considered later in this report. Whilst the original scheme proposed a dwelling unit in front of the existing and established building line along this stretch of the Glen Road, the proposal has been subsequently amended and it is considered that the site layout provided on Drawing 08 Rev 8 respects the established building-line all dwelling units facing towards the Glen Road.
- The objection letters have raised concerns with the traffic generated from existing uses on the Glen Road. It is noted that the original scheme increased the access points on site, however the proposal has been subsequently amended to include one access only. The access has been amended and DFI Roads have been consulted and have not raised objects on road safety or prejudicing the flow of traffic subject to planning conditions. The necessary sight lines will be conditioned to any forthcoming approval. It is the applicant's responsibility to adhere to all planning conditions and should the applicant be found to breach this planning condition, this will be a matter for the planning enforcement team. It is noted that congestion and traffic impacts are existing and I do not consider the addition of this modest housing development with an additional 3 further dwellings utilising the access would detrimentally exacerbate existing traffic to warrant refusal.
- The proposed dwelling Units 1 and 4 are sited a minimum of 3 metres to the common boundary of No.64 Glen Road at the closest point. Unit 1 includes two bedroom windows to the western elevation which are sited to the rear projection of the dwelling. There is a separation distance of 12.9 metres between these windows and the blank gable wall of No.64. Unit 4 proposes a blank gable with no windows. Clarification was sought with respect the orientation of Unit 4 and this unit has been subsequently amended to face onto Glen Road and the balcony has been removed. It is considered that reasonable separation existing between buildings exists in order to minimise overlooking and ensure there is not an unacceptable loss of privacy.
- Having reviewed the potential for overshadowing from the proposal onto the adjacent dwelling of No.64, it is considered any overshadowing over the property and rear amenity space of the existing property will not be to an unacceptable degree and is restricted to early morning. It is noted that the turning point for the

development is adjacent to the western boundary, however given the low density of the scheme with only 4 dwellings proposed and the siting adjacent to the rear garden of No.64 it is not considered vehicles turning at this point would result in detrimental impact to residential amenity to warrant refusal.

- It should be noted that each planning application will be considered on its individual merits and the specifics of the application site. Nevertheless, I have carried out a planning history search and have not identified a residential development refusal on the site of No.81 as claimed by the objector. A planning approval was granted west of No.81 for 10 dwellings in 2000 on land zoned for housing and an outline planning application for residential development was refused north of No.81 in 2004 however this was outside Maghera settlement limits and neither were located within the ATC.
- The objectors concerns with respect protected species was referred to the agent and a Biodiversity Checklist was submitted. It is not considered the information provided adequately demonstrates there is no potential impact on protected species and this will be considered further against the policy criteria of NH2 of PPS6 later in the report.

Key Policy Considerations/Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Magherafelt Area Plan (MAP) 2015 is the statutory local development plan for the application site. The application site is located within the settlement limits of Maghera on white land with no specific zoning. Plan Policy SETT2 of the extant Area Plan states favourable consideration will only be given to development proposals within settlement development limits provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials; and where applicable is in accordance with any key site requirements. This proposal seeks full planning permission for 4 residential dwellings with detached garages. Drawing 08 Rev 8 date stamped 24th June 2021 provides details on the proposed siting, design, scale and access arrangements. The sensitivity of the proposal to the settlement will be considered in more detail below when considering the prevailing policy criteria and there are no key site requirements on the application site. The application site is located within Maghera designated MA14 Area of Townscape Character. MAP 2015 states key features of the area which will be taken into account when assessing development proposals are as follows:

- Large, 2 storey, and detached residential properties;
- Properties situated within large plots;
- Properties set-back from the road with long front garden areas;
- Properties set within mature gardens;

- Variety of house types from traditional to modern design;
- Built form is subservient to the mature trees and other vegetation;
- Residential properties in single occupancy use.

Addendum to PPS 6 Areas of Townscape Character provides further policy context for development within a designated ATC. Given that there is an existing dwelling on site to be demolished both Policy ATC1 and ATC 2 apply.

Policy ATC 1 Demolition Control in an Area of Townscape Character states there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

Policy ATC 2 New Development in an Area of Townscape Character requires development proposals in an Area of Townscape Character to maintain or enhance its overall character and respects the built form of the area and that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.

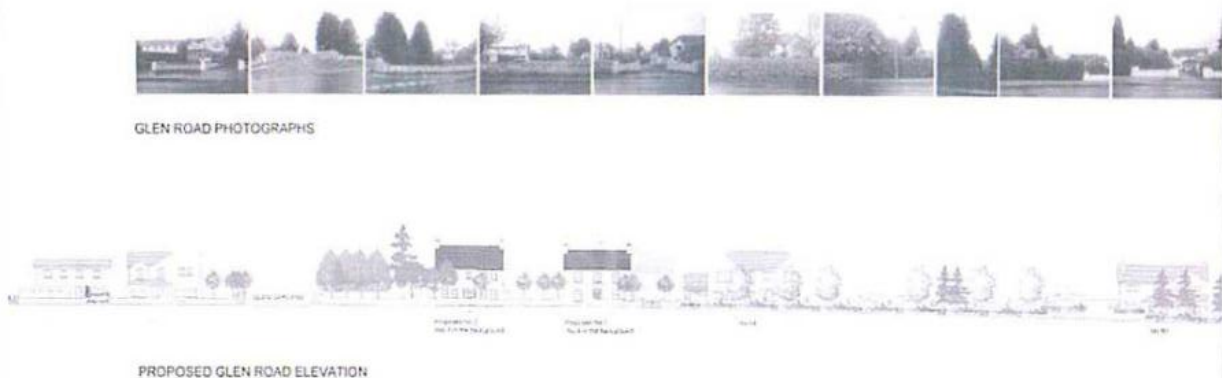
The proposed development will require the demolition of the existing dwelling of No.62 Glen Road (Figure 1). The existing building is set back approx. 29 metres from the Glen Road and whilst it is a roadside plot, there is mature vegetation and trees surrounding the building which partially screen public views. Whilst it is accepted that the architectural features of the existing dwelling are somewhat distinctive, I do not agree with the objectors' opinions above that the demolition of this building will detract from the ATC. In my opinion, the design of the existing building is not of architectural merit which makes a positive contribution to the ATC. The building appears to be structurally sound however it was noted some signs of neglect and it appears to be derelict on the date of the site inspection. The demolition of a building in an ATC is a material planning consideration, however the impact of their demolition cannot be assessed in isolation and divorced from the merits of the proposed redevelopment scheme. The key issue around enhancing and maintaining the character of the town is extremely important and following careful consideration it is considered the overall scheme as it stands will fail to maintain or enhance and/or respect the existing built form within the ATC.

Figure 1



Concerns with respect the density of the proposal have been relayed to the agent and during the processing of the application the proposal has been reduced from 6no. Dwellings to 4no. Dwellings. However it is considered that 3no. Dwellings would be the maximum acceptable density to respect the key features of this ATC. It is considered the proposal as it stands meets many of the key features of the ATC stated within the extant Area Plan. Notably the units are sizable detached residential properties in single occupancy use; the front units are set back from the road respecting the established building line and provide ample front gardens. It is considered the proposed layout has been designed around the existing mature trees. The proposed design of dwellings have a traditional Georgian style and it is considered that the proposal provides variety from that of the existing built form whilst reflecting established design principles and the proposed finishes of smooth render and pitched roofs would harmonise in the street scape. However, concerns remain that the overall scheme at the current density fails to maintain the existing character as all proposed units do not constitute large plot sizes within mature gardens and therefore have the potential to detract from or fail to maintain the character of the distinct townscape displayed within Maghera ATC. It is noted that the proposal site is located at the edge of the ATC designation and to the east and south of the proposal site, there are existing higher density developments which are located outside the ATC. The plot sizes in the immediate context are a similar size to the existing dwelling of No.62 with large gardens. The properties of No.85 and No.87 which are within the ATC have slightly smaller plot size and frontage. A streetscape drawing which shows how the proposal would sit alongside the existing frontages, particularly the proposed 2 front units alongside existing properties up to and including No.80 was requested and submitted. Having considered the proposed elevations within the streetscape plan (Figure 2) at an internal group meeting, the group consensus remained that 3no. Dwellings would represent a more appropriate density and that 1no. Dwelling to the front sited broadly in conformity with the footprint of the existing dwelling would be more appropriate and in keeping with the character of the ATC. This was relayed to the agent on 08/07/21 and followed up on 13/08/21 however to date no response has been received.

Figure 2



It was identified that the application site is located in proximity to an archaeological site and monument (POLREF: LDY036:031). Historic Environment Division have been consulted and advised that the proposal will not detrimentally impact on archaeological features and therefore is compliant with the SPSS and PPS6. The application site is covered by a Tree Preservation Order (TPO) and it is noted that Maghera ATC is

enhanced by the trees within the immediate area. The proposed layout has been designed to enable the retention of the majority of mature trees and vegetation and the submitted plans indicate the mature boundaries to the rear and western boundary of the site are to be retained to assist in maintaining privacy and promoting integration of the development into the surrounding area. Nevertheless, given the context of the layout of the surrounding residential area it is considered that the density and the layout of the proposed development will result in an adverse impact on the character and appearance of the MA14 ATC or the surrounding area.

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) The proposed development is residential in nature and located in an area where residential development is prevalent. Whilst the principle of residential development on the site may be acceptable, I have concerns the proposed layout does not create a quality and sustainable residential development. The proposal is for 4 detached 2 storey dwelling units. As stated above, I have concerns with the proposed density of the development. The proposal includes 2 units to the front which will detract from the existing distinctiveness of the surrounding environment. PPS7 states the promotion of more housing in urban areas should not be allowed to result in town cramming or damage to areas of distinctive townscape character. It is considered the removal of one dwelling to the front of the proposed development would be more acceptable and the current scheme proposed fails to respect the character of the surrounding area. As stated previously, these concerns have been relayed to the agent and no response has been received therefore the application is being considered as it stands.
- b) HED have been consulted and have not relayed any concerns or potential impacts from the proposal on local landscape features of built/archaeological interest. The proposal has taken account of the TPO within the site and MUDC Conservation and Environment team are content in the landscaping subject to conditions.
- c) The submitted site plan Drawing 08 Rev 8 indicates a suitable provision of private amenity space in line with Creating Places with each unit in excess of 40m². The proposal includes a landscaping plan and tree protection plan which ensures the retention where possible of trees and provision of relocated trees and additional vegetation to aid integration and soften the visual impact of the proposed development.
- d) The proposal site is situated within the settlement limits of Maghera thus it is considered there is easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

- e) The proposal initially sought to utilise two accesses onto Glen Road which is a priority road. DfI Roads were consulted and following the receipt of a number of revised plans, DfI Roads advised the 4 residential units should be serviced from the one access point to reduce proliferation of access points onto the priority Glen Road. The layout plan was amended accordingly and DfI Roads have offered no objections subject to conditions in their latest consultation response. As such, it is considered the proposal complies with Policy AMP2 of PPS3. It is considered the proposal provides a movement pattern which demonstrates the safe manoeuvring of vehicles within the site and accessing onto the public road. It is noted the site is located within the settlement limits of Maghera where there are existing provision of footpaths and access to public transport and I consider the proposal will adequately support walking and cycling.
- f) It is considered the site plan provides adequate and appropriate in-curtilage to comply with Parking Standards.
- g) The proposal site is surrounded by residential development of varying house type and design which is a recognised key feature of Maghera ATC Designation. The proposed design of the properties including materials and detailing are considered acceptable and draw upon local traditions. However, I have concerns the current proposed layout arrangement is not reflective of the immediate character and built form and the density and layout proposed are not sympathetic to the setting.
- h) Following internal discussions and careful consideration of the proposed scheme and all submitted letters of objection, it is not considered the proposal would create an adverse impact on residential amenity to warrant refusal. Whilst Unit 1 is sited only approx. 3.5 metres from the common boundary; there is 13m separation distance between the Unit 1 kitchen window and first floor window and the existing property of No.64. The existing mature hedgerow is to be retained and additional planting is proposed. The separation distance between existing and proposed properties are considered adequate given the urban context. I have considered the potential for overshadowing and loss of light and whilst there will be a small degree of overshadowing this will be limited to early morning and is not considered will detrimentally impact residential amenity. As previously stated the proposed layout is considered unacceptable in its current form, a reduction of one unit on the site and repositioning of the front unit would not only enhance the streetscape and ensure the overall character of the ATC is maintained but would also increase separation distances with neighbouring properties reducing further any potential impact to residential amenity and overall providing a more quality, sustainable development
- i) The proposal seeks permission for a small housing development with the provision of private amenity space and off street parking. I have no significant concerns with the design with respect crime or safety.

Policy LC 1 of APPS 7 Addendum to PPS 7 Safeguarding the Character of Established Residential Areas is a material consideration. Policy LC1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to

accommodate new housing, where all the criteria set out in Policy QD1 of PPS7 as well as the below additional criteria are met:

- a) The proposed density is not significantly higher than that found in the established residential areas
- b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area
- c) All units should be built to a size not less than those set out in Annex A of Addendum to PPS7

The application site comprises the existing 2 storey detached dwelling, No.62 and associated garden. Whilst it is noted that there are high density housing developments to the South and East of the application site, it is considered the proposed density and pattern of development is inappropriate when considered in the context of the existing development to the north and west within the designated ATC. It is considered the proposed scheme will detract from the surrounding established character as the proposal represents overdevelopment and the proposed layout could cause a visual or functional disruption to the local character of the designated ATC. Whilst the density is considered unacceptable, it is considered the scale and size of dwellings proposed is appropriate and meets the minimum standards set out in the addendum to PPS7.

Policy DES 2 Townscape of A Planning Strategy for Rural Northern Ireland 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 material. It is considered the proposal site has the potential to accommodate a small housing development if designed sensitively. The current proposal is considered overdevelopment and will fail to make a positive contribution to townscape or respect the existing built form within the designated ATC. It is considered that the proposal does not respect the main aims of Policy DES2 in relation to consideration of character of the town.

Policy NH 2 - Species Protected by Law of PPS 2 Natural Heritage states planning permission will only be granted for a development proposal that is not likely to harm a European protected species. It is noted that in order to accommodate the proposed development, it is necessary to demolish the existing dwelling No.62, as well as remove and relocate a number of mature, protected trees. It is acknowledged that this has the potential to impact on bats which are a European Protected Species. A Biodiversity Checklist was requested, however it is noted that at Part 2 Q.4 "*Does the development involve the Felling, Removal or Topping of: Mature Trees*" the agent has selected 'No'. The proposal does include the removal of a number of mature trees therefore 'Yes' should have been selected which would then require the completion of Part 3 of the checklist by an ecologist or other suitably qualified person. This has not been carried out and given the concerns with the overall scheme as outlined above, this has not been formally requested at this stage. However, in the case that Members consider planning permission should be granted this should be fully addressed and in the absence of this information it is considered the proposal currently fails to adequately demonstrate that it is not likely to harm a European protected species contrary to Policy NH2.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered all relevant prevailing planning policy and material considerations, the proposal is recommended for refusal for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy ATC 2 of the Addendum to Planning Policy Statement 6, Areas of Townscape Character, in that the proposed development fails to maintain or enhance the overall character and respect the built form of the Area of Village Character.
2. The proposal is contrary to the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 Quality Residential Environments (Criteria a); Policy LC1 of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas (Criteria a & b) and Policy DES2 of PSRNI in that the development as proposed fails to provide a quality residential environment, fails to respect the surrounding context and character of the area and would result in overdevelopment of the site.
3. The proposal is contrary to Policy NH 2 of PPS 2 Natural Heritage in that insufficient information has been provided to demonstrate that the proposal is not likely to harm a European protected species.

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: LA09/2020/1046/F	Target Date: <add date>
Proposal: Retention of and relocation of partially constructed Farm Shed for Farm machinery storage, and animal shelter and amendments to the design of that approved under LA09/2017/0977/F	Location: 40m North East of 28A Toomog Galbally Dungannon
Applicant Name and Address: Noel Mc Elduff 66 Killyharry Road Castlecaulfield	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Co Antrim BT41 3SG
Summary of Issues: The applicant has knowingly constructed a building of which the scale has not been approved, in a location which was not applied for and is much closer to the neighbour who is also the objector to this proposal.	
Summary of Consultee Responses: DFI Roads – no objection subject to conditions for access DEARA – active and established farm EHO – no objection subject to conditions restricting the use to storage in the machinery store NI Water – standard response	
Characteristics of the Site and Area: This application site is a square shaped plot of land measuring 0.3 hectares, located along the Toomog Road. The site includes the applicant's dwelling at No 28A and a partially constructed building. It is located just under 4 kilometres south west of Donaghmore village and 2 kilometres south east of Galbally. The site lies in the countryside as is	

identified in the Dungannon & South Tyrone Area Plan (DSTAP). The area surrounding the site can be described as a rural upland area and is characterised by undulating topography. The immediate area surrounding the site and along the Toomog Road is quite enclosed by landform and mature vegetation and the winding nature of the road network. There is a greater degree of openness in the landscape to the west of the site where more open views across the wider landscape. That is due to less development on that side of the road in comparison with to the south of the road where the site is located.

The applicant's dwelling is a steeply pitched bungalow which is along the roadside and is sited in the western corner of the application site. In the eastern corner of the site is the partially constructed building which has all the block work and steel framework constructed and the wall and roof cladding was absent at the time of the site visits.

There is a wide verge along the roadside where the western boundary of the site comprises a post and wire fence. This dissects the site defining the curtilage of the applicant's dwelling. The post and chicken wire fencing with barbed wire atop continues along the northern boundary of the site. Number 28 Toomog Road is a single storey dwelling which abuts the northern boundary and is the closest property to the partially constructed building. This neighbouring plot includes a number of outbuildings, two are to the rear of the dwelling with one sitting parallel with this site boundary and another with the gable facing it. A hardcore area has been created between the road and the building and a concrete wall sits to the inside of the fence along both the western and northern boundaries. Some small mounds are located close to the corner where land has been cleared, adjacent to the neighbouring outbuildings.

Description of Proposal

This application seeks full planning permission for the retention of and the relocation of partially constructed Farm Shed for farm machinery storage, and animal shelter and amendments to the design and siting of that approved under LA09/2017/0977/F.

Deferred Consideration:

This application was before the Planning Committee in October 2021 where it was deferred to meet with the Planning Manager. A meeting took place on 14 October 2021 where the issues were laid out, the applicant was granted planning permission for a smaller shed located away from the boundary with the neighbouring property. The applicant knew what permission was granted and has begun to erect a larger shed closer to the neighbour who was objecting to the application. Additional information was requested to demonstrate why this larger building was required for the efficient operations of the holding in accordance with the requirements of CTY12

Following the deferral meeting additional information was requested on 17 November 2021 and a revised layout plan showing additional landscaping along the boundary with the neighbour was submitted on 22 February 2022. The information submitted did not provide any justification for the larger building and the agent was advised of this on 23 February 2022. A reminder was issued 19 May 2022, and to date no further information had been provided.

As the building is partially erected, images are available to show the impacts this development has on the landscape. Views from Toomog Road are not necessarily critical to the proposal however the views from south east show the development on the skyline. This proposal is for a larger building than previously approved and in a different location.

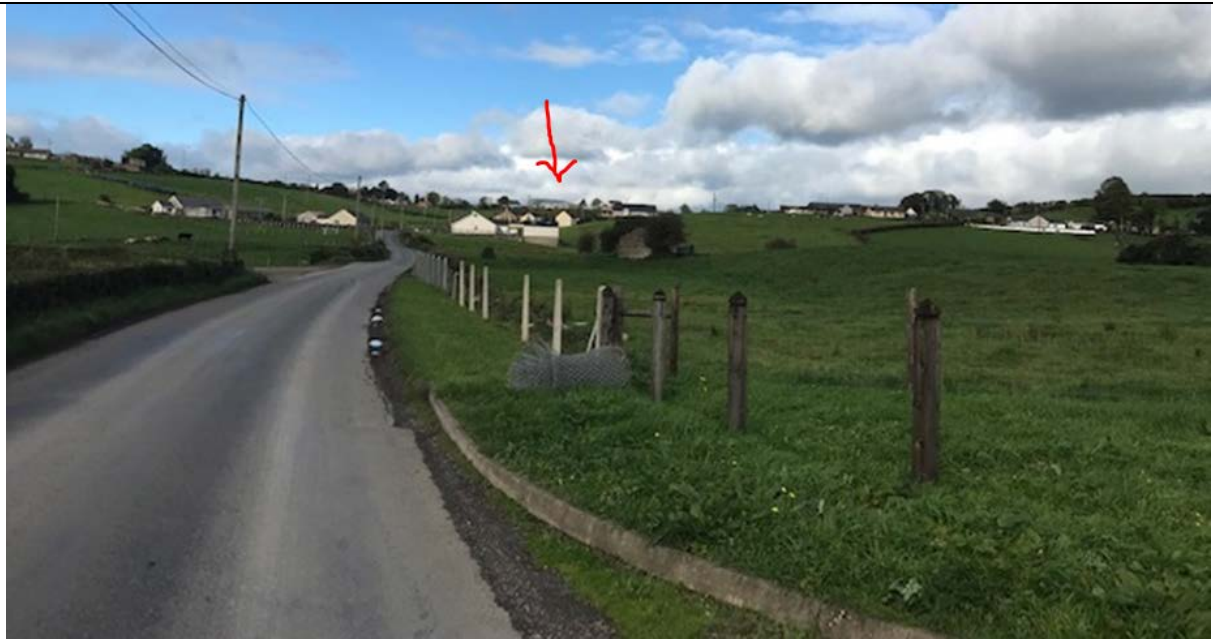


Fig 1 – building on skyline from south east long distance



Fig 2 – closer view from South East – middle distance



Fig 3 – view from close up from south east.

The development comes much closer to the objectors dwelling than that previously approved as can be seen in the photograph below which is taken from the back door of the objectors dwelling.



Fig 4 – view from back door of objector's property

As the applicant has not provided any additional information to justify the larger building is required for the efficient operations of the farm, it is a dominant feature in the local landscape and has a dominant impact on the adjoining residential property, I recommended refusal.

Reasons for Refusal:

1. This proposal is contrary to Policy CTY 12 Agricultural and Forestry Development of PPS21, Sustainable Development in the Countryside in that it is inappropriate in terms and scale to its location and it fails to visually integrate into the local landscape.
2. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would result in a detrimental impact on the amenity of the neighbouring residential dwelling outside of the holding by reason of dominance.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building is unduly prominent in the landscape and has resulted in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1046/F	Target Date:
Proposal: Retention of and relocation of partially constructed Farm Shed for Farm machinery storage, and animal shelter and amendments to the design of that approved under LA09/2017/0977/F	Location: 40m North East of 28A Toomog Galbally Dungannon
Referral Route: There are a number of objections to this proposal from an adjacent neighbouring property.	
Recommendation:	Refusal
Applicant Name and Address: Noel Mc Elduff 66 Killyharry Road Castlecaulfield	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Co Antrim BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Planning permission was previously granted for a much smaller building on a different part of the site. What was built on the application site was not in the location or at the scale approved, resulting in a much larger building almost completely constructed closer to the objector's property and on a much larger scale than was previously granted permission.

Characteristics of the Site and Area

This application site is a square shaped plot of land measuring 0.3 hectares, located along the Toomog Road. The site includes the applicant's dwelling at No 28A and a partially constructed building. It is located just under 4 kilometres south west of Donaghmore village and 2 kilometres south east of Galbally. The site lies in the countryside as is identified in the Dungannon & South Tyrone Area Plan (DSTAP). The area surrounding the site can be described as a rural upland area and is characterised by undulating topography. The immediate area surrounding the site and along the Toomog Road is quite enclosed by landform and mature vegetation and the winding nature of the road network. There is a greater degree of openness in the landscape to the west of the site where more open views across the wider landscape. That is due to less development on that side of the road in comparison with to the south of the road where the site is located.

The applicant's dwelling is a steeply pitched bungalow which is along the roadside and is sited in the western corner of the application site. In the eastern corner of the site is the partially constructed building which has all the block work and steel framework constructed and the wall and roof cladding was absent at the time of the site visit.

There is a wide verge along the roadside where the western boundary of the site comprises a post and wire fence. This dissects the site defining the curtilage of the applicant's dwelling. The post and chicken wire fencing with barbed wire atop continues along the northern boundary of the site. Number 28 Toomog Road is a single storey dwelling which abuts the northern boundary and is the closest property to the partially constructed building. This neighbouring plot includes a number of outbuildings, two are to the rear of the dwelling with one sitting parallel with this site boundary and another with the gable facing it. A hardcore area has been created between the road and the building and a concrete wall sits to the inside of the fence along both the western and northern boundaries. Some small mounds are located close to the corner where land has been cleared, adjacent to the neighbouring outbuildings.

Planning History

This application site has various planning histories on it.

LA09/2017/0977/F went before Planning Committee as there were objections to it and it was granted permission in July 2018 for a proposed farm build as a cattle shed at 40m North East of 28A Toomog Road.

There are a number of enforcement histories on this site.

- LA09/2017/0041/CA - Unauthorised curtilage extension and alterations to domestic dwelling.

- LA09/2018/0150/CA - Development not in accordance with approved plans

(LA09/2017/0977/F).

- LA09/2020/0040/CA - Farm building not built in accordance with planning permission

- LA09/2017/0977/F at 40m NE Of 28a Toomog Road is currently open and awaiting the outcome of this application proposal.

Description of Proposal

This application seeks full planning permission for the retention of and the relocation of partially constructed Farm Shed for farm machinery storage, and animal shelter and amendments to the design and siting of that approved under LA09/2017/0977/F.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the Local Development Plan (LDP), so far as material to the application, and to

any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020 and the period for Counter Representations closed on 18th December 2020. 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.

The SPPS advises that the policy provision of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) are retained. Section 6.73 of the SPPS relates to development which is considered acceptable in the countryside and that includes development for agriculture and forestry. 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'.

This application site is located in the rural countryside, outside of any designated settlement limit identified in DSTAP, therefore the relevant policy context is provided by PPS 21. Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered acceptable in the countryside and the circumstances wherein planning permission will be granted for agricultural and forestry developments.

Policy CTY 12: Agricultural and Forestry Development states that planning permission will be granted for development on an active and established agricultural or forestry holding, where the proposal satisfies all the specific criteria listed. Therefore it is necessary to first consider if the farm business is both active and if it has been established for more than the required period of 6 years.

The applicant provided a completed P1C Form (including identification of farm business ID) and has submitted Farm Maps showing the extent of the land within the farm holding. I consulted with DAERA who responded informing that the Business ID No as provided was allocated on 11th January 1992, thus demonstrating the farm has been established for a period in excess of 6 years. DAERA did state the land which includes this application site last claimed SAF in 2014 and this was by a business other than that identified as the applicant's on the P1C form and no claims by any other business have been made since 2014.

Policy CTY 12 lists five further criteria which all proposals must fulfil,

- a) the proposed development is necessary for the businesses efficient use;
- b) it must be appropriate in terms of character and scale to its location;
- c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- d) it will not have an adverse impact on the natural or built heritage; and
- e) 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.

In addition to the requirements above and in cases where a new building is proposed, applicants will also need to provide sufficient information to confirm all of the following:

- There are no suitable existing buildings on the holding or enterprise that can be used;
- The design and materials to be used are sympathetic to the locality and adjacent buildings; and
- The proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm, provided there are no other sites available at another group of buildings on the holding, and where:

- is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

LA09/2017/0977/F

As there is a current valid application approved on this site for a similar proposal, the principle of an agricultural building within this site has been established. DAERA's response to this application is the same as what they replied to the original application.

In order to give an accurate assessment of this proposal, I feel it is necessary to understand and to take into account the evaluating of application LA09/2017/0977/F as a material consideration. Initially the applicant applied for a shed which included a series of cattle pens. The Council's Environmental Health Department were concerned and the number of pens in the shed was reduced to a single pen with the majority of the shed being utilised for agricultural storage.



Original Design



Revised and Approved Design

This shed is situated away from the main group of buildings on the applicant's farm holding which are located at 87 Killyharry Road, some 2.3km away. The applicant said there was a need for this building on this site so he can be close at hand to sick/injured animals, machinery and storage facilities and this proposal was considered an exception.

There were a number of revisions to the proposal which was initially submitted, as can be seen from the illustrations provided. The length of the building was reduced 4.5 metres, the width reduced by 1 metres which resulted in the ridge height dropping 0.2 metres. It was repositioned from the neighbours adjoining northern boundary to the rear of the applicant's dwelling and along the eastern boundary.



Original Siting



Revised and Approved Siting

In terms of compliance with CTY 12, it was agreed this proposal would provide a farm building at this part of the farm, away from the established and main group of farm buildings, providing facilities for sick and/or injured livestock as well as the safe storage of farm machinery and equipment. It was also considered as a requirement to aid the efficient running of the farm business. The amended proposal to the rear of the applicant's dwelling was sited as such to cluster with this and would also read with the dwelling/outbuildings to the rear of No. 28, albeit buildings outside of the same farm holding. Proposed landscaping works surrounding the site would also help restrict the level of impact on rural character and the building would not be a prominent feature as it would integrate into the area. There are no sensitive natural or built heritage features of note within the site or the surrounding area to have any impact on.

The closest neighbouring property is the objector's land at 28 Toomog Road which is situated approx. 35m from the closest point of the proposed farm building. The Environmental Health Department (EHD) of the Council initially had concerns with the proposal relative to amenity of the objector. The applicant duly amended the layout of the proposal so that the majority of the building was to be used for the storage of farm machinery and a small corner (furthest away from the neighbouring property) to be retained as a cattle pen for injured or sick cattle or cows. This has reduced any noise, odour, lighting and privacy concerns and EHD are satisfied by this amended increased distance from the neighbouring property.

It was agreed this proposal was an exceptional case as it is sited between two areas of farm land on the holding. The siting of the building to the rear of the applicant's dwelling was accepted as a justified reason for having a farm building at this location which has an equal access to both farm holdings. The building as approved measures 22.5 metres in length and 17.4 metres wide. It covered a footprint of 392 metres squared and had a ridge height of 8 metres FGL. It was sited 20 metres from the rear elevation of the applicant's dwelling and 23 metres from the southern boundary. The finishes proposed are grey dashed render to the lower walls, green tin cladding on the roof and upper walls with some translucent sheets also.

Retention of building as Constructed

Following the site visit and discussion at group with the Principal Planner, a number of concerns were discussed which needed addressing and clarification;

- The proposal description is inaccurate as the building is substantially completed and this application proposes to retain it, therefore the description must accurately reflect the proposal.
- The building as is constructed and the large hardcore area created does not give the appearance of a "proposed cattle shed"
- No details of the concrete wall around the yard area to the front of the building have been submitted.
- Due to the presence of a basement/lower ground level evident on site, the elevations and floorplans as submitted are therefore incorrect.



The agent stated the shed is for a mixture of farming aspects (soft bed pens, meal/feed storage area, equipment storage, machinery storage) tractor, trailers, portable crusher, fertilizer spreader, grass topper. In response to the presence of a basement/lower ground feature the agent said this was constructed in order to stop the floor sinking due to the depth of infill. They also stated the applicant proposes to 'infill these lower level openings', that they were only constructed to allow for the construction of the walls and safer access while building it.



Further discussion at group concluded the building must be reduced in size to reflect the scale of building which was granted approval. The agent submitted these amended drawings illustrating the lower ground level completely removed from the proposal and the demolition of a section of the building which further reduced reduce the length by some 7 metres.

The building as was initially submitted as part of this application measured 30.6 metres in length, 18.6 metres wide with a ridge height of 8.2 metres FGL. This building occupies a footprint of almost 570 metres squared and as is apparently reflective of what is currently on the site. Through the processing of the previous application, both the applicant and agent were fully aware that the siting of the shed along the northern boundary and of that scale was unacceptable and did not meet the policy requirements of CTY 21, hence why the proposal was amended and thus approval was granted for the reduced and re-sited scheme. Not only did the applicant fail to construct the building as approved, they augmented the scale of the building by increasing the footprint by almost 180 metres squared, which resulted in the building being some 45% larger than what was granted permission. The footprint is also over 70 metres squared larger than the building which was deemed unacceptable due to its inappropriate scale. Along with this, the applicant has constructed a basement level also further increases the floorspace of the building.



Initial Drawing Submitted



Proposal incorporating partial demolition



Most recent layout

After much debate and negotiation, amended drawings as illustrated above were submitted which proposed to demolish a section of the building closest to the northern boundary. This would reduce the footprint while also increasing the separation distance from the objector. It was agreed with the Principal Planner that as a portion of what is already constructed on the site is now proposed to be removed, this would have to occur and the site revisited with a member from Enforcement prior to the granting permission of this proposal.

Having progressed the application to this stage through much discussion, the applicant submitted a letter confirming he was changing agents and the newly appointed agent would submit their proposal. In order to further develop this application to a conclusion, I informed the new agent of what discussions were had and made it clear the requirements necessary.

I do not feel these were taken into consideration as the proposal description did not correctly describe the proposal and the most recent site layout submitted also inaccurately illustrated the siting of the approved building.

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed. I am not convinced this proposal respects the surrounding area nor does it integrate into the locality. The excessive scale of the building makes it a prominent feature, failing to integrate into the landscape without a detrimental impact, therefore I do not feel this proposal complies with CTY 13 and CTY 14.

Consultations

Department for Infrastructure Roads (DFI Roads) were consulted on this application and have no objections to this proposal, subject to the provision of visibility splays of 2.4 metres by 45 metres in both directions, as well as a forward sight distance of 45 metres also. Following the implementation and permanent retention of the required visibility splays, I consider the proposal to comply with the policy requirements contained with PPS 3 - Access, Movement and Parking. NI Water have no objections to this proposal.

The Council's Environmental Health Department (EHD) sought further information on the proposed systems in place to deal with manure generated from this shed. Following the proposal description being amended to its most recent description, EHD have taken this and the objectors comments into consideration. They have concluded there is an established land use for an agricultural shed within this application site and therefore have no objections, subject to conditions restricting the use of the building to only that included within the description and that no animals or livestock are to be stored outside of the identified area on the plans. This is in order to protect the residential amenity of the neighbouring property from potential noise and odour nuisances.

Shared Environmental Services (SES) were informally consulted and they did not consider it necessary to formal consult them as they have no concerns about this proposal affecting any European protected sites.

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.

Objections

Four letters of objection have been received from the same individual objector. This objector resides at No 28 Toomog Road which is the closest residential dwelling to the site.

The objector has raised a number of concerns regarding this proposal and is concerned as these adversely affect his amenity.

The objector has also noted they will be contacting the Ombudsman regarding this application. They have identified a number of discrepancies from what was granted permission and what has been constructed on site, as is summarised below;

- The area covered exceeds the approved 300 metres squared,
- No basement area was approved but is built,
- The building is of a much larger scale than what was approved,
- The area labelled as a paddock area has been removed,
- A large hardcore/turning area with a commercial appearance has been constructed,
- Ground levels have been altered,
- A concrete wall has been built without permission,
- No earth embankment or hedgerow has been planted as a natural screen to the site,
- The description of the proposal/what is built is incorrect,
- The building has been constructed 22 metres from my dwelling on an area which it was not granted approval on.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The applicant has knowingly constructed a building of which the scale has not been approved, in a location which was not applied for and is much closer to the neighbour who is also the objector to this proposal.

In conclusion, members are reminded the applicant has been given numerous opportunities amend this proposal as was requested and explained above but has failed to do so. It is also worth noting the proposal under application LA09/2017/0977/F which members of the Planning Committee granted permission in July 2018 is still live. The applicant is still able to implement this proposal in the location and at the size as was approved.

Therefore taking into consideration policy requirements of the SPPS and PPS 21, concerns highlighted by the objector, combined with unsuccessful efforts to amend the proposal, I consider this proposal to be unacceptable. I recommend it is refused planning permission and the Enforcement Section be allowed to reconvene with the processing of their case which is currently awaiting the outcome of this application.

Refusal Reasons

1. This proposal is contrary to Policy CTY 12 Agricultural and Forestry Development of PPS 21, Sustainable Development in the Countryside in that it is inappropriate in terms and scale to its location and it fails to visually integrate into the local landscape.
2. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would result in a detrimental impact on the amenity of the neighbouring residential dwelling outside of the holding by reason of dominance.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would be/is unduly prominent in the

landscape and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	1st September 2020
Date First Advertised	14th September 2020
Date Last Advertised	8th June 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 28 Toomog Road, Dungannon, Tyrone, BT70 3BL Lawrence Small 28 Toomog Road, Dungannon, Tyrone, BT70 3BL Lawrence Small 28 Toomog Road, Dungannon, Tyrone, BT70 3BL L Small 28, Toomog Road, Dungannon, Tyrone, Northern Ireland, BT70 3BL The Owner/Occupier, 28a ,Toomog Road,Dungannon,Tyrone,BT70 3BL Laurence Small 28a, Toomog Road, Dungannon, Tyrone, Northern Ireland, BT70 3BL	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1046/F Proposal: Proposed farm building as cattle shed Address: 40m North East of 28A Toomog, Galbally, Dungannon, Decision: Decision Date: Ref ID: M/1984/0575 Proposal: BUNGALOW Address: TOOMOG, CASTLECAUFIELD, DUNGANNON Decision: Decision Date: Ref ID: M/1984/057501 Proposal: BUNGALOW Address: TOOMOG, CASTLECAULFIELD, DUNGANNON Decision: Decision Date: Ref ID: M/1999/4033	

Proposal: Extension to dwelling
Address: 28A TOOMAGH ROAD CASTLECAULFIELD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1988/0619
Proposal: LV O/H Line Extension
Address: TOOMOG DUNGANNON
Decision:
Decision Date:

Ref ID: LA09/2017/0977/F
Proposal: Proposed farm build as cattle shed
Address: 40m North East of 28A Toomog Road, Galbally, Dungannon,
Decision: PG
Decision Date: 06.07.2018

Ref ID: LA09/2020/1046/F
Proposal: Proposed farm building as cattle shed
Address: 40m North East of 28A Toomog, Galbally, Dungannon,
Decision:
Decision Date:

Ref ID: M/1984/0575
Proposal: BUNGALOW
Address: TOOMOG, CASTLECAUFIELD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1984/057501
Proposal: BUNGALOW
Address: TOOMOG, CASTLECAULFIELD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1999/4033
Proposal: Extension to dwelling
Address: 28A TOOMAGH ROAD CASTLECAULFIELD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1988/0619
Proposal: LV O/H Line Extension
Address: TOOMOG DUNGANNON
Decision:
Decision Date:

Ref ID: LA09/2017/0977/F
Proposal: Proposed farm build as cattle shed
Address: 40m North East of 28A Toomog Road, Galbally, Dungannon,
Decision: PG

Decision Date: 06.07.2018

Summary of Consultee Responses

DFI Roads - No objection subject to visibility splays of 2.4 metres by 45 metres in both directions and forward sight distance of 45 metres also. NI Water have no objections to this proposal. Environmental Health have no objections subject to conditions restricting the use of and within the building. This is due to the precedent of an agricultural building being accepted on this site under the previously approved application. Shared Environmental Services (SES) were informally consulted and they did not consider it necessary to formally consult them as they have no concerns about this proposal affecting any European protected sites. DAERA have no objections.

Drawing Numbers and Title

Drawing No. 01 REV 3
Type: Site Location Plan
Status: Submitted

Drawing No. 03 REV4
Type: Proposed Plans
Status: Submitted

Drawing No. 04 REV4
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0288/O	Target Date: <add date>
Proposal: Proposed site for dwelling & garage within a gap.	Location: 30m South of 174A Ardboe Road Cookstown
Applicant Name and Address: James Devlin 120 Ardboe Road Cookstown BT80 0HU	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
Summary of Issues: The proposal could be considered as a dwelling in a cluster not an infill. Insufficient information as required by Rivers Agency, NIEA and SES, has been submitted to demonstrate the development will not flood or cause flooding elsewhere and that the development will not have a significant effect on the features, conservation objectives or status of Lough Neagh designated site or other natural heritage features.	
Summary of Consultee Responses: DFI Roads – no objections subject to access being to standard DFI Rivers - part of site lies in 1 in 100 year flood plain, flood risk assessment would better define the area NIEA – site in RAMSAR, request preliminary Ecological Assessment and allowo consideration of the impacts SES – site in RAMSAR, require sight of reports requested by NIEA to allow Habitats Risk Assessment to be carried out	
This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. 1.2km west and 1.7km south of Ardboe and Moortown Settlement Limits, respectively; and on the shores of Lough Neagh. The site is a flat rectangular shaped plot cut from the roadside frontage and most	

northwest corner of much larger field immediately adjacent Lough Neagh. The site in effect cuts the roadside frontage of the host field in half, occupying the north side. A mature hedgerow bounds the site to north and a dense mix of mature hedgerow and tree vegetation bounds the site to west along the road. The eastern and southern boundaries of the site are undefined unto the host field.

Access to the site is via a dead end road, which extends from the primary Ardboe Road located to its north. This road provides access to a substantial cluster of dwellings and ancillary buildings located to the north, west and south of the site; and a small fishing quay located immediately northeast of the site.

The site is located within a line of development running along the east side of the aforementioned cluster and Ardboe Road including nos. 174 Ardboe Road, a brick bungalow; 174a Ardboe Road, a bungalow dwelling with outbuildings to its rear/north side; and a small outbuilding shed. The site sits between no. 174a Ardboe Road located immediately to its north and the small outbuilding shed located further to its south. The small outbuilding shed sits in the field immediately adjacent the current site's host field.

Critical views of this site will be limited until passing along the roadside frontage of the field in which it sits due to its location within an existing line of development, which alongside existing vegetation within the wider vicinity will largely screen it from view.

The area surrounding the site is characterised by its rural location on the shores of Lough Neagh. The immediate area comprises generally flat lying to undulating agricultural landscape. The area has come under development pressure in recent times, as previously mentioned, a substantial cluster of dwellings and ancillary buildings has formed around the site and a small fishing quay to its northeast.

Description of Proposal

This is a outline planning application for dwelling & garage within a gap to be located on land 30m South of 174A Ardboe Road Cookstown.

Deferred Consideration:

This application was before the Planning Committee in February 2022 as the additional information requested to allow full consideration of the issues raised by DFI Rivers, NIEA and Shared Environmental Services had not been provided. The application was deferred to allow the submission of the information.

Correspondence sent on 19 May 2022 indicated the information that was required and advised the application would be brought back to committee if there was not further information submitted. Despite this having been requested again here has been no further information submitted or engagement from the applicant's side.

The information is required to allow full consideration of the potential effects of flooding and the impacts from the development on Lough Neagh, a RAMSAR site, Special Protection Area and Area of Special Scientific Interest. Without information to properly asses all these issues I consider the precautionary principle should be applied and recommend the proposal is refused as it has not been demonstrated there will be no adverse impacts.

Reasons for Refusal:

1. The proposal is contrary to Policy FLD 1 'Development in Fluvial (River) and Coastal Flood Plains' of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate the proposal will not be located within the 1 in 100 year fluvial flood or that the proposal constitutes an exception to the policy.
2. The proposal is contrary to Policy FLD 3 'Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains' of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate there is no risk of flooding to the development and that the development will not increase flood risk elsewhere outside of the application site.
3. The proposal is contrary to Policy NH1 'European and Ramsar Sites – International' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal will not have a significant effect on Lough Neagh a European (Special Protection Area) and Ramsar Site.
4. The proposal is contrary to Policy NH2 'Species Protected by Law' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal is not likely to harm a European protected species or other statutorily protected species.
5. The proposal is contrary to Policy NH3 'Sites of Nature Conservation Importance – National' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal will not adversely effect the integrity of Lough Neagh (Area of Special Scientific Interest) or the benefits of the proposed development clearly outweigh the value of the site.
6. The proposal is contrary to Policy NH5 'Habitats, Species or Features of Natural Heritage Importance' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal is not likely to result in the unacceptable adverse impact on, or damage to known Habitats, Species or Features of Natural Heritage Importance:

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0288/O	Target Date:
Proposal: Proposed site for dwelling & garage within a gap.	Location: 30m South of 174A Ardboe Road Cookstown
Referral Route: Objections; Contrary to Policies CTY1 & 3 of (Revised) PPS15: Planning and Flood Risk; and Contrary to Policies NH1, 2, 3 & 5 of PPS2: Natural Heritage.	
Recommendation: Refuse	
Applicant Name and Address: James Devlin 120 Ardboe Road Cookstown BT80 0HU	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Description of Proposal		
This is a full planning application for dwelling & garage within a gap to be located on land 30m South of 174A Ardboe Road Cookstown.		
Characteristics of the Site and Area		
This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. 1.2km west and 1.7km south of Ardboe and Moortown Settlement Limits, respectively; and on the shores of Lough Neagh.		
The site is a flat rectangular shaped plot cut from the roadside frontage and most northwest corner of much larger field immediately adjacent Lough Neagh. The site in effect cuts the roadside frontage of the host field in half, occupying the north side. A mature hedgerow bounds the site to north and a dense mix of mature hedgerow and tree vegetation bounds the site to west along the road. The eastern and southern boundaries of the site are undefined unto the host field.		
Access to the site is via a dead end road, which extends from the primary Ardboe Road located to its north. This road provides access to a substantial cluster of dwellings and ancillary buildings located to the north, west and south of the site; and a small fishing quay located immediately northeast of the site.		
The site is located within a line of development running along the east side of the aforementioned cluster and Ardboe Road including nos. 174 Ardboe Road, a brick bungalow; 174a Ardboe Road, a bungalow dwelling with outbuildings to its rear/north side; and a small outbuilding shed. The site sits between no. 174a Ardboe Road located immediately to its north and the small outbuilding shed located further to its south. The small outbuilding shed sits in the field immediately adjacent the current site's host field.		
Critical views of this site will be limited until passing along the roadside frontage of the field in which it sits due to its location within an existing line of development, which alongside existing vegetation within the wider vicinity will largely screen it from view.		
The area surrounding the site is characterised by its rural location on the shores of Lough Neagh. The immediate area comprises generally flat lying to undulating agricultural landscape. The area has come under development pressure in recent times.		

as previously mentioned, a substantial cluster of dwellings and ancillary buildings has formed around the site and a small fishing quay to its northeast.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Revised Planning Policy Statement 15: Planning and Flood Risk

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Planning History

There is no planning history on site however it is noted recent planning application LA09/2021/0738/O on the 8th July 2021 granted permission for a dwelling & garage on lands approx. 50m northwest of the site (30m West of 176 Ardboe Road) under Policy CTY 2a - New Dwellings in Existing Clusters.

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections to the proposal subject to standard conditions and informatives, which will be applied to any subsequent decision notice. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. River's Agency (River's) were consulted as Flood Maps NI indicated the eastern half of the site is within the fluvial floodplain and has a small area of pluvial flooding. River's responded as follows from a drainage and flood risk aspect under PPS15 (Revised) Planning and Flood Risk, Policy:
 - FLD1 Development in Fluvial Flood and Coastal Plains - The Strategic Flood Map indicates a large part of the site lies within the 1 in 100 year

fluvial flood plain. Due to the nature of the Strategic Flood Map the geographical extent of predicted flood areas cannot be precisely defined. The recent highest recorded flood level in the area is 13.67m O D Belfast. The return period for this flooding event is unknown. It would be prudent to only build on land above this level. DfI Rivers recommend adding a suitable freeboard (normally 600mm) to this level for all development. The applicant should initially plot this level on a topographic survey of original site levels to allow a more comprehensive response to be provided. Original site levels may be distorted by site work already taken place. Alternatively, the applicant could carry out a flood risk assessment to better define the 100 year floodplain extents.

- **FLD3 Development and Surface Water** - The site is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

The information above required by Rivers has been requested but to date has not been received. In the absence of this information and subsequent comprehensive response from River's, the proposal is contrary to Policies CTY 1 & 3 above, as Planning cannot be satisfied, the proposed development will not flood or cause flooding elsewhere.

3. NIEA were consulted as site is located within the boundary of the Lough Neagh and Lough Beg Ramsar site and partially overlaps the Lough Neagh and Lough Beg Special Protection Area (SPA) and Lough Neagh Area of Special Scientific Interest (ASSI), hereafter referred to as the designated sites. Habitat on-site consists of wet grassland with scrub and mature hedgerows. The site is situated on the shoreline of Lough Neagh, adjacent to a small harbour. There is also a shallow lagoon with emergent vegetation at a distance of approximately 100m.
 - *Water Management Unit (WMU)* responded referring simply to DAERA Standing Advice for Single Dwellings.
 - *Natural Environment Division (NED)* responded that having considered the impacts on natural heritage features of the site on the designated sites and on the basis of information presented they have some concerns and require the following additional information:
 - A Breeding Wader Survey carried out by a suitably experienced ornithologist during the period April to June. This survey is required as NED considers there may be an adverse impact on these selection features of Lough Neagh designated sites.
 - A Preliminary Construction Environmental Management Plan identifying the perceived risks to the aquatic environment, potential pollution pathways and mitigation measures to negate such risks. Noting the applicant intends to use a soakaway to treat surface water and a treatment tank for foul sewage NED needs this Plan to undertake a complete assessment of the potential impacts on the designated site features and the competent authority to undertake a robust Habitats Regulations Assessment.

- A Preliminary Ecological Appraisal (PEA) completed by a suitably qualified and experienced ecologist to NIEA survey specifications. This has been requested as NED considers the development may impact breeding waders and other protected species such as otters which has not been addressed.

I am content the standing advice referred to by WMU can be brought to the attention of the applicant via informative. The information above required by NED has been requested but to date has not been received. In the absence of this information and subsequent comprehensive response from NED, Planning cannot be satisfied the proposed development will not have a significant effect on the features, conservation objectives or status of Lough Neagh designated site or other natural heritage features. As such, the proposal as it stands is contrary to Planning Policy Statement 2 Natural Heritage Policy NH 1 - European and Ramsar Sites – International; Policy NH 2 - Species Protected by Law; Policy NH 3 - Sites of Nature Conservation Importance – National: and Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance

4. Shared Environmental Services were consulted to assess the potential effects of this proposal on the designated sites it sits within / adjacent. SES responded requesting that they be re-consulted upon submission of the information requested by NIEA NED and NED's substantive response in order to complete a Habitat Regulations Assessment. See reason for NIEA consultation, NIEA response and consideration of that response further above.

Consideration

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

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside and all other policies relevant to this proposal have been retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 - Development in the Countryside. Whilst it would appear the site has been submitted under one of these instances, as a small gap site in accordance with Policy CTY8 - Ribbon Development, it is my opinion that it would sit neater under another instance, a new dwelling in an existing cluster in accordance with Policy CTY 2a.

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

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

I believe the site lies within a small cluster of development lying outside of a farm and consisting of four or more buildings of which more than three are dwellings. The cluster comprises approx. 11 dwellings with ancillary garages and outbuildings / sheds located towards the end of a dead end road. The majority of the dwellings in the cluster are located to the immediate west of a small fishing quay, but extend further south to the end of the road.

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

I believe when travelling along road serving the aforementioned cluster of development it 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 site is associated with a small fishing quay located to the northeast of the site.

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

The site is bounded on two sides to the north and west by with other development in the cluster including no. 174a Ardboe Road a roadside bungalow dwelling with outbuildings and no. 178 Ardboe Road, a two roadside dwelling and garage, respectively. The site is afforded a suitable degree of enclosure by the existing development within the cluster and vegetation both on site and within the wider vicinity, which also provides it with a backdrop to views from both the Ardboe Rd and the Lough.

- 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.

Due to the enclosed nature of the site and location I am content it could be absorbed into the existing cluster through consolidation with no significant impact on the existing character, or visually intruding into the open countryside.

- Development would not adversely impact on residential amenity.

As this is an outline application the details of the siting, size, scale and design of the dwelling and garage can be considered further under any subsequent reserved matter application. However, I believe a suitably designed dwelling and garage on this site with a 5.5m ridge height should not have any unreasonable impact on the neighbouring properties in terms of overlooking or overshadowing given the separation distances that will be retained; and existing vegetation enclosing the site and neighbouring properties private amenity. Additionally, given the nature of the proposal, a single dwelling and garage, I do not foresee any significant noise, light or traffic pollution arising.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 2 objection had been received. 1 from Sean & Oonagh Coleman, the owners / occupiers of no 178 Ardboe Road, the dwelling

located immediately west of the site at the opposite side of Ardboe Rd; and 1 from Mr Enda Doris, whose family has owned and farmed the land to the south and south west of this site. The issues raised by the objectors included, that the:

- applicant failed to list all neighbouring properties on application form;
- objectors unaware applicant in possession of all lands application relates;
- applicant did not declare site within known floodrisk area on application form;
- applicant declared he was unaware of any protected wildlife on application form. As site close to Lough Neagh probable it has a strong biodiversity index and regardless of any measures to minimise disturbances of wildlife species will have an adverse effect on flora and fauna and wading birds that feed and nest there and other shy species. Environment problems could arise from the septic tanks, soakaways and storm drain run-off;
- if the current site is passed it will lead to more along the loughshore badly affecting numbers of wildlife species.
- site does not comply with PPS21 Policy CTY8 permitting a dwelling in a gap site as it is not located within a line of 3 or more buildings with their own curtilage along an entirely adopted road frontage;
- already high traffic volume and road safety concern along narrow road accessing site including at crossroads adjacent which will increase with the construction of the dwelling being built to the rear of Colemans and if current site approved. Specific concern raised regarding safety of children in their front garden and cycling along the road; and site emerging in front of Sean & Oonagh Coleman's access where the road is 3m wide and two cars cannot pass side by side as such their right of way could be compromised resulting in road safety issues.
- bins for dwellings 178A, B & C are left at Sean & Oonagh Coleman's access gate for collection as the bin lorry has no space to turn. It has to reverse back from the next junction to facilitate collection and so narrow is the road the bank in front of their property is eroded by the lorry's wheels, leaving mud on the side of the road they have to remove weekly. The road cannot sustain an increase of traffic.
- Planning's duty to adhere to Mid Ulster Sustainable Development in the Countryside Policy to, "minimise visual intrusion and protect views" and "protect the environment from inappropriate development". This development would be visually intrusive looking from and towards the Lough and lead to continue over development undesirably altering the character of this environmentally sensitive area. Noting dwelling also being built to the rear of Sean & Oonagh Coleman.
- loss of privacy; and noise, light and traffic pollution; and

The objections raised above have been taken into consideration. Whilst the applicant did not list all neighbouring properties on application form I am content that press advertisement and neighbour notification have been carried out in line with the Council's statutory duty.

In relation to land ownership, any permission granted would not confer title and it would be the responsibility of the developer to ensure he controls all the lands necessary to carry out the proposed development. Nor would any permission alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

As detailed in my assessment of proposal, further above, whilst it would appear the site has been submitted under Policy CTY8 of PPS21 a small gap site, it is my opinion that it would sit neater under and complies with Policy CTY 2a of PP21 a new dwelling in an existing cluster. Noting the Sustainable Development in the Countryside Policy referred to by the objector appears to a policy review for Mid Ulster's new area plan I would reiterate that the site in my opinion complies with Policy CTY2a. That it has the capacity to integrate a dwelling including garage into the identified cluster of development without significantly altering the existing character of the area or adversely impact neighbouring amenity. That a dwelling would integrate using the existing development within the cluster and vegetation both on site and within the wider vicinity to provide it with a sense of enclosure and backdrop to views from both the Ardboe Rd and the Lough. It would not be visually intrusion or impact upon any protected views identified by the area plan; and homeowners have no right to an obstructed view of the Lough.

Whilst concerns have been raised regarding the intensification of the Ardboe Road accessing the site DFI Roads were consulted and raised no concerns regarding the proposal subject to standard conditions therefore I am content it should not prejudice road safety or significantly inconvenience the flow of traffic. There is no evidence that proposed development would pose any significantly greater risk to children within the curtilage of properties along Ardboe or children cycling along this road than a dwelling would to any child within the curtilage of a property in the countryside or cycling along a country road.

In relation to bin collection as stated the bin lorry has no space to turn and already reverses back from the next junction to facilitate bin collection therefore I do see this proposal significantly altering existing serving arrangements.

Despite all of the above, as outlined by the objectors, the applicant did not identify the site as being within an area of known floodrisk or area comprising protected natural heritage. Whilst this itself is not a concern as consultation on these matters has been carried out with the relevant bodies including Rivers Agency, NIEA and SES additional information is required by each consultee in order for them to provide Planning with a comprehensive response and thus Planning to fully assess the proposal (see Consultation's above). In the absence of this information Planning cannot be content the development will not flood or cause flooding elsewhere; and the development will not have a significant effect on the features, conservation objectives or status of Lough Neagh designated sites or other natural heritage features. All applications, including along the Loughshore, should be assessed on individual merit and this proposal as it stands should be refused.

Additional considerations

The site is located within SG Defence Estates relating to Met Office Radar however this proposal if approved would be under the 15.2m height threshold for consultation to Defence Estates. The site is also located within an area of constraint on wind turbines however proposal is for a dwelling and garage.

Recommendation: Refuse

Insufficient information (required by Rivers Agency, NIEA and SES) has been submitted to demonstrate the development will not flood or cause flooding elsewhere and that the development will not have a significant effect on the features, conservation objectives or status of Lough Neagh designated site or other natural heritage features.

The information required has been requested on the 09/08/2021, 14/09/2021 and most recently the 19/11/2021 whereby the agent was given 14 days to submit all information that can be provided at this time i.e. Rivers info and update when info will be submitted to address NIEA / SES concerns. The agent was advised that if the information was not provided within the specified timeframe the application would proceed to the next available committee meeting with a recommendation based on the information on file.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refuse

Refusal reasons

1. The proposal is contrary to Policy FLD 1 'Development in Fluvial (River) and Coastal Flood Plains' of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate the proposal will not be located within the 1 in 100 year fluvial flood or that the proposal constitutes an exception to the policy.
2. The proposal is contrary to Policy FLD 3 'Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains' of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate there is no risk of flooding to the development and that the development will not increase flood risk elsewhere outside of the application site.
3. The proposal is contrary to Policy NH1 'European and Ramsar Sites – International' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal will not have a significant effect on Lough Neagh a European (Special Protection Area) and Ramsar Site.
4. The proposal is contrary to Policy NH2 'Species Protected by Law' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal is not likely to harm a European protected species or other statutorily protected species.
5. The proposal is contrary to Policy NH3 'Sites of Nature Conservation Importance – National' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal will not adversely effect the integrity of Lough Neagh (Area of Special Scientific Interest) or the benefits of the proposed development clearly outweigh the value of the site.

6. The proposal is contrary to Policy NH5 'Habitats, Species or Features of Natural Heritage Importance' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal is not likely to result in the unacceptable adverse impact on, or damage to known Habitats, Species or Features of Natural Heritage Importance:

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0739/F	Target Date:
Proposal: Proposed dwelling & Garage/Store.	Location: 150M Ne Of 230 Coalisland Road Gortin Dungannon BT71 6EP
Applicant Name and Address: Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	Agent Name and Address: CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: Objections have been received based on both the principle of the development and the design of the garage. Amended drawings have been received which show a reduction in the overall footprint and height of the proposed garage and it now is designed as a garage which is subordinate to the proposed dwelling.	
Summary of Consultee Responses: No issues of concern have been raised and no further consultations have been carried out.	
Characteristics of the Site and Area: The site abuts the northern boundary of the settlement limit of Edendork as identified in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and a large yard area, while to the north east are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site area predominantly residential dwellings. To the south, and abutting the access lane, is a listed building at 230 Coalisland Road. The application site is a rectangular shaped plot with a topography that rises slightly from south to north. The site is set back from the public road by c.90m and is accessed via an existing lane that runs alongside the listed building at no 230 Coalisland Road. There are established trees along the boundaries of the site.	

Description of Proposal

This is a full application for a dwelling and garage/store.

Deferred Consideration:

This application was presented before the committee in September 2021 and was deferred for an office meeting. The application was again presented before the planning committee as a deferred application in May 2022 with a recommendation to refuse and it was deferred by Members for a site visit which took place on 27 May 2022.

Members who attended the site visit had an opportunity to see the site in its context and were reminded of the justification for approving the dwelling at outline stage based on a rounding off. Objections have been received to the planning application and these were discussed with members at the site visit and members were advised of the amendments which have been received to the proposed design of the garage/store.

The proposed dwelling and garage are outside the settlement limits of Edendork as identified in the Area Plan. Outline planning permission was granted as an exception with a siting restriction, the purpose of which was to ensure the development reads as a rounding off. This current application sits outside that approved area and therefore the proposal will not read as a rounding off which was the basis of the outline approval.

The approval of the outline application was based on a siting condition which had development on 3 sides. The garage has been sited in the restricted area, but the entirety of the agricultural field is required for the development. There are overhead lines running over the area identified in the siting condition and the applicant states these prevent a dwelling be sited here. The overhead lines can be moved to facilitate a new dwelling on the area conditioned at outline stage and are not a reason to prevent development.

A refusal is recommended.

Reasons for Refusal:

The proposal is contrary to Policy CTY 1 of PPS 21 in that it has not been demonstrated this development meets with any of the policies for a dwelling in the countryside or there are any overriding reasons why it is essential in the countryside or could not be located within a settlement.

The proposal is contrary to Policy CTY 15 of PPS21 as the development would not constitute rounding off of the settlement limit and would mar the distinction between the settlement of Edendork and the surrounding countryside.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0739/F	Target Date: <add date>
Proposal: Proposed dwelling & Garage/Store.	Location: 150m NE of 230 Coalisland Road Gortin Dungannon BT71 6EP
Applicant Name and Address: Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	Agent name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Summary of Issues: The proposed development sits outside the settlement limits for Edendork and outline planning permission was granted as an exception with a siting restriction to ensure the development was considered as rounding off. This proposed development sits outside the area that was identified and does not result in rounding off.	
Summary of Consultee Responses: No new consultees were carried out under this application as were consultations were carried out under the previous application and this proposal does not alter those responses.	
Characteristics of the Site and Area: The site abuts the northern boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and large yard area, while to the northeast are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site is predominantly residential with single detached dwellings and there is a new housing development to the southwest with six dwellings. To the south and abutting the access lane is a Listed Building at 230 Coalisland Road. The application site is a rectangular shaped plot with a topography that rises slightly from south to north. The site is set back from the public road by approximately 92m and is accessed via an	

existing lane that runs alongside the listed building at No.230. There are established trees along all boundaries of the site.

Description of Proposal

This is a full application for a proposed dwelling & Garage/Store at 150m NE of 230 Coalisland Road, Gortin, Dungannon.

Deferred Consideration:

This application was before the Committee In September 2021 with a recommendation to refuse, it was deferred for a meeting with the Planning Manger, which took place virtually on 18 September 2021. At the meeting it was explained outline planning permission was granted as an exception to planning policy and this was due to a specific set of with any new development located tight to the existing development as rounding off.

Since the meeting, amended plans have been submitted, these were in response to objections and show the levels of the proposed development as well as the proposed garage being reduced in scale and size to something that appears to be domestic in scale and appearance, not the large industrial type shed that was previously submitted. The revised plans do not result in the development being located within the area that was identified at the outline planning permission stage. The agent has indicated there are overhead power lines that will prevent the applicant from developing in the area that was considered acceptable and also indicates the proposed dwelling will not be visible from any area of public view.

Members are reminded that outline planning permission was granted on 10 July 2020 under reference LA09/2019/0767/O given the existing development in Edendork and the approved and commenced development for Gradeall International (M/2003/1631/F), off the Farlough Road. This resulted in the south part of the site being contained on 3 sides by development and was assessed as rounding off.

The proposed development will extend the proposed development further into the existing field and does not have the containment on 3 sides that allowed the previous application to be granted. This is not a visual assessment of the site from the surrounding areas, it relates to the definition of boundary of the sentient limits, which is usually carried out through the development plan process and asses what are appropriate features to define the limits. The applicant has identified the existing overhead power lines as being an impediment to the development of the site, however these can be moved to accommodate development and as such should not be relied on as immovable features that constrain the development of the site. There has been no further persuasive arguments put forward to set out how the proposed development meets any of the planning polices or why it should be considered as an exception to any planning policy.

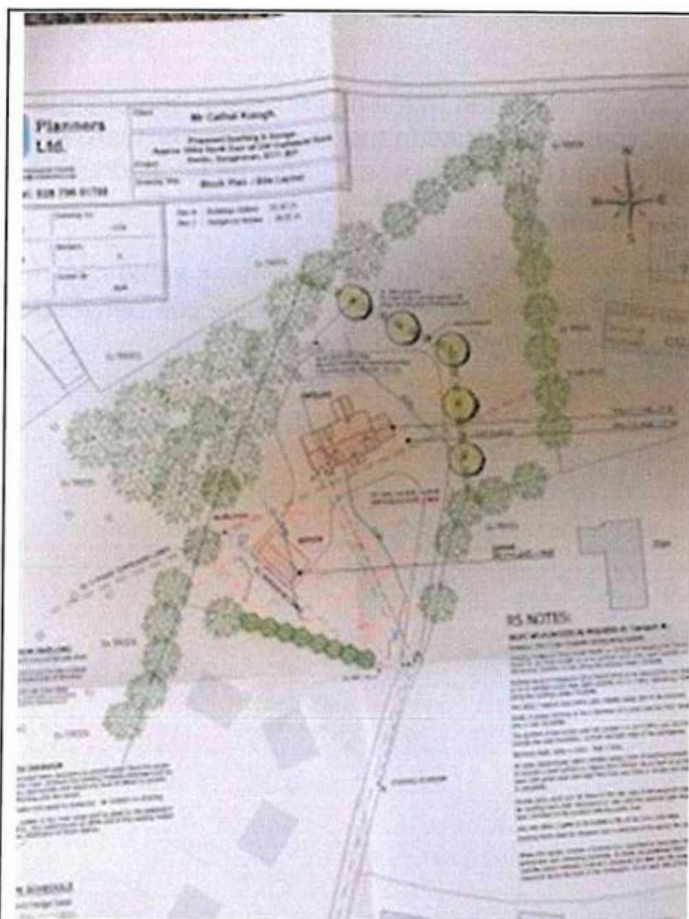


Fig 1 – area coloured orange identified as acceptable in LA09/20219/0767/O

Objections were received to the proposed development, these had raised issues with the previous approval on the site and the scale and size of the proposed garage at the rear of their properties as well as noise and nuisance as they have a particular sensitivity to noise. The previous approval was granted with a site specific condition as previously assessed and accepted on the rounding off basis. The proposed garage was initially 8.5m x 13.0m with a 6m ridge height, finished with brown cladding to the roof and upper walls, smooth render blockwork walls and a 4.0m roller door in one gable. This did have the appearance of an industrial type development. It is now proposed as 10.8m x 6.8m with a 5.5m ridge height and has the appearance of a double garage with walls and roof to match the proposed dwelling. While it has been noted the objectors have concerns about the use of the garage, this is proposed as a domestic garage and that is what must be assessed. Any noise or nuisances associated with anything that is not domestic in scale will be subject to investigations by the Councils Enforcement Team and Environmental Health Officers.

In light of the above, the previous report from September 2021 and the planning history of the site, I do not consider the applicant has demonstrated that this development meets with any of the planning policies for development in the countryside and if approved would result in unacceptable urban sprawl. It is my recommendation this proposal is refused.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of PPS21 in that it has not been demonstrate this development meets with any of the polices for a house in the countryside or there are any overriding reasons why it is essential in the countryside or could not be located within a settlement.
2. The proposal is contrary to Policy CTY15 of PPS21 as the development would not constitute rounding off of the settlement limits and would mar the distinction between the settlement of Edendork and the surrounding countryside.

Signature(s):**Date**



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 07/09/2021	Item Number:
Application ID: LA09/2021/0739/F	Target Date:
Proposal: Proposed dwelling & Garage/Store	Location: 150m NE of 230 Coalisland Road Gortin Dungannon BT71 6EP
Referral Route: 1. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Edendork and the surrounding countryside. 2. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would add to urban sprawl.	
Recommendation:	Refusal
Applicant Name and Address: Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: The application site is in the countryside and on the boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. Condition 4 of planning approval LA09/2019/0767/O is a siting condition where the curtilage of the site should be within a hatched area nearest the existing dwellings within the settlement. This siting condition was to prevent urban sprawl and round off the existing development. In this application the applicant has shown the curtilage outside the hatched area and further north within the red line. It is stated this is because there are overhead electricity power lines passing over the hatched area but I do not consider this is a reason to move	

the curtilage outside the hatched area.

Signature(s):

Case Officer Report

Site Location Plan



Consultations: None Required

Consultation Type	Consultee	Response
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Representations:

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

Characteristics of the Site and Area

The site abuts the northern boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and large yard area, while to the northeast are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site is predominantly residential with single detached dwellings and there is a new housing development to the southwest with six dwellings. To the south and abutting the access lane is a Listed Building at 230 Coalisland Road.

The application site is a rectangular shaped plot with a topography that rises slightly from

south to north. The site is set back from the public road by approximately 92m and is accessed via an existing lane that runs alongside the listed building at No.230. There are established trees along all boundaries of the site.

Description of Proposal

This is a full application for a proposed dwelling & Garage/Store at 150m NE of 230 Coalisland Road, Gortin, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

LA09/2019/0767/O - Proposed dwelling and garage (Amended Access Position) - Approx 150m NE of 230 Coalisland Road, Gortin, Dungannon – Permission Granted 10th July 2020

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development

will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement.

LA09/2019/0767/O granted outline approval at the application site on 10th July 2020. As this is a full application and has been submitted within 5 years from the date of the outline I am content there is a live approval at the site.

Policy CTY 2a – New Dwellings in Existing Clusters

As stated in the Preamble in PPS 21 the countryside is defined as land lying outside of settlements as defined in development plans. The application site is located on the northern boundary of the settlement limit of Edendork and as such, any development to the south of the site inside Edendork cannot be considered in the assessment of CTY 2a.

Policy CTY 15 – Setting of Settlements

The application site is abutting the northern boundary of the settlement limit of Edendork. There is a housing development of 6 houses and several detached dwellings immediately south of the site within the settlement limit. The site is an agricultural field and fields abut all other boundaries of the site.

LA09/2019/0767/O granted approval at the application site under the principle that the development would round off existing development to the south. Condition 4 of planning approval LA09/2019/0767/O stated the dwelling and its curtilage should be sited within the blue hatched area as shown in figure 1 below. In the drawings submitted with this application the applicant has sited the dwelling and garage further north towards the red line and outside the hatched area. The application site is on the boundary of the settlement limit and the hatched area was conditioned as it was felt that this area would round off the existing dwellings. I consider the siting on the drawings submitted is unacceptable as it is outside the conditioned hatched area. The proposed siting further north within the red line will not round off the existing development within the Edendork settlement limit and lead to further development on the settlement boundary. Therefore I would recommend refusal of this proposal as it would add to urban sprawl.

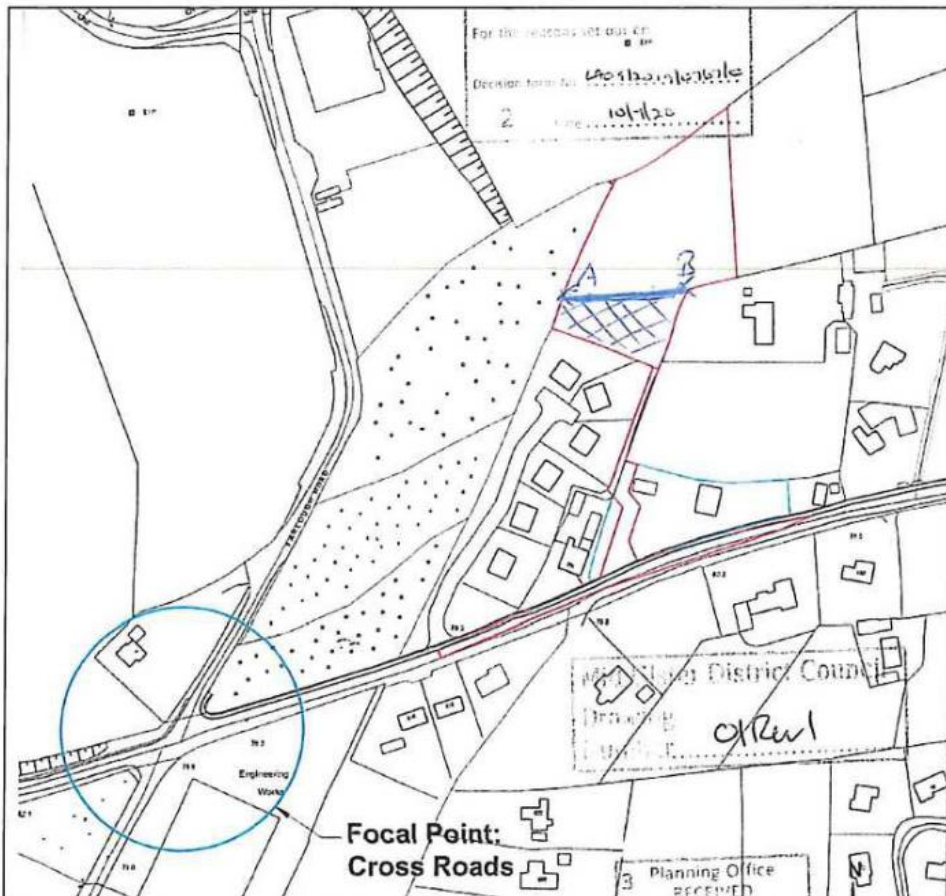


Figure 1 – Screenshot of the stamped approved site location plan from LA09/2019/0767/O

CTY 13 – Integration and Design of Buildings

I am content the dwelling will not be a prominent feature in the landscape. The site is set back from the public road by approximately 100m and is accessed via an existing laneway. There are no critical views in either direction from the public road due to established trees and hedgerow along the roadside frontage.

There are established trees and hedgerow along all boundaries of the site so I am content the proposal will integrate into the landscape. I am content new planting will not be primarily relied on for the purposes of integration.

The proposed dwelling is 6.8m to finished floor level and one and half storey. The dwelling has a long rectangular form and built in dormers on the front elevation. The windows have a vertical emphasis and the chimneys project from the ridge line of the dwelling. There is a small porch on the front elevation of the dwelling. I am content the scale and massing of the dwelling is acceptable and the design is in keeping with a rural dwelling.



Figure 2 – Screenshot of the proposed dwelling

The proposed garage is sited in the northern corner of the application site and as stated earlier in the assessment this is outside the conditioned hatched area in the outline planning approval. The garage has a rectangular form and a ridge height of 6m to finished floor level. The garage has external finishes of dark brown roof panels, grey blockwork walls and dark brown roller shutter doors. The garage has the appearance of an agricultural building but as the proposal is outside the settlement limit I have no concerns and the building is set back from the main road.

As shown on the block plan the applicant has proposed new landscaping and the retention of existing trees, therefore I have no concerns and I consider there is a suitable degree of enclosure to integrate into the landscape.

The proposal will use an existing laneway and the new access will extend along the east boundary. As the access will run for a short distance I am content the access will not have an unacceptable impact on the character of the site.

I am content the design of the proposed garage and dwelling is acceptable.

CTY 14 – Rural Character

I am content the proposal will not be unduly prominent in the landscape. I am of the opinion the revised siting further north will not round off the existing development and exacerbate urban sprawl. Therefore the proposal will be detrimental to the rural character of the surrounding area.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal is recommended for refusal as it will create urban sprawl.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21,

Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Edendork and the surrounding countryside.

2. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would add to urban sprawl.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1208/O	Target Date: <add date>
Proposal: Erection of dwelling & domestic garage on a farm.	Location: Land Approx. 55M South Of 60 Annaghilla Road Augher Co Tyrone
Applicant Name and Address: Jeff & Laura Fitzsimmons 6 Aghnagar Road Ballygawley	Agent Name and Address: Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
Summary of Issues: This application is for a dwelling on a farm. The existing buildings and farm yard are on Annaghilla Road and the site is off Halftown Road. The applicants have indicated they intend to site to the rear of the proposed site and remove an old mobile phone mast compound that was erected at the front of the site.	
Summary of Consultee Responses: DFI roads were consulted and are content a safe access can be achieved at the site subject to visibility splays DEARA were consulted and confirm the farm is currently active and has been established for 6 years Rivers advised there is some surface water flooding affecting part of the site but are not insisting of Drainage Assessment NIEA have referred to standing advice	

Characteristics of the Site and Area:

The site is located at lands approx. 55m South of 60 Annaghilla Road, Augher. The red line of the site is a rectangular cut out portion of a larger agricultural field. There is a number of fields surrounding the site which are outlined in blue, indicating ownership. There is a number of existing farm buildings located NE of the application site, however views of these from the site are not possible. The site itself is flat throughout and the boundaries appear undefined apart from the roadside boundary which has mature hedging along it. The surrounding area is rural, scattered with single dwellings and their associated outbuildings.

Description of Proposal

This is an outline planning application for a dwelling and domestic garage on a farm.

Deferred Consideration:

This application was before the Committee in August 2022 where it was deferred to allow the applicant to discuss the proposal with the Service Director. A meeting was held on 11 August where the issues were identified and the applicant was advised the Team Lead would reassess the case and may request additional information.

The issues here relate to the siting of the proposed dwelling away from a group of buildings on the farm. In this case the applicants had submitted a plan showing a potential dwelling at the front of the site, on Halftown Road. Following the discussions with the Service Director an indicative layout was provided that indicates a dwelling and garage sited to the north east part of the site and the curtilage reduced. The indicative layout also indicates that the outline at the front of the site on Halftown Road was the site of the compound for a telecommunications mast. The mast has been removed and it is the intention of the applicants to remove the fenced compound as part of this proposal.

The site has good vegetation on the north and east boundaries that provide a very good sense of enclosure to any dwelling on the site. From Annaghilla Road it is difficult to see the site with the existing buildings due to the vegetation around it. There is an overhead power line and pole which provide a reference point to assess the proposal. In fig 1 is the site from Halftown Road, any dwelling as now proposed would be located to the rear part of the site, Fig 2 is the agricultural buildings on Annaghilla Road. The electricity pole is identified with the red arrow in both photographs. From the Halftown Road the top of the barrel roofed building is clearly seen, this is one of the buildings in the group furthest away from the proposed site. I consider if the vegetation was not there, the buildings to the west of the complex would appear much closer to the proposed dwelling and garage and there would not be an appreciable distance between them. As such I consider a dwelling sited as indicated would meet the requirements of CTY10 and visually link with the existing farm buildings.



Fig 1 – view from Halftown Road



Fig 2 – view from Annaghilla Road

In light of the above and the previous report that dealt with criteria (a) and (b) of CTY10, I am of the opinion this application can be approved as it meets with CTY10 for a dwelling on a farm.

Recommendation:

Approve with conditions

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3

years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 35.0m in both directions and a 35.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The proposed dwelling and garage shall be sited in the general location as indicated on drawing no 02 bearing the stamp dated 07 OCT 2022.

Reason: To ensure the proposal integrates and visually links with farm group.

5. The curtilage of the dwelling and garage hereby approved shall not extend beyond the dashed line annotated 'reduced curtilage' on drawing no 02 bearing the stamp dated 07 OCT 2022.

Reason: In the interest of visual amenity.

6. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of the trees and vegetation on the north and east boundaries to be retained, measures for their protection during the course of development and details of a native species hedge to be planted 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 within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Signature(s)
Date:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1208/O	Target Date:
Proposal: Erection of dwelling & domestic garage on a farm.	Location: Land approx. 55m South of 60 Annaghilla Road Augher Co Tyrone
Referral Route: Refusal – contrary to CTY 10.	
Recommendation:	REFUSAL
Applicant Name and Address: Jeff & Laura Fitzsimmons 6 Aghnagar Road Ballygawley	Agent Name and Address: Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

The proposal is considered to be contrary to Policy CTY 10 of PPS 21. There were no representations received.

Characteristics of the Site and Area

The site is located at lands approx. 55m South of 60 Annaghilla Road, Augher. The red line of the site is a rectangular cut out portion of a larger agricultural field. There is a number of fields surrounding the site which are outlined in blue, indicating ownership. There is a number of existing farm buildings located NE of the application site, however views of these from the site are not possible. The site itself is flat throughout and the boundaries appear undefined apart from the roadside boundary which has mature hedging along it. The surrounding area is rural, scattered with single dwellings and their associated outbuildings.

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Planning History

M/2000/1168/F - 50metres south of 60 Annaghilla Road, Ballygawley - Installation of 1No. 20metres high telecommunications mast, 3 No. antennae, 4 No. microwave dishes & 1No. equipment cabin within a 1.8metres high security fenced compound - PERMISSION GRANTED

There was enforcement case relating to lands approx. 75m South Of 60 Annaghilla Road with the alleged unauthorised deposition of materials and raising of ground levels in the area. The case is now closed.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were no neighbours notified under this application. At the time of writing, no third party representations have been received.

Planning Assessment of Policy and Other Material Considerations

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

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

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

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

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

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

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

With respect to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. Checks were carried out using the UNIFORM system and no historical applications have been found.

With respect to (c), the new dwelling is not considered to be visually linked with any existing farm buildings on the site and therefore the proposal fails the policy on this criterion. The proposed site is approx. 110m at the closest point to the red line of the site and the farm complex. The topography of the site means that views of the farm buildings are not visible from the site itself and therefore there is no visual linkage. The agent has provided supporting information, justifying their proposed siting. The agent refers to paragraph 5.41 of CTY 8 in PPS 21 states that a dwelling can be approved: *'where the existing group of buildings is well screened, or where a site adjacent to the group is well landscaped, permission can be granted for a dwelling even though the degree of visual linkage between the two is either limited, or virtually non-existent due to the amount of screening vegetation.'* When discussed at our internal group meeting, we did not feel that this extract from the justification and amplification within CTY 10 relates to this

specific site. In this case, we are of the view that screening does not mean the proposal should not be sited beside buildings as there is still appreciable distance between the proposed site and farm buildings. There does appear to be alternative sites which would meet with the policy contained within CTY 10 within blue lands. There are no verifiable plans that the farm business is to be expanded.

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

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked with an established group of buildings on the farm (and access to the dwelling is not obtained from an existing lane. No health and safety reasons exist to justify an alternative site not visually linked with an established group of buildings on the farm and no verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	19th August 2021
Date First Advertised	31st August 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	
ES Requested	Yes /No
<p>Planning History</p> <p>Ref ID: LA09/2021/1208/O Proposal: Erection of dwelling & domestic garage on a farm. Address: Land approx. 55m South of 60 Annaghilla Road,Augher,Co Tyrone, Decision: Decision Date:</p> <p>Ref ID: LA04/2020/1672/F Proposal: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - Address: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -, Decision: Decision Date:</p> <p>Ref ID: M/2001/0207/F Proposal: O/H Three Phase Line on Wood Poles Address: Halftown Road Ballygawley (Townland of Annaghilla) Decision: Decision Date: 22.05.2001</p> <p>Ref ID: M/2000/0443/F</p>	

<p>Proposal: Installation of 1 No. new 20m lattice telecommunications tower with 3 no antenna, 4 no radio communication dishes, 1 No. One2One equipment cabin within a 1.8m high palisade security fenced compound. Address: 50 metres south of No. 60 Annaghilla Road, Ballygawley. Decision: Decision Date: 13.06.2000</p> <p>Ref ID: M/2000/1168/F Proposal: Installation of 1No. 20metres high telecommunications mast, 3 No. antennae, 4 No. microwave dishes & 1No. equipment cabin within a 1.8metres high security fenced compound. Address: 50metres south of 60 Annaghilla Road, Ballygawley Decision: Decision Date: 26.01.2001</p>
<p>Summary of Consultee Responses</p> <p>DFI Roads – content DAERA – confirmed active and established farm business</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1283/O	Target Date: <add date>
Proposal: Off Site Replacement dwelling and garage	Location: 50m NW of 26 Annaginney Road Dungannon
Applicant Name and Address: George McIvor 101 Mullaghmore Road Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge
Summary of Issues: This application is for an off site replacement dwelling, the existing building was overgrown and now has been cleared back to allow consideration of its replacement status. The reason for the replacement being off site has now been provided.	
Summary of Consultee Responses: GSNI were consulted and confirmed the proposed site is not within an area of abandoned mines. DFI roads were consulted and are content a safe access can be achieved at the site subject to visibility splays	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with a mix of single dwellings with a roadside frontage, farm holdings and agricultural fields. The site is accessed off Annaginney Road which is a minor road which serves as a link	

road between the main Cookstown Road and the settlement of Newmills. The site is split into two sections as this is an off-site replacement. Along a lane at No. 38 Annaginny Road is a group of farm buildings. To access the building to be replaced is through the farm holding and through two fields to the north. The off site location is 600m to the south west of the building to be replaced and is behind No. 26. The site itself is a portion of a larger agricultural field.

Description of Proposal

This is an outline application for an off Site Replacement dwelling and garage at 50m NW of 26 Annaginney Road, Dungannon.

Deferred Consideration:

This application was before the Committee in February 2022 where it was deferred to allow the applicant to clear vegetation around the existing building and allow assessment of its former use.

The applicant cleared vegetation from around the building and at a site inspection on 8 September I noted the roof of the building has collapsed into the building, however the buildings external walls were substantially intact as shown in Figs 1 & 2.



Figs 1 & 2 below show the front and rear of the existing building

The front of the building was partially cleared of vegetation and there appears to be a small storm porch flanked by windows and a chimney at one end still wholly intact. The window opening has the remains of what would have been a wooden sliding sash window frame (Fig3), which I consider would have been typical for a rural dwelling. I am of the opinion this was a dwelling and with the chimney and window frames in place I consider it has the essential characteristics of a dwelling and may be replaced. It is clear this has a vernacular character, however given the large cracks and the poor state of the building I do not consider it should be retained as a non listed vernacular building.



Fig 3 remains of sliding sash window frame

Members will be aware Policy CTY3 seeks to replace buildings in the curtilage of the existing dwelling, however there are 2 criteria where it may be allowed to be sited outside the curtilage. In this case there are access and amenity benefits to locating off-site. The access to the dwelling to be replaced is through an existing 3rd parties farm yard where they have intensive chicken units. Any traffic going through this farm yard has the potential to create a bio-hazard for the chicken farm. I consider it is appropriate to consider this as an acceptable reason to locate off site. It is noted the policy does not require any off site replacement to be close to the existing building to be replaced and as such provided it meets the remaining criteria in CTY3, then I consider it can be located a distance from the existing buildings, as in this case. I consider it appropriate that a condition is attached to any permission that the existing building is demolished prior to the occupation of any new dwelling.

The proposed site is located behind existing dwellings and the access point uses an existing access where a laneway meets the Annaginny Road. The site is elevated and can be viewed at a distance from the main A29 to the north west. (Fig 4)

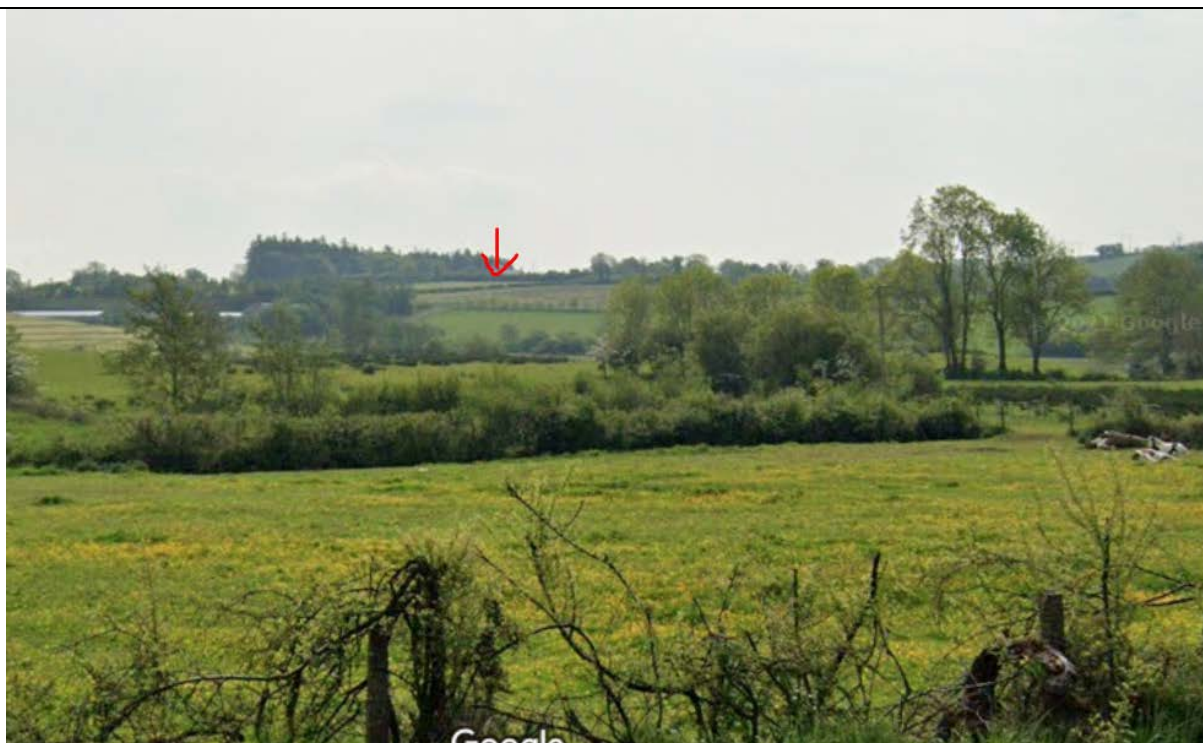


Fig 4 – site identified with arrow, zoomed view from A29.

I consider there is the potential for a dwelling to be prominent if not properly sited and consider it appropriate to limit the ridge height to 6.5m and located to the north east of the site using the existing trees as a backdrop. As this is an outline application the final design, appearance and siting of the dwelling can be assessed then. Due to the size and location of the site, I am of the opinion a dwelling could be appropriately located that would not be prominent and would respect the privacy of the adjacent dwelling. DFI Roads have indicated an access can be achieved to their standards and require 2.4m x 60.0m sight lines.

In light of the above I am of the opinion this was a former dwelling that may be replaced and the off site replacement location can be approved with the conditions set out below.

Recommendation:

Approve with conditions

Conditions:

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

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

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

2. Approval of the details of the siting, design and external appearance of the

buildings, the means of access thereto, existing and proposed levels and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 60.0m in both directions and a 60.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted 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 interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

5. The dwelling hereby permitted shall have a ridge height not exceeding 6.5 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

Reason: To ensure that the proposal is in keeping with the character of the area and is not prominent in the landscape.

6. The existing building coloured green on drawing no 02 bearing the stamp dated 02 SEP 2021 shall be demolished and all rubble removed within 6 weeks of the occupation of the dwelling hereby approved.

Reason: To prevent additional dwellings in the countryside.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

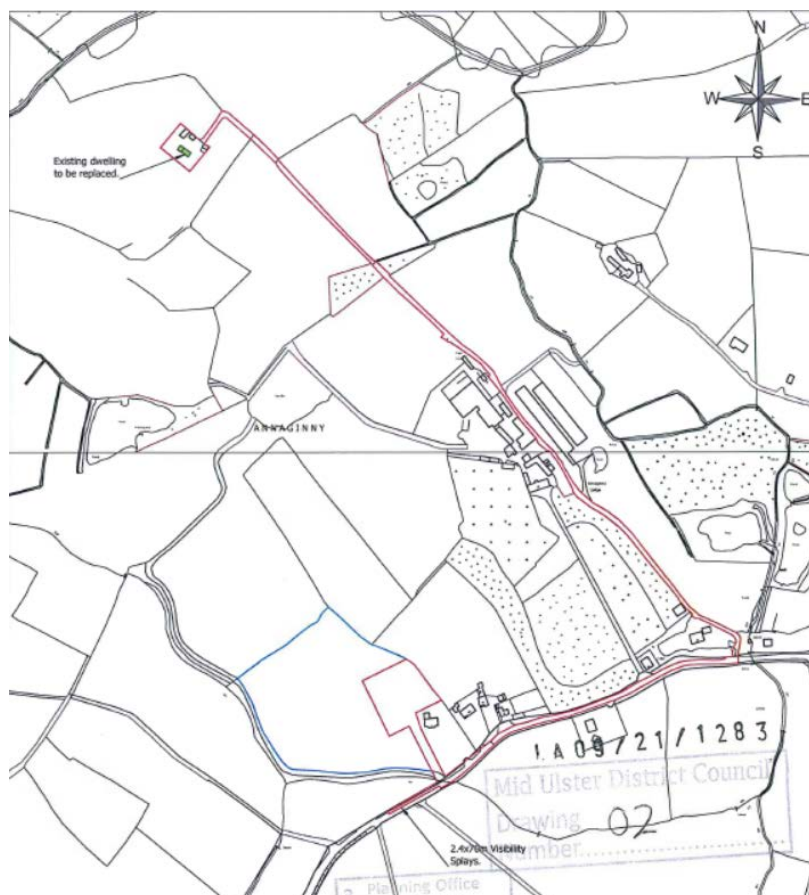
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/02/2022	Item Number:
Application ID: LA09/2021/1283/O	Target Date:
Proposal: Off Site Replacement dwelling and garage.	Location: 50m NW of 26 Annaginney Road Dungannon
Referral Route: <ol style="list-style-type: none">1. Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.2. Contrary to Policy CTY 3 – Replacement Dwellings in PPS 21 in that there is no overriding reason why the proposed dwelling cannot be sited within the existing curtilage.3. Contrary to Policy CTY 3 – No justification has been provided to demonstrate the building to be replaced is a dwelling and it is not clearly evident on site.	
Recommendation:	Refusal
Applicant Name and Address: George McIvor 101 Mullaghmore Road Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge
Executive Summary: When I completed my site visit the building to be replaced is overgrown with vegetation and it was difficult to determine whether it was a dwelling. The agent was asked twice for the building to be cleared and no response has been received. The agent was asked twice for justification why the dwelling needs to be sited off-site and no response has been received. Therefore I am unable to determine if the proposal meets CTY 3 – Replacement Dwellings.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DETI - Geological Survey (NI)	No Objection

Representations:

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

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with a mix of single dwellings with a roadside frontage, farm holdings and agricultural fields. The site is accessed off Annaginney Road which is a minor road which serves as a link road between the main Cookstown Road and the settlement of Newmills. The site is split into two sections as this is an off-site replacement. Along a lane at No. 38 Annaginney Road

is a group of farm buildings. To access the building to be replaced is through the farm holding and through two field to the north. The off site location is 600m to the south west of the building to be replaced and is behind No. 26. The site itself is a portion of a larger agricultural field.

Description of Proposal

This is an outline application for an off Site Replacement dwelling and garage at 50m NW of 26 Annaginney Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

No planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010 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 replacement opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for a replacement dwelling CTY 3 is the relevant policy in the assessment.

CTY 3 – Replacement Dwellings

The building to be replaced forms part of a group of buildings that are currently derelict. When I completed my site visit the building is currently very overgrown with vegetation so it is difficult to ascertain if the building is a dwelling. I emailed the agent on both the 26th October 2021 and 11th November 2021 to ask for the vegetation to be cleared back so I can determine if the building is a dwelling. At the time of writing no response has been received. I cannot definitively state there is a building to be replaced due to a lack of information. I have attached an image from the latest orthophotography to show how overgrown the buildings are.



Figure 1 – Orthophotography of the site

The applicant has proposed an off-site location for the replacement dwelling which is 600m south west of the group of buildings. In both emails dated 26th October 2021 and 11th November 2021 the agent was asked to provide justification for siting the proposed dwelling off-site. The criteria in CTY 3 states an alternative siting should have landscape, heritage, access or amenity benefits. At the time of writing no justification has been provided so I consider the proposal does not meet this criteria in CTY 3. The site where the buildings to be replaced is a large site and I consider is not restricted that it could not accommodate a dwelling as stated in the policy in CTY 3. The current site where the buildings are located is along a lane and set well back from the public road. I consider there are no landscape or amenity benefits. The existing access to the buildings is along a lane to a farm holding and the buildings are accessed along the lane through the farm and back a further two fields. The applicant has not shown on the site location plan that the

nearby farm holding on the lane is within the applicant's control. There may be access issues as the building to be replaced is along a shared laneway and two field back along an agricultural track. But issues along a shared laneway are a material planning consideration but travelling through a farm holding may create health and safety issues. Overall, I am of the opinion the proposal does not meet the criteria in CTY 3.

CTY 13 - Integration and Design of Buildings in the Countryside

The applicant has proposed to site the dwelling in a portion of a larger field behind 26 Annaginney Road, Dungannon. The land at the site is at a slightly higher ground level than the land at No. 26. But there are minimal critical views of the site in both directions so I am content the proposal will not be a prominent feature in the landscape. As shown in figure 2 below the site has a relatively flat topography.



Figure 2 – Image from the site visit of the site

There is established hedging on the east and south boundaries as shown in figure 2 but the remaining boundaries are undefined. I am content there is a suitable degree of enclosure at the site.

A new access is proposed which runs along the west boundary of No. 26 which I am content is acceptable. DFI roads are content subject to visibility splays of 2.4m x 60m in both directions. The applicant will need a portion of the land at No. 26 but have served notice on them.

Overall, I am content a dwelling in the proposed location would integrate into the landscape as it would site behind an existing dwelling.

CTY 14 – Rural Character

I am content the siting of the proposed dwelling will not be unduly prominent or lead to a suburbanised build-up of development as there are already a number of dwellings in this area. A dwelling in the proposed location would not be detrimental to rural character and a single storey dwelling would fit the traditional pattern of settlement in the area. I consider a new access in this location would not damage rural character as it would run along the existing boundary.

PPS 3 – Access, Movement and Parking

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

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

DFI roads were consulted and are content a safe access can be achieved at the site subject to visibility splays. The site does not access onto a protected route so this does not apply in this case.

Other Considerations

GSNI were consulted and confirmed the proposed site is not within an area of abandoned mines.

There are no other NED, HED or flooding issues at the application site.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it does meet the criteria in CTY1 or CTY 3 – Replacement Dwellings in PPS 21 – Sustainable Development in the Countryside.

Reasons for Refusal:

1. Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to Policy CTY 3 – Replacement Dwellings in PPS 21 in that there is no overriding reason why the proposed dwelling cannot be sited within the existing curtilage.
3. Contrary to Policy CTY 3 – No justification has been provided to demonstrate the building to be replaced is a dwelling and it is not clearly evident on site.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1598/O	Target Date: <add date>
Proposal: Erection of a dwelling, garage & associated site works	Location: 80m South west of 129 Benburb Road Dungannon BT71 7QA
Applicant Name and Address: Mr Norman McKenzie 35 Drumgose Road Dungannon BT71 7JT	Agent Name and Address: Simon Black Architecture Ltd 164 Tirnascobe Road Richhill BT61 9RF
Summary of Issues: This application is for a dwelling on a farm. The existing buildings and farm yard are on top of a hill and there are no other sites close by that could accommodate a dwelling to cluster with the existing buildings. This application is being considered as an exception within the policy of CTY10 – Dwelling on a farm.	
Summary of Consultee Responses: DFI roads were consulted and are content a safe access can be achieved at the site subject to visibility splays DEARA were consulted and confirm the farm is currently active and has been established for 6 years	
Characteristics of the Site and Area: The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan, approx. 1.4km northeast of Benburb.	

The main body of the site, an irregular shaped plot, comprises the northeast half of a large agricultural field set back from the Benburb Rd well enclosed on all sides by a mix of mature hedgerow and tree vegetation with the exception of the northeast boundary, which is open onto the host field. Access into the main body of the site is proposed via a short driveway off the Benburb Rd through the northern corner of an adjacent roadside field at the location of an existing agricultural gate. Before breaking into the main body of the site, the driveway will run to the rear of mature hedgerow vegetation defining the party boundary of the roadside field with neighbouring property, no. 129 Benburb Rd, a roadside bungalow.

The land with the immediate vicinity rises up from the Benburb Rd in a northwest direction through the site and beyond. Views of the site will be short distance from the Benburb Rd just before and passing along the south of the site due primarily to the mature vegetation bounding the site but also the topography of the area and existing development and vegetation in the wider vicinity, which enclose and screen it.

The area surrounding the site is predominantly rural comprising agricultural land interspersed with detached dwellings, ancillary building and farm groups. Including the aforementioned no. 129 Benburb Rd, two bungalow dwellings on generous plots run along the north side of the Benburb Rd immediately east of the site. Another roadside bungalow with attached outbuilding sits opposite the proposed access into the site, adjacent the Benburb / Drumlee Rd junction.

Description of Proposal

This is an outline planning application for a dwelling and garage on a farm. The site is located on lands 80m south west of 129 Benburb Road Dungannon.

Deferred Consideration:

This application was before the Committee in March 2022 where it was deferred to allow the applicant to discuss the proposal with the Service Director. A meeting was held on 10 March where the issues were identified and the applicant was advised the Team Lead would reassess the case and may request additional information.

The issues in this case relates to the siting of the proposed dwelling away from a group of building on the farm. As identified in the previous report there is a group to the south of the proposed site and the applicants house is on the opposite side of the road from these. The applicant had previously indicted why they could not locate beside the existing farm group, however they did not consider the site beside and west of the existing dwelling. Additional information has been provided that highlights this area is the only piece of flat ground adjacent to the farm group, it is used for the parking of vehicles as an overspill to the farm yard. It also provides access to the lands to the south and any dwelling here would severely hinder the farming activities.

The applicant has now, in my opinion, clearly set out why they are unable to site beside the existing buildings. I accept the reasons stated in the previous report show why they cannot site to the north and west for demonstratable health and safety grounds and the site beside the dwelling is a verifiable expansion of the farm, albeit on an ad hoc basis. The exception within CTY10 now comes into consideration as the applicant has advised

there are no other groups of buildings on the farm where they can site a dwelling beside. This requires the consideration of the impacts of the proposal on the landscape under policies CTY13 and CTY14. The proposed site is well screened from views as there is mature vegetation on 3 sides and the land rises to the south. Access will not require the removal of this vegetation as the site boundaries are set one field back from the roadside/ I consider a condition to require the retention of this vegetation at its existing height will ensure a dwelling here will be largely unseen and as such will have limited impact on the overall character of the surrounding area.

As this is an outline application the final design, appearance and siting of the dwelling can be assessed then. Due to the size and location of the site, I am of the opinion a dwelling could be appropriately located that would not be prominent and would respect the privacy of the adjacent dwelling. DFI Roads have indicated an access can be achieved to their standards and require 2.4m x 70.0m sight lines and 70.0m forward sight distance, the applicant has shown this land all within his control..

In light of the above I am of the opinion this application can be approved as an exception within Policy CTY10.

Recommendation:

Approve with conditions

Conditions:

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

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 70.0m in both directions and a 70.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

and the convenience of road users.

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of the trees and vegetation on the north, west and east boundaries to be retained at their current height, measures for their protection during the course of development and details of a native species hedge to be planted 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 within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

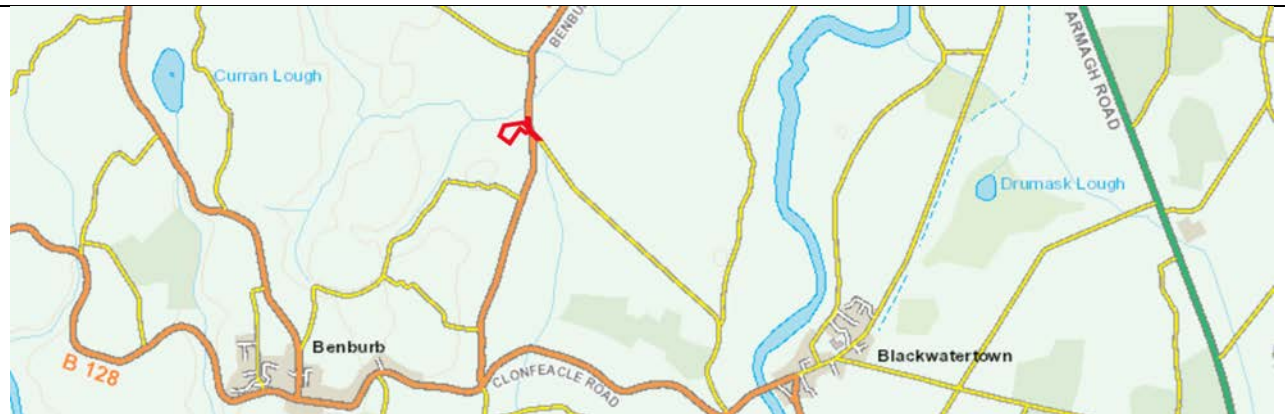
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1598/O	Target Date:
Proposal: Erection of a dwelling, garage & associated site works	Location: 80m South west of 129 Benburb Road Dungannon BT71 7QA
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr Norman McKenzie 35 Drumgose Road Dungannon BT71 7JT	Agent Name and Address: Simon Black Architecture Ltd 164 Tirnascoe Road Richhill BT61 9RF
Executive Summary: The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is sited to cluster with an established group of buildings on the farm.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary
Representations:		
Letters of Support		None Received
Letters of Objection		None Received
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received
Description of Proposal This is an outline planning application for a dwelling and garage on a farm. The site is located on lands 80m south west of 129 Benburb Road Dungannon.		
Characteristics of the Site and Area The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan, approx. 1.4km northeast of Benburb. The main body of the site, an irregular shaped plot, comprises the northeast half of a large agricultural field set back from the Benburb Rd well enclosed on all sides by a mix of mature hedgerow and tree vegetation with the exception of the northeast boundary, which is open onto the host field. Access into the main body of the site is proposed via a short driveway off the Benburb Rd through the northern corner of an adjacent roadside field at the location of an existing agricultural gate. Before breaking into the main body of the site, the driveway will run to the rear of mature hedgerow vegetation defining the party boundary of the roadside field with neighbouring property, no. 129 Benburb Rd, a roadside bungalow. The land with the immediate vicinity rises up from the Benburb Rd in a northwest direction through the site and beyond. Views of the site will be short distance from the Benburb Rd just before and passing along the south of the site due primarily to the mature vegetation bounding the site but also the topography of the area and existing development and vegetation in the wider vicinity, which enclose and screen it. The area surrounding the site is predominantly rural comprising agricultural land interspersed with detached dwellings, ancillary building and farm groups. Including the aforementioned no. 129 Benburb Rd, two bungalow dwellings on generous plots run along the north side of the Benburb Rd immediately east of the site. Another roadside bungalow with attached outbuilding sits opposite the proposed access into the site, adjacent the Benburb / Drumlee Rd junction.		
Planning Assessment of Policy and Other Material Considerations Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.		

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Development Control Advice Note 15: Vehicular Standards

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

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

Representations

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

Relevant History

N/A

Consultees

1. Dfi Roads were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted on this application and confirmed the farm business stipulated on the P1C Form accompanying the application is currently active and has been established for at least 6 years.

Consideration

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – is the overarching policy for development in the countryside. Policy CTY1 of PPS 21 states "There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aim of sustainable development". These include dwellings on farms in accordance with Policy CTY 10 of PPS 21, which the applicant has applied under.

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

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

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

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

I have checked the farm maps associated with the application and there is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within the last 10 years from the date of the application. Criterion (2) of CTY 10 has been met.

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

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

The P1 Form and farm maps submitted as part of this application show the applicant's home and farm buildings located at no. 35 Drumgose Rd on lands approx. 200m southeast of the site. This separation distance alongside the undulating topography of the area and vegetation on site and within the wider area mean a dwelling and garage on site would not visually link or cluster with the established group of buildings on the applicant's farm.



Fig 1: Applicant's dwelling and farm buildings circled green and blue, respectively.

Accordingly, Planning sought additional information / answers to questions below to assess the application further:

- Justification why the site is not visually linked or sited to cluster with an established group of buildings on the farm; and
- Are there demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group?

In response to the above, the applicant's agent submitted a supporting statement. The statement outlined the dwelling including garage is for the applicant son. That is to be located on farmland approx. 200m northeast of the applicant's farm buildings, which it would visually link with from the Benburb Rd, as indicated by the purple dashed line on the map below (Fig 2). The statement also detailed consideration has been given to alternative sites clustered with the applicant's farm buildings (see Figs 3 & 4), however these were deemed unsuitable.

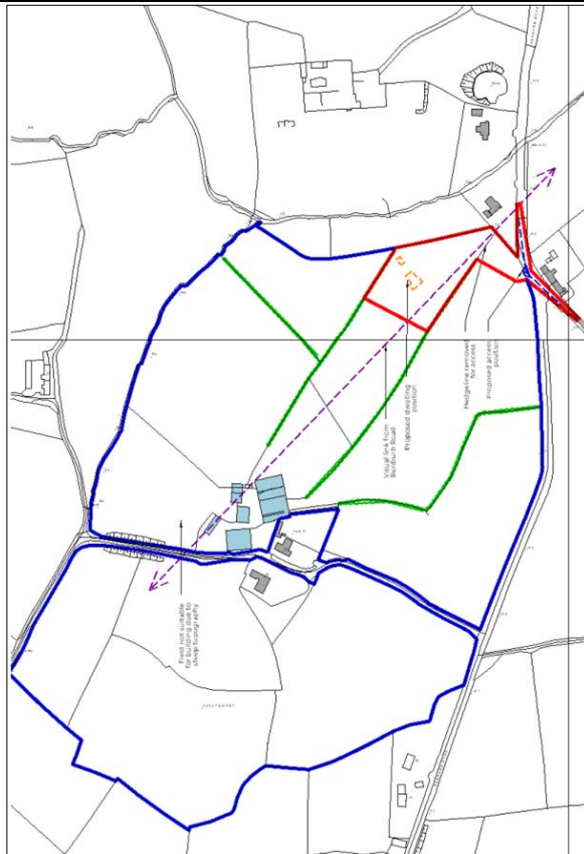
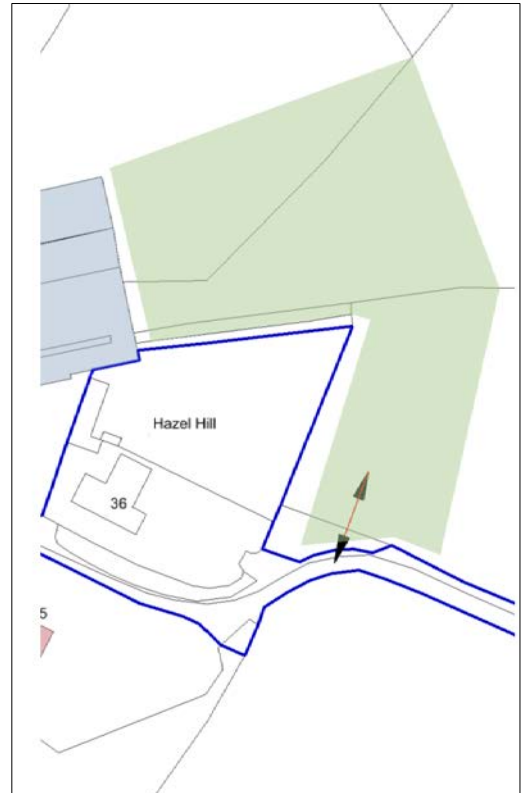


Fig 2: Plan within Supporting Statement - Purple dash line represents visual link from Benburb Rd



Figs 3 & 4: Plans within Supporting Statement - Alternative site's 1 & 2 considered to cluster with farm buildings

Alternative site 1 (shaded green in Fig 3) located to the west of the farm would cluster with the farm buildings however due to the topography and the ground conditions a site in this location would be unsuitable for buildability reasons. Alternative site 2 (shaded green in Fig 4) located to the north / east of the farm would cluster with the farm buildings however due to the curvature of the existing road site access and visibility splays would not be achieved. It would also rely on the removal of mature trees and hedgerows impacting the natural environment along with blocking access to fields from the farmyard.

Having considered the contents of supporting statement above, my opinion remains that owing to the separation distance alongside the undulating topography of the area and vegetation on site and within the wider area a dwelling and garage on this site would not visually link or cluster with the established group of buildings on the applicant's farm. Furthermore, I am not content demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group is sufficient to justify a site away from the established group of building on the applicant's farmlands. Whilst the undulating topography of the area is noted, it is consider other potential opportunities on the applicant's lands to cluster with the farm group exist.

Additional considerations

Had the principle of a dwelling been established on this site I would have had no significant concerns regarding integration or it impacting the amenity of existing or potential neighbouring properties to any unreasonable degree in terms of overlooking or overshadowing given the location of the site, vegetation bounding it and separation distances that can be retained.

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

Flood Maps NI indicate no flooding on site.

Recommendation: Refuse

Neighbour Notification Checked

Yes

Summary of Recommendation

Refuse

Refusal Reasons

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/1641/F	Target Date:
Proposal: Proposed conversion of existing store to dwelling.	Location: Approx 30M North Of 6 Ruskey Road Coagh Cookstown
Applicant Name and Address: Mr Jim McIntyre 6 Ruskey Road Coagh Cookstown	Agent Name and Address: Gibson Design And Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Summary of Issues: No objections have been received to the application	
Summary of Consultee Responses: No issues of concern have been raised by consultees.	
Characteristics of the Site and Area: The site is approximately 0.8km north of the development limits of Coagh and is in the rural area as defined in the Cookstown Area Plan 2010. The surrounding area is characterised predominantly by agricultural land with a scattering of residential buildings. The site is set well back from the road and it is not visible from the Ruskey Road due to the intervening vegetation.	
Description of Proposal The application has been amended from a replacement dwelling to the conversion of the existing store to a dwelling	

Deferred Consideration:

This application was presented before Members in April 2022 for a replacement dwelling and was deferred for an office meeting with the Service Director. Following the office meeting on 28 April 2022 and amended P1 form and design has been submitted for consideration. The application has changed from a replacement dwelling to the conversion of the existing outbuilding to a dwelling. The applicant at the time of submission of the application paid a fee for a single dwelling house. The proposal will also extend the existing outbuilding to accommodate a sun lounge and garage. It is a stand along one bedroom dwelling. At the office meeting the applicant stated he wishes to live in smaller accommodation and pass his dwelling to one of his children. The proposal will share the access and laneway currently used by No 6 and is set behind the dwelling at number 6.

Policy CTY 4 of PPS 21 is applicable for the consideration of this case. I am satisfied the revised proposal satisfies the criteria of CTY 4. The building is of permanent construction, there is no issue with the form/character/architectural features/design and setting of the existing building and it is not visible in the locale unless standing on the application site. The small extensions are sympathetic to the scale, massing, style and finishes of the existing building and it is appropriate to this countryside location. The use of an unaltered access will serve the proposal. There are no objections to the planning application and I am content to recommend an approval of the application.

Conditions.

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

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

Signature(s)**Date:**

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1641/F	Target Date:
Proposal: Proposed replacement dwelling	Location: Approx 30m North of 6 Ruskey Road Coagh Cookstown
Referral Route: To Committee - Refusal - Contrary to CTY 1 and CTY 3 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Jim Mc Intyre 6 Ruskey Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Content

Representations:

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

Summary of Issues

To Committee - Refusal - Contrary to CTY 1 and CTY 3 of PPS 21.

Characteristics of the Site and Area

The site is approximately 0.8km north of the development limits of Coagh, as such the site is located within the open countryside as per the Cookstown Area Plan 2010. The site has been identified as Approx 30m North of 6 Ruskey Road, Coagh, Cookstown, in which the site proposes a new access onto the private laneway off the Ruskey Road. Within the red line sits a large detached store/workshop with a portion of the building identified to be a dwelling. I note that the immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.

Representations

Two neighbour notifications were sent out however no representations were received in connection with this application.

Description of Proposal

This is a full application for a proposed replacement dwelling, the site is located Approx 30m North of 6 Ruskey Road, Coagh, Cookstown.

Planning Assessment of Policy and Other Material Considerations

The key planning issues are as stated below and following policies/advice have been included in this assessment:

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
 Strategic Planning Policy Statement (SPPS)
 Cookstown Area Plan 2010
 PPS 1 - General Principles
 PPS 3 - Access, Movement and Parking
 PPS 21 - Sustainable Development in the Countryside
 Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside
 CTY 1 - Development in the Countryside
 CTY 3 - Replacement Dwellings

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a replacement dwelling and as a result it must be considered under CTY 3 of PPS 21. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. I note that during the site visit I witnessed that the building identified to be replaced looked more like a large detached store from the outside. However once inside it is clear that at some point a portion of the building has been used a dwelling or made to appear so. Upon further study of the building I note there was only permission for the store and never any permission for any conversion of part of the store to a dwelling. Additional evidence was sought to demonstrate that this part of the building has been used a dwelling for an excess of five years. This evidence was not provided, given this and the ambiguity as to when the building was converted I am not content that this demonstrates as a valid replacement opportunity.

Despite the concerns over whether or not this is a dwelling or not, in terms of the proposed siting, I note given the fact the 'dwelling' is attached to the store that an off-site position would make most sense to provide some level of curtilage and amenity space. I note that a small modest detached dwelling is proposed which would have minimal impact on the surroundings and it is of suitable design. However I still hold the view that the application fails under CTY 3 given the ambiguity over whether or not this was a dwelling.

I note that no other policy consideration was put forward and upon review of each I hold the view that they would not meet any of the relevant policies under CTY 1.

The proposed development must also comply with policies CTY 13 and 14, in that CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design. As noted I am content that the proposed dwelling will be able to successfully integrate into the landscape and it is of appropriate design. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. Based on the guidance I am content that the proposed dwelling will not conflict with CTY 14.

PPS 3: Access, Movement and Parking

I note that the intention is to use an existing unaltered access, a consultation was sent to DFI Roads who responded to state that this is a replacement dwelling DFI recommend that the access be upgraded to the standards as shown on the attached RS1 form.

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.

I have no flooding, ecological or residential amenity concerns.

Neighbour Notification Checked

Yes

Summary of Recommendation:

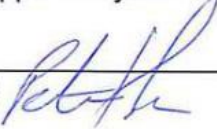
Refusal

Reasons for Refusal:

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

2. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not demonstrated that this is a valid replacement opportunity as there is no structure that exhibits the essential characteristics of a dwelling.

Signature(s)



Date:

22/3/22

ANNEX	
Date Valid	15th November 2021
Date First Advertised	30th November 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 6 Ruskey Road Coagh Londonderry The Owner/Occupier, 8 Ruskey Road, Coagh, Londonderry, BT80 0AA	
Date of Last Neighbour Notification	10th December 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/1641/F Proposal: Proposed replacement dwelling Address: Approx 30m North of 6 Ruskey Road, Coagh, Cookstown, Decision: Decision Date: Ref ID: I/1988/0333 Proposal: DWELLING Address: RUSKEY ROAD, COAGH Decision: Decision Date: Ref ID: I/1992/0066 Proposal: Extension and alterations to dwelling Address: 14 RUSKEY ROAD COAGH Decision: Decision Date: Ref ID: I/1987/0494 Proposal: DWELLING AND GARAGE Address: RUSKEY ROAD, UPPER RUSKEY, COAGH Decision: Decision Date: Ref ID: I/1996/0355 Proposal: 11KV Rural Spur	

Address: TOWNLAND OF BALLYDAWLEY COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1986/0105

Proposal: DWELLING HOUSE

Address: BALLYDAWLEY, MONEYMORE, COUNTY LONDONDERRY

Decision:

Decision Date:

Ref ID: I/1977/0111

Proposal: ERECTION OF STORE

Address: BALLYDAWLEY, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1977/012801

Proposal: REPLACEMENT DWELLING

Address: BALLYDAWLEY, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1977/0128

Proposal: REPLACEMENT DWELLING

Address: BALLYDAWLEY, MONEYMORE

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1678/F	Target Date: 14 January 2022
Proposal: Proposed two storey family dwelling and attached garage	Location: South Of 179 Coash Road Killyman Dungannon
Applicant Name and Address: Stephen Mc Aliskey 179 Coash Road Killyman Dungannon BT71 6RD	Agent Name and Address: Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Summary of Issues: No objections received The proposed dwelling does not take into account the scale and character of the existing development in the ribbon.	
Summary of Consultee Responses: DFI Roads have requested amended plans to show 2.4m x 45.0m sight lines and minor changes to the detailing in the access. Have advised Council to be sure the applicant controls the lands for the access.	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with agricultural fields, interspersed with groups of farm buildings and single dwellings. The majority of dwellings in the immediate area are modest single storey dwellings on small plots with a roadside frontage onto Coash Road which is a moderately trafficked minor road. The application site is a portion of a larger agricultural field between other dwellings and	

has a flat topography. The land at the site sits at a slightly higher level than the road level. Along the roadside boundary is a post and wire fence and the east and west boundaries are characterised by established hedging.

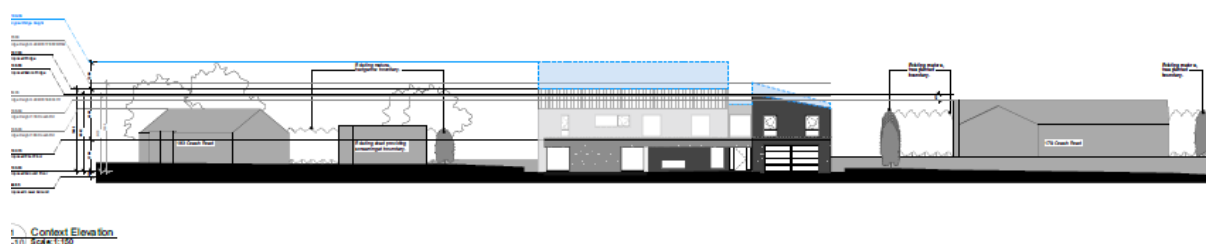
Description of Proposal

This is a full application for a proposed two storey family dwelling and attached garage at South of 179 Coash Road, Killyman, Dungannon.

Deferred Consideration:

This application was before the Planning Committee in August 2022 where it was deferred for a meeting with the Service Director - Planning. At a meeting on 11 August 2022, infill policy was discussed and the principle of development was accepted, the issue relates to the design of the development and how it respects the adjacent development.

Amended plans were submitted for consideration which reduced the height of the building in the landscape by reducing the ground level and the overall height of the dwelling.



Members are advised the exception to the policy does not mean that any development on the gap site will be acceptable, it specifically requires any new development '*respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.*'

The illustration above, provided by the applicants in support of the proposal, clearly shows the proposed development is a 2 storey dwelling within a line of bungalows and low buildings. Having visited the site I was aware of a strong emphasis on this scale of development which is low elevation and single storey in appearance. This is particularly of note in the cottage and associated buildings to the south which have very low ridge heights (Fig 1) The gable fronted bungalow to the north also has a low ridge and appearance of single storey (Fig 2), as does the single storey dwelling further to the north (Fig 3).



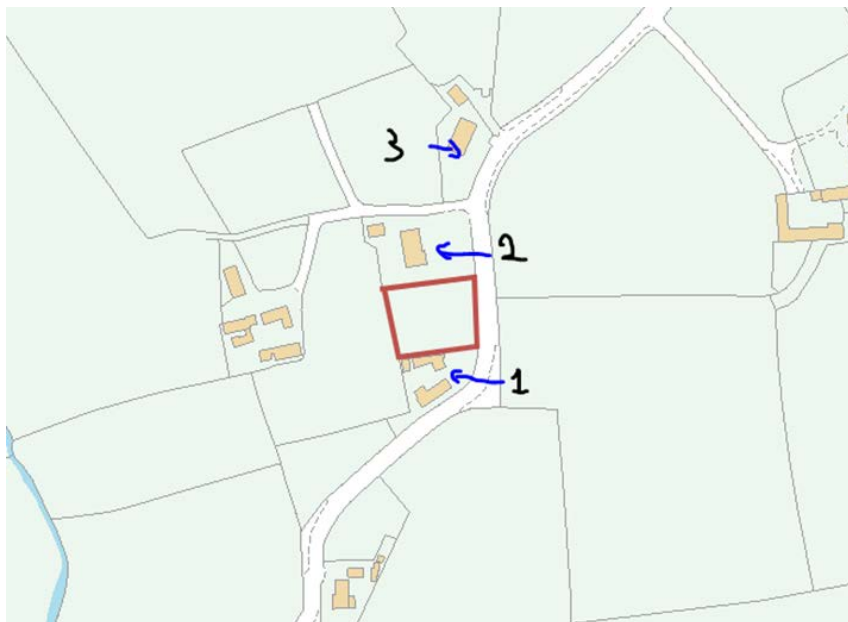
Fig 1 – dwelling to the south



Fig 2 – bungalow to north



Fig 3 – dwelling further north



DFI Roads had requested amended plans showing sight line, these have been provided and show the access with sight lines of 2.4m x 45.0m.

I note this is a minor road and views of the site are limited to in front of the proposed site, however it is clear there is a strong sense of scale here. I consider the proposed dwelling does not respect that scale and as such does not meet the exception to the infill policy and as such I recommend this application is refused.

Reasons for Refusal:

1. Contrary to policy in CTY 8 – Ribbon Development in PPS 21 in that the development

if permitted does not respect the existing development pattern in terms of size and scale of the dwelling.

2. Contrary to policy in CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape and the design of the building is inappropriate for the locality.

3. Contrary to policy in CTY 14 – Rural Character in PPS 21 in that the development if permitted would not respect the traditional pattern of settlement in the area.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/07/2022	Item Number:
Application ID: LA09/2021/1678/F	Target Date:
Proposal: Proposed two storey family dwelling and attached garage	Location: South of 179 Coash Road Killyman Dungannon
Referral Route: 1. Contrary to policy in CTY 8 – Ribbon Development in PPS 21 in that the development if permitted does not respect the existing development pattern in terms of size and scale of the dwelling. 2. Contrary to policy in CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape and the design of the building is inappropriate for the locality. 3. Contrary to policy in CTY 14 – Rural Character in PPS 21 in that the development if permitted would not respect the traditional pattern of settlement in the area.	
Recommendation:	Refusal
Applicant Name and Address: Stephen Mc Aliskey 179 Coash Road Killyman Dungannon BT71 6RD	Agent Name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary: The proposal is for a dwelling with a 7.5m ridge height and a T-shaped form. The proposed dwelling has a contemporary finish with a mix of brick, stone and wood cladding as external finishes. The other dwellings along the row are modest single storey with the appearance of rural dwellings. I consider the proposal does not fit with the existing pattern of development along the row and will be prominent in the landscape.	

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with agricultural fields, interspersed with groups of farm buildings and single dwellings. The majority of dwellings in the immediate area are modest single storey dwellings on small plots with a roadside frontage onto Coash Road which is a moderately trafficked minor road.

The application site is a portion of a larger agricultural field between other dwellings and has a flat topography. The land at the site sits at a slightly higher level than the road level. Along the roadside boundary is a post and wire fence and the east and west boundaries are characterised by established hedging.

Description of Proposal

This is a full application for a proposed two storey family dwelling and attached garage at South of 179 Coash Road, Killyman, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

No recent planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes 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. As this proposal is for an infill dwelling CTY 8 is the relevant policy in the assessment.

CTY 8 – Ribbon Development

The application site is a portion of a larger agricultural field with a roadside frontage onto Coash Road. Abutting the southern boundary is a dwelling at No.183 with a garden area to the front of the dwelling and I am content No. 183 has a frontage to the road. Abutting the northern boundary is a dwelling at No. 179 and to the north of No.179 is another dwelling at No. 173. I am content both No. 179 and No. 173 have garden areas which front onto the road. I am content there proposal is a small gap site within a substantial frontage of 3 or more buildings along Coash Road.

The application site has a roadside frontage of 35m and No. 183 has a frontage of 60m but this is around a bend in the road. To the north No, 179 has a frontage of 33m and No. 173 has a frontage of 37m. There are varying frontages along this stretch of road but I am content the application site can only accommodate up to 2 dwellings. The proposal is for only 1 dwelling at the site. I am content the proposed site has a frontage which is in character with the surrounding frontages and is capable of accommodating not more than 2 dwellings.

The predominant house type along this stretch of road are modest single storey dwellings and the applicant has proposed a two storey/one and half storey dwelling. The proposed dwelling has the form of two long buildings perpendicular to each other in a T shape. The design is contemporary in a barn style with varying sizes of long windows. The proposed external materials are grey profiled metal on the roof, grey aluminium windows and doors, natural stone on the ground floor, brick and wood cladding on sections of the upper floor. In comparison the scale and massing of the surrounding dwelling is simple rural dwelling with slate roof tiles and pebble dash or render walls.

The level of the site is at a higher level than the road level and the site is level with dwellings on either side. In discussions with the agent and the senior planner the applicant was asked to reduce change the design to fit with the surrounding dwellings. The dwelling has been pushed further back on the site and the ridge height reduced. The agent states that the dwelling will cut into the ground as shown in figures 1 and 2 below.

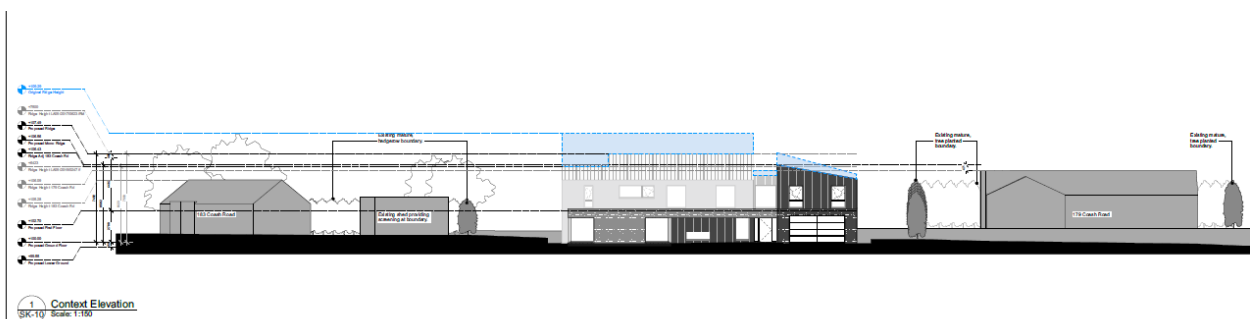


Figure 1 – Street scene of proposed dwelling in context of surrounding dwellings

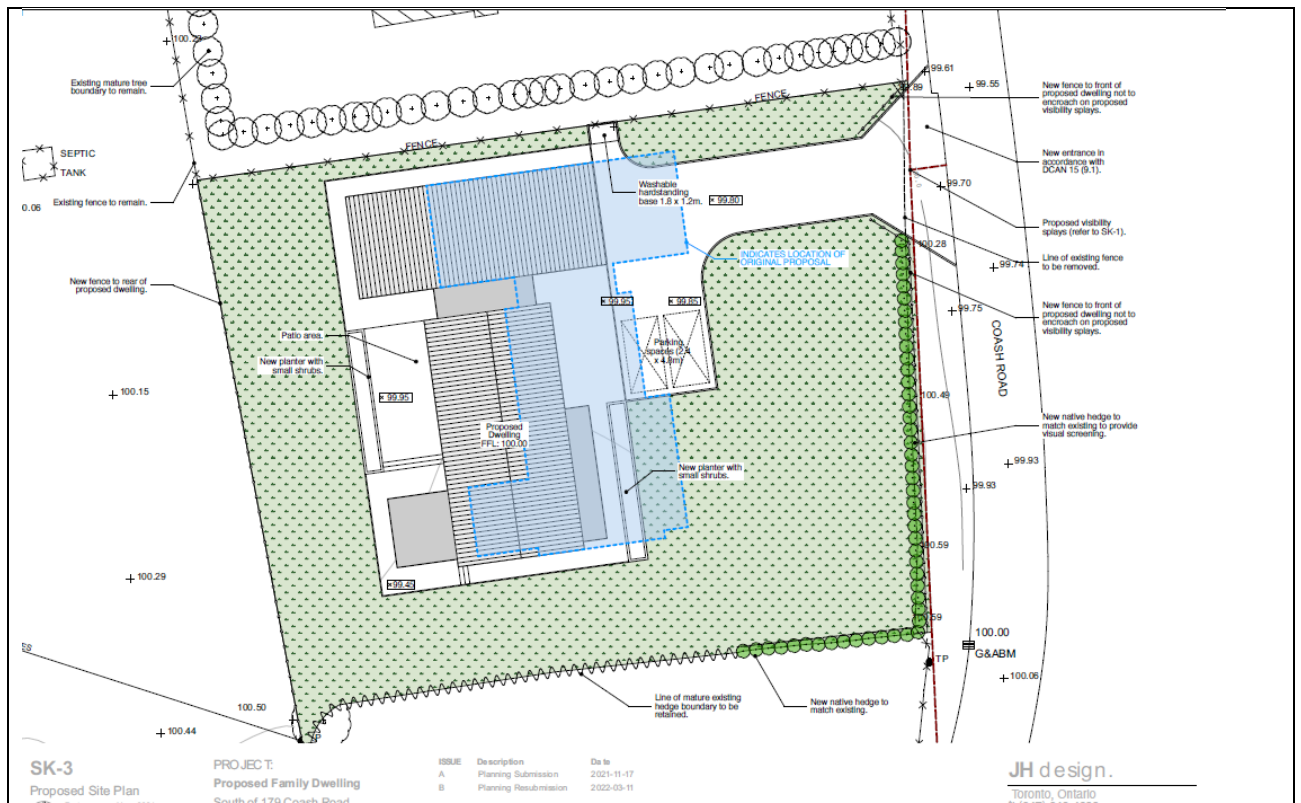


Figure 2 – Site Plan of the dwelling pushed further back

Even-though the ridge height of the dwelling has been reduced I still consider the scale and massing of the dwelling does not fit with the size and scale of nearby dwellings. The policy in CTY 8 states the proposal should respect the existing development pattern and this is not the case with this proposal. Figure 3 shows the proposed roadside elevation in comparison with what currently exists as shown in figure 4.

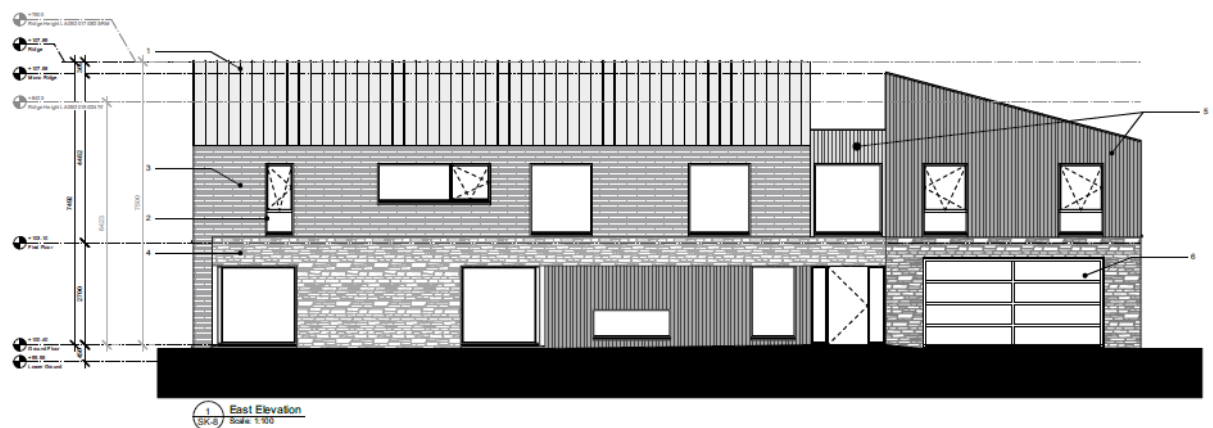


Figure 3 – Snapshot of roadside view of proposed dwelling



Figure 4 – Photos of other dwellings along the row

Overall I consider the proposal does not meet the criteria in CTY 8.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a portion of a larger field with a flat topography and the dwelling has been pushed further back on the site. I am of the opinion the scale and massing of the dwelling is out of character when compared with what currently exists along the row and the building will be prominent. There are established boundaries along the north and south of the site and new hedging has been proposed along the roadside boundary. I have no concerns about a sense of enclosure at the site as there are other buildings along the row.

CTY 14 – Rural Character

I consider the proposal will be prominent and does not respect the traditional pattern of settlement in the immediate area.

PPS 3 – Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

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

Other Considerations

I am satisfied there are no other ecological, historical or flooding issues at the site.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal is recommended for refusal as it does not meet the criteria in CTY8, CTY13 and CTY14 in PPS 21.

Reasons for Refusal:

1. Contrary to policy in CTY 8 – Ribbon Development in PPS 21 in that the development if permitted does not respect the existing development pattern in terms of size and scale of the dwelling.

2. Contrary to policy in CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape and the design of the building is inappropriate for the locality.

3. Contrary to policy in CTY 14 – Rural Character in PPS 21 in that the development if permitted would not respect the traditional pattern of settlement in the area.

Signature(s)

Date:

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0186/O	Target Date: 8 April 2022
Proposal: Dwelling & garage under CTY6 (personal & domestic circumstances)	Location: 25M SW Of No 12A Gortnahurk Road Draperstown
Applicant Name and Address: Marie Scullin 12A Gortnahurk Road Draperstown	Agent Name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Summary of Issues: <p>The application was presented at July Committee with a recommendation to refuse. It was considered to be contrary to Policies CTY 1 and CTY 6 of PPS 21 in that there were no overriding reasons why the development could not be located within a settlement, the applicant had not provided satisfactory evidence that a new dwelling was a necessary response to the circumstances of the case, that genuine hardship would be caused if permission was refused and it was not demonstrated that there are no alternative solutions.</p>	
Summary of Consultee Responses: <p>No consultations carried out for deferred consideration</p>	
Description of Proposal <p>This application seeks outline planning permission for a dwelling and garage on lands approximately 25m SW of No 12a Gortnahurk Road, Draperstown.</p>	

Deferred Consideration:

It was agreed at Planning Committee in July that this application be deferred to allow myself and Dr Boomer to give further consideration to the medical evidence provided with the CTY 6 case along with investigating how long the site has been cleared to the extent that it currently is.

Having thoroughly reviewed the medical evidence our position remains the same - the evidence is not so compelling that it merits a standalone dwelling under Policy CTY 6 of PPS 21. I also reviewed Councils orthophotography and from the 2017 flyover there is no evidence that the site clearing was there. However the date of the flyover is not specific to a month or day so I can not say with 100% certainty that the cleared area has not been there for 5 years or more.

As the circumstances of the case could not be disregarded completely the applicant/agent was advised that there was an option that they could consider. A dwelling on the site could be considered under a different policy context - The Addendum to PPS 7 Residential Extensions and Alterations - if a design solution was produced that would link a new dwelling to the existing dwelling at 12a Gortnahurk.

The agent has advised that this option is not acceptable to the applicant and they have requested that the application be presented to members as a refusal.

On the basis of the above consideration I have no option but to recommend this application for refusal for the same reasons presented to members at July Planning Committee.

Conditions/Reasons for Refusal:**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 rural location and could not be located within a settlement.

Reason 2

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

Signature(s):Karla McKinless

Date: 17 October 2022



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0186/O	Target Date:
Proposal: Dwelling & garage under CTY6 (personal & domestic circumstances)	Location: 25m SW of No 12a Gortnahurk Road Draperstown
Referral Route: Recommended refusal – contrary to PPS21 Policy CTY6	
Recommendation:	Refusal
Applicant Name and Address: Marie Scullin 12a Gortnahurk Road Draperstown	Agent Name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown
Executive Summary: Proposal considered against prevailing planning policy - insufficient information has been provided to demonstrate the proposal complies with Policy CTY1 and CTY6 of PPS21. No objections received.	
Signature(s): <div style="height: 40px; border: 1px solid black;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads – Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The application site is located in the open countryside outside any defined settlement limits as per the Magherafelt Area Plan 2015. The site is located approximately 1.8km southeast of the development limits of Draperstown. The site comprises a portion of enclosed land currently finished with gravel. The site is directly in front of the dwelling No.12a Gortnahurk Road which is at a higher ground level. There is an existing access on to the public road which adjoins No.12a Gortnahurk Road. The ground level rises when travelling from west to east along this stretch of road. The north and rear boundary is defined by mature hedging. The south east boundary is defined by post and wire fencing and the roadside boundary is partially defined by planting. The immediate area is dominated by agricultural land uses with dispersed dwellings, a small quarry is located in proximity to the west.

Description of Proposal

This application seeks outline planning permission for a dwelling and garage on lands approximately 25m SW of No 12a Gortnahurk Road, Draperstown.

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

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside

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

Representations

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

History on Site

H/2001/0276/O – Site of Dwelling and garage – 160m SE of 10 Gortahurk Road, Draperstown - Permission Granted 15/11/01

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings. The settlement limits of The Loup are in close proximity to the North.

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. In this case the applicant has put forward a case on the basis of Personal & Domestic Circumstances and the relevant policy is CTY6. This allows the Council to grant planning permission for a dwelling where genuine

hardship will be caused if planning permission were refused and there are no alternative solutions. The agent has provided supporting information with respect to the applicant's health. The agent has advised that the applicant relies to some degree on her son, however would like to have independence in the form of a separate home with two spare bedrooms for guests. Having carefully considered the supporting information submitted at internal group, it is not considered that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused. The proposal site is separate from the applicant's existing dwelling No.12a Gortnahurk Road, located immediately to the southwest on an enclosed portion of land. It is noted that No.12a Gortnahurk has a generous curtilage and existing garage. It is considered that alternative solutions exist which would meet the applicant's circumstances in the conversion of the garage or alternatively the erection of an annex/extension to the existing dwelling which could be carefully designed in a way to allow for privacy and not result in impacts on amenity. Insufficient evidence has been provided which would suggest these alternatives could not work and it is considered this would be a more appropriate solution.

The applicant has failed to demonstrate refusal would cause demonstrable hardship, and there are clear alternative solutions rather than the erection of a new dwelling, therefore in my opinion this is contrary to PPS21 CTY6.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a design, size and scale that is comparable to existing dwellings in the locality. The site has a degree of boundary vegetation which will assist integration and enclosure. It is considered appropriate to condition that the retention of existing vegetation and additional planting will also be required for sufficient integration and this can be conditioned appropriately. Should members consider the principal of development acceptable, I consider it necessary that a condition is attached to any forthcoming approval restricting the ridge height of the dwelling to 6 metres to conform with the surrounding built form and given the siting to the roadside and to the front of No.12a.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. The application site is currently finished in hard core gravel and the land rises approx. 1.5metres to the NE beyond the red line of the site. I do not consider the additional of a single dwelling on the site, which is modest in scale and designed in accordance with Building on Tradition Design Guide, would detrimentally alter the rural character of this area or appear unduly prominent.

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

Neighbour Notification Checked	Yes
Summary of Recommendation: The proposal is recommended for refusal, as it does not comply with CTY1 and 6 of Planning Policy Statement 21.	
Reasons for Refusal: <ol style="list-style-type: none">1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.2. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.	
Signature(s) Date:	



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0272/F	Target Date: 15 June 2022
Proposal: Private dwelling house	Location: Lands Approximately 100M East Of 10 Tralee Road Coagh
Applicant Name and Address: Mr Brian Devlin Fairview House Druminard Coagh	Agent Name and Address: Manor Architects Stable Buildings Moneymore BT45 7PD
Summary of Issues: This application was presented to Members at June Planning Committee as a Refusal. It was deemed contrary to the SPPS and Policy CTY1 of PPS 21 in that there were no overriding reasons why the development was essential in this rural location and could not be located within a settlement. It was also considered contrary to CTY 8 and CTY 14 in that it did not represent a gap site and would create a ribbon of development. Furthermore it was considered contrary to PPS 3, Development Control: Roads Considerations in that the applicant had not shown a safe access onto the Tralee Road.	
Summary of Consultee Responses: DFI Roads have been consulted and offer no objection	
Description of Proposal This is a full planning application for a private dwelling house to be considered under infill policy (CTY 8 of PPS 21)	

Deferred Consideration:

It was agreed at Planning Committee in June that this application be deferred for an office meeting. At this meeting concern was raised that the built up frontage was relying on a dwelling that had yet to be substantially built (I/2010/0205/RM). Only the foundations had been erected which were not deemed substantial building works. It was also relying on another dwelling, which fronted onto another road, 51 Mawillan Road.

The applicant/agent were advised that if I/2010/0205/RM were to be constructed to an acceptable level it could be considered as part of the built up frontage. The applicant agreed that he would proceed with construction of this dwelling to a level that would be considered substantial.

Following my site inspection I can confirm that the dwelling approved under I/2010/0205/RM has been built to a level that it can be considered substantial (Photos available on Public Access). I am also of the opinion that whilst number 51 Mawillan Road does front onto another road it does have a secondary access onto the Tralee Road and it does visually read as part of the built up frontage for the purposes of the CTY 8 policy test. I am therefore satisfied that the proposed dwelling can be considered as an infill opportunity in line with the provisions of policy CTY 8 and that the development of this site is not creating a ribbon of development along the Tralee Road.

DFI Roads were consulted with a 1:500 layout drawing and are content with the proposed access arrangement subject to standard conditions. I am therefore content that the PPS 3 refusal reason has been overcome.

Approval recommended.

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 shall be provided in accordance with approved Drawing No 2183-PL-02 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary.

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

Condition 4

The existing natural screenings of the site, as indicated on approved drawing ref 2183-PL-02, date stamped received 26th May 2022, shall be permanently retained.

Reason: In the interests of visual amenity.

Condition 5

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

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

Informative 1

The applicant is advised to refer to the informative advice provided by consultees in their responses which are available to view at www.midulstercouncil.org. The applicant is also advised that this permission does not confer title. Please ensure that you control all the lands necessary to carry out the proposed development.

Signature(s):Karla McKinless

Date: 18 October 2022



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0272/F	Target Date:
Proposal: Private dwelling house	Location: Lands approximately 100m East of 10 Tralee Road Coagh
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Brian Devlin Fairview House Druminard Coagh	Agent Name and Address: Manor Architects Stable Buildings Moneymore BT45 7PD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

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

Summary of Issues

Contrary to PPS 21

Characteristics of the Site and Area

The site is located within the open countryside outside any settlement limits as per the Cookstown Area Plan 2010. The site is a rectangular shaped agricultural field, bounded by a mix of hedges and trees with the western boundary currently undefined. The field is relatively flat in nature. The surrounding area is agricultural in nature with agricultural fields and single dwellings located throughout the countryside. The site is accessed via the Tralee Road with the Mawillan Road running behind the site.

Description of Proposal

This is a full planning application for a private dwelling house.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010
Strategic Planning Policy Statement (SPPS)
PPS 3- Movement, Access and Parking
PPS 21- Development in the Countryside

The application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. The provisions of the SPPS and PPS 21 - Sustainable Development in the countryside, control development.

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

Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided it respects the existing development pattern along the frontage in terms of size, scale, sitting 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 first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built up frontage present. The agent in their supporting statement contends that to the west the frontage includes No.10 Tralee Road, the garage and two agricultural buildings located on this site. However, I believe there are only two buildings with frontage to the road being the dwelling and the outbuilding to the east of the dwelling. The agent also contends that No.51 Mawillan Road to the east of the site is part of this substantial and built up frontage however as it faces north east onto the Mawillan Road and is separated by a link road between Tralee Road and Mawillan Road, it cannot be considered as part of the built up frontage. The agent also states the site approved under I/2010/0205/RM is part of the continuously built up frontage however when conducting a site visit the development consists of foundations and no substantial building works are completed to classify it as a dwelling so this cannot be included. Therefore, I do not believe there is a substantial and continuously built up frontage.

However, the application site is a sufficient size in that it could only accommodate one dwelling and it respects the existing development pattern in terms of siting and scale of the plot.

The proposed application site would add to the ribbon of development along the Tralee Road, and as such, fails to comply with Policy CTY 8.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that the proposal will not be a prominent feature within the landscape and with the existing boundaries of the site, it will integrate into the landscape. The design of the proposed dwelling is appropriate to its locality.

Policy CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of the area. I am content that a dwelling in this location would not be a prominent feature in the landscape and a well-designed dwelling would respect the pattern of development. However, as previously mentioned a dwelling in this location would result in ribbon development. Therefore, failing to meet the policy criteria set out in Policy CTY 14.

PPS 3- Access, Movement and Parking:

DfI Roads were consulted on the planning application and requested amendments to the proposal. At the time of writing amendments have not been received and as such the proposal in its current form, fails to comply with Policy AMP 2 of PPS 3.

PPS 6: Planning, Archaeology and Built Heritage

Historic Environment were consulted as the site is located within an area identified as an archaeological site and monument. HED responded to confirm they assessed the application and is content that the proposal is satisfactory to SPPS and PPS 6 Archaeological policy requirements.

Other Material Considerations

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage and would if permitted, create a ribbon of development.

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development.

The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations in that the applicant has not shown a safe access onto the Tralee Road.

Signature(s)

Date:

ANNEX	
Date Valid	2nd March 2022
Date First Advertised	15th March 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 51 Mawillian Road Cookstown Londonderry	
Date of Last Neighbour Notification	28th March 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: I/2004/0865/O Proposal: 2 Storey dwelling & garage Address: 150M West of junction of Tralee Road & Mawillian Road, Loup Decision: Decision Date: 10.11.2004 Ref ID: I/2004/0099/O Proposal: Two storey dwelling house and garage. Address: 150 Metres West of junction of Trelee Road and Mawillian Road, Loup, Moneymore. Decision: Decision Date: 29.03.2004 Ref ID: I/2005/0900/O Proposal: 2 storey dwelling house and garage Address: 150m West of junction of Tralee Road & Mawillian Road, Loup, Moneymore Decision: Decision Date: Ref ID: LA09/2022/0272/F Proposal: Private dwelling house Address: Lands approximately 100m East of 10 Tralee Road, Coagh, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Drawing No. 02
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0442/RM	Target Date: 18 July 2022
Proposal: Single storey dwelling with garage, of a total gross internal area of 274sqm / 2958sqft.	Location: Between 255 & 259 Orritor Road Orritor Cookstown (Entering Of Church Road)
Applicant Name and Address: Mr Serghei & Mrs Tanya Hamchecici 89 Orritor Road Cookstown BT80 8BN	Agent Name and Address: Nest Architects 3A Killycolp Road Cookstown BT80 9AD
Summary of Issues: This application was presented to Members as an approval at October Planning Committee. There was an objection to the proposal from a third party who was concerned that his sewer and an electric cable crossed the proposed site and if the dwelling were approved and erected he would not have access to his sewer. Members were advised that easements were in place to allow access to these utilities and such matters were civil matters which sit outside the remit of planning. It was however agreed that the application be deferred so that the Senior Officer get further clarification from the applicant regarding this matter.	
Summary of Consultee Responses:	
Characteristics of the Site and Area The application site is comprised of a small roadside field at the junction of Orritor Road and Church Road and lies immediately adjacent to and just beyond the development limit of Orritor to the east of the site. The field is bounded along the 25m frontage by a 1.0m high hedge and embankment set to the rear of a 0.5m wide footpath. There is a similar hedge along the Church Road boundary with no footpath. Remaining boundaries are undefined. Surrounding development includes a single storey dwelling to the west, the redundant former Orritor Primary School consisting of a small	

single storey building with front and rear returns and bounded to the road by a 1.0m high wall to the south. Orritor Presbyterian Church lies to the east of the application site.

Consultations

DfI Roads have been consulted and advised that they have no objection to the proposed development subject to conditions.

Site History

LA09/2020/0584/O – Proposed gap site for dwelling and garage (Permission Granted 03/09/2020)

LA09/2019/0511/O – Proposed gap site for dwelling and infill (Permission Granted 08/01/2020)

Description of Proposal

This is a reserved matters application for the proposed single storey dwelling and garage located between 255 and 259 Orritor Road, Cookstown.

Deferred Consideration:

This application was deferred to allow further investigation into an issue relating to sewer pipes and electric cables crossing the application site. On the 6th October 2022 I contacted the agent and asked him to confirm if the pipes and cables crossed the site and if they did, would their client be willing to re-route these if the dwelling under consideration was going to impinge on these in any way.

The agent confirmed that the NIE and NIW utilities do in fact cross the applicants lands but do not interfere with the building. The agent has supplied an NIE drawing to show the location of the NIW lines which confirm this is the case. A site layout plan also indicates the location of the existing sewer pipe as referred to by the objector which is outside the footprint of the dwelling. A transfer map has also been submitted which shows the easements which will allow access to the concerned pipes and cables.

It is my opinion that this clarification is adequate to demonstrate that the dwelling is not knowingly being erected over these pipes and cables. The fact that easements do exist allows any third party the right to use the applicants land for any works/maintenance of these pipes and cables and the third party objector is not in any way being prejudiced by the approval of this Reserved Matters Application.

Approval is recommended

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

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

Condition 2

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 100-ZZ-03 dated 16/08/2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s):Karla McKinless

Date: 19 October 2022

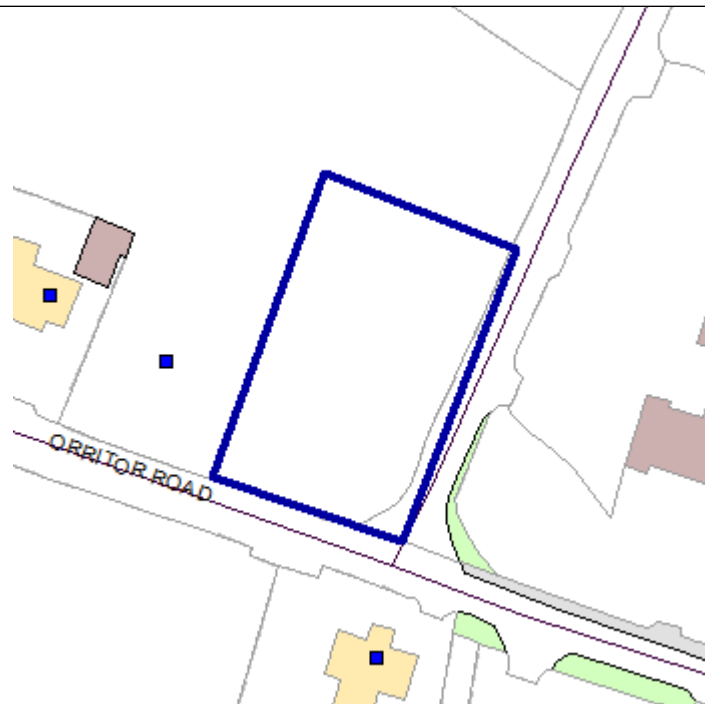


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.11
Application ID: LA09/2022/0442/RM	Target Date: 18 July 2022
Proposal: Single storey dwelling with garage, of a total gross internal area of 274sqm / 2958sqft.	Location: Between 255 & 259 Orritor Road Orritor Cookstown (Entering Of Church Road)
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Serghei & Mrs Tanya Hamchecici 89 Orritor Road Cookstown BT80 8BN	Agent Name and Address: Nest Architects 3A Killycolp Road Cookstown BT80 9AD
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 outline approval.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.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

One objection has been received in respect of this application and relates to the objectors sewer extending through the site and an electricity cable for seven properties claimed to run under the site. The sewer issue was raised at outline stage and was advised to be a civil matter which can be resolved between the parties concerned. Similarly, the issue of the electric cable is also a civil matter. They do not therefore

warrant justification for withholding planning approval for the proposed development.

Characteristics of the Site and Area

The application site is comprised of a small roadside field at the junction of Orritor Road and Church Road and lies immediately adjacent to and just beyond the development limit of Orritor to the east of the site.

The field is bounded along the 25m frontage by a 1.0m high hedge and embankment set to the rear of a 0.5m wide footpath. There is a similar hedge along the Church Road boundary with no footpath. Remaining boundaries are undefined. Surrounding development includes a single storey dwelling to the west, the redundant former Orritor Primary School consisting of a small single storey building with front and rear returns and bounded to the road by a 1.0m high wall to the south. Orritor Presbyterian Church lies to the east of the application site.

Consultations

DfI Roads have been consulted and advised that they have no objection to the proposed development subject to conditions.

Site History

LA09/2020/0584/O – Proposed gap site for dwelling and garage (Permission Granted 03/09/2020)

LA09/2019/0511/O – Proposed gap site for dwelling and infill (Permission Granted 08/01/2020)

Description of Proposal

This is a reserved matters application for the proposed single storey dwelling and garage located between 255 and 259 Orritor Road, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

**Mid Ulster Local Development Plan 2030 – Draft Plan Strategy
Strategic Planning Policy Statement (SPPS)
Cookstown Area Plan 2010**

**PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking**

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

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

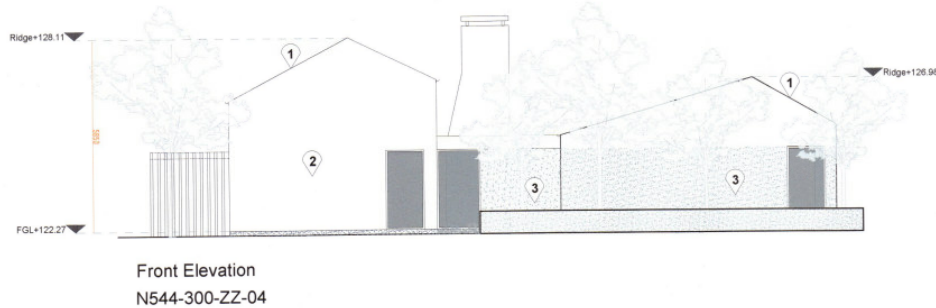
The site is located within the open countryside, outside any defined settlement limits as defined by the Cookstown Area Plan 2010 and in an area where Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside applies. No other constraints have been identified.

I note that the principle of development has already been established on the site through the approval reference LA09/2019/0511/O, in which I am content that the application complies under CTY 1. Upon review of the submitted plans I am content that all conditions attached to the outline approval have been met. As such, the application must still comply under CTY 13 and 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. As noted, I am content that all relevant conditions have been complied with including the 6m ridge height, choice of roofing materials and existing / proposed screenings. The application site sits along the main Orritor Road and given its roadside location, there are views of the site in either direction along the public road. There is a single storey dwelling to the west and Orritor Presbyterian Church to the east. Due to the size and dominance of the church building in the backdrop, I am content that the proposed dwelling will be able to successfully integrate into the landscape and will not appear as a prominent feature.

Whilst the proposal incorporates a fairly modern design, it is apparent that efforts have been made to ensure a degree of similarity with surrounding development, for example, the skewed roof pitch which can also be seen at No. 259.

I am content that the application is able to comply with CTY 13.



Proposed front elevation



Surrounding development (No. 259)

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As mentioned previously, I am content that a dwelling in this location will not be unduly prominent in landscape, from this I am content that the development is able to respect the pattern of development in the area. I am content on balance that the proposed development complies with CTY 14.

PPS 3 – Access, Movement and Parking;

A consultation was sent to DfI Roads who in their response confirmed that they had no objections subject to conditions. As such, I am content that a safe access can be provided in accordance with PPS 3.

I have no ecological, flooding or residential amenity concerns.

Other Material Considerations

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

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

Condition 2

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 100-ZZ-03 dated 16/08/2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s): Zoe Douglas

Date: 20 September 2022

ANNEX	
Date Valid	4 April 2022
Date First Advertised	26 April 2022
Date Last Advertised	26 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 259 Orritor Road Cookstown Tyrone BT80 9NE The Owner / Occupier 256 Orritor Road Cookstown Tyrone BT80 9NE The Owner / Occupier Orritor Presbyterian Church 255 Orritor Road Cookstown Tyrone BT80 9NE	
Date of Last Neighbour Notification	27 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1990/0323 Proposals: Improvements to dwelling Decision: PG Decision Date: Ref: I/2001/0014/F Proposals: Extension to existing school to provide a staffroom Decision: PG Decision Date: 21-FEB-01 Ref: I/2002/0619/F Proposals: The Replacement of 2 No. existing mobile classrooms with 3 No. permanent build structure Decision: PG Decision Date: 13-NOV-02 Ref: I/1989/0286 Proposals: 11 KV Rural Spur Decision: PG	

Decision Date:

Ref: I/2000/0570/F

Proposals: New Mobile classroom

Decision: PG

Decision Date: 05-OCT-00

Ref: I/2003/1016/F

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2002/0717/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2010/0278/F

Proposals: Domestic storage shed

Decision: PG

Decision Date: 02-SEP-10

Ref: I/1995/0160

Proposals: Site for Dwelling and Garage

Decision: PG

Decision Date:

Ref: I/1995/0160B

Proposals: Dwelling and Garage

Decision: PG

Decision Date:

Ref: I/2001/0367/F

Proposals: Erection of double garage and conversion of existing garage to study

Decision: PG

Decision Date: 03-JUL-01

Ref: I/1988/0531

Proposals: Proposed Store

Decision: PG

Decision Date:

Ref: I/1977/0257

Proposals: ALTERATIONS TO CHURCH

Decision: PG

Decision Date:

Ref: I/1987/0296

Proposals: CHURCH HALL COMPLEX

Decision: PG

Decision Date:

Ref: I/2007/0919/F

Proposals: Proposed extension to church hall

Decision: PG

Decision Date: 18-JUN-08

Ref: I/1982/0372

Proposals: ERECTION OF MANSE

Decision: PG

Decision Date:

Ref: I/2002/0716/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2001/0198/Q

Proposals: Development of Land

Decision: ELA

Decision Date:

Ref: I/2002/0814/F

Proposals: Residential development (with a mix of dwelling types within a structured landscape setting)

Decision: PG

Decision Date: 03-SEP-03

Ref: I/2013/0108/PREAPP

Proposals: Proposed pair of semi-detached dwellings

Decision: PREA

Decision Date: 01-APR-14

Ref: I/2004/1376/F

Proposals: Non compliance with Condition 10 (Visibility Splays) of Planning Permission I/2002/0814/F for residential development (with a mix of dwelling types within a structured landscape setting)

Decision: PG

Decision Date: 14-JUN-06

Ref: I/2013/0167/F

Proposals: Proposal for 2 no. detached residential units with in-curtilage parking and

associated amenity space.

Decision: PG

Decision Date: 15-OCT-13

Ref: I/2006/0432/F

Proposals: 2No Semi Detached and 1No detached dwelling and associated carparking and landscaping within existing residential development

Decision:

Decision Date:

Ref: I/2000/0185/O

Proposals: Dwelling and garage

Decision: PG

Decision Date: 17-MAY-00

Ref: I/1997/0155

Proposals: Erection of dwelling and garage

Decision: PG

Decision Date:

Ref: I/2002/0840/O

Proposals: Renewal of Outline Planning Permission for Dwelling and Garage - Approved under I/2000/0185.

Decision: PG

Decision Date: 12-FEB-03

Ref: I/2011/0094/F

Proposals: Two storey replacement dwelling and garage

Decision: PG

Decision Date: 10-NOV-11

Ref: I/1974/0306

Proposals: IMPROVEMENTS TO TOILETS.

Decision: PG

Decision Date:

Ref: I/1991/6067

Proposals: Dwelling on site of Orritor Primary School 256 Orritor Road Cookstown

Decision: PRER

Decision Date: 09-JAN-92

Ref: I/1992/0104

Proposals: Change of use from school to dwelling including extension to rear

Decision: PG

Decision Date:

Ref: I/2011/0093/F

Proposals: Two storey replacement dwelling with garage

Decision:

Decision Date:

Ref: LA09/2022/0442/RM

Proposals: Single storey dwelling with garage, of a total gross internal area of 274sqm / 2958sqft.

Decision:

Decision Date:

Ref: LA09/2019/0511/O

Proposals: Proposed gap site for dwelling and garage.

Decision: PG

Decision Date: 08-JAN-20

Ref: LA09/2020/0584/O

Proposals: Proposed gap site for dwelling and garage

Decision: PG

Decision Date: 03-SEP-20

Ref: I/2006/1222/LDE

Proposals: conversion of integral garage to a study room

Decision: PG

Decision Date: 23-JUL-07

Ref: I/2002/0103/F

Proposals: Extension to Dwelling and Detached New Garage

Decision: PG

Decision Date: 22-APR-02

Ref: I/2003/0702/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 21-OCT-03

Ref: LA09/2022/0682/F

Proposals: Proposed garage/store with extension to site curtilage

Decision:

Decision Date:

Ref: I/2003/0227/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2006/0974/RM

Proposals: Proposed Dwelling and Garage

Decision: PG

Decision Date: 17-APR-07

Ref: I/2009/0034/F

Proposals: Proposed change of house type to supercede previous approval number I/2006/0974/RM

Decision: PG

Decision Date: 01-APR-09

Ref: LA09/2016/0217/F

Proposals: Proposed agricultural building for the storage of agricultural machinery and hay

Decision: PG

Decision Date: 07-JUL-16

Ref: I/2007/0744/O

Proposals: Proposed replacement dwelling and garage

Decision: PG

Decision Date: 01-OCT-10

Ref: I/2007/0730/O

Proposals: Proposed replacement dwelling and garage

Decision: PG

Decision Date: 01-OCT-10

Ref: LA09/2022/0359/F

Proposals: Proposed 2 storey side extension to existing dwelling to allow dining area on ground floor with bedroom above

Decision:

Decision Date:

Ref: LA09/2016/0216/O

Proposals: Proposed off-site replacement dwelling with garage

Decision: PG

Decision Date: 19-JUL-16

Ref: I/1995/0417

Proposals: Re-Location of Mobile Classroom

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation outline approval.docx
DFI Roads - Enniskillen Office-Roads Consultation full approval.docx

Drawing Numbers and Title

Cross Sections Plan Ref: 04
Proposed Elevations Plan Ref: 03
Proposed Floor Plans Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable