



08 January 2018

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt at Mid Ulster District Council, Ballyronan Road, MAGHERAFELT, BT45 6EN on Monday, 08 January 2018 at 19:00 to transact the business noted below.

Yours faithfully

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

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

Matters for Decision

Development Management Decisions

4. Receive Planning Applications 5 - 190

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2016/0110/O	Infill dwelling and garage 30m NW of 125 Gulladuff Road, Bellaghy, for Odhran O'Neill	REFUSE
4.2.	LA09/2016/0114/O	Infill dwelling 20m E of 6 Peace Haven Crescent, Rocktown, Bellaghy, for Brendan O'Neill	REFUSE
4.3.	LA09/2016/1042/F	5 dwellings (amended site layout and amended house type from M/2007/0631/F) at lands to the rear of 61 Killymeal Road, Dungannon, for DB Contracts Ltd	APPROVE
4.4.	LA09/2016/1122/F	Replacement dwelling 40m NE of 48 Waterfoot Road, Magherafelt,	REFUSE

		for Mr Henry J Walls	
4.5.	LA09/2016/1526/O	Site for dwelling and domestic garage 20m E of 118 Bancran Road, Draperstown, for O Bradley	REFUSE
4.6.	LA09/2017/0148/F	Social housing development of 7 dwellings and associated access road, parking, siteworks, retaining walls and landscaping at lands immediately adjacent to and E of 1 - 10 Line Court, Main Road, Moygashel, for A H Developments.	APPROVE
4.7.	LA09/2017/0477/F	Extension to existing cancer care facility comprising additional treatment rooms, consulting room, offices, ancillary accommodation and associated site works at 163 Lough Fea Road, Cookstown, for Charis Cancer Care.	APPROVE
4.8.	LA09/2017/0528/O	Site for dwelling and detached double garage adjacent to 41 Drumsamney Road, Desertmartin, for Mr A Moore	REFUSE
4.9.	LA09/2017/0628/O	Dwelling and garage 60m W of 26 Ballydermot Road, Bellaghy, for Declan Diamond	REFUSE
4.10.	LA09/2017/0864/O	Dwelling and basement garage to rear of 14-16 Morgan Drive, Cookstown, for Ms Anne Mulligan	REFUSE
4.11.	LA09/2017/0936/F	2 additional broiler poultry sheds, with 4 feed bins, 2 gas tanks, biomass boiler shed and pellet bin, ancillary building and cattle shed with underground slurry tank, new covered silage pit, covered yard area and general farm storage building at land approx. 300m NW and 100m SW of 27 Terryscollop Road, Annagh, Dungannon, for CAP Farms Ltd.	APPROVE
4.12.	LA09/2017/0998/F	Top dressing of existing laneway, widening of sight splays at road entrance, widening of chicane, piping approx. 20m of open sheugh at land fronting onto Keerin Road, approx. 625m W of 125 Broughderg Road, Omagh,	APPROVE

		for John O'Neill	
4.13.	LA09/2017/1032/O	Single dwelling to the rear of 137 Lisclare Road, Killeen, Stewartstown, for Mrs Cora Donnellan.	REFUSE
4.14.	LA09/2017/1079/O	Site for dwelling and domestic garage approx. 20m NE of 40 Coole road, Aughamullan, Dungannon, for Mr Lee Canavan	REFUSE
4.15.	LA09/2017/1132/F	Use of lower ground floor of house as childminding/daycare facility for 8, at 9B Woodlawn Park, Dungannon, for Little Eco Steps Ltd.	APPROVE
4.16.	LA09/2017/1179/RM	Dwelling and garage 25m NW of Killycon Road, Portglenone, for Seamus McAllister	APPROVE
4.17.	LA09/2017/1205/O	Site for farm dwelling and double domestic garage at approx. 250m N of 10 Lecumpher Road, Moneymore, for Jonathon and Jayne Smyth.	REFUSE
4.18.	LA09/2017/1276/O	Dwelling and domestic garage approx. 35m SE of 2d Drumard Lane, Draperstown, for Mick and Carmel McKee	REFUSE
4.19.	LA09/2017/1280/F	Cattle shed with underground slurry tank at land approx. 100m SW of 7 Castletown Road, Aughnacloy, for Mr David Loane	APPROVE
4.20.	LA09/2017/1380/O	Site for infill dwelling and garage 25m SE of 37 Derrygarve Park, Castledawson, for Paddy Diamond.	APPROVE
4.21.	LA09/2017/1423/F	Retention of 2 dwellings at 73 Killyliss Road, Dungannon, for Gary McCann.	REFUSE

5. Receive Deferred Applications

191 - 218

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2016/0848/O DEF	Dwelling and garage at 24m N of 93 Fivemile Straight, Maghera, for Colm Lynn	REFUSE
5.2.	LA09/2016/0997/F DEF	Relocation of existing approved storage shed (LA09/2015/0115) and extension of site curtilage for the storage of plant machinery	APPROVE

		and building materials at 50m E of 47 Ballymoyle Road, Coagh, for Martin Loughran	
5.3.	LA09/2016/1640/F	Agricultural Shed 90m S of 54 Gortlenaghan Road, Dungannon for Martin McCool	APPROVE
5.4.	LA09/2017/0629/O DEF	Off- site replacement dwelling on lands 70m West of 47 Bellshill road, Castledawson, for George McMillin	APPROVE

6. Response to DfI Consultation on Lough Neagh Application 219 - 224

Matters for Information

7 Minutes of Planning Committee held on Tuesday 5 December 2017 225 - 250

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

Matters for Decision

8. Receive response to Regional Spatial and Economic Strategy for the Northern and Western Region
9. Receive report on case for temporary listing
10. Receive enforcement information
11. Receive update on enforcement case

Matters for Information

12. Confidential Minutes of Planning Committee held on Tuesday 5 December 2017
13. Enforcement case liveload
14. Enforcement cases opened
15. Enforcement cases closed



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0110/O	Target Date:
Proposal: Proposed infill dwelling and garage	Location: 30m NW of 125 Gulladuff Road Bellaghy
Referral Route: Contrary to CTY 1, 8, 14 of PPS 21 and Contrary to AMP 2 of PPS 3	
Recommendation:	Refuse
Applicant Name and Address: Odhran O'Neill 119a Gulladuff Road Bellaghy Magherafelt BT45 8LT	Agent Name and Address: CMI Planners Ltd Unit C5 - The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

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

1. The location plan is inaccurate in that the visibility splays are indicated on the road and are not taken from the edge of the verge.
2. The applicant does not own all the land necessary for the north-western visibility splay.
3. The location plan the block plan contains inaccuracies.
4. The proposal is contrary to Policy CTY 2a - New Dwellings in Existing Clusters.
5. The proposal is contrary to Policy CTY 8 - Ribbon Development and Policy CTY 14.

Characteristics of the Site and Area

The site is located halfway between Gulladuff and Bellaghy in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 30m northwest of 125 Gulladuff Road, Bellaghy is made up of an agricultural roadside field. Immediately to the southeast of the site is No 125 Gulladuff Road, a single storey roadside dwelling with small farm complex located to the rear and side. In the field immediately north west there is a recently built shed and beyond the shed are two roadside dwellings, Nos 123 & 125. The site is defined by 1.5m hedgerows along the north eastern, south eastern and north western boundaries. The south western boundary is undefined.

The surrounding area is characterised by roadside dwellings and undulating landscape. The predominant land use is of an agricultural nature.

Description of Proposal

The application seeks outline planning permission for a proposed infill dwelling and garage

Planning Assessment of Policy and Other Material Considerations**Relevant Site History:**

No relevant history

Representations:

2 neighbour's notification letter were sent to Nos 123 & 125 Gulladuff Road, Bellaghy.

3 letters of representation have been received from Mr Paul Clarke who resides at No 123 Gulladuff Road, the property located immediately northwest of the site issues raised:

1. The location plan is inaccurate in that the visibility splays are indicated on the road and are not taken from the edge of the verge. – Technically this is correct, however a 1:500 scale block plan has been submitted showing the proposed access arrangements and visibility splays.
2. The applicant does not own all the land necessary for the north-western visibility splay and will impact on the established hedgerow which is under the ownership of the objector. – Following consultation with DFI Roads they advise that third party land is required to provide the north western visibility splay, however the agent insists that DFI Roads are incorrect.
3. The submitted location plan and block plan contains inaccuracies. – The objector has highlighted some inaccuracies in both plans, however I am satisfied that the plans are not deliberately misleading and will not have any bearing on my assessment of the application.
4. The proposal is contrary to Policy CTY 2a - New Dwellings in Existing Clusters – I agree with the objector insofar the proposal is contrary to CTY 2a, however the description of the proposal is for a 'proposed infill dwelling and garage', therefore the application falls to be considered under policy CTY 8 - Ribbon Development.

5. The proposal is contrary to Policies CTY 8 - Ribbon Development and CTY 14 - Rural Character – The proposal will be assessed against both policies later in my report.

Development Plan and Key Policy Consideration:

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

Magherfelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out the guiding principle in determining planning applications is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Infill/Ribbon Development, provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. CTY 1 states that there are a range of types of development which in principle are considered acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses. Policy CTY 8 requires four specific elements to be met:

- The gap site must be within an otherwise substantial and continuously built up frontage and includes a line of 3 or more buildings along a road frontage without accompanying development to the rear;
- The gap site must be small;
- The existing development pattern along the frontage must be respected;
- And other planning and environmental requirements must be met.

Paragraph 5.33 of PPS 21 advises that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. However, this only sets out the basis for establishing generally where a ribbon of development, either exists or may arise. It is not concerned with defining a substantial and continuously built up frontage.

The appeal site is a road frontage plot cut out of a larger agricultural field. A single storey roadside dwelling with small farm complex extending out to the rear and side are located immediately to the southeast of the site. To the northwest of the site there is a recently constructed shed which is also unauthorised and subject to ongoing enforcement action. As this shed is unauthorised it will not be taken into account when assessing the application. Beyond the shed are two single dwellings, Nos 123 and 121 both having road frontages onto the Gulladuff Road. Therefore I am satisfied that the proposal meet with the first part of CTY 8 in that there is a substantial and built up frontage which includes a line of 3 or more buildings with a road frontage.

CTY 8 requires the gap to be small and should be sufficient only to accommodate up to a maximum of two dwellings. The three existing properties along the Gulladuff Road have an

average plot sizes of 29m whilst the existing gap between the properties at Nos 123 and 125 extends to 97m which is more than the three existing properties put together. It is clear from the site location plan that the gap between the existing properties could feasibly accommodate more than two dwellings while still respecting the existing development pattern along this stretch of the Gulladuff Road. The site does not qualify as a small gap within a substantially and continuous built up frontage and is contrary to Policy CTY8.

Integration

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am satisfied a dwelling with a ridge height of 5.5m can visually integrated into the surrounding landscape. The design of the dwelling will be assessed at reserved matters if approval is forthcoming.

Impact on Character and Appearance of the Area

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It has already been determined that the proposal is contrary to CTY 8. Paragraph 5.34 of policy PPS 21 states that many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality. I consider that the lands between Nos 123 and 125 is such a gap and the proposals shares a common frontage with existing development when travelling in either direction along Gulladuff Road. Accordingly, the proposals would remove an important visual break and create ribbon development on this part the road to the detriment of rural character. This would be contrary to criteria (b) (c) and (d) of Policy CTY 14.

Other Matters

The applicant has not sought to argue that the proposed development falls into any other category of acceptable development identified in Policy CTY1. No evidence has been advanced that the proposed development could not be located in a settlement. Therefore the proposal is contrary to CTY1 of PPS21.

Other Material Consideration.

DFI Roads have confirmed that visibility splays of 2.4m x 120m are required in both direction and that the north-western visibility splay can only be achieved by removing part of the hedge outside the red line of the application. The applicant insists that third party land is not required and has provided a topographical survey demonstrating same. DFI Roads have commented on the survey and still advise that third party land will be required. The land that is required is within the ownership of Mr Clarke who has also objected to the application on the basis the applicant does not own all the land necessary for the north-western visibility splay. Therefore the applicant has failed to demonstrate that he has control of all the land necessary to provide safe access onto the public road and the proposal is contrary to AMP 2 part (a) of PPS 3 Access, Movement and Parking.

I am satisfied that the proposed site will not have significant adverse impact on neighbouring amenity, this will be further considered at RM stage if approval is forthcoming.

Neighbour Notification Checked: Yes

Summary of Recommendation: I recommend refusal on the bases of non-compliance with CTY 1, 8 & 14 of PPS 21 and contrary to AMP 2 part (a) of PPS 3

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent an infill opportunity and would, if permitted, result in the creation of ribbon development along this stretch of the Gulladuff Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development at this stretch of the Gulladuff Road and therefore will result in a detrimental change to the rural character of the countryside.
4. The proposed development would, if permitted, prejudice the safety and convenience of road users since it has not been demonstrated that the applicant can provide the necessary land within the application site to provide the north western visibility splay.

Signature(s)

Date:

ANNEX	
Date Valid	29th January 2016
Date First Advertised	15th February 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 123 Gulladuff Road Drumlamph Maghera Paul Clarke 123, Gulladuff Road, Maghera, Londonderry, Northern Ireland, BT45 8LT Paul Clarke 123, Gulladuff Road, Maghera, Londonderry, Northern Ireland, BT45 8LT Paul Clarke 123, Gulladuff Road, Maghera, Londonderry, Northern Ireland, BT45 8LT Paul Clarke 123, Gulladuff Road, Maghera, Londonderry, Northern Ireland, BT45 8LT The Owner/Occupier, 125 Gulladuff Road Drumlamph Maghera	
Date of Last Neighbour Notification	13th June 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: H/2000/0352/F Proposal: Alterations and Extension to Dwelling Address: 125 Gulladuff Road, Drumlamph, Bellaghy, Northern Ireland, BT45 8LT Decision: Decision Date: 22.06.2000 Ref ID: LA09/2016/0110/O Proposal: Proposed infill dwelling and garage Address: 30m NW of 125 Gulladuff Road, Bellaghy, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0114/O	Target Date:
Proposal: Infill Dwelling	Location: 20m East of 6 Peace Haven Crescent Rocktown Bellaghy
Referral Route: Contrary to CTY 1, 8, 13 &14 of PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Brendan O'Neill 119A Gulladuff Road Bellaghy BT45 8LT	Agent Name and Address: CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

1. Impact on residential amenity
2. Access arrangements
3. Private right of way over the laneway.
4. The provision of storm and foul sewage.
5. Smell from the existing sewage works

Characteristics of the Site and Area

The application site is situated approximately 70 metres east of 6 Peacehaven Crescent, Rocktown Road, Bellaghy, Magherafelt within the open countryside as defined by the Magherafelt Area Plan 2015. The site is accessed via an existing laneway off the Rocktown Road just North of No 6 Peacehaven Crescent. The application site is a long thin portion of land defined by cutback scrub.

The area surrounding the application site is defined by undulating agricultural land, woodland and single dwelling within the open countryside. The ex Housing Executive housing development Peace Haven Crescent and its associated sewage treatments works sit immediately south west of the application site.

Description of Proposal

The application seeks outline planning permission for a proposed infill dwelling and garage.

Planning Assessment of Policy and Other Material Considerations**Relevant Site History:**

H/2011/0568/O - Proposed dwelling and garage. Refused 19th February 2013.

Representations:

8 neighbour's notification letter were sent to Nos 1, 2, 2a, 3, 4, 5 & 6, Peace Haven Crescent, Bellaghy and No 77D Rocktown Road, Bellaghy.

3 letters of representation have been received from Ms Tracy Collins who resides at No 2 Peace Haven Crescent, Mr & Mrs Seamus Collins who resides at No 3 Peace Haven Crescent and Mr David Dinmore who resides at No 6 Peace Haven Crescent issues raised:

1. The proposal would have detrimental impact on private amenity. - This issues will be considered in greater detail under Other Material Considerations.
2. Question 12 relating to access arrangements is incorrect. - DFI Roads have been consulted and they are content with the proposed access arrangements onto the public road.
3. Question 15 relating to a public right of way has been ticked 'no'. - There is 'private' right of way over the existing laneway, this differs from a 'public' right of way, therefore is am satisfied that Q 15 has been answered correctly.
4. Concerns about the provision of storm and foul sewage and would it connect into the existing foul and sewage system that the serve Peace Haven Crescent and too many houses using the existing sewage works at the rear of Peace Have Crescent smells. - The issue of sewage disposal and the use of the existing sewage treatment facility is not in question as the applicant has indicated the proposed use of a septic tank which is subject to separate consent from the relevant environment agency. The issue regarding smells form the existing sewage works is not a planning issue but is an issue for Environmental Health to investigate.

Development Plan and Key Policy Consideration:

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

Magherfelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out the guiding principle in determining planning applications is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Infill/Ribbon Development, provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. CTY 1 states that there are a range of types of development which in principle are considered acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses. Policy CTY 8 requires four specific elements to be met:

- The gap site must be within an otherwise substantial and continuously built up frontage and includes a line of 3 or more buildings along a road frontage without accompanying development to the rear;
- The gap site must be small;
- The existing development pattern along the frontage must be respected;
- And other planning and environmental requirements must be met.

Paragraph 5.33 of PPS 21 advises that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. However, this only sets out the basis for establishing generally where a ribbon of development, either exists or may arise. It is not concerned with defining a substantial and continuously built up frontage.

The proposed site is located between No 79 Rocktown Road, a single storey dwelling located 50m north of the site and No 6 Peace Haven Crescent a semi-detached dwelling located immediately south of the site. The site outlined in red consists of a linear strip of overgrown land which narrows considerably where the north-western boundary abuts the Rocktown Road. The site is bound by two laneways, one running along the north eastern boundary and the other running along the south-western boundary. The inclusion of both laneways within the site outlined in red helps to artificially increase the site frontage onto the public road. For this reason I do not accept that the site has a meaningful frontage onto the Rocktown Road.

The 3 semi-detached dwellings located south of the site are separated by a laneway and grass verge approximately 9m - 10m wide. Accordingly, there is no continuous built up frontage along this part of the road. Similarly the dwelling located at No 79 Rocktown Road north of the site is separated from the proposed site by another laneway. Again, there is no continuous built up frontage along this part of the roads. Therefore, the proposal is contrary to Policy CTY8.

Integration

The site slopes gently from the road to the rear and slopes significantly across the site in a north-easterly direction. I estimate that there is approximately 3 - 3.5 metre height difference from the site's lowest point along the south-western boundary to its highest point along the north eastern boundary. In order to develop the site there would need to be a large amount of excavation/site work undertaken to provide a level base for a new dwelling. To support the newly excavated sides a retaining wall would need to be constructed along the north-western boundary. I would have concerns that the necessary excavation/site work would not blend unobtrusively with its immediate and wider surroundings. The proposal would be contrary with part (a) & (d) of CTY 13.

Impact on Character and Appearance of the Area.

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It has already been determined that the proposal is contrary to CTY 8, therefore a new dwelling would result in a suburban style build-up of development when viewed with the existing dwellings. The proposed excavation/site works would also have a negative impact on rural character. The proposal would be contrary to criteria (a), (b) and (e) of Policy CTY 14.

Other Matters

The applicant has not sought to argue that the proposed development falls into any other category of acceptable development identified in Policy CTY1. No evidence has been advanced that the proposed development could not be located in a settlement. Therefore the proposal is contrary to CTY1 of PPS21.

Other Material Consideration.

I am satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking. With regards to impact on neighbouring residential amenity, the dwelling likely to be most affected by the proposal is No 6 Peace Haven Crescent, however I am satisfied that through careful siting and design at reversed matters stage the issues regarding residential amenity could be minimised.

Neighbour Notification Checked; Yes

Summary of Recommendation: I recommend refusal on the bases of non-compliance with CTY 1, 8, 13 & 14 of PPS 21

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent an infill opportunity and would, if permitted, result in the creation of ribbon development along this stretch of the Gulladuff Road.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a new dwelling would be a prominent feature in the landscape and the ancillary works would not integrate with their surroundings 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 new dwelling would, if permitted, be unduly prominent in the landscape and the new dwelling would, if permitted result in a suburban style build-up of development when viewed with existing dwellings and the impact of ancillary works would damage rural character and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	29th January 2016
Date First Advertised	15th February 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Peace Haven Crescent Rocktown Bellaghy The Owner/Occupier, 2 Peace Haven Crescent Rocktown Bellaghy Tracy Collins 2, Peace Haven Crescent, Bellaghy, Londonderry, Northern Ireland, BT45 8LR The Owner/Occupier, 2A Peace Haven Crescent Rocktown Bellaghy The Owner/Occupier, 3 Peace Haven Crescent Rocktown Bellaghy Seamus Collins 3, Peace Haven Crescent, Bellaghy, Londonderry, Northern Ireland, BT45 8LR The Owner/Occupier, 4 Peace Haven Crescent Rocktown Bellaghy The Owner/Occupier, 5 Peace Haven Crescent Rocktown Bellaghy The Owner/Occupier, 6 Peace Haven Crescent Rocktown Bellaghy David Dinsmore 6, Peace Haven Crescent, Bellaghy, Londonderry, Northern Ireland, BT45 8LR The Owner/Occupier, 77D Rocktown Road, Rocktown, Bellaghy, Londonderry, BT45 8LP,	
Date of Last Neighbour Notification	9th March 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2010/0191/F Proposal: Change of house type to previously approved application H/2007/0853/RM Address: 50m South East of 73 Rocktown Road, Gulladuff Decision: Decision Date: 10.06.2010 Ref ID: H/2005/0999/O	

Proposal: Site of dwelling and garage.
 Address: 50m South East of 73 Rocktown Road, Gulladuff.
 Decision:
 Decision Date: 09.03.2006

Ref ID: H/2007/0853/RM
 Proposal: Construction of a 2 storey dwelling house and linked 1 and a half storey garage
 Address: 50m South East of 73 Rocktown Road, Gulladuff
 Decision:
 Decision Date: 16.04.2008

Ref ID: H/2007/1104/RM
 Proposal: Erection of single dwelling house with garage
 Address: 400m South-East of 81 Rocktown Road, Rocktown, Bellaghy, Magherafelt
 Decision:
 Decision Date: 16.10.2008

Ref ID: H/2004/0406/O
 Proposal: Site of Dwelling and Garage.
 Address: 400 Metres South East of 81 Rocktown Road, Rocktown, Bellaghy, Magherafelt.
 Decision:
 Decision Date: 21.12.2004

Ref ID: H/2011/0568/O
 Proposal: Proposed dwelling and garage
 Address: 70m South East of 6 Peacehaven Crescent, Rocktown Road, Bellaghy,
 Decision: PR
 Decision Date: 20.02.2013

Ref ID: H/2000/0619/F
 Proposal: Alterations and additions to dwelling
 Address: 6 Peacehaven Crescent, Rocktown, Bellaghy, Northern Ireland, BT45 8LR
 Decision:
 Decision Date: 18.10.2000

Ref ID: LA09/2016/0114/O
 Proposal: Infill Dwelling
 Address: 20m East of 6 Peace Haven Crescent, Rocktown, Bellaghy,
 Decision:
 Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1042/F	Target Date:
Proposal: 5 no. Dwellings (Proposed amended site Layout and an amended house type consisting of only 1 house type for all 5 sites from M/2007/0631/F)	Location: Lands to the rear of 61 Killymeal Road Dungannon
Referral Route: One objection received.	
Recommendation: APPROVE	
Applicant Name and Address: DB Contracts Ltd 56A Derrygally Road Dungannon	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
Executive Summary: All aspects of the proposal including concerns raised in the letter of objection have been considered. In my view the proposal satisfies policy requirements and I recommend permission is granted with conditions. NOTE: Amended plans with garages moved out of the crown spread of existing trees were received following consideration of the issue which was raised in the letter of objection. Neighbour notification of these amended plans were issued on 20.11.17 and period for objection expired 4.12.17. No further letters were received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	Transport NI - Enniskillen Office	Standing Advice

Representations:

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

Summary of Issues

Concerns have been raised by the resident of 59a Killymeal Road, Dungannon. The property is located to the south-western site boundary. The objection states:

- the house 3 is located some 6.5m to the from the boundary and should normally be 10m to rear gardens.

- The proposed layout does not seek to protect the private amenity of the rear gardens from overlooking my garden, especially the house adjacent to my rear garden. As no floor levels are shown this house could sit much higher than my garden.
- The proposed garages in site 2 and 3 are within the crown spread of boundary trees which will affect the roots. They are discussed in the latter part of this report.

Characteristics of the Site and Area

The application site extends 0.422 hectares and is located to the rear of 61 Killymeal Road. It is within an area largely characterised by residential development. St. Patricks College is located to the south-east. Site boundaries are marked by hedgerows and trees and to the north and south west there are well established and mature trees which screen into the site. At the time of inspection, there were large mounds of stones, trees, vegetation situated on site and foundations of one dwelling is apparent. The site is accessed from an existing laneway from the Killymeal Road. To the north-west and south-west there is existing residential development comprised of two storey detached properties on individual plots.

Description of Proposal

5 no. Dwellings (Proposed amended site Layout and an amended house type consisting of only 1 house type for all 5 sites from M/2007/0631/F)

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

Dungannon and South Tyrone Area Plan 2010

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 3 - Access, Movement and Parking

PPS 7 - Quality Residential Environments

PPS7 (Addendum) - Safe Guarding the Character of Established Residential Areas

Dungannon and South Tyrone Area Plan 2010 (DSTAP)

The Dungannon and South Tyrone Area Plan 2010 identifies the site within the settlement limits of Dungannon which gives a favourable consideration to development subject to plan policies. There are no other designations on the application site. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter.

SPPS - Strategic Planning Policy Statement for Northern Ireland

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 retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

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

development will not negatively impact on the built or natural environment nor will it harm interests of acknowledged importance or cause unacceptable harm to neighbouring amenity.

The SPPS gives provision for Housing in Settlements and notes the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; It states that planning authorities must deliver - increased housing density without town cramming, and that higher density housing developments should be promoted in town and city centres and in other locations that benefit from high accessibility to public transport facilities. Within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.

The following policies also apply:

PPS 3 - Access, Movement and Parking

Policy AMP 1 of PPS 3 (Creating an Accessible Environment) aims to create a more accessible environment for everyone. This proposal involves will be served by an existing access.

Policy AMP 2 of PPS 3 (Access to Public Roads) permits direct access onto a public road where road safety is not prejudiced, traffic flow is not inconvenienced and where the proposal does not conflict with a Protected Route. DFI Roads have been consulted and not lodged any objection on the grounds of impact on road safety or traffic flow in the immediate area. DFI Roads continue to provide a number of recommended conditions to safeguard road safety. I consider the provisions of PPS3 are satisfied and there are no grounds for refusal from a road safety perspective.

Stamped approved PSD were received from DFI Roads. Following amendments to the positions of several garages, revised drawings were re-issued to DFI Roads for approval. We await stamped approved copies of these drawings, however given we have verbal confirmation these drawings have been approved I do not consider it necessary to withhold this application.

PPS 7: Quality Residential Environments

Policy QD 1 Quality in New Residential Development states all proposals for residential development will be expected to conform to all of the following criteria:

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

The area is characterised largely by residential development which includes large detached two storey dwellings on individual plots. St. Patricks College is located to the south-east. The proposal is for a total of 5 no. detached dwellings. The proposal is similar in size, scale and appearance to other dwellings in the vicinity. The residential use is compatible with the site context. It is acknowledged that there is an increase in density, however considering there is a historical approval - M/2007/0631/F on site which has commenced (inspected by Building Control on 12/06/12) before the expiry on 22.11.12. The priorities set out in the SPPS aim to increase density therefore I consider the principle of 5 no. dwelling on the site to be acceptable. The proposal is also similar in scale, massing and appearance to buildings in the vicinity.

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

There are no scheduled monuments or archaeological site within proximity to the site.

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

The proposal includes the provision of private amenity space to the rear of the properties and public areas to the front. There are existing trees to site boundaries. It is my view that they should be retained to aid integration, in the interest of visual amenity and to protect neighbouring residential amenity.

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

The proposal is for 5 no. houses located close to the centre of Dungannon. New neighbourhood facilities are not considered necessary.

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

The proposal includes the provision of a private road to serve the dwelling which connects to the existing footpath along Main Street. Transport NI were consulted and have no objection to the proposal subject to conditions. I am satisfied the proposal supports a movement pattern for all users.

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

While unmarked on the site plan there appears to be sufficient space for 2 parking spaces within the curtilage of each dwelling house. TNI were consulted and have no objections to the proposal subject to condition.

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

The design of the dwelling is typical of other dwellings in the vicinity. The proposed dwellings have simple rectangular forms, pitched roofs with materials finishes which include dash to walls, uPVC windows and tiles to roof.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

The proposal is compatible with adjacent residential land uses. Concerns has been raised in relation to separation distance and potential overlooking of property 59a Killymeal Road. Creating Places recommends that where development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. The rear boundary of House 3 referred to in the letter of objection abuts the front garden / tarmacked area of 59a Killymeal Road.

It is noteworthy that there is a historic approval on site for 5 no. dwellings which are laid out in a similar arrangement to the proposal. Foundations are apparent on site and it appears that the development has commenced and could be implemented.

On review of the proposal a request was made to the agent to alter the proposal and move dwelling no.3 further from the rear boundary shared with no.59a and no closer than what was previously approved. The distance now measures 8.5m. With the history of the site in mind and considering, guidance recommends around 10m, also given the space being abutted is to the front of dwelling no. 59a, I consider the position of house no. 3 to be acceptable. The objection received notes garages proposed are within the crown spread of existing trees. A request was subsequently made to the agent and the garages to plots 2, 4 and 5 have been amended to outside the crown spread of these existing trees. The letter of objections highlights concerns in relation to site levels. Levels are provided on the latest drawing 01rev3 . It is apparent the ground levels are some 6m lower than the level at the road. Windows to the upper floors of the dwellings proposed, are not main habitable rooms and I consider sufficient separation is provided from private amenity spaces of neighbouring properties.

(i) the development is designed to deter crime and promote personal safety. I am satisfied that the overall development is considered to be designed to deter crime and promote personal safety. In-curtilage parking is provided and street lighting exists in the locality.

PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas
I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this locality which hosts a mix of various lower and higher building densities. In terms of keeping with the established character of the area, the proposal is residential in nature which is in keeping with the area. All proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions.

Conditions

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

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

2. All landscaping comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the construction of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, 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: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

3. The vehicular access, including visibility splays, shall be provided in accordance with Drawing No 01 Rev 3 bearing the date stamp 6th November 2017, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

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

6. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The Mid Ulster 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. 01 Rev 2 bearing the date stamp 26th September 2017.

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.

7. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 01 Rev 2 bearing the date stamp 26th September 2017. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

8. The visibility splays of 2.4 metres by 60.0 metres in both directions at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No. 01 Rev 2 bearing the date stamp 26th September 2017, prior to the commencement of any other works or other development.

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

9. No other development hereby permitted shall be commenced until the road works indicated on drawing 01 Rev 3 bearing the date stamp 6th November 2017 have been fully completed in accordance with the approved plans.

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

Informatives

The applicant must apply to the Dfi Roads for a licence indemnifying the Department against any claims arising from the implementation of the proposal.

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 Department 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.

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

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Dfi Street Lighting Consultancy, 40a Benson Street, Lisburn. The Applicant is advised to contact Dfi Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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

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

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

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

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

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

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

Notwithstanding the terms and conditions of the Department's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the Department for Infrastructure Section Engineer whose address is Section Office Main Street, Moygashel, Dungannon.

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

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

The licence agreement shall be issued through the Development Control Officer, Network Planning Section, Dfi Roads Western Division County Hall, Omagh and the developer should allow up to three months for completion of the licence. Accordingly the developer is advised to make an early personal application for the issue of the licence. He should also initiate early discussions for the satisfactory programming of the road works with the Private Streets Engineer Western Division County Hall, Omagh

Signature(s)

Date:

ANNEX	
Date Valid	27th July 2016
Date First Advertised	11th August 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 14 Ardkeen Close Mullaghadun Dungannon The Owner/Occupier, 57 Killymeal Road Mullaghadun Dungannon The Owner/Occupier, 59 Killymeal Road Mullaghadun Dungannon The Owner/Occupier, 59A Killymeal Road, Mullaghadun, Dungannon, Tyrone, BT71 6LJ, Fintan Colgan 59a Killymeal Road, Dungannon, Co Tyrone, BT71 6LJ The Owner/Occupier, 61 Killymeal Road Mullaghadun Dungannon The Owner/Occupier, 61A Killymeal Road, Mullaghadun, Dungannon, Tyrone, BT71 6LJ, The Owner/Occupier, 63 Killymeal Road Mullaghadun Dungannon The Owner/Occupier, 65 Killymeal Road Mullaghadun Dungannon The Owner/Occupier, 65A Killymeal Road Mullaghadun Dungannon The Owner/Occupier, St Patricks College, 41 Killymeal Road, Dungannon	
Date of Last Neighbour Notification	20th November 2017
Date of EIA Determination	
ES Requested	/No
Planning History Ref ID: M/2007/0631/F Proposal: Proposed housing development consisting of 5 houses to the rear of 61 Killymeal Road, Dungannon Address: lands to the rear of 61 Killymeal Road, Dungannon Decision: Decision Date: 24.11.2007 Ref ID: M/2007/0540/F Proposal: Extension to rear and front of dwelling and new garage Address: 61 Killymeal Road, Dungannon Decision:	

Decision Date: 31.08.2007

Ref ID: M/2006/1870/O

Proposal: Proposed housing scheme to consist of 5 No. houses

Address: To the rear of 61 Killymeal Road, Dungannon

Decision:

Decision Date: 10.01.2007

Ref ID: M/2006/1307/RM

Proposal: New second-level school for 1450 pupils with playing fields (existing academy to be demolished)

Address: St Patrick's Academy, Killymeal Road, Dungannon

Decision:

Decision Date: 12.01.2007

Ref ID: M/2005/1628/F

Proposal: Proposed Dwelling, Domestic Garage, Carport and wind turbine for domestic use.

Address: Lands to the Rear of 59 Killymeal Road, Dungannon

Decision:

Decision Date: 27.11.2006

Ref ID: M/2004/1349/O

Proposal: Proposed housing scheme to consist of 3No Houses

Address: To the rear of 61 Killymeal Road, Dungannon

Decision:

Decision Date: 12.05.2005

Ref ID: M/2003/1202/O

Proposal: Proposed Housing Scheme to Consist of 3 No Houses

Address: To Rear of 61 Killymeal Road, Dungannon

Decision:

Decision Date: 23.06.2004

Ref ID: M/2002/0314/F

Proposal: New Secondary level College

Address: St Patricks College & adjoining land 41 Killymeal Road, Dungannon

Decision:

Decision Date: 14.05.2003

Ref ID: M/2002/0313/O

Proposal: Masterplan of New Road, Playing fields and development of replacement new building St Patricks Academy (boys & Girls) and St Patricks College

Address: St Patricks Academy and St Patricks College, Killymeal Road, Dungannon

Decision:

Decision Date: 14.05.2003

Ref ID: M/1999/0197

Proposal: Proposed Extension to Dwelling
Address: 14 ARDKEEN DUNGANNON
Decision:
Decision Date:

Ref ID: M/1990/0496B
Proposal: Erection of dwelling
Address: SITE 14 ARDKEEN KILLYMEAL ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1990/0496
Proposal: Erection of Dwelling
Address: SITE NO.14 ARDKEEN, KILLYMEAL ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1989/0267
Proposal: 2 luxury Apartments
Address: SITE 14 ARDKEEN KILLYMEAL ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1989/0090
Proposal: 2 No Luxury Appartments
Address: 13 ARDKEEN KILLYMEAL ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1986/0325
Proposal: PRIVATE HOUSING DEVELOPMENT
Address: KILLYMEAL ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1982/0391
Proposal: HANDBALL ALLEY AND OUTDOOR SPORTS FACILITIES
Address: 41 KILLYMEAL ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1979/0229
Proposal: BUILDING OF 7 HOUSES
Address: KILLYMEAL ROAD, MULLAGHADUN, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1975/0551
Proposal: HOUSING DEVELOPMENT WITH SHOP
Address: MULLAGHADUN, DUNGANNON
Decision:
Decision Date:

Ref ID: LA09/2016/1042/F
Proposal: 5 no. Dwellings (Proposed amended site Layout and an amended house type consisting of only 1 house type for all 5 sites from M/2007/0631/F)
Address: Lands to the rear of 61 Killymeal Road, Dungannon,
Decision:
Decision Date:

Summary of Consultee Responses

See above.

Note: PSD drawings agreed by TNI and we await receipt anticipated before Planning Committee meeting.

Drawing Numbers and Title

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

Drawing No. 04
Type: Proposed Elevations
Status: Submitted

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

Drawing No. 02
Type: Cross Sections
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

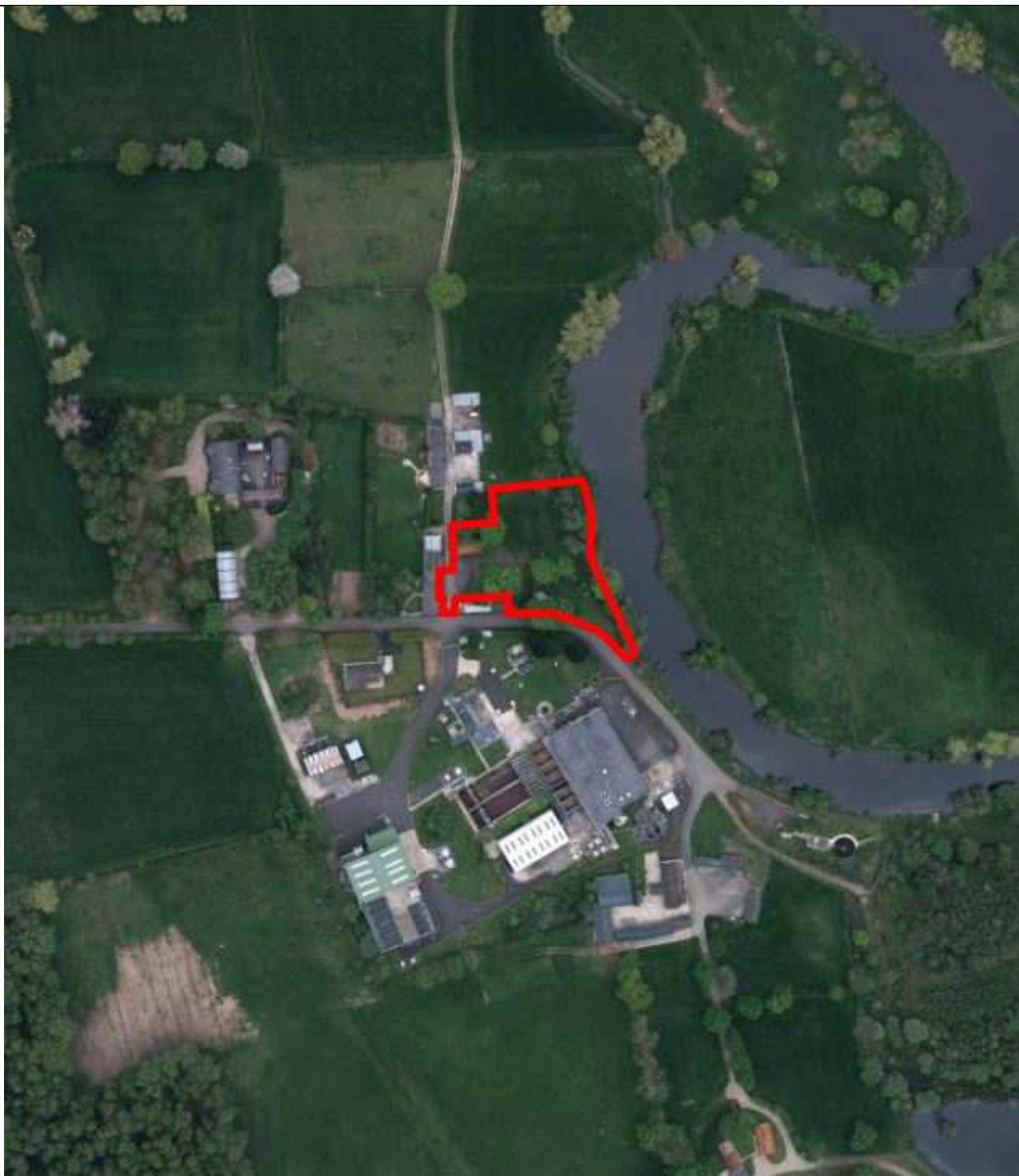


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1122/F	Target Date:
Proposal: Proposed replacement dwelling	Location: 40 m North East of 48 Waterfoot Road Magherafelt
Referral Route: Refusal – contrary to CTY 1 & 3 of PPS21	
Recommendation: Refusal	
Applicant Name and Address: Mr Henry J Walls 46 Waterfoot Road Magherafelt	Agent Name and Address: CMI Planners UnitC5 80-82 Rainey Street Magherafelt BT45 5AJ
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transportni	10/02/2017
Non statutory	Environmental Health	31/08/2016
Non statutory	NI Water	31/08/2016

Statutory	Rivers Agency	12/09/2016
Representations:		
Letters of Support	1	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Refusal recommended as proposal contrary to CTY 1 & 3 of PPS21		
Characteristics of the Site and Area		
<p>The proposal site is located adjacent to No 48 Waterfoot Road and abuts Moyola River. The site has a redundant single storey building on site which has complete stone walls, a corrugated tin roof and 3 barn style doors on one elevation, while the rear elevation was inaccessible due to overgrown vegetation, there are no windows or evidence of windows in the building and no chimney openings or other residential style elements visible on the building. Within the remainder of the site it is a grassed agricultural field fenced off. Immediately SW of the proposal site is a dwelling and attached outbuilding and NW of the proposal site is a residential property and several out buildings. When I accessed the site there was no evidence</p>		
Description of Proposal		
Full application for a replacement dwelling.		
Planning Assessment of Policy and Other Material Considerations		
<p>I have assessed this proposal under the following:</p> <p>SPSS Magherafelt Area Plan 2015 Planning Policy Statement 1 - General Principles Planning Policy Statement 21 - Sustainable development in the countryside.</p> <p>Site History - H/2009/0150/O - Approved at appeal for dwelling generally sited within the area of the existing building. This approval was granted 30.11.2011 thus this approval has expired.</p> <p>Neighbours notified: - Owners/occupiers of Nos 47, 48, 49-51 _ 50 Waterfoot Road were notified of this proposal on 01.09.2016. A letter of support from the owner/occupier of No 50 Waterfoot Road, Magherafelt dated 12.09.2016 was received.</p> <p>In line with legislation this proposal was advertised in the local press during August 2016.</p> <p>Consultees: - Environmental Health were asked to comment and responded on 28.09.16 with no objections to the proposal subject to advice.</p>		

NI Water were asked to comment and responded on 05.09.16 with no objections subject to advice.

TransportNI were asked to comment as the proposal includes the construction of a new access to a public road, they responded on 10.02.17 with no objections subject to conditions and advice.

Rivers Agency were consulted on this proposal as the proposal site was shown on the councils systems to be within a floodplain, however Rivers Agency were able to confirm that the proposal site was outside the designation floodplain but they did comment that due to its close proximity they felt conditions and advice should be given.

This proposal is for a replacement dwelling and as such the relevant policy is CTY 3 of PPS21. Within this policy it 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. Buildings design and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.

In this particular case the existing dwelling is a single storey stone building with a corrugated tin roof. There are 3 barn style doors on the front elevation and the rear elevation is heavily overgrown. Part of the building has been demolished leaving some wall stead's behind. When inspecting the inside of the building there were no indications that the building had ever been used as a dwelling but rather only ever for storage. As such it is my opinion that this proposal fails to meet the requirements of CTY 3.

This policy also goes on to explain that favourable consideration will however be given to the replacement of a redundant non-residential building with a single building, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

It is my professional opinion that this is a redundant non-residential building however I am not of the opinion that its replacement would bring significant environmental benefits and as such the proposal still does not comply with CTY 3 requirements.

In addition proposals for a replacement dwelling should be sited within the established curtilage of the existing building unless the established curtilage is so restricted. In this particular case there is no identifiable curtilage existing. Immediately adjacent on the eastern side of the building is a small grassed paddock style area used for grazing sheep. The proposed dwelling is sited immediately adjacent to the existing building.

The proposed dwelling is of a modest and traditional scale and design and following responses from consultees it is clear that services can be achieved to the site

Under the previous approval the proposal site was described to be within a flood plain and DOE were criticised for not having consulted with Rivers Agency or requested a flood risk assessment. However in this instance Rivers Agency were consulted and confirmed that the proposal site is actually outside the flood zone and as such they have no objections to the proposal, thus a flood risk assessment is not required.

Proposals of development within the countryside also have to comply with CTY 13 of PPS 21, whereby it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The proposed dwelling would not be a prominent feature in the landscape due to the surrounding landscape and existing development. It is my professional opinion that this proposal meets the requirements of CTY 13.

Finally this proposal should be considered under CTY 14 of PPS21. This policy states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Although I do not consider

the proposal to be acceptable under the replacement criteria the proposal would respect the traditional pattern of settlement already in existence and as such adheres to this criteria.

In conclusion having considered all of the above it is my opinion that this proposal does not meet the criteria of CTY 3 of PPS21 in that the existing building does not meet the essential characteristics of a dwelling nor would its replacement provide significant environmental benefits and as such a refusal is recommended.

Following discussions with Dr Boomer he asked that I check historical valuation maps for evidence that the building identified was a dwelling. From this it was clear that a building has been in this vicinity however not exactly on the same footprint and it is not evident that the building was ever a dwelling but rather an agricultural building, as such my recommendation for refusal would still stand.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal – Contrary to CTY 1 & 3 of PPS21

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building has been designed and used for agricultural purposes. In addition the redevelopment proposed would not bring significant environmental benefits.

Signature(s)

Date:

ANNEX	
Date Valid	12th August 2016
Date First Advertised	25th August 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 47 Waterfoot Road Ballymaguigan Magherafelt The Owner/Occupier, 48 Waterfoot Road Ballymaguigan Magherafelt The Owner/Occupier, 49-51 Waterfoot Road Ballymaguigan The Owner/Occupier, 50 Waterfoot Road Ballymaguigan Magherafelt Alice McGlone 50, Waterfoot Road, Magherafelt, Londonderry, Northern Ireland, BT45 6LQ	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1122/F Proposal: Proposed replacement dwelling Address: 40 m North East of 48 Waterfoot Road, Magherafelt, Decision: Decision Date: Ref ID: H/2009/0150/O Proposal: Proposed site of replacement dwelling and garage Address: 40m North East of no.48 Waterfoot Road, Magherafelt Decision: Decision Date: 17.02.2011 Ref ID: H/1991/0408 Proposal: ALTERATIONS AND ADDITIONS TO DWELLING Address: 50 WATERFOOT ROAD BALLYMAGUIGAN Decision: Decision Date:	

Ref ID: H/2012/0228/F

Proposal: Single Rear Storey Kitchen and Dining Area Extension

Address: 50 Waterfoot Road, Ballymaguigan,

Decision: PG

Decision Date: 20.08.2012

Summary of Consultee Responses

Environmental Health were asked to comment and responded on 28.09.16 with no objections to the proposal subject to advice.

NI Water were asked to comment and responded on 05.09.16 with no objections subject to advice.

TransportNI were asked to comment as the proposal includes the construction of a new access to a public road, they responded on 10.02.17 with no objections subject to conditions and advice.

Rivers Agency were consulted on this proposal as the proposal site was shown on the councils systems to be within a floodplain, however Rivers Agency were able to confirm that the proposal site was outside the designation floodplain but they did comment that due to its close proximity they felt conditions and advice should be given.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02/2

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 03

Type: Floor Plans

Status: Approved

Drawing No. 04

Type: Proposed Elevations

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1526/O	Target Date:
Proposal: Proposed site for dwelling and domestic garage for residential purposes	Location: 20m East of 118 Bancran Road Draperstown
Referral Route: Refusal – Contrary to CTY 10 and 13 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Oliver Bradley 101 Bancran Road Draperstown BT45 7DA	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Contrary to CTY 10 and 13 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 5km west of the village of Draperstown in the open countryside, as defined by the Magherafelt Area Plan 2015. The application is for an outline application for a dwelling and garage adjacent to no. 118 Bancran Road which is single storey dwelling with a garage. The site falls gradually from north to south towards the well-defined southern boundary which is bounded by mature vegetation. The northern and western boundaries are defined by post wire fencing with the eastern boundary containing post wire fencing with hedging and trees increasing towards to the southern boundary. The site is surrounded by a number of scattered farm holdings and residential dwellings, ranging from single storey and two storey.

Relevant planning history

H/2005/0665/RM – Site of dwelling and garage – Permission Granted 25/11/05

H/2003/1193/O – Site of dwelling and garage – Permission Granted 02/12/04

H/2004/0252/O – Site of new dwelling and garage – Appeal Dismissed

H/2002/0785/O – Site of dwelling and garage – Appeal upheld – Permission Granted 29/12/2003

H/2005/0933/RM – New dwelling and garage – Permission Granted 29/03/06

Representations

No representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed dwelling and garage on the farm. The site is positioned in the adjacent field to No. 118 Bancran Road, Draperstown, utilising an existing agricultural access.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 – Dwellings on Farms

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

The application is for a farm dwelling and garage. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 – Sustainable Development in the countryside.

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

adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

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

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

With respect to (a) DAERA have confirmed that the applicant has a Business ID that's been in existence for the required 6 year period. They have also confirmed that the applicant's claims Single Farm Payment and as such the farm business is currently active.

With respect to (b) there appears to have been development opportunities have been sold off the farm holding, however clarification was requested from the agent who stated this was due personal circumstances. However upon requests for further information of these personal circumstances, these were not submitted and as a result I must consider the initial stance that the proposal fails this criteria and must recommend refusal.

With respect to (c) proposed position identified it is clear that the site does not visually link or cluster with an established group of buildings as there are none at the proposed site. The registered address on the farm business is 101 Bancran road which is a detached single storey dwelling with a small garage to the rear and a larger shed set even further back which shows an established grouping of buildings. There is only one other building on the farm which is a large shed to the south of 101 Bancran road. It is worth noting that there is already approved sites with foundations set in both fields 2 and 12 but were approved prior to 2008. There were issues raised over the ownership of some of the fields in that some were rented inclusive of the application site, owned by the applicant's son. It was confirmed that the applicant is the registered owner of fields 14 and 45 and after discussions with the principal planner that these would be unacceptable solutions. It was determined that field numbered 17 would be the most appropriate however as there has been development opportunities sold off the proposal has failed under CTY 10 of PPS 21 I must recommend refusal.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that an appropriately designed dwelling in the proposed site would not be a prominent feature in the landscape. The site does have mature trees along the southern boundary and some hedging along the eastern therefore aiding in the ability to integrate. As this is only an outline application no design has been put forward however since this application has failed to be able to visually link or cluster with an established group of buildings on the farm that I consider it to fail this policy and hold the opinion of refusal.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that an appropriate size and designed dwelling would be able to be absorbed into the surrounding environment. As such there is no negative impact on the rural character.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

Transport NI were consulted and confirmed that they had no objection subject to conditions.

Consultations were sent to DAERA, NI Water and Environmental Health, all of which came back with no objection subject to conditions and informatives.

I recommend refusal as the policy is contrary to CTY 10 and 13 of PPS 21.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

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 as development opportunities have been sold off from the farm holding within 10 years of the date of the application and that the proposed new building is 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.

Signature(s)

Date:

ANNEX	
Date Valid	26th October 2016
Date First Advertised	10th November 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 118 Bancran Road Glengomma Draperstown The Owner/Occupier, 80 Glengomma Road, Draperstown	
Date of Last Neighbour Notification	4th November 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1526/O Proposal: Proposed site for dwelling and domestic garage for residential purposes Address: 20m West of 118 Bancran Road, Draperstown, Decision: Decision Date: Ref ID: H/2004/0760/O Proposal: Site Of Dwelling. Address: 100 Metres West Of 73 Glengomma Road, Draperstown Decision: Decision Date: 16.12.2005 Ref ID: H/2003/1193/O Proposal: Site of dwelling and garage. Address: Site at 80m South East of no. 111 Bancran Road, Draperstown. Decision: Decision Date: 02.12.2004 Ref ID: H/2005/0665/RM Proposal: Site of dwelling and garage Address: 80m SE 111 Bancran Road, Draperstown Decision: Decision Date: 25.11.2005	

Summary of Consultee Responses
Drawing Numbers and Title



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0148/F	Target Date:
Proposal: Proposed social housing development consisting of 7 no. dwellings (4 no. single storey semi-detached, 2 no. two storey semi-detached and 1 no. single storey detached) and associated access road, parking, siteworks, retaining walls and landscaping	Location: Lands immediately adjacent to and east of nos 1 - 10 Linen Court Main Road Moygashel Dungannon
Referral Route: 1 petition received – concerns primarily relate to traffic and noise generated by traffic.	
Recommendation: APPROVE	
Applicant Name and Address: A.H Developments 146 Pomeroy Road Dungannon BT70 2TY	Agent Name and Address: McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD
Executive Summary: I consider the proposal meets policy requirements and I recommend permission is granted subject to a satisfactory response from Rivers Agency and Environmental Health.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues 1 petition received – concerns primarily relate to traffic and noise generated by traffic.	
Characteristics of the Site and Area The application site is situated within the settlement of Moygashel. It extends 1.1 hectares and is located to the rear of dwellings 1-10 Linen Court, Main Road. It is within an area largely characterised by a mixture of residential development and commercial/ retail at Linen Green to the west. The site is currently a vacant plot of disused land. To the north there are trees, a retaining wall and steep embankment. To the south at the edge of the red line site, the land falls and there is a waterway. The site is accessed via an existing road which abuts main road and serves Linen Court.	
Description of Proposal Proposed social housing development consisting of 7 no. dwellings (4 no. single storey semi-detached, 2 no. two storey semi-detached and 1 no. single storey detached) and associated access road, parking, siteworks, retaining walls and landscaping	
Planning Assessment of Policy and Other Material Considerations Dungannon and South Tyrone Area Plan 2010 SPPS - Strategic Planning Policy Statement for Northern Ireland PPS 3 - Access, Movement and Parking PPS 7 - Quality Residential Environments PPS7 (Addendum) - Safe Guarding the Character of Established Residential Areas PPS 15 (Revised) Planning and Flood Risk Dungannon and South Tyrone Area Plan 2010 (DSTAP) The Dungannon and South Tyrone Area Plan 2010 identifies the site within the settlement limits of Moygashel which gives a favourable consideration to development subject to plan policies. There are no other designations on the application site. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter. SPPS - Strategic Planning Policy Statement for Northern Ireland 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 retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful	

management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. I am satisfied that this development will not negatively impact on the built or natural environment nor will it harm interests of acknowledged importance or cause unacceptable harm to neighbouring amenity.

The SPPS gives provision for Housing in Settlements and notes the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; It states that planning authorities must deliver - increased housing density without town cramming, and that higher density housing developments should be promoted in town and city centres and in other locations that benefit from high accessibility to public transport facilities. Within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.

The following policies also apply:

PPS 3 - Access, Movement and Parking

Policy AMP 1 of PPS 3 (Creating an Accessible Environment) aims to create a more accessible environment for everyone. This proposal involves will be served by an existing access.

Policy AMP 2 of PPS 3 (Access to Public Roads) permits direct access onto a public road where road safety is not prejudiced, traffic flow is not inconvenienced and where the proposal does not conflict with a Protected Route. DFI Roads have been consulted and not lodged any objection on the grounds of impact on road safety or traffic flow in the immediate area. DFI Roads continue to provide a number of recommended conditions to safeguard road safety. I consider the provisions of PPS3 are satisfied and there are no grounds for refusal from a road safety perspective. Stamped approved PSD were received from DFI Roads.

The proposal is described as social housing however upon consultation with NIHE, a response confirms there is no requirement in this area for social housing. The application is ultimately a housing proposal and the following policies are considered.

PPS 7: Quality Residential Environments

Policy QD 1 Quality in New Residential Development states all proposals for residential development will be expected to conform to all of the following criteria:

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

The area is characterised by residential development in the immediate vicinity and commercial / retail in the wider area. The proposal is for a total of 7 no. dwellings, which includes 4 no. single storey semi-detached and 2 no. two storey semi-detached and 1 no. single storey detached. The proposal is similar in size, scale and appearance to other dwellings in the vicinity. The residential use is compatible with the site context. The proposal is also similar in scale, massing and appearance to buildings in the vicinity.

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

There are no scheduled monuments or archaeological site within proximity to the site.

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

The proposal includes the provision of sufficient private amenity space to the rear of the properties and public areas to the front. There are existing trees to the northern site boundary. It is my view that they should be retained to aid integration, in the interest of visual amenity.

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

The proposal is for 7 no. houses located close to the centre of Dungannon. New neighbourhood facilities are not considered necessary.

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

The proposal includes the provision of a private road to serve the dwellings which connects to the existing footpath along Main Road. DFI Roads were consulted and have no objection to the proposal subject to conditions. I am satisfied the proposal supports a movement pattern for all users.

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

While unmarked on the site plan there appears to be sufficient space for 2 parking spaces within the curtilage of each dwelling house. TNI were consulted and have no objections to the proposal subject to condition.

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

The design of the dwelling is typical of other dwellings in the vicinity. The proposed dwellings have simple rectangular forms, pitched roofs with materials finishes which include dash to walls, uPVC windows and tiles to roof.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

The proposal is compatible with adjacent residential land uses. Concerns have been raised in relation to additional noise and traffic generated by the development. The petition is signed by the 10 residents of Linen Court. The letter wrongly refers to '10 houses' as opposed to the 7 being proposed. Nonetheless the concerns have been given due consideration. The site is situated within a village and the entrance to which is opposite the Linen Green shopping complex which draws a large amount of traffic in its own right. I do not consider 7 additional dwellings will generate noise by traffic which would justify a reason for refusal.

In relation to residential amenity, I consider the proposed dwellings to be sufficiently separated from the properties at Linen Court so as not to cause unacceptable adverse impact by overlooking or over shadowing. Furthermore the properties located closest to Linen Court are retained at single storey.

(i) the development is designed to deter crime and promote personal safety.
I am satisfied that the overall development is considered to be designed to deter crime and promote personal safety. In-curtilage parking is provided and street lighting exists in the locality.

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

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

PPS 15: Planning and Flood Risk

The southern red line site boundary is located within a flood plain however development is outside this area. Rivers Agency were consulted and responded. Rivers Agency recommend under FLD 1, that the proposed retaining structure and any potential infilling on the site should not take place/encroach on the 1 in 100 year fluvial flood plain, which has a predicted flood level of 46.81m OD, Belfast. They have no objection in relation to FLD 2, FLD 4 and FLD 5. Rivers Agency advise a drainage assessment is carried out. TNI has been received and Rivers Agency have been consulted. My view given the urgency expressed by the agent, the application is progressed to committee subject to a satisfactory response from Rivers Agency.

NIEA were consulted and further to the submission of a lighting report, badger survey and Construction Management Plan, they are content and recommend conditions and the submission of a CEMP which may be also included as a condition.

Environmental Health were consulted and have recommended a report with sufficient information to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether they may be remediated/managed to an acceptable level. This information has not is being collated, therefore I recommend the application is progressed subject to satisfactory response from EH.

EH also highlight the proximity of the site to the WWTW and recommend an odour assessment is carried out. Drawing 08 however indicates the propose development is outside the 180m radius cordon sanitaire. Following internal discussion we are therefore content to progress the application.

In summary I recommend permission is granted subject to satisfactory response from DFI Rivers.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to a satisfactory response from Rivers Agency.

Conditions

DFI Roads

RS-C-03

The vehicular access, including visibility splays, shall be provided in accordance with Drawing No 12 bearing the date stamp 11th October 2017, prior to the commencement of any other development hereby permitted.

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

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

RS-C-06

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

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

RS-C-07

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

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

RS-C-16

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

The Mid Ulster Council/Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 12 bearing the date stamp 11th October 2017.

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.

RS-C-39

No other development hereby permitted shall be occupied until the road works indicated on Drawing No 12 bearing the date stamp 11th October 2017 have been fully completed in accordance with the approved plans.

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

RS-C-42

The development hereby permitted shall not be commenced until any (highway structure/retaining wall/culvert) requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

Informatives

RS-I-02

The applicant must apply to the DfI Roads for a licence indemnifying the Department against any claims arising from the implementation of the proposal.

RS-I-03

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 Department 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.

RS-I-04

Separate approval must be received from Dfi 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.

RS-I-08

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

RS-I-12

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

RS-I-13

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

RS-I-14

The development shall not be occupied until a Certificate issued by a Chartered Structural Engineer certifying that the structure has been designed in accordance with the relevant standards and guidance, has been submitted to and accepted by DRD Roads Service. The certificate should state;

"I/We certify all reasonable professional skill and care has been used in the design & check of the above named structure in accordance with the following design standards and advice notes"
REASON: In the interests of road safety.

RS-I-15

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

RS-I-16

Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure consent before any work is commenced which

involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Dfi Section Engineer whose address is Section Office Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

RS-I-17

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

RS-I-18

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

RS-I-19

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

RS-I-20

Notwithstanding the terms and conditions of the Department's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the Department for Infrastructure Section Engineer whose address is Section Office Main Street, Moygashel, Dungannon.

RS-I-21

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

RS-I-23

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

The licence agreement shall be issued through the Development Control Officer, Network Planning Section, Dfi Roads Western Division County Hall, Omagh and the developer should allow up to three months for completion of the licence. Accordingly the developer is advised to make an early personal application for the issue of the licence. He should also initiate early discussions for the satisfactory programming of the road works with the Private Streets Engineer Western Division County Hall, Omagh

NIEA Conditions

1. There shall be no site clearance or development activity within 25 metres of any badger setts onsite until a licence has been issued by the Northern Ireland Environment Agency.

Reason: To protect badgers and their setts.

2. The Chimney and vegetation onsite shall be retained as per drawing no. 08 date stamped 17 Nov 2017 by Mid Antrim District Council.

Reason: To protect bats, badgers, birds and the biodiversity of the site.

3. A Construction Environmental Management Plan shall be submitted to the Council and approved by NIEA prior to the commencement of the development hereby approved.

NI Water Conditions.

All services within the development should be laid underground. REASON: In the interests of visual amenity

Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority. REASON: In the interest of public health

Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority. REASON: To safeguard the site and adjacent land against flooding and standing water.

Signature(s)

Date:

ANNEX	
Date Valid	2nd February 2017
Date First Advertised	16th February 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Linen Court Stangmore (Knox) Moygashel Ivy Watt 1 Linen Court, Main Street, Moygashel, Co Tyrone The Owner/Occupier, 10 Linen Court Stangmore (Knox) Moygashel The Owner/Occupier, 2 Linen Court Stangmore (Knox) Moygashel The Owner/Occupier, 24 Main Road, Moygashel The Owner/Occupier, 27A Linen Green Moygashel DUNGANNON The Owner/Occupier, 3 Linen Court Stangmore (Knox) Moygashel The Owner/Occupier, 4 Linen Court Stangmore (Knox) Moygashel The Owner/Occupier, 5 Linen Court Stangmore (Knox) Moygashel The Owner/Occupier, 6 Linen Court Stangmore (Knox) Moygashel The Owner/Occupier, 7 Linen Court Stangmore (Knox) Moygashel The Owner/Occupier, 8 Linen Court Stangmore (Knox) Moygashel The Owner/Occupier, 9 Linen Court Stangmore (Knox) Moygashel The Owner/Occupier, UNIT 15-16 Linen Green 17 Main Road The Owner/Occupier, UNIT 22 Unit 22 Linen Green Main Road The Owner/Occupier, UNIT 25 Linen Green 17 Main Road The Owner/Occupier, UNIT 26 Linen Green 17 Main Road The Owner/Occupier, UNIT 29 Linen Green 17 Main Road The Owner/Occupier, UNIT 30 Linen Green 17 Main Road The Owner/Occupier, UNIT 8 Unit 8 Linen Green Main Road The Owner/Occupier, Unit 1 Linen Green 17 Main Road The Owner/Occupier, Unit 10a Linen Green Main Road Moygashel	

The Owner/Occupier,
 Unit 12 Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 14 Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 17 Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 1a Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 2 Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 24 Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 3 Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 32 Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 4 Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 5 Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 6 Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 7 Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 8a Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 9 Linen Green 17 Main Road
 The Owner/Occupier,
 Unit 9a Linen Green Main Road Moygashel
 The Owner/Occupier,
 Unit 9b Linen Green, Main Road, Moygashel, Tyrone, BT71 7HB

Date of Last Neighbour Notification	13th February 2017
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2017/0148/F

Proposal: Proposed social housing development consisting of 7 no. dwellings (4 no. single storey semi-detached, 2 no. two storey semi-detached and 1 no. single storey detached) and associated access road, parking, siteworks, retaining walls and landscaping

Address: Lands immediately adjacent to and east of nos 1 - 10 Linen Court, Main Road, Moygashel, Dungannon,

Decision:

Decision Date:

Ref ID: M/1998/0057

Proposal: Proposed Visitor Centre Amenity Building, Retail Shops,

Craft Design Units, Restaurant, Associated Parking,
Amenity Areas
Address: THE LINEN GREEN, MOYGASHEL AND SITE OPPOSITE
Decision:
Decision Date:

Ref ID: M/2005/1500/O
Proposal: Demolition of existing dye house and construction of new retail factory units and associated parking and landscaping
Address: The Dye House, Linen Green, Moygashel, Dungannon
Decision:
Decision Date: 21.12.2006

Ref ID: M/1995/0167
Proposal: Construction of footway and associated works
Address: MAIN ROAD MOYGASHEL DUNGANNON
Decision:
Decision Date: 13.07.1995

Ref ID: M/1999/0722/F
Proposal: Housing development (10no. dwellings) with access road
Address: Site adjacent to factory site , Moygashel Mills , East side of Main Road , Moygashel , Dungannon
Decision:
Decision Date: 02.06.2000

Ref ID: M/1990/0200
Proposal: Skip Site
Address: APPROX 280 METRES S WEST OF MOY ROAD MAIN ROAD MOYGASHEL
Decision:
Decision Date:

Ref ID: M/1974/003001
Proposal: EXTENSION TO DYE HOUSE AND GREY STORE
Address: MOYGASHEL, DUNGANNON
Decision:
Decision Date:

Ref ID: M/2005/0821/O
Proposal: Development of land for residential accommodation including detached, semi detached & townhouse dwellings.
Address: No30 Main Street Moygashel plus land to the rear.
Decision:
Decision Date: 06.09.2006

Ref ID: M/2006/1395/F
Proposal: Housing development of domestic dwellings 31 no. houses and 9 no. apartments and infrastructure.

Address: Lands between and to the east of 24 and 28 Main Road Moygashel

Decision:

Decision Date: 24.11.2008

Ref ID: M/2004/0767/Q

Proposal: Amendment to Cordon Sanitaire

Address: Moygashel Treatment Works

Decision:

Decision Date:

Ref ID: M/2004/1551/Q

Proposal: Housing development

Address: Main Road, Moygashel, Dungannon

Decision:

Decision Date:

Ref ID: M/2007/0878/F

Proposal: Proposed residential development consisting of 12 no. apartments in 3 storey building and 4 no. rooftop penthouse apartments including carparking, landscaping and ancillary siteworks.

Address: Lands opposite The Linen Green, Main Road, Moygashel, Dungannon

Decision:

Decision Date: 24.03.2009

Ref ID: M/1999/1141/O

Proposal: Site for DOE Roads Service offices and maintenance depot.

Address: To rear and west of 30 Main Road Moygashel

Decision:

Decision Date: 23.01.2001

Ref ID: M/2003/0378/O

Proposal: Construction of 4 No. 2 storey lifetime homes

Address: Adjacent to Linen Court, Main Road, Moygashel, Dungannon

Decision:

Decision Date: 30.06.2003

Ref ID: M/1996/0091

Proposal: Community Building

Address: MOYGASHEL MILLS MAIN STREET MOYGASHEL DUNGANNON

Decision:

Decision Date:

Ref ID: M/1983/0270

Proposal: NEW VEHICULAR ACCESS

Address: MOYGASHEL, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1997/0409

Proposal: Access Road and over flow car and coach park

Address: LINENGREEN VISTORS CENTRE MAIN STREET MOYGASHEL

Decision:

Decision Date:

Ref ID: M/1974/0428

Proposal: 33KV AND 11KV O/H LINES

Address: KILLYMADDY (KNOX), MULLAGHADROLLY, DRUMGORMAL, LISSAN, MULLYBRANNON, LISDERM

Decision:

Decision Date:

Ref ID: M/1996/0090

Proposal: Community housing and associated parking

Address: SITE ADJACENT TO FACTORY SITE MOYGASHEL MILLS MAIN STREET MOYGASHEL DUNGANNON

Decision:

Decision Date:

Ref ID: M/1974/0030

Proposal: EXTENSION TO BOILER HOUSE

Address: MOYGASHEL MILLS, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1975/0052

Proposal: ERECTION OF BUILDING TO HOUSE ELECTRICAL SWITCHGEAR

Address: MOYGASHEL MILLS, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2006/1191

Proposal: Housing Development

Address: Moygashel Road, Dungannon Co. Tyrone

Decision:

Decision Date:

Ref ID: M/2007/0194/F

Proposal: Proposed development of 2 blocks of 6 apartments for 12 self contained units plus associated car parking

Address: Moygashel Road, Dungannon, Opposite the Linen Green

Decision:

Decision Date: 23.05.2008

Ref ID: M/1981/0413

Proposal: FACTORY WASTE DEPOSITING AREA

Address: STANGMORE KNOX, DUNGANNON
Decision:
Decision Date:

Summary of Consultee Responses

As detailed above.

Drawing Numbers and Title

Drawing No. 07
Type: Levels and Cross Sections
Status: Submitted

Drawing No. 06
Type: Elevations and Floor Plans
Status: Submitted

Drawing No. 05
Type: Elevations and Floor Plans
Status: Submitted

Drawing No. 04
Type: Elevations and Floor Plans
Status: Submitted

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

Drawing No. 03
Type: Existing Plans
Status: Submitted

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

Drawing No. 08
Type: Levels and Cross Sections
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0477/F	Target Date:
Proposal: Extension to existing cancer care facility comprising additional treatment rooms, consulting room, offices, ancillary accommodation and associated site works	Location: Charis Cancer Care 163 Lough Fea Road Ballybriest Cookstown
Referral Route: This application is being presented to Committee as although it is being recommended for approval, that recommendation is contrary to advice given by TransportNI.	
Recommendation:	APPROVE
Applicant Name and Address: Charis Cancer Care 163 Lough Fea Road Ballybriest Cookstown BT80 9TU	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt BT45 5DA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - Enniskillen Office	Advice
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		
No representations have been received in relation to this proposal.		
Description of proposal		
<p>The existing facility was originally approved and constructed as a replacement dwelling but was subsequently changed to the current use. The proposal is for the creation an extension to the existing Charis Cancer Care Facilities at this location.</p> <p>The proposed extension takes the form of two main areas of floor space. The first is an extension of the main building to the front and aims to extend this in a linear fashion by adding five treatment/counselling/therapy rooms to the south eastern gable end. This will extend the frontage length by around 13m. The second area is for the extension of the rear portion of the building to provide general office, storage and therapy rooms with some circulation space. The main entrance is proposed to be relocated from the north east to the north west. The proposed additional floor space extends to around 220m2 with existing ridge heights being maintained. The proposed extension will extend the built form into the existing hard surfaced area at the south eastern end of the site which contains around seven car parking spaces, two of which will be lost. However, the five retained spaces are being rearranged with additional car parking being proposed at the north west end of the site which provides for another 10 parking spaces.</p>		
Characteristics of the site and area		
<p>The site is located within; the Sperrin AONB, an Area of Constraint on Mineral Working and a Tourism Conservation Zone as defined in the Cookstown Area Plan 2010.</p> <p>The existing facility which has a ground floor footprint of approximately 266m2 with a frontage length of 16.5m, a gable depth of 9.0m and a ridge height of 6.3m sits on a raised site</p>		

overlooking Lough Fea to the west. The premises also has a basement floor which is mainly utilised as treatment rooms with additional meeting room accommodation on the first floor level. Due to the winding nature of the Lough Fea road, the topography of the surrounding landform, the surrounding vegetation and the distance the existing facility is set back from the public road, there are very limited critical views of the site. In reality, the only views of the premises are long distance views on approach from the south east along the Lough Fea.

Planning Assessment of Policy and Other Material Considerations

Relevant History

I/2002/0003 – Site for replacement dwelling Approved

I/2003/0438/F – Replacement dwelling Approved

I/2008/0729/F – Proposal to be used as a cancer care facility, with minor elevational alterations to approved replacement dwelling with single storey extension to rear. Approved

Planning Assessment of Policy and other Material Considerations

Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The proposal accords with the Cookstown Area Plan 2010 insofar as it is for an extension to an existing building. The site is located within the Sperrin AONB, an Area of Constraint on Mineral Working and a Tourism Conservation Zone and therefore the site is located within the open countryside where Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside applies. Policy CTY 1 clearly states that all development in the countryside must be sited and designed to integrate sympathetically with their surroundings. The policy goes on to advise that certain types of non-residential development will be acceptable in the countryside and this includes a necessary community facility to serve the local rural population. This is an existing community facility and while it serves the local rural community it does however serve the wider population in general.

As the only views of the proposed extension are long distance views on approach from the south along the Lough Fea Road, and from this location the extension will be viewed against the existing built form, there will be little impact on visual amenity. The proposed extension will achieve an acceptable degree of integration and in this capacity is capable of approval.

Planning Policy Statement 3 (PPS 3): Access, Movement and Parking applies in relation to the road safety issues. Transport NI have requested additional information to allow further consideration. This included the provision of 4.5m x 90m visibility splays and the submission of a Transport Assessment form. TNI raised the issue that the submitted drawing did not correctly show the splay to the left hand side exiting. TNI advised that the minimum Forward Sight Distance required by DCAN 15 for a road speed of 37mph is 70m. this is the minimum which TransportNI would accept.

The previous planning history for the site has accepted that the forward stopping distance was acceptable. This included the use of the adjoining quarry and the subsequent use of the approved dwelling as a change of use to the Charis Cancer Care facility. The block plan

approved in connection with the previous change of use from the dwelling to the Cancer Care Facility shows a forward sight distance of 60m and a visibility splay of 2.4m x 60m to the right hand side exiting. The line of the FSD was taken across the edge of Lough Fea and required the removal of the security barrier. A new cross wired mesh and post fence, the height of which was to be not more than 1.0m above the level of the carriageway.

The current proposal has replicated that access arrangement with a visibility splay of 4.5m x 70m to the left hand side exiting, the forward sight distance remains at 60m and is taken across the edge of Lough Fea with the existing fence line not to exceed a height of 1.0m above the adjacent carriageway to ensure that visibility is maintained. Any existing vegetation currently impeding the forward sight line shall be removed.

Recommendation

On consideration of the above, it is my opinion that given the previous planning approval on which the same access arrangements were considered by TransportNI to be acceptable, the proposed development is acceptable. The proposal is for a modest extension to a Cancer Care facility and given the need for the extension, it is my opinion that planning permission should be granted for the proposed development subject to the conditions listed below;

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

Summary of Recommendation:

Approve 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 vehicular access, including visibility splays and any forward sight line shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. No development should take place on-site until the method of sewage disposal has been agreed in writing with NIW or a Consent to discharge has been granted.

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	31st March 2017
Date First Advertised	20th April 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0477/F Proposal: Extension to existing cancer care facility comprising additional treatment rooms, consulting room, offices, ancillary accommodation and associated site works Address: Charis Cancer Care, 163 Lough Fea Road, Ballybriest, Cookstown, Decision: Decision Date: Ref ID: I/1981/0218 Proposal: SAND AND GRAVEL PITS Address: BALLYBRIEST, LOUGH FEA, COOKSTOWN Decision: Decision Date: Ref ID: I/1992/6036 Proposal: Sand and Gravel Extraction Lough Fea Cookstown Address: Lough Fea Cookstown Decision: Decision Date: Ref ID: I/2000/0735/F Proposal: Extension to Sand & Gravel extraction Address: Adjacent to 163 Lough Fea Road, Ballybriest, Cookstown Decision: Decision Date: 19.06.2002 Ref ID: I/1993/0289	

Proposal: Sand & Gravel Quarry, Mobile Dry Screen Plant,
Portacabin, Site Hut and Toilet
Address: ADJACENT TO 163 LOUGHFEA ROAD, BALLYBRIEST, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2011/0251/F
Proposal: Proposed general purpose store
Address: Approx 45m NW of 163 Lough Fea Road, Ballybriest, Cookstown,
Decision:
Decision Date: 19.09.2011

Ref ID: I/2008/0729/F
Proposal: Proposal to be used as a cancer care facility, with minor elevational alterations
to approved replacement dwelling with single storey extension to rear.
Address: 163 Lough Fea Road, Ballybriest, Cookstown
Decision:
Decision Date: 22.12.2009

Ref ID: I/2003/0438/F
Proposal: Replacement Dwelling
Address: 163 Loughfea Road, Cookstown
Decision:
Decision Date: 21.10.2003

Ref ID: I/2002/0003/O
Proposal: Site for replacement dwelling
Address: 163 Loughfea Road, Ballybriest, Cookstown
Decision:
Decision Date: 21.05.2002

Ref ID: I/1990/0393
Proposal: Improvements to Dwelling
Address: 163 LOUGH FEA ROAD, COOKSTOWN.
Decision:
Decision Date:

Ref ID: I/1991/6073
Proposal: O/H Line 163 Loughfea Road Ballybriest Cookstown
Address: 163 Loughfea Road Ballybriest Cookstown
Decision:
Decision Date:

Ref ID: LA09/2016/0866/F
Proposal: Remove conditions 8 and 9 of I/1981/0218
Address: Tobermore Sand and Gravel Quarry Ballybriest Lough Fea Cookstown,
Decision:
Decision Date:

Ref ID: LA09/2016/0362/PAN

Proposal: Non compliance with Condition No's 8 and 9 of Planning Permission I/1981/0218

Address: Lough Fea Sand and Gravel Quarry, Ballypriest, Lough Fea Cookstown,

Decision: PANACC

Decision Date:

Summary of Consultee Responses

TransportNI advised that the drawing does not correctly show the splay to the left as you exit the access.

The FSD has been shown on the drawing at 48m. This is not in line with guidance contained in DCAN 15.

The bracketed figure in DCAN 15, with regard to the assessed speed of 37mph, is 70m. This is the minimum which TNI would be prepared to recommend as acceptable in this case. The speed along Lough Fea Road has been assessed at 37mph requiring a "Y" distance of 90m.

No other consultees raised any issues.

Drawing Numbers and Title

Drawing No. 07/1

Type: Details of Access to the Public Road

Status: Submitted

Drawing No. 03/2

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 04

Type: Existing Floor Plans

Status: Submitted

Drawing No. 02

Type: Existing Plans

Status: Submitted

Drawing No. 06

Type: Proposed Elevations

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0528/O	Target Date:
Proposal: Site for proposed dwelling and detached double garage	Location: Adjacent 41 Drumsamney Road Desertmartin Magherafelt
Referral Route: This application is being referred to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr A Moore 41 Drumsamney Road Desertmartin Magherafelt	Agent Name and Address: Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LH
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	None Received

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues No objections have been received in respect of this application.	
Description of proposal This is an outline application for a dwelling and double garage associated with a farm holding. Characteristics of the site and area The site is located in an area of rural countryside which is characterised by groups of farm buildings and single dwellings both dotted along the roadside as well as set back off the public road and accessed by laneways. This site is located immediately to the north of a single detached dwelling, no.41 which is owned by the applicant's father. The site is located within a roadside field with the location map indicating the preferred position of a dwelling set back 50m from the site frontage. This places such a dwelling on the crest of the hill as the field rises up from road level towards the western boundary. To the rear of no.41 is a small, single agricultural shed with a second, unassociated dwelling to the south-west. There is an existing access laneway leading to the second dwelling and also to the agricultural shed. This laneway joins onto another laneway which extends along the northern boundary of the site, before extending to the south-west where there are a group of farm buildings and farmlands owned by the farm business in question. The group of farm buildings associated with this farm business are located in two separate locations. The main farmyard and complex is located in excess of 450m to the south east of the site. A second grouping of farm buildings is located approximately 200m-250m to the south east of the proposed site.	
Planning Assessment of Policy and Other Material Considerations Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS. The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for a site for a dwelling in the rural area and is linked to an established farm business. The main policy considerations in the assessment of this application are:- CTY 10 – Dwellings on Farms Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-	

- DAERA's consultation response confirmed that the business has been in existence for more than 6 years and that the business has claimed single farm payment or agri environment payments within the last 6 years.
- A planning history check of the farm shows that no dwellings or development opportunities in the countryside have been sold off from the farm holding since 25th November 2008.
- As there are no existing buildings located at this part of the farm holding, the proposed dwelling will not be visually linked or sited to cluster with an established group of buildings on the farm. In exceptional circumstances, 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 group have been provided. In this case, the main group of farm buildings are located in excess of 450m to the south east of the site. The applicant has presented the argument that there are a number of fields around the main farmyard which fall within the predicted floodplain and are therefore unsatisfactory for development. They also refer to field no.22 which they state as being subject of historical flooding. In addition, they state that as this is a dairy farm the fields around the farmyard are required for grazing. However, the flood map provided by the applicant clearly fails to show that flooding occurs within field no.22 which is immediately adjacent to the main farmyard and no persuasive evidence has been provided to prove that any flooding occurs at this location. The applicant was therefore requested to provide a flood risk assessment to categorically demonstrate that field no.22 is subject to flooding. They advised that they did not wish to do so, simply on the basis of cost. Therefore in the absence of any persuasive evidence to the contrary, the proposal clearly fails the third criteria of this policy. With regard to the applicant's statement that this field is required for grazing of the milking herd, the farm business also has other lands namely fields 18 and 20 which are directly opposite the farmyard. Furthermore, with field 19 also within 300m of the farmyard with its access laneway less than 40m from the laneway serving the farmyard the need to walk animals along a straight part of the road with good visibility is minimised and is certainly not uncommon. It should be noted that the site required for a dwelling would only remove a small area of field no.22 and not the entire field.

A second grouping of farm buildings is located approximately 200m-250m to the south east of the proposed site. Regarding the potential for siting a dwelling beside that farm grouping, the applicant stated that these lands are grazed by other stock on the holding. The access lane to these lands is only in the region of 400m from the main grouping of farm buildings. The supporting statement claims that it would not be possible to make improvements to the laneway or bring it up to required standards. However, it is clear that lands on either side of the laneway are within the ownership of the farm business ie. 060/12, 060/2 & 060/3. With only a short straight 50m stretch of laneway between fields 12 & 2 this would clearly enable the applicant to widen the laneway on one side thereby creating an access to acceptable standards. The amount of cut or fill required is really irrelevant as there is no visual impact from the public road network. Regarding an issue of flooding on a short section at the end of the lane, again this abuts field 12 which is within the ownership of the farm business thereby enabling the applicant to provide a soakaway to alleviate this problem.

The applicant has also referred to the difficulties in obtaining finance for a dwelling accessed off a shared laneway as it is becoming almost impossible for finance to be approved in such circumstances. However, it is not impossible to obtain finance in such circumstances and as this is not a planning consideration it is not a justifiable reason for setting planning policies aside.

Consequently the proposal fails to satisfy the requirements of Policy CTY 10 in that the site is not visually linked or sited to cluster with a group of buildings on the farm.

CTY 13 – Integration and Design of Buildings in the Countryside

This is an outline application for a dwelling on a farm. There are limited critical views of the site on approach from the south east, however, due to the elevated nature of the site the amount of

hedge removal which will be required to provide the necessary visibility splays, the site will appear as a prominent feature in the landscape particularly when viewed on approach from the north. When viewed from this approach any dwelling would suffer from a lack of integration due to the lack of long established boundaries to provide a sense of enclosure. Such a dwelling would therefore rely heavily on new landscaping to achieve a satisfactory degree of integration due to the fact that it would be neither visually linked nor be sited to cluster with buildings on the farm holding and therefore it fails to meet the requirements of this policy.

CTY 14 – Rural Character

This is an application for a dwelling on a farm holding but instead of being sited beside existing buildings on the farm holding, it is sited beside a third party dwelling. There are a number of other dwellings and agricultural buildings on the opposite side of the Drumsamney Road which would be intervisible with and which a dwelling on the proposed site would be read with, in addition to dwelling at no.41. Consequently any dwelling on the proposed site will result in a detrimental change to rural character.

PPS 3 – Access, Movement and Parking;

The proposal is to create a new access directly onto the Drumsamney Road and does not propose to use an existing laneway. The alternative sites located at either group of existing farm buildings have the potential to use existing laneways. Transport NI advised that they have no objection to the proposed development subject to condition.

Recommendation

On consideration of the above, it is my opinion that the proposal fails to meet the requirements of Policies CTY 1, 10, 13 and 14 for the reasons as stated below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is being recommended for refusal as it is not sited to cluster with nor is it visually linked to a group of buildings on the farm. Alternative sites are available beside farm buildings and no acceptable justification has been provided to discount these alternatives. Consequently a dwelling on the proposed site will suffer from a lack of integration, appear prominent and result in the erosion of rural character.

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm 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 or sited to cluster with an established group of buildings on the farm.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; 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.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape; the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	14th April 2017
Date First Advertised	5th May 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 40 Drumsamney Road Dromore Desertmartin The Owner/Occupier, 40A Drumsamney Road Dromore Desertmartin The Owner/Occupier, 41 Drumsamney Road Dromore Desertmartin The Owner/Occupier, 41A Drumsamney Road,Dromore,Desertmartin,Londonderry,BT45 5LA, The Owner/Occupier, 44 Drumsamney Road Dromore Desertmartin	
Date of Last Neighbour Notification	4th May 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0528/O Proposal: Site for proposed dwelling and detached double garage Address: Adjacent 41 Drumsamney Road, Desertmartin, Magherafelt, Decision: Decision Date: Ref ID: H/1986/0200 Proposal: HOUSE WITH GARAGE Address: DRUMSAMNEY ROAD, DROMORE, MAGHERAFELT Decision: Decision Date:	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0628/O	Target Date:
Proposal: Dwelling and garage	Location: 60m West of 26 Ballydermot Road Bellaghy
Referral Route: This application is being referred to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Declan Diamond 48A Deerpark Road Bellaghy	Agent Name and Address: CMI Planners 38 Airfield Road Toomebridge
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

1. Summary of Issues including representations

Two objections have been received in respect of this application and relate to the following:-

- History of the previous planning application on this same site;
- Should a dwelling be approved on this site, the location of such a dwelling should be approximately 100m from the objectors dwelling and have a ridge height of 5.0m.
- Inaccuracies in the supporting statement as this is a different site from H/2011/0211/F;
- No neighbour notification letter received;
- Inaccurate site location maps which show non-existing dwellings;

- The site is not associated with a cluster as defined in CYY 2A with no focal point;
- The proposal is also contrary to CTY 8 as it would result in ribbon development;
- The size of the farm holding is not sufficient to consider it as being active;
- No existing farm buildings nor existing farm laneway;
- No need for a second dwelling on this holding;
- The proposal would result in an erosion of rural character.

Description of proposal

This is an outline application for a dwelling and garage associated with a farm holding, on a site 60m West of 26 Ballydermot Road, Bellaghy.

Characteristics of the site and area

This site is located within the rural countryside immediately West of and to the rear of 26 Ballydermot Road, Bellaghy. The red line of the site encompasses an agricultural field situated at the roadside and to the rear of an existing bungalow at No.26. The boundary between the site and No. 26 Ballydermot Road is defined by a post and wire fence and a 2.1m high close boarded fence. The north western boundary of the site consists of post and wire fence with partly 1-2m hedge, sparse hedging and some trees. The north eastern boundary consists of a thorn hedge approximately 3m high. There is a small cattle holding pen approximately 4m x 4m with a 3m cattle crush located mid-way along the north-eastern boundary. The southern, road frontage boundary is defined by a low cut thorn hedge.

Planning Assessment of Policy and Other Material Considerations

Planning History

H/2013/0302/O - Proposed Farm Dwelling and Garage – Approved 17.12.2013 - Revoked
H/2014/0382/RM - Farm dwelling and garage – No decision

Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for a site for a dwelling in the rural area and is linked to an established farm business.

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

CTY 10 – Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-

- DAERA's consultation response confirmed that the business has not been in existence for more than 6 years and that the business has not claimed single farm payment or agri environment payments within the last 6 years. Following a request from the applicant to clarify these issues with DAERA, I discussed these with Dolores Kelly (DAERA) who advised that the

information on the consultation response was correct. In an effort to demonstrate that the business is active, the applicant provided copy invoices for mowing silage/hay and baling and sale of same, drainage work, fencing work, hedge cutting, fertiliser and sprays, purchase of a tractor, details of farm payment from DAERA in December 2016, notification of herd level TB tests due and an extract from a herd book. These copy invoices and associated documents are dated between 20.09.2011 and August 2017, which would indicate that the farm business although not registered with DAERA, has been active for more than 6 years.

- A planning history check of the farm shows that no dwellings or development opportunities in the countryside have been sold off from the farm holding since 25th November 2008.
- As there are no existing buildings located at this part of the farm holding, the proposed dwelling will not be visually linked or sited to cluster with an established group of buildings on the farm. In exceptional circumstances, 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 group have been provided. In this case, the applicants dwelling and detached garage at located 200m to the north east of the site on Deerpark Road with a single field, measuring 0.824ha, to the rear. These buildings are regarded as being buildings on the farm. In this case the applicant should be siting the proposed dwelling within the field to the rear of his own dwelling as there is an existing lane along the northern boundary which leads to the field to the rear.

The applicant has provided a letter from his mortgage lender in response to him asking if it is possible for the mortgage company to reduce their security on the land. The response from the mortgage company was that they would not wish to do so. However, regardless of the position with the mortgage company, the proposal does not satisfy the requirements and is therefore contrary to Policy CTY 10.

CTY 13 – Integration and Design of Buildings in the Countryside

This is an outline application for a dwelling on a farm. There are limited critical views of the site on approach from the west and also from the east. As the site access is located on the outside of a bend in the Ballydermot Road, it should be possible to achieve the necessary visibility splays with a minimal amount of road frontage hedge removal. This would allow a dwelling with a maximum ridge height of 5.5m above finished floor level and an under-build of 0.45m maximum to achieve an acceptable degree of integration, in this regard, as it would be viewed against the mature hedge along the north eastern boundary, however, due to the fact that such a dwelling would be neither visually linked nor sited to cluster with buildings on the farm holding, it fails to meet the requirements of this policy.

CTY 14 – Rural Character

This is an application for a dwelling on a farm holding but instead of being sited beside existing buildings on the farm holding, it is sited beside a third party dwelling. As the third party dwelling is the only other building with which the proposed dwelling will be read, the proposal will not cause a detrimental change to rural character.

PPS 3 – Access, Movement and Parking

The proposal is to create a new access directly onto the Ballydermot Road and does not propose to use an existing laneway. The alternative site to the rear of the applicants own dwelling has the potential to use an existing laneway. Transport NI advised that they have no objection to the proposed development subject to the stated conditions.
Consideration

This site has previously been the subject of an application for a site for a dwelling on a farm (H/2013/0302/O) submitted by the same applicant. That outline application was granted approval

based on the supporting information provided at that time. This information included the P1C form with the applicant's farm details and stating the applicant's address as '26 Ballydermot Road Bellaghy', that is, the dwelling immediately to the east of the site. No. 26 was not and is not owned by the applicant and is in fact owned by a third party who objected to the reserved matters application which resulted in the outline approval being revoked by Mid Ulster District Council.

The current application is for the same proposal, on the same site and by the same applicant as the previous application. It should be noted, however, that the only reason the previous proposal was considered as being acceptable is that the site was located beside what was stated as being the applicant's own dwelling. On that basis, the current proposal should likewise be sited beside the applicant's own dwelling and garage which constitutes a group of buildings on the farm and not that of a third party.

Recommendation

On consideration of the above, it is my opinion that the proposal fails to meet the requirements of Policies CTY 10 and CTY 13 for the reasons as stated below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons stated below;

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane and no health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, as this is a proposed dwelling on a farm which would not be 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.

Signature(s)

Date:

ANNEX	
Date Valid	5th May 2017
Date First Advertised	18th May 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 19 Ballydermot Road Ballydermot Castledawson The Owner/Occupier, 22 Ballydermot Road,Ballydermot,Castledawson,Londonderry,BT45 8BX, The Owner/Occupier, 26 Ballydermot Road Ballydermot Bellaghy The Owner/Occupier, 26 Ballydermot Road Ballydermot Castledawson The Owner/Occupier, 27 Ballydermot Road Ballydermot Castledawson The Owner/Occupier, 27A Ballydermot Road Ballydermot Castledawson Anne Marie and Mark Henry 27A Ballydermot Road, Castledawson, Londonderry, Northern Ireland, BT45 8BX Sean McCartney 28 Ballydermot Road, Castledawson,Co Derry,BT45 8BX The Owner/Occupier, Adjacent To 27 Ballydermot Road,Ballydermot,Castledawson,Londonderry,BT45 8BX,	
Date of Last Neighbour Notification	24th May 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0628/O Proposal: Dwelling and garage Address: 60m West of 26 Ballydermot Road, Bellaghy, Decision: Decision Date: Ref ID: H/2014/0382/RM Proposal: Farm dwelling and garage Address: 60m west of 26 Ballydermot Road,Bellaghy,BT45 8BZ, Decision: Decision Date:	

Ref ID: H/2013/0302/O

Proposal: Proposed Farm Dwelling and Garage

Address: 60m West of 26 Ballydermot Road, Bellaghy,

Decision: PG

Decision Date: 17.12.2013

Ref ID: H/1983/0286

Proposal: BUNGALOW AND GARAGE

Address: BALLYDERMOT ROAD, BELLAGHY

Decision:

Decision Date:

Ref ID: H/1993/6054

Proposal: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR BELLAGHY MAGHERAFELT

Address: NEAR BELLAGHY

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0864/O	Target Date:
Proposal: Proposed dwelling and basement garage	Location: To the rear of 14-16 Morgan Drive Cookstown
Referral Route: Refusal Recommended – Contrary to PPS 7 and objections received.	
Recommendation:	
Applicant Name and Address: Ms Anne Mulligan 80 Fairhill Road Cookstown	Agent Name and Address: Don Sonner 26a St Jeans Cottages Cookstown BT80 8DQ
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection

Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Two objections received:

Summary of issues raised:-

- Visual impact and loss of existing views
- Road safety issues – opinion that this development would affect road safety and the convenience of pedestrian and road users. The road cannot cope with the existing traffic and additional development would further exacerbate the problems.
- Impact on residential amenity – issues of overlooking, loss of privacy and noise disturbance

Characteristics of the Site and Area

The site comprises a long narrow strip of land approx. 20-25 metres wide and 150 metres long. It is situated to the rear of dwellings at Morgan drive and Woodglen Crescent. The site is accessed via Woodglen Crescent, where it ends to the rear of number 11. The land falls from the rear of the houses to the NW of the site before rising to the next field to the West, there is an area of trimmed grass approx. 5 metres wide directly to the rear of the houses and then a further strip of over grown grass land, trees and other vegetation approx. another 15 metres wide. There is a variety of property boundaries separating the Eastern boundary of the site to the rear of the houses, including timber fences varying from 1 to 2 metres in height.

The site lies within the settlement limit of Cookstown towards the Northern Boundary. The site is on the edge of the current residential area, there are a wide mix of house types of high density to the South and agricultural land to the North.

Description of Proposal

The proposal seeks outline planning permission for a dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010
Strategic Planning Policy Statement (SPPS)
PPS 7: Quality Residential Environment
PPS 3: Access, Movement and Parking

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

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

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

It must be noted that this is only an outline application and design or siting details have been formally submitted. However there has been an indicative position submitted and from this I am of the opinion that in this location it does not respect the surrounding context. Reasoning for this is that a long laneway will be required to access this dwelling therefore fails to respect the style and build up displayed in Morgan Drive or Woodglen Crescent. For this reason I am of the opinion that this application fails this criteria and refusal must be recommended.

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

There are no archaeological or built heritage concerns.

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

A development of this size and scale does not need to make provision for public open space.

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

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

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

There is a good public road network and existing footpath within the area.

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

Transport NI were consulted and responded with no objections to the proposal subject to planning conditions.

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

This is an outline application therefore no design has been submitted however if approved it will be conditioned that the design will draw upon the best local traditions of form, materials and detailing.

h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance:-

There has been two objections received in connection with this application, stating a number of concerns however one of which is in relation to residential amenity, in terms of overlooking, noise and loss of privacy. After group discussions it was agreed that we share these concerns and feel that a dwelling located within the site would indeed result in overlooking and result in a loss of privacy. For this reason I must recommend refusal for this application.

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

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

Consultations were also sent to Transport NI, NI Water and Environmental Health who all responded with no objection subject to conditions and informatives.

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy QD1 of Planning Policy Statement 7, Quality Residential Environment in that the proposed development will conflict with adjacent land uses and result in an unacceptable effect on existing properties in terms of overlooking and loss of privacy and fails to respect the surrounding context and character of the area.

Signature(s)

Date:

ANNEX	
Date Valid	23rd June 2017
Date First Advertised	6th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Woodglen Crescent Cookstown Tyrone Gerald McConnell 10, Morgan Drive, Cookstown, Tyrone, Northern Ireland, BT80 8RF The Owner/Occupier, 11 Woodglen Crescent Cookstown Tyrone The Owner/Occupier, 12 Morgan Drive, Cookstown, Tyrone, BT80 8RF, The Owner/Occupier, 12 Woodglen Crescent, Cookstown, Tyrone, BT80 8EL, The Owner/Occupier, 14 Morgan Drive, Cookstown, Tyrone, BT80 8RF, The Owner/Occupier, 14 Woodglen Crescent Cookstown Tyrone C & H Smyton 14, Morgan Drive, Cookstown, Tyrone, Northern Ireland, BT80 8RF The Owner/Occupier, 16 Morgan Drive, Cookstown, Tyrone, BT80 8RF, The Owner/Occupier, 16 Woodglen Crescent Cookstown Tyrone Paul Wilson 16, Morgan Drive, Cookstown, Tyrone, Northern Ireland, BT80 8RF The Owner/Occupier, 9 Woodglen Crescent Cookstown Tyrone	
Date of Last Neighbour Notification	29th June 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0864/O Proposal: Proposed dwelling and basement garage Address: To the rear of 14-16 Morgan Drive, Cookstown, Decision: Decision Date:	

Ref ID: I/1999/0137

Proposal: Dwelling and domestic garage

Address: 30M NORTH OF 83 MORGAN'S HILL(SITE B)COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2003/0285/RM

Proposal: Proposed dwelling and garage

Address: 30m north of 83 Morgans Hill Road, Cookstown

Decision:

Decision Date: 29.05.2003

Ref ID: I/2000/0097

Proposal: Dwelling and Garage(amended scheme)

Address: 30 metres North of 83 Morgans Hill Road, Cookstown (Site B)

Decision:

Decision Date: 16.05.2000

Ref ID: I/2010/0145/F

Proposal: Proposed change of house type

Address: Adjacent to 89 Morgans Hill Road, Cookstown

Decision:

Decision Date: 15.06.2010

Ref ID: I/2000/0243/O

Proposal: Site for Dwelling and Garage

Address: 30 metres North of 83 Morgans Hill Road, Cookstown. (Site B)

Decision:

Decision Date: 27.05.2000

Ref ID: I/1976/0321

Proposal: 15 SUBSIDY BUNGALOWS

Address: MORGAN'S HILL ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1989/0167

Proposal: Residential Development

Address: BEHIND 18_56 WINDSOR CRESCENT MORGAN'S HILL ROAD
COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1993/0283

Proposal: Extension to Dwelling

Address: SITE 11 WOODGLEN CRESCENT COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1995/0343

Proposal: Proposed pair of Semi-detached Houses and Estate Roadway

Address: LANDS TO REAR OF WOODGLEN CRESCENT MORGANS HILL ROAD
COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1992/0447

Proposal: Dwelling and garage to include amendments to estate road
and site layout

Address: SITE 15A WOODGLEN CRESCENT COOKSTOWN

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0936/F	Target Date:
Proposal: Proposed 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins ,2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building	Location: Lands approx. 300m North West and 100msouth west of 27 Terryscollop Road Annagh Dungannon
Referral Route: Major application with objection from Statutory Consultee.	
Recommendation:	Approve
Applicant Name and Address: CAP Farms Ltd 27 Terryscollop Road Annagh Dungannon	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: The proposal for the expansion of a poultry unit to provide 2 new buildings and extend existing cattle buildings. The buildings are all sited beside existing agricultural buildings. NIEA have been consulted and have not raised any concerns about the proposed development but have advised the existing development has not been considered. The impact of the existing buildings is self evident and as there are no concerns raised about the impacts from the proposed development it is recommended to approve the development. As this is a major scheme with an objection from a statutory body	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	NIEA	Advice
Statutory	Historic Environment Division (HED)	Content
Statutory	DAERA - Omagh	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	Transport NI - 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 NIEA have advised they require information about the impacts of the existing buildings.	
Characteristics of the Site and Area This is a working farm located in the rural area south of the village of Eglish. There are a number of existing cattle houses and agricultural buildings located beside the farm house on a hilltop position. The existing buildings are a mixture of older corrugated iron buildings and newer buildings with cladding. There is an existing concrete yard with 2m high walls located beside the existing cattle shed and silage pit. 2 poultry units are located on lower land to the NW of the main farm group, these are accessed off an existing private lane in a larger agricultural field which slopes towards the south west. The surrounding area is undulating drumlin landscape with small farm groups, poultry buildings and single houses.	
Description of Proposal The proposal involves the extension of the existing buildings to accommodate a total of 80 cows and 2 poultry units to allow housing of 74000 broilers. The extensions are to provide: <ol style="list-style-type: none"> 1) 27m x 17m building with an 8m high pitched roof over the existing concrete yard, 2) removal of the existing lean-to over the cattle pens and extension over an existing tank and extension of the tank, to create a 30m x 29m building with a 6.6m pitched roof to create an additional 12 cattle pens the building and 3) 27m x 29m building with a 11m high pitched roof over a general farm storage building and silage pit. All the buildings will have grey cladding to the upper walls and roofs and concrete to the lower walls. The proposed poultry houses are 98m x 21m with a ridge height of 6.6m, the buildings are linked on the frontage with a 6m x 6.5m building which has a 4m ridge height, behind this is 8.9m high silo for wood pellets to feed a biomass boiler contained in a 10m x 4m building that is 4m high. It is also proposed to provide 4 additional feed silos of 8.9m high and a 7m x 6m x 4m high ancillary building beside a retaining structure for the ramped vehicular access between the existing and the proposed buildings The plans also show underground storage tanks for dirty water out of the poultry units, swales to provide rain water attenuation and native species landscaping around the buildings.	
Planning Assessment of Policy and Other Material Considerations Dungannon & South Tyrone Area Plan Planning acknowledges that agriculture is an important use in the area. It does not have any policies in relation to this application but it	

identifies the site within the rural area where Planning Policy Statement 21 – Sustainable Development in the Countryside provides the policy considerations.

The Strategic Planning Policy Statement re-states the policies contained in **PPS21**, and I consider the most appropriate policy for consideration is CTY 12 which sets out criteria that allows planning permission to be granted for agricultural development subject to consideration of the status of the farm business; its impacts on the locality, neighbouring residents, natural and built heritage. Members should note the Ministers Review into the Operation of Planning Policy Statement 21 recognised there would be a significant number of planning applications for poultry houses to supply the agri-food sector. It does not provide any policy guidance but it does clearly recognise this industry is a key economic driver for the rural economy which I consider is supportive of this type of development.

The proposed development is an expansion of an existing active and established farm and the buildings are sited beside the existing buildings, are similar in size, scale and appearance to some of the existing buildings on the site and I consider the development to be appropriate to the location. The existing vegetation around the site, existing buildings on the site, topography of the landscape along with the additional landscaping proposed around the buildings will, in my view, assist the integration of the buildings into the landscape especially the cattle houses which have critical but limited views from the minor road network to the south and east. The poultry units will be seen in fleeting views from the Eglish Road, these are seen with a backdrop of rising ground and the existing units, again I consider the proposed landscaping will assist screening of these new buildings.

Members should note the expansion of the cattle houses is close to an historic monument, a rath. Historic Environment Division have been consulted and do not have any concerns with impacts from the proposed development on any historic features.

An Environmental Statement was submitted with the application which addressed noise, air quality and odour, the ecology, the water environment, transport, socio-economic impacts and waste disposal and nitrates management. The statutory agencies, except NIEA-NED have not objected to this development, provided some conditions to mitigate against possible environmental effects are attached to any planning permission. NIEA – Industrial pollution and Radiochemical Inspectorate have advised this site is the subject of a Pollution Prevention and Control Permit and it will need to be amended to take account of the new building. This is a separate regulatory regime to the Planning system. Environmental Health officers have advised the reports have indicated there will be no significant adverse impacts on sensitive dwellings from odour or noise.

PPS2 – Natural Heritage, Northern Ireland Environment Agency – NED have considered the proposed development in relation to nitrogen emission impacts on Benburb ASSI, Benburb & Mulltown ASSI, Knocknacloy ASSI and Rehaghy Wood ASSI. NIEA have advised the existing cattle sheds have not been considered in terms of the cumulative impact of the scheme. The response recommends without the provision of additional information the development should be refused as it would be likely to have a significant effect of a designated site. Members are advised the existing buildings and impacts from them are, in my opinion, self-evident and the impacts the existing buildings have on the designated sites is currently occurring, able to be observed and outside of planning control as there are no conditions relating to their uses. I consider NIEA, who are the designating body, should be in a position to be able to advise if the designated sites are being eroded in any way due to nitrogen emissions. The response further states that 'NED acknowledges receipt of an Environmental Impact Statement using the information submitted is content that the development is unlikely to impact protected or priority species or habitats'. I have sought clarification from NIEA in relation to the information that is needed for them to fully consider the impacts and have not received any comment. As NED have recognised the proposal is accompanied with information to consider the impacts from the proposed development and have not raised any concerns in relation to the proposed development, I conclude that NED do not have any concerns with the proposed development.

Shared Environmental Service have advised the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43(1) of the Conservation (Natural Habitat, etc) Regulations (NI) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. In light of this I am content the proposal meets with policies contained in PPS2.

PPS3 – Access, Movement and Parking, TNI consider the access point, where it meets the minor road is sub-standard as the existing visibility splays are not adequate. A proposed improvements to the access is acceptable provided it is carried out prior to the commencement of development and I consider it is reasonable to condition the provision of these improvements.

PPS15 – Planning and Flood Risk, due to the size of the proposed development, policy FLD3 places a requirement for a drainage assessment to be carried out to demonstrate adequate measures are put in place to mitigate against flooding. The proposal includes a storm water attenuation system which DARD (NI) Rivers Agency accepts and have they not offered any objections to the proposal. I am content a condition requiring the provision of the flood attenuation scheme is required to ensure this is provided.

Having carefully considered all of the above, I recommend the committee approve this development.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval with conditions and subject to notification to the Department.

Conditions/Reasons for Refusal:

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

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

2. The vehicular access, including visibility splays of 2.4m x 33.0m and 33.0m forward sight line shall be provided in accordance with Drawing No 02 Rev 01 bearing the stamp dated 27 SEP 2017, prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All hard and soft landscape works shall be carried out in accordance with the details as shown on drawing No 02 Rev 1 bearing the stamp dated 27 SEP 2017 and the appropriate British Standard or other recognised Codes of Practice. The landscaping shown around the new cattle houses shall be carried out prior to any of the cattle houses becoming operational and the landscaping around the new poultry houses shall be carried out prior to any of the poultry houses becoming operational. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

4. Prior to the construction of any of the poultry buildings or laying of any concrete surfaces associated with the poultry units , the storm water drainage run and swale located beside the poultry buildings as detailed on drawing no 02 REV 1 bearing the stamp dated 27 SEP 2017 shall be provided as detailed.

Reason: To attenuate the storm water from the site and reduce the risk of flooding.

5. Prior to the construction of any of the cattle houses or laying of any concrete surfaces associated with the cattle houses, the storm water drainage run and swale located beside the cattle houses as detailed on drawing no 02 REV 1 bearing the stamp dated 27 SEP 2017 shall be provided as detailed.

Reason: To attenuate the storm water from the site and reduce the risk of flooding.

6. Prior to the poultry houses hereby approved becoming operational the washings tank shown on drawing no 02 REV 1 bearing the stamp dated 27 SEP 2017 shall be provided with no overflow or outfall permitted to the adjoining waterways. All dirty water generated on this site by these buildings must be collected in the tank.

Reason: To ensure there are no adverse impacts on the selection features of Lough Neagh ASSI and Lough Neagh and Lough Beg SPA.

Informatives

1. When making this decision the Council has taken into consideration environmental information within the terms of the Planning (Assessment of Environmental Effects) Regulations (Northern Ireland) 2015.

2. The applicant will be required to obtain a Pollution Prevention and Control (PPC) permit variation prior to first operating the expanded facility.

3. Your attention is drawn to Standing Advice Notes 12, 23, 4, 11, 5 and 18 published by NIEA and available to view of NI Planning Portal under NIEA Guidance.

Signature(s)

Date:

ANNEX	
Date Valid	7th July 2017
Date First Advertised	27th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Terryscollop Road,Annagh,Dungannon,Tyrone,BT71 7QQ	
Date of Last Neighbour Notification	26th July 2017
Date of EIA Determination	
ES Requested	Submitted
Planning History Ref ID: LA09/2017/0936/F Proposal: Proposed 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins ,2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building Address: Lands approx. 300m North West and 100msouth west of 27 Terryscollop Road, Annagh, Dungannon, Decision: Decision Date: Ref ID: LA09/2017/0285/PAN Proposal: Proposed 2No. broiler poultry sheds with 4 feed bins 2No. gas tanks, office and changing building (to contain in total 74000 broilers, taking the total farm capacity to 148000 broiler birds) and proposed cattle shed with underground slurry tank (t0 contain 80 beef cattle). New covered silage pit, covered yard area and a general farm storage building. Address: Land approx. 300m NW and 100n SW of 27 Terryscollop Road Annagh, Dungannon, Decision: PANACC Decision Date: Ref ID: M/2006/0692/O Proposal: Dwelling & Garage	

Address: Land approx 50m NW of 27 Terryscollop Road, Dungannon

Decision:

Decision Date: 22.05.2007

Ref ID: M/2011/0073/F

Proposal: Proposed single storey extension to side of dwelling and 2 storey extension to rear with covered area on ground and bedroom above plus internal alterations

Address: 27 Terryscollop Road, Dungannon,

Decision:

Decision Date: 15.03.2011

Ref ID: M/1991/4027

Proposal: Alteration to Dwelling

Address: 27 TERRYSCALLOP ROAD, DUNGANNON.

Decision:

Decision Date:

Ref ID: M/2012/0340/F

Proposal: Proposed 2no. Select Farm Poultry Sheds, 4 no. feed bins and an ancillary building with biomass boiler, standby generator, office and changing facilities,(each poultry shed will contain 25850 chickens

Address: Land approx 300m North West of 27 Terryscallop Road, Dungannon,

Decision: MAA

Decision Date: 13.08.2012

Summary of Consultee Responses

NIEA – content with conditions, unable to consider the impacts of the existing development, will be subject to PPC

TNI – access improvements to be provided

EHO – no significant odour or noise impacts

SES – can be screened out for impacts on European sites

HED – content

DARD – active and established farm

Rivers –no reason to object on flooding or drainage perspective

Drawing Numbers and Title

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02 Rev 1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0998/F	Target Date: 7 November 2017
Proposal: Top dressing of existing laneway widening of sight splays at road entrance ,widening of chicane, piping approx. 20m of open sheugh to prevent collapse at 90 Degrees corner	Location: Land fronting onto Keerin Road approx. 625m West of 125 Broughderg Road Omagh
Referral Route: Objections	
Recommendation:	Approval
Applicant Name and Address: John O'Neill 125 Broughderg Road Omagh BT79 8JN	Agent Name and Address:
Executive Summary: Approved recommendation taking into account Objectors concerns and applying relevant policy	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	
Statutory	Transport NI - Enniskillen Office	Content
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Shared Environmental Services	
Statutory	Transport NI - Enniskillen Office	

Representations:

Letters of Support	None Received
Letters of Objection	10
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

All statutory bodies were consulted on this application. All other material considerations have been addressed within the determination of this application.

Characteristics of the Site and Area

The application site fronts onto Keerin Road approx. 625m West of No. 125 Broughderg Road, Omagh County Tyrone. The site falls within an ACM (Area of Mineral Constraint), an AONB (Area of outstanding Natural Beauty) including an ASAI (Area of Significant Archaeological Interest). The site is classified as an upland area of the Sperrins, an existing access point which leads to a land which has peat has been widened and hard core put down at the access point.

The access to the site is from the Keerin road through agricultural land onto the Broughderg Road. The laneway has been upgraded and widened in a number of places before it loops back round from the Keerin road to the Broughderg Road, in addition to this a new drainage pipe or pipes which have been laid at a bend along the laneway at a point where it has been widened.

Description of Proposal

The applicant is seeking full planning approval for top dressing of existing laneway widening of sight splay at road entrance (Keerin Road), widening of chicane, and piping approx. 20m of open sheugh to prevent collapse at 90 Degree corner.

Planning histories

Reference	Location	Proposal/Complaint	Status	Date
LA09/2017/0998/F	Land fronting onto Keerin Road approx	Top dressing of existing laneway widening of sight splay	VALID APPLICATION RECEIVED	
LA09/2017/0071/CA	Keerin Road, OMAGH	Alleged laying of underground electricity cables	ASSESSMENT OF ENFORCEMENT	
K/2010/0090CA	Keerin Road, off Broughderg Road, Mc	OPERATIONAL DEVELOPMENT - Unauthorised Winn	ENFORCEMENT ACTION BEING P	
LA09/2017/0008/CA	Lands Fronting Onto Keerin Road, Appr	Unauthorised engineering works to an existing access/	ENFORCEMENT ACTION BEING P	

There are ongoing enforcement issues with the applicant. However it is noted this application has evolved out of a submission request from the Enforcement team

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations...

The application property is located outside the settlement Development Limits of Cookstown Area Plan 2010.

There are no other potential development constraints. The proposal raises no concerns in terms of flood risk, impact on listed built heritage or protected trees or vegetation (TPO) nor does it fall within Conservation, Townscape Designation. The proposal is under the 15.2m height threshold for consultation to Defence Estates relating to Met. Office -Radar. The key policy tests and relevant supplementary guidance are listed below.

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

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

The Cookstown Area Plan 2010 (CAP) operates as the local development plan of the area the application site lies within. The site sits in a rural location outside any defined settlement limits. The CAP offers no specific policy or guidance in respect of this application. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for N Ireland (SPPS) and those of Planning Policy Statement 21 (PPS21) in respect of this application thereby the policy provisions of PPS 21 remain applicable.

Policy References:

Cookstown Area Plan 2010
Strategic Planning Policy Statement for Northern Ireland (SPPS, published 28 Sept 2015)
PPS 2 Natural Heritage
PPS 3 Access, Movement and Parking
PPS 6 Planning, Archaeology and the Built Environment
PRSNI Planning Rural Strategy for Northern Ireland
PPS 21 Sustainable Development in the Countryside

Supplementary Planning Guidance

DCAN 15 Vehicular Access Standards

Statutory Consultees

Drainage and Water - (Water Management Unit) is content subject to conditions;
Natural Heritage and Conservation Areas - Designated Sites

The site is hydrologically connected to the Owenkillew River Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI) which are of international and national importance and are protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.

NED has considered the impacts of the proposal on the designated sites and advises that due regard is given by the competent authority, Fermanagh and Omagh District Council to the recommendations outlined below, in undertaking the Habitats Regulations Assessment on Owenkillew River SAC to overcome any NIEA concerns with the proposal. These should ensure compliance with the requirements of the Habitats Directive. Furthermore adherence to these recommendations will ensure compliance with the requirements of The Environment (Northern Ireland) Order 2002.

A designated buffer of at least 10 metres must be maintained between the watercourse on site and the location of all refuelling, storage of oil/fuel, concrete mixing, washing areas and storage of machinery/material/spoil.

Natural Heritage

Natural Environment Division (NED) has raised concerns on the basis of the information provided, considers that it is contrary to Planning Policy Statement 2:

Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland states the development would have an unacceptable adverse impact on blanket bog priority habitats.

The habitat on site is blanket bog which is a European habitat as listed on Annex 1 of the Habitats Directive and is also a Northern Ireland Priority Habitat as identified in the Biodiversity Strategy for Northern Ireland to 2020, recommends Council refuses this application.

PPS 2 Natural Heritage Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance states Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- ☐ Priority habitats;
- ☐ Priority species;
- ☐ Active peatland;
- ☐ Ancient and long-established woodland;
- ☐ Features of earth science conservation importance;
- ☐ Features of the landscape which are of major importance for wild flora and fauna;
- ☐ Rare or threatened native species;
- ☐ Wetlands (includes river corridors); or
- ☐ Other natural heritage features worthy of protection.

I have taken on board the comments made by NHD in relation to the protection of designated blanket bog given that the laneway has been in existence for some considerable time and the nature of the proposed works are relatively minor in detail, which is unlikely to have any unacceptable adverse impact to surrounding blanket bog. While I was on site I did observe people using the lane to access peat, which demonstrated the general use of the laneway by wider community this I assumed were local people applying their turbary rights.

The laneway is approximately 3.5m in width at the entrance onto Keerin Road and extends 499.34m, which connects to another laneway that accesses onto Broughderg Road. The proposed involves visibility splays at the access point on to Keerin Road, piping 20m of open shough to prevent collapse at 90 Degrees corner and minor resurfacing works at the upper junction leading to Broughderg Road.

In mitigation Shared Environmental Services have requested silt curtains to be installed within 20m downstream of the proposed piped section of the watercourse to protect the site selection features and conservation objectives of Owenkillew River SAC.

I am satisfied the proposal would not have any significant impact on the blanket bog or to the sensitive areas located outside the site's red line as compared to leaving the things as they are would In my view further erode the lane to the detriment of the wider area.

Transport NI were consulted on 26 October 2017, and responded on 24 October 2017, no objection to the proposal.

Shared Environmental Services were consulted 15 September 2017 and responded on 10 October 2017, no objection subject to conditions:

Objections

Several letters of objection were received citing the following concerns: increase traffic flow on small country roads, increase noise and dust, health and safety implications, dangers to young people and harm to sensitive peatland with protected designated site, lack of public consultation in local newspapers.

A total of nine (9) letters of objection were received on the following dates:

Four (4) letters were received dated 21 August 2017, the letters raised similar concerns whilst setting out the historic context of the site and implications of approving development which would damage the sensitive designated areas and especially the harm to local archaeological features within the site and that there was a lack of consultation with no public notice in local papers;

Four (4) letters were received date stamp 24 August 2017, raised concerns relating to a mockery of planning procedures, issues over increase road traffic and heavy machinery, health and safety, protection of landscapes (bog & peatlands) and environmental issues nose and dust relating to turbine operations;

One (1) letter was received dated 26 September 2017 made comments of the importance in protecting designate archaeological monuments within the site including concerns using heavy machinery would damage areas of sensitive peatland, other concerns related to peat extraction.

My assessment on issues of concern raised by the objectors are as follows:

Roads, dust and health & safety Transport NI were consulted and responded with no objection to the proposal,

Shared Environmental Services were consulted no objection to proposal subject to conditions already referred to in this report,

Natural Heritage Division were consulted and raised an objection on the potential harm the proposal might have on blanket bog and priority habitats.

In reference to suggested lack of public consultation I note that Council as required under Article 8(1) (a) of the GDPO states that the Planning Authority shall publish notice of the application in at least one newspaper circulating in the locality in which the land to which the application relates is situated.

I am satisfied correct procedures were applied by Council in respect of advertisement in this case the application was published in the Mid Ulster Mail on 10 August 2017 and Tyrone Courier on 9 August 2017, and all applications are uploaded onto Council's website for public inspection.

There were no neighbourhood letters sent due to the separation distance as the nearest residential dwelling is over 600m to the west of the site.	
Neighbour Notification Checked	Yes/No
Summary of Recommendation: Approval	
Conditions As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: Time Limit. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or Phase of works. Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment. A designated buffer of at least 10 metres must be maintained between the watercourses on site and the location of all refuelling, storage of oil/fuel, concrete mixing, washing areas and storage of machinery/material/spoil. Reason: To protect the site selection features and conservation objectives of Owenkillev River SAC. Silt curtains must be installed within 20m downstream of the proposed piped section of the watercourse. Reason: To protect the site selection features and conservation objectives of Owenkillev River SAC. Informatives Only cleaned aggregate must be used for dressing and maintaining the laneway. Reason: To protect the site selection features and conservation objectives of Owenkillev River SAC.	
Signature(s) Date:	

ANNEX	
Date Valid	25th July 2017
Date First Advertised	10th August 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 129, Broughderg Road, Mountfield, Tyrone, Northern Ireland, BT79 8JN Ellis Leddy 129, Broughderg Road, Mountfield, Tyrone, Northern Ireland, BT79 8JN Kerry and Shaun McCrory 30, Liggins Road, Glenhull, Tyrone, Northern Ireland, BT79 8JA Kerry & Shaun McCrory 30, Liggins Road, Glenhull, Tyrone, Northern Ireland, BT79 8JA J H Clarke 47, Keerin Road, Mountfield, Tyrone, Northern Ireland, BT79 8HU Mary McKenna 50 Crouck Road, Mountfield, Tyrone, Northern Ireland, BT79 8HT Colm McKenna 50, Crouck Road, Mountfield, Tyrone, Northern Ireland, BT79 8HT Aoibhin McKenna 50, Crouck Road, Mountfield, Tyrone, Northern Ireland, BT79 8HT Jason McKenna 50, Crouck Road, Mountfield, Tyrone, Northern Ireland, BT79 8HT Darren McKenna 50, Crouck Road, Mountfield, Tyrone, Northern Ireland, BT79 8HT	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0998/F Proposal: Top dressing of existing laneway widening of sight splays at road entrance ,widening of chicane, piping approx. 20m of open sheugh to prevent collapse at 90 Degrees corner Address: Land fronting onto Keerin Road approx. 625m West of 125 Broughderg Road, Omagh, 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 Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1032/O	Target Date: 16/11/2017
Proposal: Outline planning permission for a single dwelling	Location: To the rear of 137 Lisacclare Road Killeen Stewartstown
Referral Route: Contrary to Planning Policy CTYa Refusal	
Applicant Name and Address: Mrs Cora Donnellan 137 Lisacclare Road Killeen Stewartstown BT71 5QJ	Agent Name and Address: Blackbird Architecture 4 Glenree Avenue Dungannon BT71 6XG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	Transport NI - 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

All statutory bodies were consulted on this application. All other material considerations have been addressed within the determination of this application.

Characteristics of the Site and Area

The site is a portion of land which lies to the rear of a number of dwellings accessed via an existing laneway off the Lisaclare Road. Three sets of semi-detached bungalows lie beyond the NW boundary of the application site with access to them is via a laneway, which forms a T junction at its access onto the Lisaclare Road, which is approximately 100m from the site entrance.

The site is broadly rectangular in shape with a plot size of approx. 0.33 hectares. The topography is relatively flat and can be accessed via the existing lane. The surrounding landscape is rural in character as depicted in the Dungannon & South Tyrone Area Plan 2010 and the site is located outside any development limits.

Description of Proposal

The applicant is seeking outline planning permission for a single dwelling.

Planning Assessment of Policy and Other Material Considerations

Planning Histories

Reference	Location	Proposal/Complaint	Status	Date
LA09/2016/1790/F	139 Lisaclore Road, Stewartstown,	Farm dwelling and Garage	PERMISSION GRANTED	03.04.2017
LA09/2017/1032/O	To the rear of 137 Lisaclore Road, Kille	Outline planning permission for a single dwelling	VALID APPLICATION RECEIVED	
M/2010/0496/F	93 Metres South of 133 Lisaclore Road	Proposed Agricultural Storage Shed	PERMISSION GRANTED	15.12.2010
M/2006/1991/F	Land approx 350m SW of 137 Lisaclore	1 No organic free range layer hen house	PERMISSION GRANTED	15.02.2007
M/2012/0103/PREAPP	93m South of 133 Lisaclore Road, Ste	Proposed dwelling	PRE APPLICATION ENQUIRY - NO	
M/1992/0669	ADJACENT TO 137 LISACLARE ROAD	Site for Dwelling and Garage	APPLICATION WITHDRAWN	
M/1996/0499	119 LISACLARE ROAD STEWARTST	Extension to Dwelling	PERMISSION GRANTED	
M/2003/0358/F	137 Lisaclore Road, Stewartstown	Retention of Existing Offices/Workshop/Storage Facilit	PERMISSION GRANTED	21.01.2004
M/1979/0051	121 LISACLARE ROAD, STEWARTS	EXTENSION AND IMPROVEMENTS TO DWELLING	PERMISSION GRANTED	
M/2002/0921/F	137 Lisaclore Road, Stewartstown	Proposed extension to existing dwelling	PERMISSION GRANTED	18.10.2002
M/2014/0445/O	139, Lisaclore Road, Stewartstown,	Dwelling and garage.	PERMISSION GRANTED	17.04.2015
M/2012/0482/PREAPP	To the rear of 137 Lisaclore Road, Kille	Erection of a dwelling	PRE APPLICATION ENQUIRY - RE	
M/2013/0089/O	To the rear of 137 Lisaclore Road, Kille	Outline planning permission for a single dwelling	PERMISSION REFUSED	20.02.2014

The Department received in 2012 a PREAPP the decision was likely to refuse on 6 December 2012,

M/2013/0089/O relates to outline planning permission for a single dwelling which was refused by the Department on 18.02.2014 and was dismissed by PAC on 27.08.2014.

STATUTORY CONSULTATIONS

Transport NI were consulted and have responded no objections subject to conditions;
 NI Water were consulted no objections
 No third party objections received during the processing of the application

Other points of note

The application was initially advertised in the local press on w/c 14 Aug 2017 (publication date 17 Aug 2017). Seven (7) neighbouring properties were notified on 07 August 2017, in accordance with the Development Management Practice Note 14 (April 2015)

Policy References:

Dungannon and South Tyrone Area Plan 2010
 Strategic Planning Policy Statement for Northern Ireland (SPPS, published 28 Sept 2015)
 Planning Policy Statement 21: Sustainable Development in the Countryside
 Planning Policy Statement 3: Accessing, Movement and Parking

Supplementary Planning Guidance:**Building on Tradition: A Sustainable Design Guide for Northern Ireland Countryside**

Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations...

The application property is located outside / inside the settlement Development Limits of Dungannon & South Tyrone Area Plan 2010.

There are no other potential development constraints. The proposal raises no concerns in terms of flood risk, impact on listed built heritage or protected trees or vegetation (TPO) nor does it fall within Conservation, Townscape Designation. The proposal is under the 15.2m height threshold for consultation to Defence Estates relating to Met. Office -Radar. The key policy tests and relevant supplementary guidance are listed below.

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

The Dungannon & South Tyrone Area Plan 2010 (D&STAP) operates as the local development plan of the area the application site lies within. The site sits in a rural location outside any defined settlement limits. The CAP offers no specific policy or guidance in respect of this application. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for N Ireland (SPPS) and those of Planning Policy Statement 21 (PPS21) in respect of this application thereby the policy provisions of PPS 21 remain applicable.

Planning Policy Statement 21 Sustainable Developed tin the Countryside provides the planning context for the proposed development. Policy CTY1 states that there is a range of development types considered to be acceptable in principle in the Countryside.

One of these is a dwelling sited within an existing cluster of buildings in accordance with policy CTY2a, subject to meeting 4 criteria:

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

I have planning concerns that the proposed development fails to comply with the third criteria, which requires the cluster to be (i) associated with a focal point such as a social/community, building/facility, or (ii) located at crossroads.

My assessment of this application and had the benefit of DM Group input and it is clear that no material change or shift in terms of policy has occurred in particularly relating to PPS 21 Policy CTY2a since the previous application was refusal by the Department in 2014 and the subsequent planning appeal dismissed in 2014. The only relevant change has been the devolving of planning responsibilities to local councils as in this case Mid Ulster District Council on 1st April 2015, replaced the Department as the decision maker.

Planning permission was granted on 3/4/2017 for a farm dwelling and a garage under Planning reference LA09/2017/1790/F, this approval does not provide any significant advantage in terms of planning policy as it was accessed under CTY10.

The applicant has relied on the same arguments previously presented at the appeal with emphasis on a building used for picture framing businesses that also is used for an art gallery. I have been unable despite my best endeavours to find any publicity relating to the art gallery and therefore I am of the same view as then the Department and Commissioner that this does not represent a focal point.

The site overall lacks sufficient screening whilst set back and would nonetheless require landscaping to lessen its impact on the surrounding residential amenity.

For the reason outlined above, I find that the proposal does not comply with the third criterion of policy CTY1, as the proposal is not a cluster of development and does not therefore represent one of the types of housing development considered acceptable in principle in the countryside.

Therefore, the proposal is at odds with policy CTY1 of PSS21 Sustainable Development in the countryside.

Neighbour Notification Checked

Yes

Neighbourhood notification attached to the rear of this report

Summary of Recommendation:

Refusal

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21 New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and is not located at a cross-roads and the dwelling would if permitted visually intrude into the open countryside.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the building would if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)
Date:

ANNEX	
Date Valid	3rd August 2017
Date First Advertised	17th August 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 119 Lisaclore Road Lisaclore Stewartstown The Owner/Occupier, 119a Lisaclore Road, Lisaclore, Stewartstown, Tyrone, BT71 5QJ The Owner/Occupier, 123 Lisaclore Road Lisaclore Stewartstown The Owner/Occupier, 125 Lisaclore Road Lisaclore Stewartstown The Owner/Occupier, 127 Lisaclore Road Lisaclore Stewartstown The Owner/Occupier, 129 Lisaclore Road Lisaclore Stewartstown The Owner/Occupier, 137 Lisaclore Road Lisaclore Stewartstown	
Date of Last Neighbour Notification	7th August 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1790/F Proposal: Farm dwelling and Garage Address: 139 Lisaclore Road, Stewartstown, Decision: PG Decision Date: 03.04.2017 Ref ID: LA09/2017/1032/O Proposal: Outline planning permission for a single dwelling Address: To the rear of 137 Lisaclore Road, Killeen, Stewartstown, Decision: Decision Date: Ref ID: M/2010/0496/F Proposal: Proposed Agricultural Storage Shed Address: 93 Metres South of 133 Lisaclore Road, Stewartstown Decision: Decision Date: 15.12.2010	

Ref ID: M/2006/1991/F
Proposal: 1 No organic free range layer hen house
Address: Land approx 350m SW of 137 Lisclare Road, Stewartstown, Dungannon
Decision:
Decision Date: 15.02.2007

Ref ID: M/2012/0103/PREAPP
Proposal: Proposed dwelling
Address: 93m South of 133 Lisclare Road, Stewartstown,
Decision:
Decision Date:

Ref ID: M/1992/0669
Proposal: Site for Dwelling and Garage
Address: ADJACENT TO 137 LISACLARE ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1996/0499
Proposal: Extension to Dwelling
Address: 119 LISACLARE ROAD STEWARTSTOWN
Decision:
Decision Date:

Ref ID: M/2003/0358/F
Proposal: Retention of Existing Offices/Workshop/Storage Facilities
Address: 137 Lisclare Road, Stewartstown
Decision:
Decision Date: 21.01.2004

Ref ID: M/1979/0051
Proposal: EXTENSION AND IMPROVEMENTS TO DWELLING
Address: 121 LISACLARE ROAD, STEWARTSTOWN, DUNGANNON
Decision:
Decision Date:

Ref ID: M/2002/0921/F
Proposal: Proposed extension to existing dwelling
Address: 137 Lisclare Road, Stewartstown
Decision:
Decision Date: 18.10.2002

Ref ID: M/2014/0446/O
Proposal: Dwelling and garage.
Address: 139, Lisclare Road, Stewartstown,
Decision: PG
Decision Date: 17.04.2015

<p>Ref ID: M/2012/0482/PREAPP Proposal: Erection of a dwelling Address: To the rear of 137 Lisacclare Road, Killeen, Stewartstown, Decision: ELR Decision Date:</p> <p>Ref ID: M/2013/0089/O Proposal: Outline planning permission for a single dwelling Address: To the rear of 137 Lisacclare Road, Killeen, Stewartstown BT71 5QJ, Decision: PG Decision Date: 20.02.2014</p>
<p>Summary of Consultee Responses</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block 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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1079/O	Target Date:
Proposal: Proposed site for a dwelling and domestic garage (proposal based on policy CTY 2a) New dwelling in an existing cluster	Location: Approx 20mts North East of no 40 Coole Road Aughamullan Dungannon
Referral Route: Recommendation for refusal	
Recommendation:	
Applicant Name and Address: Mr Lee Canavan 5 Annaghmore Road Annaghmore Coalisland BT71 4QZ	Agent Name and Address: CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: Approved recommendation taking into account Objector concerns and applying relevant policy	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

Representations:

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

Summary of Issues

All statutory bodies were consulted on this application. All other material considerations have been addressed within the determination of this application.

Characteristics of the Site and Area

The site in question is located approx. 20m north east of No. 40 Coole Road, Aughamullan, Dungannon and is some 4km east of Coalisland, with Lough Neagh 2km to the east as depicted by the Dungannon and South Tyrone Area Plan 2010.

The application site is not within any development settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area can be characterised as open countryside with dispersed rural dwellings and farms. The site sits 220 metres NE of Coole Crossroads.

The site is rectangular in plot size measuring approximately 0.31 of a hectare and comprises a portion of land on the south west side of the Coole Road. It is situated on the western side of a cross roads (Coole road). The site's topography is generally flat in nature and lies level with the Coole Road. The site is bounded on North and east boundaries by mature vegetation mostly indigenous species. An existing access with a gate - adjacent to a concrete laneway flanked with post and wire fencing incorporating the western and southern boundaries.

Three dwellings (Nos 40, 40a, 42 Coole Road) lie to the east of the site. Nos 46, 48, 50 Coole Road extends NE from the crossroads. There is an outline planning approval for an infill site between Nos 42 and 46. There is no build development on the opposite side of Coole Road.

<p>Description of Proposal</p> <p>The applicant is seeking outline planning approval for a dwelling approx. 20mts north east of no 40 Coole Road, Aughamullan - Dungannon</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The applicant is seeking outline planning approval for a dwelling approx. 20mts north east of no 40 Coole Road, Aughamullan – Dungannon.</p> <p>The application is considered against Dungannon and South Tyrone Area Plan 2010, PPS 21 Sustainable Development in the Countryside and SPPS, PS 3 Access, Movement and Parking.</p> <p>Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations...</p> <p>There are no other potential development constraints. The proposal raises no concerns in terms of flood risk, impact on listed built heritage or protected trees or vegetation (TPO) nor does it fall within Conservation, Townscape Designation. The proposal is under the 15.2m height threshold for consultation to Defence Estates relating to Met. Office -Radar. The key policy tests and relevant supplementary guidance are listed below.</p> <p>Consultations:</p> <p>NI Water – No objections Transport NI – No objections, conditions attached.</p> <p>Objections & Representations</p> <p>The application was initially advertised in the local press on w/c 21 August 2017 (publication date 24 Aug 2017). Six (6) neighbouring properties were notified on 15 August 2017, in accordance with the Development Management Practice Note 14 (April 2015).</p> <p>PPS 3 Access, Movement and Parking Consideration and Assessment:</p> <p>Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a.</p> <p>The principle of the application is considered under PPS 21, CTY 2a, New Dwellings in Existing Clusters under CTY 2a all criteria must be met.</p> <p>There are a collection of buildings to the east of the site. There is a crossroads approx. 220m from the site. The site lies outside a farm and there are three dwellings in relatively close proximity nos 40, 40a, 42 Coole Road.</p> <p>Policy CTY2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all of six criteria are met. My assessment refers to the policy criteria</p>

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

The application fails this section of policy. Whilst I concede that there is development on the east boundary with property no 40 there is no development on the northern boundary. That said, I concede that an outline planning approval for a farm dwelling has been granted under LA09/2017/1420/O however as things stand that does not constitute development in policy terms and therefore cannot be considered as part of the support for this application. In addition, the proposed dwelling if permitted, would in its current context create ribbon development along the Coole Road.

Located to the rear of the application site there are two outline application site LA09/2016/1142/O (farm dwelling) and LA09/2015/0901/infill site).

Whilst I concede that the site is within a cluster and can be associated with a local focal point (crossroads), nonetheless the application site fails to meet one of the criteria of Policy CTY2a, in that the site does not provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster. The site is bounded on one side by development (No 40). Whilst acknowledging there is outline permission granted for a farm dwelling to the NE and rear of the site, cannot be considered as development.

I am led to understand that the applicant does not control any of these sites, which this application would rely upon to satisfy policy.

Furthermore, I have planning concerns that if permitted, the site would create ribbon development along the Coole Road.

Policy CTY 13 – Integration and Design of Buildings in the Countryside, a dwelling could be accommodated on the site in accordance with CTY 13 although it is noted that additional planting would be required in order to enclose on the west and south boundaries.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal, the application is contrary to Policy CTY 2a and CTY 8 of PPS 21

Reasons for Refusal:

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

1. The proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Coole Road.

Signature(s)

Date:

ANNEX	
Date Valid	9th August 2017
Date First Advertised	24th August 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 212 Stewartstown Road Shanliss Upper Coalisland The Owner/Occupier, 38A Coole Road Aughamullan Dungannon The Owner/Occupier, 40 Coole Road Aughamullan Dungannon The Owner/Occupier, 40A Coole Road Aughamullan Dungannon The Owner/Occupier, 40B Coole Road, Aughamullan, Dungannon, Tyrone, BT71 5DP The Owner/Occupier, 42 Coole Road Aughamullan Dungannon	
Date of Last Neighbour Notification	15th August 2017
Date of EIA Determination	N/A
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1142/O Proposal: Proposed 2 storey farm dwelling and garage Address: 40m East of 40 Coole Road, Coalisland, Decision: PG Decision Date: 21.03.2017 Ref ID: LA09/2017/1079/O Proposal: Proposed site for a dwelling and domestic garage (proposal based on policy CTY 2a) New dwelling in an existing cluster Address: Approx. 20mts North East of no 40 Coole Road, Aughamullan, Dungannon, Decision: Decision Date: Ref ID: M/2005/0616/O Proposal: Proposed dwelling. Address: 120m North of 40 Coole Road, Coalisland. Decision: Decision Date: 22.06.2005	

<p>Ref ID: M/2007/0585/F Proposal: Proposed dwelling and garage, removal of condition of 5, location of dwelling and garage within area shaded green on the approved plan M/2005/1898 to move dwelling forward to provide a rear garden Address: 120m North of 40 Coole Road, Coalisland Decision: Decision Date: 06.07.2007</p> <p>Ref ID: M/2005/1898/O Proposal: Dwelling Address: 120m North of 40 Coole Road, Coalisland Decision: Decision Date: 21.11.2005</p> <p>Ref ID: M/1978/046701 Proposal: BUNGALOW Address: COOLE ROAD, AUGHAMULLAN, COALISLAND Decision: Decision Date:</p> <p>Ref ID: M/1978/0467 Proposal: BUNGALOW Address: COOLE ROAD, AUGHAMULLAN, COALISLAND, CO.TYRONE Decision: Decision Date:</p> <p>Ref ID: M/2003/1152/O Proposal: Proposed dwelling Address: Adjacent to 40 Coole Road Coalisland Decision: Decision Date: 03.11.2003</p> <p>Ref ID: M/2004/0858/RM Proposal: Proposed dwelling - living accommodation Address: Adjacent to 40 Coole Road, Coalisland Decision: Decision Date: 26.07.2004</p> <p>Ref ID: LA09/2015/0438/PAD Proposal: In-fill dwelling Address: Lands adjacent to 46 Coole Road, Coalisland, Decision: Decision Date:</p>
Summary of Consultee Responses
Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1132/F	Target Date:
Proposal: Use of lower ground floor of house as child minding / daycare facility for 8 children	Location: 9b Woodlawn Park Dungannon
Referral Route: Application has received valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.	
Recommendation:	Approve
Applicant Name and Address: Little Eco Steps Ltd 9b Woodlawn Park Dungannon BT70 1AH	Agent Name and Address: McCarter Hamill Architects 44 Circular Road Dungannon BT71 6BE
Executive Summary: Application to part convert a semidetached dwelling at Woodlawn Park Dungannon, into a childminding/day care facility for 8 children. In the consideration below, I have outlined how the proposal is in keeping with prevailing policy for this type of development and for the reasons stated I have recommended approval.	
Signature(s): <i>D. Owens</i>	

Case Officer Report

Site Location Plan



Consultations: 2

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Statutory	Transport NI - Enniskillen Office	Advice

Representations:

Letters of Support	2
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

DFI Roads and the Council's Environmental Health Department were consulted on this application and returned comment. Environmental Health are content with the application whilst DFI Roads have objected to the proposal on the grounds of the proposal being contrary to PPS 3 Policies AMP 2 and AMP 7. 1 letter of objection and 2 letters of support have been received. All other material considerations have been addressed within the determination below.

Characteristics of the Site and Area

The proposal is sited in Woodlawn Park, Dungannon, Co. Tyrone. Woodlawn Park is located to the south of Woodlawn Drive and the Quarry Lane and plays host to a mix of semidetached and detached houses. The application property is a relatively new development in this area and the building along with the other dwelling in this pair was built within the past 4/5 years. The other dwellings in Woodlawn Park date back to the 1960s. The application property is located near the end of a cul-de-sac within this development and there is a turning head to the immediate south of the property.

The site is located within the settlement development limits of Dungannon and on urban 'whitelands' as defined within the Dungannon and South Tyrone Area Plan 2010. The area around Woodlawn drive includes an undulating character and the application property is located on lower ground when compared with some of the houses to the south and east. The application site itself includes a split-level property with a lower ground floor level located to the rear of the property.

The applicant has highlighted that the proposal currently plays host to an existing dwelling which is partly used for minding up to a maximum of 6 children.

Description of Proposal

The proposal is for the part change of use of the lower ground floor of this semi-detached property for the purposes of child minding up to a maximum of 8 children. As stated above the dwelling is currently used for childminding up to 6 children and as such this application seeks to obtain planning permission to cater for up to 8 children – a difference of 2. The dwelling currently has two bedrooms, a bathroom and a utility room at its lower ground floor level. The proposal seeks to alter this to provide 3 play areas and a bathroom. The proposal does not include any external extensions or alterations to the property.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS).
2. Dungannon and South Tyrone Area Plan 2010.
3. Planning Policy Statement (PPS) 3 – Access Movement and Parking.
4. PPS 4 – Economic Development
4. Development Control Advice Note 13 – Creches, Day Nurseries and pre-school play groups.

Planning History

None applicable to the determination of this application.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, one third party objection has been received and two letters of support.

Assessment

SPPS

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 3 and PPS 4 has been retained under transitional arrangements.

The SPPS aims to grow a sustainable economy and states that the planning system has a key role in achieving a vibrant economy. In this regard, the aim of this SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development. All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

The proposed works under this scheme will not significantly impact upon the character or appearance of the urban area within which it sits or detract from its overall functionality. The proposal is to add an additional two children to an already established child minding enterprise. The proposed works will not impede the development of any surrounding lands and the proposed change of use of the building will not negatively impact upon the surrounding and existing residential land use.

Dungannon and South Tyrone Area Plan 2010 (DSTAP)

The proposal relates to the part change of use of a semidetached dwelling within the settlement development limits of Dungannon. Policy SETT 1 of DSTAP outlines a set of criteria with which development proposals should accord and highlights that favourable consideration will be given to development proposals which meet this criterion.

The proposal does not involve any alterations to the size or scale of the existing dwelling and as such I find that it will not negatively impact upon the character or function of the surrounding area or affect the opportunities or constraints of the site and its surroundings. Owing to the relatively modest nature of the proposal when compared with the existing use of the property I do not consider that the proposal will have a detrimental impact on amenities or recognised conservation interests. I consider that the proposal is in keeping with existing/prevaling regional planning policy and this is considered within the assessment below.

I consider the proposal to be a facility for community use and as such Policy COM 1 within the DSTAP is applicable. COM 1 highlights that planning permission will normally be granted for community uses within settlement limits provided a list of set criteria are met.

The proposal relates to the provision of an additional 2 children at this property which is currently in use as a childminding facility. I consider this to be a modest increase. Furthermore the proposal does not include any external extensions or alterations to the existing property I therefore find that the proposal will not have a significant detrimental impact on the amenity of any neighbouring properties. With regard to the amenity of the surrounding area the proposal will not present a significantly greater impact when compared to that of the existing use on the site.

The proposal is for a change of use with no external alterations and as such there will be no significant impact on the existing development pattern of the area. The proposal does not increase the curtilage of the site area and will not impact upon the ability of surrounding lands to facilitate development. Again, the nature and scale of the proposal is a key consideration here.

With regards to access, parking and sewage disposal arrangements the applicant has noted that there is an increase of 3 visitors to the site, this includes a child minder and the two additional children. In terms of sewage I consider the existing mains disposal system to be adequate to facilitate the small increase in visitors to the site.

With regards to access and parking please see PPS 3 consideration below. I consider the proposal to be in keeping with PPS 3 – Access, Movement and Parking.

In consideration of that above I am content that the proposal is in keeping with the policy requirements specified within Policy Com 1 of the Dungannon and South Tyrone Area Plan 2010.

PPS 4

Members are advised that under the provisions contained within Annex A (homeworking) to PPS 4, persons who wish to use their homes for childminding will not normally require planning permission where the number of children does not exceed six. The applicant is currently operating below the threshold with which planning permission is required and has applied for permission in order to facilitate an additional two children.

PPS 3

DFI Roads were consulted on this application as the competent authority in assessing the application from a road safety perspective. DFI Roads returned comment on the file highlighting that they were concerned with the proposal and that it failed to meet with the policy requirements of PPS 3 Policies AMP 2 and 3.

Policy AMP 2 deals with access to public roads whereas Policy AMP 7 considers Car Parking and Service Arrangements. With regard to Policy AMP 2 there are two key tests. The development should not prejudice road safety/significantly inconvenience the flow of traffic or conflict with Policy AMP 3. In assessing the acceptability of a development proposal against the above criteria there

are a number of factors to be considered including the scale and nature of the proposed development and the character of the existing development. When assessed against the existing development on this site the proposal seeks a modest increase in the number of visitors to the site. I find that it would be wholly unreasonable to suggest that the proposal would prejudice road safety or significantly inconvenience the flow of traffic – my emphasis on significantly. Furthermore the proposal does not involve the creation or intensification of an access to a protected route and as such Policy AMP 3 is not applicable.

On the basis of that above I am content that the proposal is in keeping with the policy provision contained within PPS 3 Policy AMP 2.

With regard to Policy AMP 7 it is noted that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards. The Departments Parking Standards document outlines the parking requirement for Class D1 Community and Cultural uses including Nursery Schools, Day Nurseries and Pre-school play groups. The requirements for this type of development include 1 space per three members of staff and 1 space per every 10 children, in addition there should be turning space as appropriate. The existing property includes two car parking spaces and is located to the immediate north of an existing layby. I consider that the proposal includes adequate parking provision for the nature and scale of the development (2 members of staff and 8 children) and that it complies with the requirements of the Departments Parking Standards document. In complying with published guidance, I consider the proposal to be in keeping with the policy requirements of Policy AMP 7.

It is also noted that the access road and the turning head to the south of the proposal have been adopted by DFI Roads and it is therefore the responsibility of that Department to provide adequate means of access to this area.

DCAN 13

Development Control Advice Note (DCAN) 13 is a retained guidance document under the provisions of the transitional arrangements contained within the SPPS. The guidance contained within DCAN 13 remains a material planning consideration.

Whilst DCAN 13 outlines that proposals of this nature are unlikely to be accepted in terraced or semidetached properties, it is also noted that favourable consideration will be given to proposals for the joint use of a property as a residence and creche, day nursery or play group. Again the overall intensification of the site is an important consideration here. The application property is already partly used as a childminding facility for up to 6 children, the proposal seeks to alter that number to 8. I consider this to be a modest intensification of the existing use and in line with the guidance in DCAN 13 the proposal seeks to alter only part of the property for this use.

In considering the overall associated impact of a proposal of this nature on the wider residential area there are three key considerations; scale of operation, potential nuisance, and visual impact. As discussed, I do not consider that the proposed operation is out of keeping with the existing scale of operations. I am satisfied that the scale of operation is appropriate both in relation to the specific site and the general neighbourhood. In terms of the potential for nuisance and disturbance I consulted with the Council's Environmental Health Department who have highlighted that they have no concerns in this regard. I am satisfied that the modest scale nature of the development will not give rise to a significant impact by way of nuisance and disturbance. It is also noted that a letter of support has been received from the neighbouring dwelling at 9A Woodlawn Park (adjoining dwelling).

As highlighted above the proposal does not involve a change or alteration to the size, scale or design of the application property. I therefore do not consider the proposal to give rise to an unacceptable level of visual impact.

The access and parking requirements contained within DCAN 13 are the same as that outlined within PPS 3 and the Departments published guidance and therefore, as discussed above, I am content that adequate access and parking arrangements are in place.

The guidance contained within DCAN 13 also references Health and Social care standards and requirements. It is noted that a letter of support has been received from an early years social worker who has highlighted that there is a demand for childcare services in this area. I consider the proposal to meet with the guidance contained within DCAN 13.

Consideration of objection

One objection was received on this application from the occupant of a dwelling opposite the proposed development. The concerns raised by the objector are considered below;

Access and Parking

As assessed above the scale and nature of the development along with the existing nature of development on the site is a key consideration here. The proposal seeks to increase the amount of visitors to the site by three, including a childminder and two children. For the reasons documented above I find that the proposal is in keeping with the policy requirements of PPS 3 and the Departments published guidance contained within the Parking Standards document.

Access for Public Service Vehicles

In line with the justification and amplification outlined within PPS 3 Policy AMP 2 I consider that the existing parking arrangements at the site are adequate to provide for the modest scale nature of the proposed works and as such there will be no need to utilise other space within the context of the surrounding area. In addition it is noted that there is a turning head located directly to the south of the proposal and this ensures that emergency service vehicles will have adequate provision to service the surrounding properties.

Conclusion

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve, subject to the conditions outlined below.

Conditions/Reasons for Refusal:

Conditions

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

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

2. The total number of children cared for on the premises shall not exceed 8 in total.

Reason: To ensure that the business does not expand beyond the capacity of the site.

Informatives

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	22nd August 2017
Date First Advertised	8th September 2017
Date Last Advertised	8th September 2017
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Woodlawn Park Dungannon Tyrone The Owner/Occupier, 11 Woodlawn Park Dungannon Tyrone The Owner/Occupier, 7 Woodlawn Park Dungannon Tyrone Brian O'Gorman 7, Woodlawn Park, Dungannon, Tyrone, Northern Ireland, BT70 1AH The Owner/Occupier, 8 Woodlawn Park Dungannon Tyrone Joan Dobbin 87 Lisanelly House, Lisanally Lane, Armagh, Armagh, Northern Ireland, BT61 7HW The Owner/Occupier, 9a Woodlawn Park Dungannon Malgorzata Zebrowska 9a, Woodlawn Park, Dungannon, Tyrone, Northern Ireland, BT70 1AH	
Date of Last Neighbour Notification	4 th Sept 2017
Date of EIA Determination	N/a
ES Requested	No
Planning History Ref ID: M/2007/0550/F Proposal: Proposed pair of semi-detached dwellings Address: North and adjacent to 10 Woodlawn Park,Dungannon Decision: Decision Date: 27.11.2007	
Summary of Consultee Responses DFI Roads – Objection – contrary to PPS 3 – AMP 2 & 7. Environmental Health – Content.	

Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 02 Type: Plans Status: Submitted</p> <p>Drawing No. 03 Type: Proposed Plans Status: Submitted</p>
Notification to Department (if relevant) Date of Notification to Department: N/A Response of Department: N/A



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 08 th Jan 2017	Item Number:
Application ID: LA09/2017/1179/RM	Target Date:
Proposal: Dwelling and garage	Location: 25m North West of 58 Killycon Road Portglenone
Referral Route: This proposal is being presented to Committee as the applicant's wife is an employee of Mid Ulster Council.	
Recommendation:	Approval
Applicant Name and Address: Seamus McAllister 3 Bracken View Portglenone BT44 8BF	Agent Name and Address:
Executive Summary: The applicant seeks permission for a dwelling with attic rooms and a garage	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - 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

None

Characteristics of the Site and Area

The application site comprises a modest field located 25 Metres North West of 58 Killycon Road, Portglenone. The site is accessed off the Killycon Road via a laneway and the proposal site is located adjacent to several dwellings. The site itself is bounded by a post and wire fence and mature hedge rows and vegetation. The site rises gradually from the road (east to west). The site lies within open countryside and the area is predominantly rural with scattered dwellings and agricultural fields.

Description of Proposal

The applicant seeks permission for a dwelling with attic rooms and a garage

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS)
2. Magherafelt Area Plan 2015
3. Planning Policy Statement (PPS) 21 – Sustainable Development in the countryside
4. Planning Policy Statement 3 – Access, Movement and Parking

Planning History

H/2014/0246/O- Proposed site for single storey farm dwelling with attic rooms, 25m North West of 58 Killycon Road, Portglenone, BT44 8BF, for Mr Mark McAllister, PERMISSION GRANTED – 23/09/2014

Representations

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

Assessment

The Magherafelt Area Plan 2010 identifies the site within a rural area. The proposal is a reserved matters application for a dwelling and garage. It is associated with H/2014/0246/O which was granted on 23rd September 2014, with 8 conditions. The conditions on the outline consent relate to time limit and reserved matters to be dealt with including the details to be presented, access considerations and proposed landscaping requirements. This application for reserved matters has been submitted within the conditioned time frame, as per condition No.1 of the outline approval. The proposal consists of a single storey dwelling with attic rooms with single room deep plan to maximise light and minimise ridge height of dwelling. The materials proposed include blue-black slate/concrete tiles to the roof, red zinc to garage roof, white/grey smooth render to walls with natural grey random rubble stone and Iroko timber cladding to areas indicated on drawing no 05 Rev A. Windows are to be aluminium – grey and black rainwater goods. Based on the above, I am content that the conditions imposed on the outline approval have been met.

CTY 13

Policy CTY 13, 14 and PPS 21 are material considerations. CTY 13 outlines the criteria to be met in terms of the integration and design of new buildings in the country side.

The proposed dwelling is sited in a position which on the basis of existing ground level would be considered appropriate in terms of the surrounding topography. The proposal is sited in an area which will be relatively well screened and is set back from the Killycon road. The main view point will be from No.58 and this is screened by existing vegetation.

The site is deemed to integrate with its surroundings whilst and the site has existing trees and vegetation around the existing boundaries and to compliment this , new landscaping has been proposed along the eastern and south eastern boundaries. And this will assist with the integration of the proposal into the existing landscape setting. Based on this, I consider there to be an adequate level of enclosure afforded to the development proposal.

With regard to the design of the proposal, the house type and form of the proposed dwelling is of a nature which is appropriate to the setting. I consider the design to be appropriate to the site and locality. The proposal satisfies policies of CTY 13.

CTY 14

CTY 14- Rural Character, is also a material consideration. CTY 14 identifies that new buildings in the countryside will be expected to not cause a detrimental change to, or further erode the rural character of an area. In consideration of the criteria of CTY 14, I am content that the proposal satisfies these. The proposal does not present an unduly prominent feature in this local landscape and although this is aided by the proposed landscaping I am content that this is acceptable in this area. The proposal does not present a sub urban style of development or an inappropriate development pattern. The proposed dwelling does not create or add to a ribbon of development. I am content that the proposal will not give rise to an unacceptable level of impact on the rural character of the area and I am therefore content that the proposal accords with the policy provision contained within CTY 14.

Access

Transport NI were consulted on this application and responded stating they had no objections to the proposal, subject to condition. I am satisfied that an adequate means of access to the site has been proposed and that it complies with the policy requirements of PPS 3- access, movement and parking.

Neighbouring Amenity

The application site is located to the north west of No 58 Killycon Road, The proposed dwelling is sited far enough away and in a position which will not significantly impede upon the residential amenity of No. 58 or any surrounding neighbouring properties. The proposal will not cause a significant negative impact on the amenity of neighbouring properties by way of dominance, overshadowing or loss of light or privacy concerns.

Conclusion

In conclusion I consider the proposal to be acceptable and recommend permission is granted subject to conditions.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Approve, subject to the conditions outlined below.

Conditions/Reasons for Refusal:**Conditions**

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

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

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

2. The vehicular access, including visibility splays and any forward sight line shall be provided in accordance with the approved plans, prior to the commencement/occupation/operation of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level

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

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

3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted (is occupied / becomes operational) and shall be retained and kept clear thereafter.

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

Informatives

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

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

3. This determination relates to Planning Control only and is not to be construed as binding the Department in respect of any application required, or consent, agreement or approval obtained for or in connection with a Conservation Area Grant, an International Fund for Ireland Grant or an Urban Development Grant, and the Department reserves the right to seek such revised plans as it may deem appropriate in respect of such applications. You are also advised that Planning approval may be required in respect of any such revised plans as the Department may specify.

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

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

6. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the DRD's consent before any work is commenced which involves making openings to any fence or hedge bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is:
A deposit will be required.

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

8. It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road.
- the existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.
- The developer should note that this planning approval does not give consent to discharge water into a transport NI drainage system.

Signature(s)

Date:

ANNEX	
Date Valid	4th September 2017
Date First Advertised	21st September 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 52 Killycon Road Portglenone Londonderry The Owner/Occupier, 54 Killycon Road Portglenone Londonderry The Owner/Occupier, 56 Killycon Road,Portglenone,Londonderry,BT44 8JF, The Owner/Occupier, 58 Killycon Road Portglenone Londonderry The Owner/Occupier, 59 Killycon Road Portglenone Londonderry The Owner/Occupier, 62 Killycon Road Portglenone Londonderry The Owner/Occupier, 63 Killycon Road Portglenone Londonderry	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	Yes
Planning History Ref ID: LA09/2017/1179/RM Proposal: Dwelling and garage Address: 25m North West of 58 Killycon Road,Portglenone, Decision: Decision Date: Ref ID: H/2014/0246/O Proposal: Proposed site for single storey farm dwelling with attic rooms Address: 25m North West of 58 Killycon Road Portglenone BT44 8BF, Decision: PG Decision Date: 25.09.2014 Ref ID: H/2002/1062/O Proposal: Site of dwelling and garage.	

Address: 60m East of 60 Killycon Road, Portglenone.

Decision:

Decision Date: 27.01.2003

Ref ID: H/2004/1166/F

Proposal: New Access Leading To Approved Site for dwelling and garage. Ref H/2002/1062/O.

Address: 60 Metres East of 60 Killycon Road, Portglenone

Decision:

Decision Date: 18.02.2005

Ref ID: H/2005/0298/RM

Proposal: Dwelling & garage

Address: 60m East of 60 Killycon Road, Portglenone

Decision:

Decision Date: 29.01.2007

Ref ID: H/1997/0218

Proposal: SITE OF BUNGALOW

Address: ADJ TO 58 KILLYCON ROAD INNISHRUSH PORTGLENONE

Decision:

Decision Date:

Ref ID: H/2002/0240/O

Proposal: Site of Dwelling & Garage

Address: 60m South of 56 Killycon Road, Portglenone

Decision:

Decision Date: 12.12.2002

Ref ID: H/1988/0290

Proposal: SITE OF RETIREMENT BUNGALOW

Address: ADJ TO 58 KILLYCON ROAD TYANEE PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1989/0040

Proposal: RETIREMENT BUNGALOW WITH STORE

Address: KILLYCON ROAD MOYAGNEY PORTGLENONE

Decision:

Decision Date:

Ref ID: H/2001/0074/O

Proposal: Site of Replacement Dwelling

Address: 54 Killycon Road, Portglenone

Decision:

Decision Date: 16.03.2001

Ref ID: H/2001/0558/RM

Proposal: Proposed dwelling and garage

Address: No.54 Killycon Road, Portglenone

Decision:

Decision Date: 11.10.2001

Ref ID: H/2005/0995/F

Proposal: Access to be for Private Use as Driveway for New Build

Address: 54 Killycon Road, Portglenone

Decision:

Decision Date: 10.11.2006

Ref ID: H/1979/0659

Proposal: HV AND MV O/H LINE (BM 3491)

Address: TYANEE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1983/0266

Proposal: BUNGALOW

Address: KILLYCON ROAD, PORTGLENONE

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 06
Type: Proposed Elevations
Status: Submitted

Drawing No. 05
Type: Proposed Elevations
Status: Submitted

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

Drawing No. 03
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 02
Type: Technical Specification
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 8 th January	Item Number:
Application ID: LA09/2017/1205/O	Target Date: 21/12/17
Proposal: Proposed site for farm dwelling and double domestic garage	Location: 250m (approx.) north of 10 Lecumpher Road Moneymore
Referral Route: Refusal – doesn't comply with Policy CTY 10 of PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Jonathon and Jayne Smyth 19 Millrace Mews Moneymore	Agent Name and Address: R Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

No representations were received.

Characteristics of the Site and Area

The application site is located along Lecumpher Road, Moneymore in the rural countryside as defined within Magherafelt Area Plan 2015. The application site forms part of a larger field located along the roadside and it is relatively flat and the entire site is bounded by hedging with some mature trees located to the south of the site. The associated farm holding is located to the south of the site. The environment surrounding the site is predominantly rural in nature with single dwellings and farm holdings scattered around the wider area.

Description of Proposal

This application seeks outline planning consent for a dwelling on a farm and double domestic garage.

Planning Assessment of Policy and Other Material ConsiderationsPlanning History

H/2009/0127/O – Proposed site for farm dwelling and double domestic garage – 40m East of 8 Lecumpher Road, Desertmartin. PERMISSION GRANTED. 10th June 2009.

H/2010/0587/RM – Proposed farm dwelling and domestic double garage. 40m East of Lecumpher Road, Desertmartin. PERMISSION GRANTED. 18th February 2011.

LA09/2017/0514/O - Proposed site for farm dwelling and double domestic garage – 40m approx. East of 8 Lecumpher Road, Desertmartin. APPLICATION WITHDRAWN.

Each of these applications are related to a site which is situated further up the laneway (as shown in the map previous). Both of the approved applications have expired and the most recent outline application was withdrawn.

Representations

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

There were no neighbours notified under this application.

Planning Assessment of Policy and Other Material Considerations

The main policy and material considerations are within:

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

Magherafelt Area Plan 2015

The site is located outside any development limit, situated South of Desertmartin settlement limit. It is located within an Area of High Scenic Value and has no other zonings or designations within the Plan.

Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It reiterates the policy criteria set out in PPS 21 - CTY 10 Dwelling on a Farm.

Planning Policy Statement 21: Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in compliance with the criteria of Policy CTY 10. The applicant has provided a Farm Business ID number and has been in receipt of Single Farm Payments. DAERA have been consulted and have confirmed that the farm business has been in existence and active for a period of 6 years. I am content with the response from DAERA coupled with observations made on site that the farming business has been active and established for at least 6 years.

There are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. The proposal is located to the North of the existing farm holding. The policy is clear that any new building must be “visually linked or sited to cluster with an established group of buildings on the farm”. There is one small shed which is located within the site. Under further inspection, it was noted that this shed was not evident on spatial maps dating from 2016 and had no planning approval and therefore was deemed unauthorised. I spoke with the agent regarding my concerns that there wasn't a group of buildings and the shed located on the application site was unauthorised and suggested he submitted any additional information or justification for this proposal. The proposal fails to meet Criterion (c) of Policy CTY 10. A dwelling sited anywhere on the site would still fail to be visually linked to the established group of buildings to the south without appreciation of the physical distance between the two.

The agent discussed the difficulty the applicants had with their previous application (LA09/2017/0514/O) of being able to obtain a mortgage due to the shared laneway at a site which was located further up the laneway. The agent submitted information from a mortgage broker which states that obtaining a mortgage would be extremely difficult to obtain a mortgage for the original application as the site was accessed from a shared laneway. The agent has not presented any health and safety reasons or any verifiable plans to expand the farm business which are the two exceptions set out in CTY 10 for proposing an alternative site.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As the application is for outline permission, very little detail has been provided in terms of design or landscaping. The site benefits from the existing hedging which provides a boundary for the entire site. There are some mature trees located to the south of the site.

The proposal seeks to create a new access onto Lecumpher Road. Transport NI were consulted on this application and have responded stating that they have no objection to the proposal, subject to conditions. I am satisfied that there would be an adequate means of access to the site and that parking and turning provision within the site curtilage would be available and therefore the proposal is in compliance with PPS 3 – Access, Movement and Parking. Environmental Health and NI Water were also content with the proposal subject to a number of standard informatives.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommended for refusal. The proposal is not in compliance with Policy CTY 10 - it is not visually linked or sited to cluster with an established group of buildings on the farm.

Conditions/Reasons for Refusal:**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 visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s)**Date:**

ANNEX	
Date Valid	7th September 2017
Date First Advertised	21st September 2017
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses) None.	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Planning History <p>Ref ID: LA09/2017/0514/O Proposal: Proposed site for farm dwelling and double domestic garage Address: 40m approx. East of 8 Lecumpher Road, Desertmartin, Decision: WITHDRAWN Decision Date: 06.06.2017</p> <p>Ref ID: LA09/2017/1205/O Proposal: Proposed site for farm dwelling and double domestic garage Address: 250m (approx.) north of 10 Lecumpher Road, Moneymore, Decision: Decision Date:</p> <p>Ref ID: H/2005/1198/O Proposal: Site of Dwelling & Garage Address: Adjacent 12 Lecumpher Road, Moneymore, Magherafelt Decision: Decision Date: 18.05.2006</p> <p>Ref ID: H/2006/0900/RM Proposal: Dwelling and garage Address: Adjacent 12 Lecumpher Road, Moneymore, Magherafelt Decision: Decision Date: 23.01.2007</p>	

Ref ID: H/2008/0537/F

Proposal: Site of replacement dwelling and garage.

Address: 12 Lecumpher Road, Moneymore, Magherafelt.

Decision:

Decision Date: 20.03.2009

Ref ID: H/2009/0398/F

Proposal: Proposed change of house type to include increase ridge height of lower section to match higher ridge line, roof design to sun room & elevational alterations. Previous approved application H/2008/0537/F

Address: No 12 Lecumpher Road, Moneymore, Magherafelt

Decision:

Decision Date: 17.08.2009

Ref ID: H/2007/0577/O

Proposal: Site of Replacement Dwelling & Garage

Address: 12 Lecumpher Road, Moneymore, Magherafelt.

Decision:

Decision Date: 20.12.2007

Ref ID: H/2007/0015/O

Proposal: Site of retirement farm dwelling and garage

Address: 40m East of 8 Lecumpher Road, Desertmartin, Magherafelt

Decision:

Decision Date: 23.08.2007

Ref ID: H/2004/1283/O

Proposal: Site of dwelling and garage

Address: 40m North West of, 8 Lecumpher Road, Desertmartin, Magherafelt

Decision:

Decision Date: 16.11.2005

Ref ID: H/2008/0650/F

Proposal: Replacement single storey dwelling and storey and half garage.

Address: 8 Lecumpher Road, Desertmartin.

Decision:

Decision Date: 25.03.2009

Ref ID: H/2009/0127/O

Proposal: Proposed site for farm dwelling and double garage.

Address: 40 Metres East of 8, Lecumpher Road, Desertmartin

Decision:

Decision Date: 11.06.2009

Ref ID: H/2010/0587/RM

Proposal: Proposed farm dwelling and domestic double garage

Address: 40 metres East of 8 Lecumpher Road, Desertmartin, BT45 5LY,

Decision:

Decision Date: 23.02.2011

Summary of Consultee Responses

No issues.

Drawing Numbers and Title

Drawing No. 02

Type: Farm Boundary Map

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1276/O	Target Date:
Proposal: Proposed dwelling and domestic garage at a gap site in accordance with policy CTY8	Location: Approx 35m South East of 2d Drumard Lane Draperstown
Referral Route: Recommended for refusal – Contrary to CTY 1, CTY 8 & CTY 14 of PPS21	
Recommendation: Refusal	
Applicant Name and Address: Mick and Carmel McKee 3 Drumard Lane Draperstown	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	Transport NI - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

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

Summary of Issues

Refusal recommended – Contrary to CTY 1, CTY 8 & CTY 14 of PPS21

Characteristics of the Site and Area

The proposal site is located on the roadside of Drumard Lane, immediately adjacent on the NW side is a detached dwelling with a detached garage located at the rear of the property and with a frontage to the roadside and then on the SE boundary is a detached dwelling that sits a good distance back from the roadside and the approved curtilage does not come to the roadside thus this property does not have a roadside frontage. The proposal site is currently quite overgrown with mature vegetation to all sides, to the rear of the site is agricultural land. The landform is undulating in nature.

Description of Proposal

Outline application for 'proposed dwelling and domestic garage at a gap site in accordance with policy CTY 8'.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General Policies

Planning Policy Statement 21 - Sustainable development in the countryside

Consultees: - Transportni were asked to comment and responded on 8.11.2017 with no objections subject to conditions

Environmental Health were asked to comment and responded on 12.09.2017 with no objections.

NI Water were asked to comment and responded on 06.10.2017 with no objections.

Neighbours: - Owners/Occupiers of Nos. 1, 1B, 2D, 2F & 3 Drumard Lane were notified of this proposal on 04.10.2017, no representations have been received to date.

In line with legislation this proposal was advertised in the local press during October 2017, no objections have been received to date.

No site history.

There are a range of types of development which in principles are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.

Planning permission will be granted for an individual dwelling house in the countryside when it is sited within a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

The proposal site is located within an agricultural piece of land with one dwelling and garage immediately adjacent on the NW, these two buildings have a recognised frontage onto Drumard

Lane however this is the only development that has a frontage onto the Drumard Lane adjacent to the proposal site and so there is no substantial and built up frontage of 3 or more buildings. For the purpose of CTY 8 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, as demonstrated the proposal site is sited adjacent to one dwelling and detached garage on the NW boundary (No. 2d) however the property on the SE side does not have a frontage to the road and so cannot be counted as contributing to a substantial or built up frontage.

In addition to the above it is necessary for this proposal to be accessed against the requirements of CTY 13 of PPS21 - Integration and Design of Buildings in the countryside.

Within this policy it 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.

In this instance I do not feel that a dwelling located on the proposed site would be a prominent feature in the landscape. The site currently has a suitable degree of enclosure in the form of mature vegetation and trees on the roadside boundary, eastern and on the western boundary and so integration into the landscape would be achievable.

Should an approval be granted new landscaping would be required on the southern boundary and once visibility splays were instigated to the rear of these. As this is an outline application no design has been submitted at this stage.

Finally the proposal site should be accessed against the requirements of CTY 14 of PPS21 - Rural Character, within which it states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

It is my consideration that this proposal if approved although it wouldn't be unduly prominent in the landscape but it would result in a suburban style build-up of development when viewed with existing and approved buildings by filling in vacant land that currently provides a visual break and would create a ribbon of development at this point on Drumard Lane.

Supporting information has been submitted with this proposal to demonstrate how it adheres to relevant policy. Within this information appeal ref's: 2015/A0207, 2016/A0146 & planning approval LA09/2017/0118/O have been mentioned to demonstrate how the PAC has accepted that a garage beside a dwelling can be considered as a separate building and thus contribute when considering if a proposal site lies within a substantial and built up frontage.

In my consideration I have accepted that there is a separate garage at No.2d Drumard Lane, it is one that is subordinate in size and does sit to the rear of the dwelling nevertheless it has been considered as an individual building in my assessment. However it is my consideration that the approved frontage of No. 2f does not have a common frontage onto Drumard Lane as it is set back quite a considerable distance and the land between the road and the dwelling according to approval H/2006/1040/RM was to remain as agricultural thus the proposal site does not sit within a substantial and built up frontage which includes a line of 3 or more buildings along a road frontage.

Having considered all of the points above I feel that a recommendation of refusal should be given.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended – contrary to CTY 1, CTY 8, CTY 14 of PPS21

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Drumard Lane.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted create a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	20th September 2017
Date First Advertised	5th October 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Drumard Lane Draperstown Londonderry The Owner/Occupier, 1b Drumard Lane Draperstown The Owner/Occupier, 2d Drumard Lane Draperstown The Owner/Occupier, 2f Drumard Lane Draperstown The Owner/Occupier, 3 Drumard Lane Draperstown Londonderry	
Date of Last Neighbour Notification	4th October 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/1276/O Proposal: Proposed dwelling and domestic garage at a gap site in accordance with policy CTY8 Address: Approx 35m South East of 2d Drumard Lane, Draperstown, Decision: Decision Date: Ref ID: H/2005/1091/O Proposal: Site of dwelling and garage. Address: 100m NE No.3 Drumard Lane, Draperstown, Decision: Decision Date: 10.03.2006 Ref ID: H/2006/1040/RM Proposal: Proposed dwelling house with attached garage. Address: 100m NE of 3 Drumard Lane, Draperstown. Decision: Decision Date: 29.08.2007	

Summary of Consultee Responses

Consultees have no objections to the proposal as presented.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 08/01/2018	Item Number:
Application ID: LA09/2017/1280/F	Target Date:
Proposal: Proposed cattle shed with underground slurry tank	Location: Land approx. 100m South West of 7 Castletown Road Aughnacloy
Referral Route: Application is departure from planning policy and is recommended for Approval.	
Recommendation:	APPROVE
Applicant Name and Address: Mr David Loane 7 Castletown Road Aughnacloy	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: Members are advised that the proposed development is considered to be an exception to policy. The farm business ID belonging to the applicant has not been active and established for a period of at least 6 years, however this farm building is to facilitate a new entrant farmer and I consider the proposed works to be necessary for the efficient use of the associated farm enterprise. The modest nature of the development is a key consideration here and the small-scale nature of the works is proportionate to the size of the farm enterprise and allows the development to integrate effectively into this rural location.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice

Representations:

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

Summary of Issues

DAERA Countryside Management Inspectorate, NIEA (DAERA), DFI Roads and DFI Rovers, and the Council's Environmental Health Department (EHD) were consulted and have made comment on this application. All material considerations, including policy considerations, have been addressed within the determination of this application.

Characteristics of the Site and Area

The site is situated on the Castletown Road, close to its junction with Carnteel Road, some 3.5km north east of the village of Aughnacloy, Co. Tyrone. This area is categorised as countryside within the Dungannon & South Tyrone Area Plan 2010.

The area surrounding the site exhibits an undulating nature and can be described as a rural area with an element of small scale variation in elevation. This is quite an enclosed area of the countryside with limited views across the surrounding landscape.

The red line boundary of the application site is defined on the ground by a post and wire fence around its northern, eastern and southern boundaries and a mature hedgerow to its western boundary. The site currently plays host to a cattle crush and associated hard standing. It is noted however that the cattle crush is made up of posts and a series of gates and therefore cannot be considered to be a building on the site. The site is located within a wider agricultural field which sits downhill from the associated farm house at No.7 Castletown Road.

Access to the site is currently obtained by an existing agricultural access onto the Castletown Road at the north western corner of the site.

Description of Proposal

The applicant seeks full planning consent for a proposed cattle shed with an associated underground slurry tank at lands approx. 100m south west of 7 Castletown Road, Aughnacloy. The proposal relates to a modest agricultural building which is measured at 9.9m in length by 4.2m in breadth. The overall ridge height of the building is measured at 5m from ground level.

The applicant has highlighted that the proposal is to facilitate the housing of cattle over the winter months, a task which he is currently unable to do on his farm, owing to the fact that there are no other buildings on the farm. The applicant has also highlighted that the field which surrounds the application site and highlighted in blue on Drawing No.01 is the extent of farm land under his control.

The proposed building includes 2 pens and an isolated sick pen. It is characteristic of a farm building commonly seen in the countryside. The proposed finishes to the building include; slapdash block-work walls, painted steel doors, corrugated roof cladding, black pvc rainwater goods.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS).
2. Dungannon & South Tyrone Area Plan 2010.
3. Planning Policy Statement (PPS) 3 – Access, Movement and Parking.
4. PPS 15 – Planning and Flood Risk.
5. PPS 21 - Sustainable Development in the Countryside.

Planning History

There is no planning history on the site which is of relevance to the determination of this application.

Representations

No affected owner or occupiers with premises on neighbouring land were identified. This was checked during a visit to the site.

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

Assessment

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 21, PPS 15 and PPS 3 have been retained under transitional arrangements. The SPPS sets out that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy.

Policy CTY 1 within PPS 21 highlights that there are a number of developments which may be acceptable in the countryside. One of these is agricultural and forestry developments in accordance with Policy CTY 12.

CTY 12

Policy CTY 12 stipulates that planning permission will be granted for development on an active and established agricultural or forestry holding and where the criteria below have been met. The proposal is located on a farm holding which consists of 1.24ha of farmland located around the application site. The farm business ID associated with this farm has only been operational since 2014 and as such the proposal fails to meet this policy test. However, on the grounds that this proposal is for a new entrant farmer, it is located on a small farm holding which consists of 1.24ha of land and a total of 5 cattle, and is of a modest size/scale, I consider it unreasonable to refuse the application on these grounds. With this in mind I feel that this application is an exception to policy, subject to the proposal meeting with all of the other policy requirements below.

a) *It is necessary for the efficient use of the agricultural holding or forestry enterprise;*

The applicant has provided supporting information highlighting that the proposal will aid in the efficient functioning of the farm by providing shelter for livestock during winter months. The applicant has highlighted that current arrangements result in him having to sell off his 5 cattle during the winter months as he does not have any buildings on the farm to house them.

I consider that the proposed farm shed would be an efficient measure for the farm. It would allow the applicant to house his livestock on the farm holding over the winter months and increase the potential economic viability of the holding. It has been demonstrated that the farm building is necessary in terms of the efficient use of the agricultural holding.

b) *In terms of character and scale it is appropriate to its location;*

The proposed agricultural shed is sited in area which is well screened by natural vegetation in the form of hedgerows and mature tree coverage along the boundary with Castletown Road. In addition to this, the proposal is sited in an area which makes use of the surrounding topographical aspect of the land, it is sited away from the most visually prominent area on the farm land. The modest scale nature of the works along with siting measures will allow the proposal to satisfactorily integrate into the surrounding rural landscape.

c) *It visually integrates into the local landscape and additional landscaping is provided as necessary;*

As noted above the proposal integrates with the existing setting and landscape and I am satisfied that the existing vegetation and hedgerows are sufficient in terms of providing a sufficient degree of integration to the proposed 5m high structure.

d) It will not have an adverse impact on the natural or built heritage; and

There are no sensitive built heritage features of note within the site or the surrounding area. With this in mind and taking into consideration the integrated nature of the proposal I consider that the proposal will not have a negative impact on any historic buildings or monuments.

In terms of natural heritage and conservation DAERA Planning Response Team (NIEA) were consulted. The response from NIEA dated 17/10/2017 highlights that they are content with the proposal in terms of its potential impact on designated sites or natural heritage interests.

e) It will not result in detrimental impact on the amenity of residential dwellings outside of the holding or enterprise including potential problems arising from noise, smell and pollution.

The Council's Environmental Health Department were consulted on this application and have responded highlighting that they have no objection to the proposal. I am content that the proposal will not have a negative or detrimental impact on the amenity of surrounding residential dwellings in terms of noise, smell or pollution.

Further Requirements

In addition to that 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.

Owing to the fact that this is a 'new entrant' farmer and there are no other farm buildings at this location I consider it unreasonable to require the proposal to be sited beside existing farm buildings. I am content that this is application is an exception to policy as it is for a small farmer who has only recently started to farm.

Design, Integration and Rural Character

An assessment of the proposed siting of the development along with its visual and physical impact has been documented above. In terms of visual integration and impact on rural character the proposal is deemed to comply with policies CTY 13 and 14 of PPS 21 and the policy requirements therein.

Access

As the application involves an intensification of the existing access provision it was deemed necessary to consult with DFI Roads. Roads responded on 07/11/2017 highlighting that they were content with the proposal put forward, subject to amended plans showing visibility displays per the attached RS1 Form. The applicant has provided amended plans which satisfy the requirement from Roads. I consider that the proposed access is acceptable and conforms to the provisions of PPS 3 – Access, Movement and Parking.

Rivers

The application site is in close proximity to a number of water courses and as such it was deemed necessary to consult with DFI Rivers. The response from DFI Rivers dated 11/10/2017 highlights that they have no objection to the proposal. On this basis I am content that the proposal will not be subject to flooding or will not cause flooding elsewhere. I consider the proposal to comply with the policy provision contained within PPS 15 – Planning and Flood Risk.

Conclusion

Members are advised that the proposed development is considered to be an exception to policy. The farm business ID belonging to the applicant has not been active and established for a period of at least 6 years, however this farm building is to facilitate a new entrant farmer and I consider the proposed works to be necessary for the efficient use of the associated farm enterprise. The modest nature of the development is a key consideration here and the small-scale nature of the

works is proportionate to the size of the farm enterprise and allows the development to integrate effectively into this rural location.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve, subject to the conditions below.

Conditions/Reasons for Refusal:

Conditions

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

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

2. The building hereby permitted shall be limited to agricultural use.

Reason: To protect the character of the rural area.

Informatives

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	21st September 2017
Date First Advertised	5th October 2017
Date Last Advertised	5th October 2017
Details of Neighbour Notification (all addresses) N/A	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: M/2005/1704/O Proposal: Dwelling house Address: 140m South East of 8 Castletown Road Dunagannon Decision: Decision Date: 21.11.2006 Ref ID: M/2008/0121/F Proposal: Proposed dwelling and garage Address: 140m S / E of 8 Castletown Road, Dungannon Decision: Decision Date: 21.04.2008	
Summary of Consultee Responses NIEA - Content DAERA - ID Registered in 2014. Roads - Content Rivers - Content Environmental Health - Content	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1380/O	Target Date:
Proposal: Proposed site of infill dwelling and domestic garage for residential purposes	Location: 25m South East of 37 Derrygarve Park Castledawson
Referral Route: Objection received – To go to committee	
Recommendation:	Approve
Applicant Name and Address: Paddy Diamond 37 Derrygarve Park Castledawson	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

Representations:

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

Summary of Issues

One objection received
Concerns raised:-

- Held belief that the character of Derrygarve Park is being unnecessarily eroded by infill dwellings on existing plots which will irrevocably change the area. This area was characterised by single dwellings with space and privacy, allowing infills would destroy the dynamics of an extraordinarily functional and cohesive community.
- Approving this site will create traffic problems on a narrow and circuitous road as there is a lot of houses already that feed onto this road and the volume of traffic increases each year.

Characteristics of the Site and Area

The site is located approximately a half mile west of Creagh in the open countryside in accordance the Magherafelt Area Plan 2015. The site is located between 35 and 37 Derrygarve Park, in which the site is overgrown grassland with a mix of mature trees along the boundaries. No 37 is a detached two storey dwelling and on other side of the site, there is a line of three detached single storey dwellings. The site rises from the roadside to the north eastern boundary, with a line of fencing and a mix of hedging and trees along the roadside. The area is characterised predominately by roadside dwellings located in large individual plots.

Relevant planning history

LA09/2017/841/O – Proposed site of infill dwelling and domestic garage for residential purposes – Permission Granted -

Representations

There were four notification letter were sent out however one letter of objection was received.

Description of Proposal

This is an outline application for a site of infill dwelling and garage for residential purposes, located at approximately 25m South East of 37 Derrygarve Park, Castledawson.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21 Sustainable Development in the Countryside

PPS 15 – Planning and Flood Risk

The application is for an infill dwelling and garage. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the countryside.

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

adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety’.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. I am of the opinion that the site would only be capable of accommodating a maximum of one dwelling, which is what has been applied for in this application. In terms of the continuous built up frontage, the site is located between No 35 and 37 Derrygarve Park with an additional two dwelling of 33 and 33a further south. Upon review of the plans I am of the opinion that these dwellings all share a frontage along the Derrygarve Park and are able to constitute a continuous built up frontage. From this I am content that the proposed development complies with CTY 8 but must still be considered under CTY 13 and 14.

With regards to CTY 13 the proposed development is still required to be able to visually integrate into the surrounding landscape and be of appropriate design. I am content that an appropriately designed dwelling would not be a prominent feature in the landscape and that the site does benefit from existing mature vegetation however it is felt that a programme of landscaping is necessary in the reserved matters application with as much of the existing vegetation where possible. As this application is only an outline application the design, size and scale of the proposed dwelling has not been submitted, this matter will be dealt with during the “reserved matters” application. A modest dwelling could easily be accommodated into the site, it is felt necessary to restrict the ridge height to 7.0m from the lowest part of the site with site levels shown. From this I am content that this complies under CTY 13.

In terms of CTY 14 I am of the opinion that the proposed development will not be unduly prominent in the landscape in terms of the rural character of the area. The area of Derrygarve Park already exhibits a suburban style of build-up of development however this is located in a gap site. As a result, it is my opinion that the local landscape has the capacity to absorb further development in this location and the development in this location and the development respects the traditional pattern of settlement exhibited in the local area. The proposed development will however need to retain as much of the existing mature vegetation as possible to aid integration.

Transport NI responded stating they had no issues but set a number of conditions to ensure that a safe access is created onto the Derrygarve Park Road and meet the standards set out in PPS 3 and DCAN 15.

I have no flooding, ecological and residential amenity concerns.

On the basis of the information provided I must recommend approval.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended.

Conditions

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

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

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

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

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

3. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

4. Except as hereby permitted, and NOT withstanding the provisions of Article 3 and Schedule 1, Part 2, Class A of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any legislation revoking that Order and re-enacting those provisions), no gates, fences, walls, or other means of enclosure shall be erected or constructed adjacent to the access point.

Reason: To protect the character and visual amenity of this area of open countryside.

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

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

6. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at such time as may be specified by Mid Ulster District Council.

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

7. The proposed dwelling shall have a ridge height of less than 7.0 metres above the lowest part of the existing ground level of the site and a low angle of roof pitch not exceeding 40 degrees.

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

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

Reason: In the interest of visual amenity.

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

Reason: In the interests of visual amenity.

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

Reason: To ensure the dwelling integrate into the landform.

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 authorises only private domestic use of the [proposed garage/premises] and does not confer approval on the carrying out of trade or business therefrom.

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

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

5. The applicant's attention is drawn to the attached information note from Northern Ireland Water.

6. The applicant's attention is drawn to the attached information note from Environmental Health.

Signature(s)

Date:

ANNEX	
Date Valid	9th October 2017
Date First Advertised	26th October 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 33a Derrygarve Park Castledawson The Owner/Occupier, 35 Derrygarve Park Castledawson Londonderry Maire O'Neill 35, Derrygarve Park, Castledawson, Londonderry, Northern Ireland, BT45 8EZ The Owner/Occupier, 39 Derrygarve Park Castledawson Londonderry The Owner/Occupier, 45 Derrygarve Park Castledawson Londonderry	
Date of Last Neighbour Notification	18th October 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1380/O Proposal: Proposed site of infill dwelling and domestic garage for residential purposes Address: 25m South East of 37 Derrygarve Park, Castledawson, Decision: Decision Date: Ref ID: H/2005/0527/F Proposal: Dwelling and garage. Address: 120m NW of 39 Derrygarve Park, Castledawson. Decision: Decision Date: 20.12.2007 Ref ID: H/1983/0346 Proposal: BUNGALOW AND DETACHED GARAGE Address: DERRYGARVE PARK, NEWBRIDGE Decision: Decision Date:	

Ref ID: H/1995/0159 Proposal: EXTENSION TO DWELLING Address: 35 DERRYGARVE PARK CASTLEDAWSON Decision: Decision Date:
Summary of Consultee Responses
Drawing Numbers and Title



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 08/01/2018	Item Number:
Application ID: LA09/2017/1423/F	Target Date:
Proposal: Retention of two dwellings - first dwelling in substitution for previous planning permission M/2006/0855 and second as a dwelling on a farm.	Location: 75 Killyliss Road Dungannon
Referral Route: Application recommended for Refusal.	
Recommendation:	Refuse
Applicant Name and Address: Mr Gary McCann 54 Kilnacart Road Dungannon BT70 1PD	Agent Name and Address: Carol Gourley C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary: This application relates to the retention of a pair of semidetached dwellings in the countryside. The applicant has outlined that one of the dwellings is a replacement/substitution for a previously approved dwelling on the site and that the second of the dwellings is to be a dwelling on a farm. Having assessed the proposal against prevailing and retained planning policy I have recommended refusal on the basis that the farm business ID has not been established for a period of at least 6 years and there are no overriding reasons why this type of development cannot be located within a settlement.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Content

Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

NI Water, DFC Historic Environment Division, DFI Roads and DAERA (Countryside Management Inspectorate) - were consulted and responded to this application. One third party objection has been received and all other material considerations have been assessed below.

Characteristics of the Site and Area

The application site is located at 75 Killyliss Road, Dungannon, approximately 1.65km north west of the village of Eglis. It is in an area which is largely characterised by agricultural land, farm holdings and dispersed settlement.

The site currently plays host to 2 no. two storey semi-detached dwellings. The building is set on a relatively large plot of land which is accessible from the Killyliss Road via an existing laneway. The two dwellings are L shaped in nature, with one orientated to face northwards and the other fronting the road to the east. Private amenity space for the dwellings is shared. Site boundaries are marked to the south and east by existing semi mature hedgerows. To the west the site boundary is defined by a post and wire fence and to the north are trees broken by the existing access laneway.

Description of Proposal

This application seeks full planning consent for the retention of two dwellings. The applicant has outlined that the first of the two dwellings is in substitution for a previously approved dwelling on the site (M/2009/0408/F & M/2014/0295/F). The second dwelling is for a dwelling on a farm. The proposal relates to the retention of the two dwellings which are already built and occupied on the site. This site has planning approval for a single dwelling and as such the current pair of semidetached dwellings on the site are not consent. This application is retrospective and seeks to regularise the current dwellings on the site. Planning permission was granted on the site in August 2009 for a two storey dwelling and garage under application M/2009/0408/F. A subsequent application, M/2014/0295/F was granted for the change of house types for 2 dwellings, that previously approved as well as another dwelling located immediately south and granted under M/2009/0417/RM.

The extant permission M/2014/0295/F allows the construction of one (of two) dwellings on the application site. The other dwelling granted is located on a site immediately south and the footings were in place at the time of site visit. This is a retrospective application for two dwellings on the application site. Considering the site history, the proposal is effectively for an additional dwelling house on the application site. These dwellings follow the general footprint of the previously approved single dwelling house, however the design has been altered both externally and internally to provide two dwellings within the building constructed on-site.

The following changes have been made to the previously approved scheme:

Use

-Two dwellings are provided as opposed to one.

Front Elevation

-Alterations to size / proportions of 4 windows.

-Amendments to front door opening – semi-circular fan light and side panels provide.

-Alteration to spacing between first floor window head height and eaves height.

-Brickwork chimneys replaced with render.

East Elevation

-Alterations to window size / proportions of 4 windows.

-Omission of 1 window on first floor

--Additional window to ground floor

-Omission of external covered porch

- Amendments to door opening – semi-circular fan light and side panels provide.

South Elevation

-Additional window to first floor

-Alterations to size and proportions of ground floor window

West Elevation

-Additional window to first floor

- Alterations to window size / proportion of 6 windows.
- Double doors replaced with a window

Internal alterations have also been carried out to facilitate the provision of two dwellings as opposed to one.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS).
2. Dungannon & South Tyrone Area Plan 2010.
3. PPS 21 – Sustainable Development in the Countryside.
4. PPS 6 – Planning, Archaeology and the Built Heritage.
5. PPS 3 – Access, Movement and Parking.

The Dungannon & South Tyrone Area Plan 2010 is the statutory local development plan for the application site. The development plan offers no specific policy or guidance in respect of the proposal and is therefore not material. There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 remain applicable in terms of assessing the acceptability of the proposed dwelling on a farm.

Representations

Two letters of objection have been received on the application from the one third party objector. Assessment of the concerns outlined by the objector are laid out under Consideration of Objections, below.

Assessment

The first consideration is to establish if one additional dwelling unit on this site is acceptable in principle. The proposal does not comply with the cluster, infill or replacement dwelling policies. It is not located within a dispersed rural community, it is not for social housing or a residential mobile home. The applicant has however presented some information relating to a dwelling on the existing farm.

The applicant has highlighted that the first of the two dwellings is in substitution for the previously approved dwelling and that the second is for a dwelling on a farm. The principle of development has already been established on the site with the earlier approval for one dwelling and the proposal seeks to add an additional farm dwelling on the site. Consideration must then be given to the acceptability of the second dwelling on the site under the farming case presented.

PPS 21, Policy CTY 1, establishes that planning permission will be granted for a dwelling house on a farm where it is in accordance with Policy CTY 10. This establishes that 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.
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided

there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing building group(s).

In addition to the criteria above, applications of this nature must also demonstrate that they meet the policy requirements of policies CTY 13 and CTY 14 of PPS 21.

With respect to (a) it is considered that this policy criteria has not been met. The farm business ID quoted on the accompanying P1C Form dates back to March 2013 and therefore the first part of the policy has not been met. The applicant has failed to demonstrate that the farm business has been active and established for a period of 6 years. Mindful of this, the applicant was afforded the opportunity to provide supplementary information to show that he has been an active and established farmer for at least 6 years. The applicant provided supplementary information in the form of receipts for materials and works carried out on the lands dating back to July 2012. It was also noted that the applicant only purchased the farm holding on the 06th of July 2012. Taking into consideration the additional information supplied by the applicant it is clear that the farm business has not been active and established for a period of at least 6 years. The applicant has failed to meet this part of the policy.

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

With respect to (c) it is noted that the application site is located in close proximity to and would be visually linked with an existing farm building to the east of the application site. The proposed dwelling utilises the existing access lane, which was approved under the previous consent and although there is an intensification in the use DFI Roads were consulted on the application and responded highlighting that they were content with the proposal.

CTY 13

Policy CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

While the aforementioned alterations carried out to the previously approved dwelling are considered relatively minor in nature, amendments to elevations, particularly the window arrangements, size and proportions have in my view adversely impacted the visual aesthetic of the overall building. Despite this, the general size and scale and footprint of the building on site has been retained. I therefore do not consider the external alterations to be unacceptable.

CTY 14

In terms of Policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I consider that the site and its surrounding environment are suitable for absorbing a dwelling of the size and scale proposed. The proposal put forward is representative, in terms of size and scale, of the existing dwellings in this area. In consideration of the character of the area, notwithstanding the cluster of 8 Orbits to the north on Killyliss Road, a pair of semi-detached dwellings is, in my opinion, out of keeping with the traditional rural settlement pattern of single rural dwellings and to that end I consider the proposal offends CTY14.

Access Considerations

As documented above DFI Roads were consulted on this application and have responded highlighting that they have no objection to the proposal, subject to condition. I am satisfied that an adequate means of access to the site can be provided and that the proposal complies with the policy requirements of PPS 3 – access, movement and parking.

Historic Environment

The proposed development is sited in close proximity to a archaeological site/monument. In consideration of this it was necessary to consult with DFC Historic Environment Division (HED). HED responded on the application highlighting that on the basis of the information provided it is content that the proposal is satisfactory to the provisions of the SPPS and PPS 6 archaeological requirements. On the basis of that above I am content that the proposal is compliant with the policy requirements contained within PPS 6 – Planning, Archaeology and the Built Heritage.

Consideration of Objection(s)

The issues raised by the objector on this application is summarised below:

Previous Refusal

A previous application was received for the retention of these dwellings under reference LA09/2016/1034/F. The objector has noted that the application has therefore already been assessed. It should be noted that the previous application relates to the retention of the dwellings under an economic argument put forward and did not relate to a dwelling on a farm or the substitution of the previous approval. With this in mind I am satisfied that the proposal before me is a significant change to the previous application and merits individual assessment.

Established Farm Business

As discussed above, insufficient evidence has been submitted with the application to justify the establishment of a farm business ID for a period of at least 6 years.

Policy concerns

The objector has outlined that the proposal should not be assessed under certain policy including CTY 10 – A dwelling on a farm. Notwithstanding the concerns of the objector as to the establishment of the farm enterprise the application before me relates, in part, to a dwelling on a farm and therefore must be assessed against applicable policy.

Conclusion

This application relates to the retention of a set of semidetached dwellings in the countryside. The applicant has outlined that the application relates to the substitution of a previously approved dwelling on the site and the provision of a second dwelling – a dwelling on a farm. Having assessed the proposal against the requirements of PPS 21 CTY 10 it is clear that the applicant's farm business ID has not been active and established for a period of 6 years. There are no overriding reasons why this type of development could not be located within a settlement. The proposal therefore fails to meet with this part of the policy and refusal is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend the application be refused for the reasons documented below.

Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established for at least six years.
3. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed semi-detached dwellings are out of keeping with the tradition of single rural dwellings and is therefore contrary to and damages the rural character of the area.

Signature(s)

Date:

ANNEX	
Date Valid	13th October 2017
Date First Advertised	26th October 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 65 Killybracken Road,Dungannon,Tyrone,BT70 1NU, Joe Hughes 65, Killybracken Road, Dungannon, Tyrone, Northern Ireland, BT70 1NU Joe Hughes 65, Killybracken Road, Dungannon, Tyrone, Northern Ireland, BT70 1NU	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/2009/0417/RM Proposal: Proposed replacement dwelling and new access to the Killyliss Road, including domestic garage Address: 75 Killyliss Road, Dungannon Decision: Decision Date: 16.09.2009 Ref ID: M/2006/2062/O Proposal: Proposed replacement dwelling with new access to Killyliss Road Address: 75 Killyliss Road, Dungannon Decision: Decision Date: 20.03.2007 Ref ID: M/2009/0408/F Proposal: Proposed two storey dwelling and garage Address: 50m North West of 75 Killyliss Road Dungannon Decision: Decision Date: 17.08.2009 Ref ID: M/2006/0182/O Proposal: Proposed two storey dwelling and garage Address: 50m North West of 75 Killyliss Road, Dungannon	

Decision:
Decision Date: 03.05.2006

Ref ID: M/1994/4030
Proposal: Repairs to dwelling
Address: 75 KILLYLISS ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/2006/0581/O
Proposal: Proposed site for new dwelling & garage
Address: Adjacent to 75 Killyliss Road, Derrygortrevy, Dungannon
Decision:
Decision Date: 27.09.2006

Ref ID: M/2006/0855/O
Proposal: Proposed Site for New Dwelling & Garage
Address: Approximately 105 M North West of 75 Killyliss Road, Derrygortreavy, Dungannon
Decision:
Decision Date: 11.04.2007

Ref ID: LA09/2017/1423/F
Proposal: Retention of two dwellings - first dwelling in substitution for previous planning permission M/2006/0855 and second as a dwelling on a farm.
Address: 75 Killyliss Road, Dungannon,
Decision:
Decision Date:

Ref ID: LA09/2016/1034/F
Proposal: Change of house type from previously approved 2 Storey Dwelling and Storey and a Half Garage (Ref M/2014/0295/F) to 2 no Semi-Detached Units within same curtilage, footprint and same scale/massing (Retrospective Application)
Address: 75 Killyliss Road, Dungannon,
Decision: PR
Decision Date: 12.06.2017

Ref ID: M/2014/0295/F
Proposal: Construction of two 2 storey dwellings with detached garages and associated siteworks-change of previously approved house types
Address: 75 Killyliss Road, Dungannon,
Decision: PG
Decision Date: 29.07.2014

Summary of Consultee Responses

DAERA - Farm Business ID not established for 6 years
Roads - Content
NI Water - Content
Historic Environment Division - Content

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: N/A
Response of Department: N/A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Malachy McCrystal	
Application ID: LA09/2016/0848/O	Target Date:
Proposal: Proposed Dwelling and Garage under CTY 2a	Location: 24M North of 93 Five Mile Straight Bracaghreilly Maghera
Applicant Name and Address: Colm Lynn 4 Orchard Way Portglenone	Agent name and Address: CMI Planners
<p>Summary of the issues raised in the objections are as follows:</p> <p>The only issue to be addressed is whether the proposed site can be considered to be located within a cluster as defined in PPS 21 – Policy CTY 2A.</p>	
<p>Summary of Consultee Responses:</p> <p>TransportNI advised that the proposed development was acceptable subject to condition. Environmental Health and NI Water provided informatives.</p>	
<p>Characteristics of the Site and Area:</p> <p>Description of Proposal This is an outline application for a proposed dwelling and garage under CTY 2a at 24m North of 93 Five Mile Straight, Maghera.</p> <p>Characteristics of the site and environs The site is located approximately 2.5km south west of Glen, in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is identified as 24m North of 93 Five Mile Straight, the red line however has extended into two fields with a site marker identified above 93 Five Mile Straight. Both fields included in the red line are agricultural fields which are relatively flat and are bounded with post wire fencing with hedging and trees along the boundaries. An amended location plan was submitted prior to objection letters being received, stating that the previous plan was incorrect and the applicant did not have a right of way over the laneway. The amended plan therefore removed the laneway from the red line.</p>	

Representations

There were four neighbour notifications sent out, in which two objections were received.

Description of the proposal:

This is an outline application for a proposed dwelling and garage under CTY 2a at 24m North of 93 Five Mile Straight, Maghera.

Deferred Consideration:

This application was presented before the Planning Committee in February 2017 with a recommendation to refuse based on the following reason:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the identified cluster is not associated with a focal point such as a social or community building/facility or at a crossroads;
 - the identified site is not bounded on at least two sides with other development in the cluster;
3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in ribbon development along Five Mile Straight, and does not represent a gap site.

Following a discussion at that meeting the application was deferred for a meeting with the Planning Manager. Dr Boomer held a deferred office meeting on 16th February 2017 which was attended by Councillor McGuigan with C Cassidy and R Rafferty from CMI planners and M McCrystal – Planning officer.

At that meeting the following was discussed:-

- Dr Boomer advised that this is not an infill site.
- C Cassidy explained as to why he thought this site was associated with Lisnamuck Crossroads which is a focal point. He referred to and produced a PAC decision which he felt set the precedent for such a site.
- It was agreed that as the site is located 170m away from the crossroads the site is not visually linked with the crossroads and as such that there is no focal point. The example produced by C Cassidy was not accepted as being relevant as it is set within a completely different context than the application site. It was explained that an exception can be made if the proposal is in the spirit and intent of the policy. However, in this case, an approval on this site could result in a further 4-5 dwellings.
- C Cassidy proposed siting the dwelling across the road and in front of No.88A as he felt a dwelling at this location would be bounded by buildings on two sides and would not afford any further opportunities for development. However, it was explained that such a

proposal would not be acceptable due to the relationship with No.88A and it would also result in an extension of development to the west.

- It was agreed that the proposal would be reconsidered in light of the information presented and that a recommendation would be returned to Committee.

Following the deferred office meeting CMI planners provided additional information which contends that Policy CTY2A is not specific in stating how far a site can be located from a focal point. As the agent has pointed out, site is located 170m from the crossroads which is considered to be excessive and unacceptable in respect of this policy's requirement. There is no development between the site and the crossroads and given the intervening mature hedgerows and boundary vegetation, it cannot be considered that there is any visual linkage between both.

CMI also referred to two planning applications which were submitted to two Planning Authorities other than Mid Ulster District Council (LA08/2015/0056/F [ABC] and LA07/2015/0135/O [Newry, Mourne and Down]). However, on inspecting these proposed sites, they are both considered to be distinctly different from the proposed site and in any event, decisions taken by one planning authority are not binding on a separate planning authority. Therefore, these two cases raised by the agent are not considered to be relevant.

The additional appeal case referred to by the agent namely 2010/A0202 was stated by the Commissioner as being *'visually associated with the adjoining dwellings and has the appearance of domestic curtilage'* and *'given its size and relationship with adjoining dwellings, the site is unsuited to agriculture'*. The agent goes on to refer to planning appeal 2012/A0120 which was dismissed and in the Commissioner's consideration, stated that *'Whilst the appellant argued that the appeal site meets this criterion as it lies at a "staggered crossroads", the policy allows only for development where it is located **at** a crossroads (Commissioner's emphasis). The junction of Moyad Road with Dougans Road is located 80m north-west of its junction with Leitrim Road. As the latter junction sits on the crest of the hill and **given the considerable separation distance and intervening vegetation** (my emphasis) one is not aware of the Leitrim Road junction.....'* Given the degree of physical and visual separation I am not persuaded that the appeal site is in fact located at a crossroads. That appeal was duly dismissed as the Commissioner concluded that the appeal was not located at a crossroads and was contrary to Policy CTY2A.

Copies of the site location maps for the above applications referred to by the agent and the PAC decisions on the above appeal cases are attached at Appendix 1.

Conclusion

As detailed above, the Planning Appeals Commissioner considered a distance of 80m between a proposed site and a crossroads to be excessive and unacceptable. Therefore the site as proposed is equally located an excessive distance, ie. 170m, from Lisnamuck Crossroads, in order to be considered as being associated with such a focal point. Having considered all of this, the proposal is not within the spirit or intent of Policy CTY2A and is considered unacceptable. I therefore recommend that the proposed development be refused for the reasons as stated below:-.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the identified cluster is not associated with a focal point such as a social or community building/facility or at a crossroads;
 - the identified site is not bounded on at least two sides with other development in the cluster;
3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in ribbon development along Fivemile Straight, and does not represent a gapsite.

Signature(s):

Date

APPENDIX 1

ACEmap® Single

Printed: 10/03/2015 Customer Ref:

Centre Point (Easting, Northing): 307394, 364453

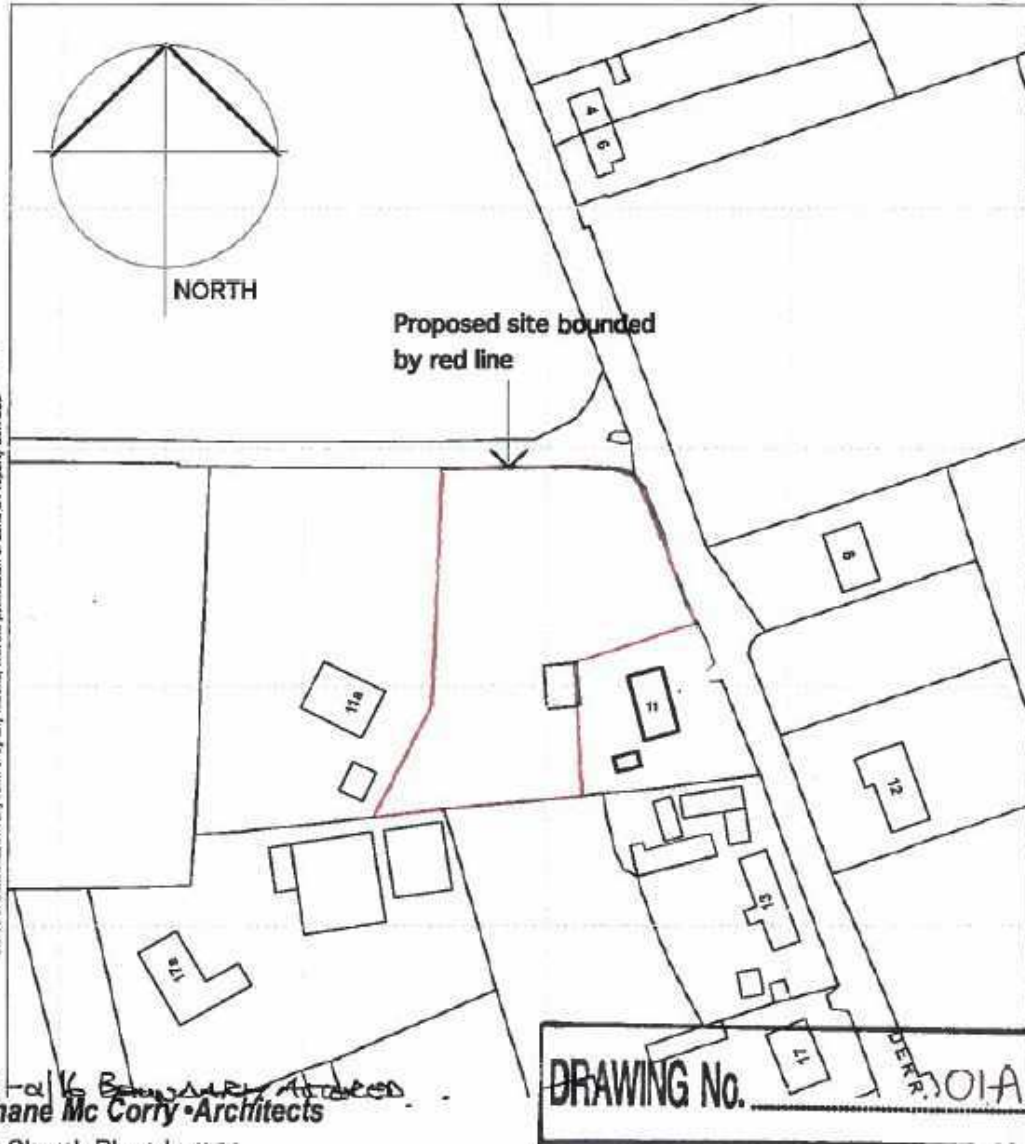
Scale: 1:1,250

Order no. ORD10705

Plan No. 16306SE



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01-016 Bannockburn Architects
Shane Mc Corry Architects
 43 Church Place Lurgan
 Co. Armagh BT67 9EU
 tele 02838 322717 mob 07808003030
 e-mail mccorryshane@gmail.com

Mr J Mc Stravick
 Proposed dwelling & garage
 Adjacent & East of 11a Derrydone Rd

Drawing Title LOCATION MAP

SCALE 1:1250 DATE 01/16 DRWG-01A.

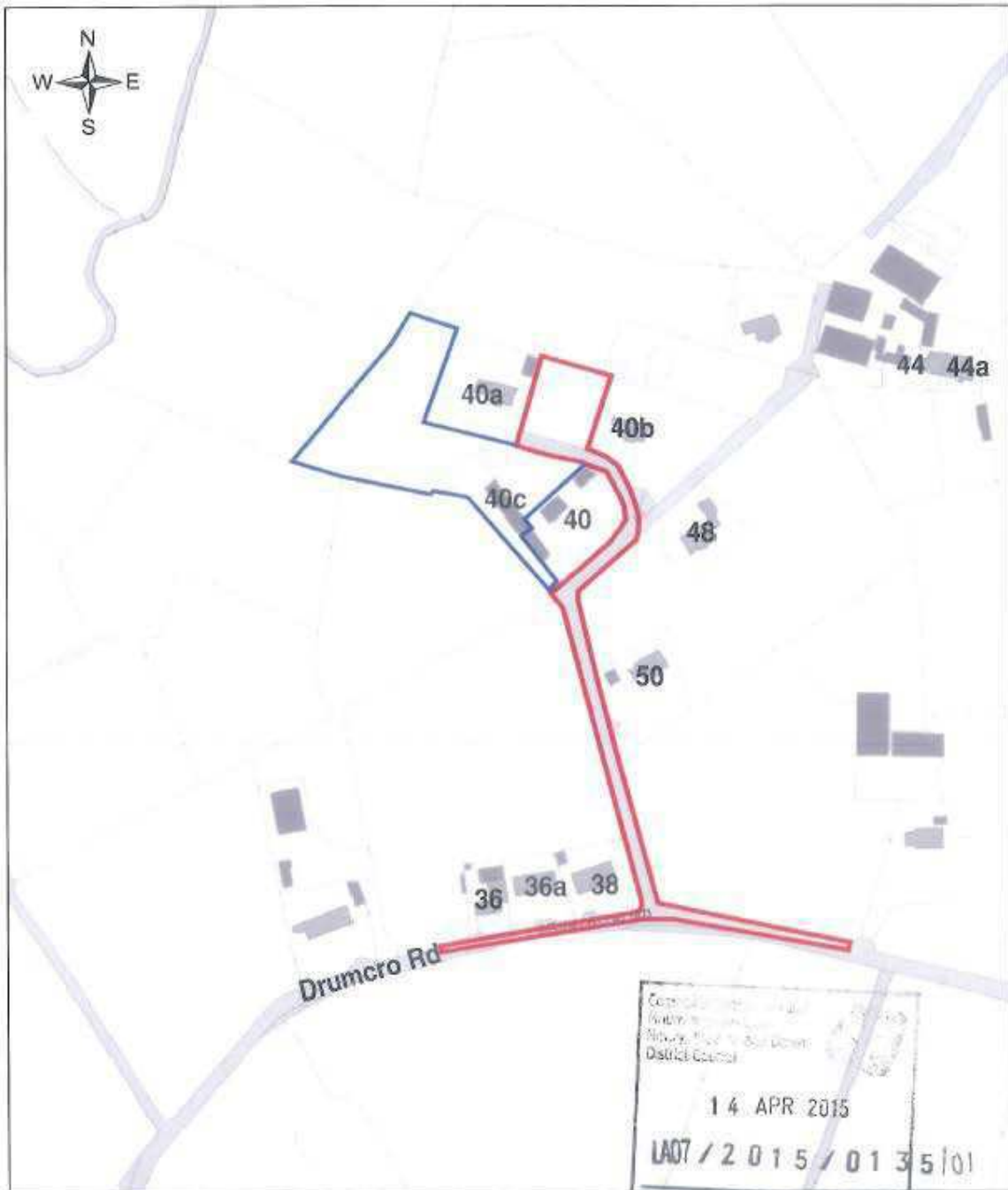
DRAWING No.

Armagh, Banbridge & Craigavon
 District Council
 LA08/2015/0056
 02 FEB 2016

RECEIVED

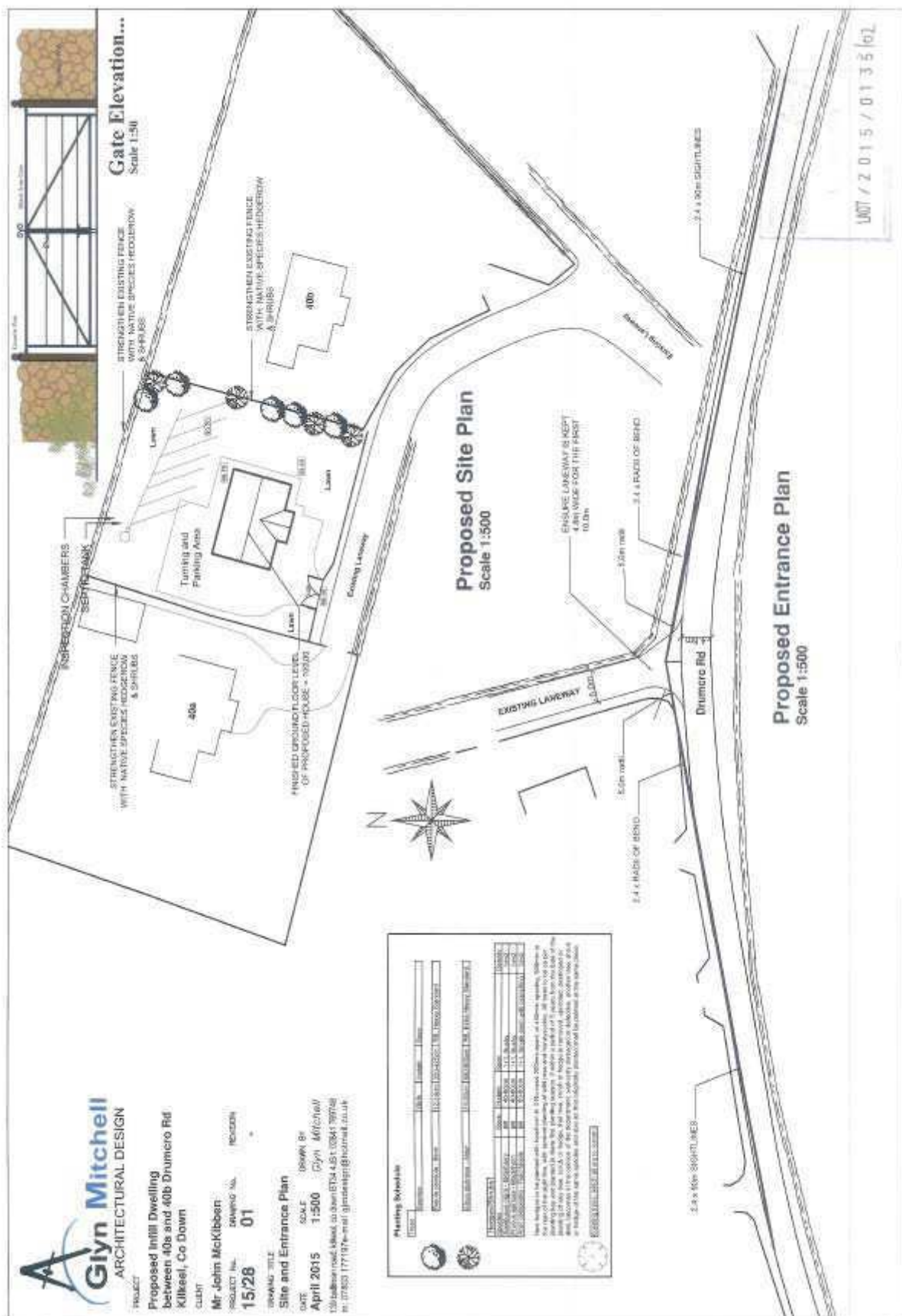


139 ballinran road, kilkeel, co down BT34
4JB t: 02841 769748
m: 07803 177197e-mail
gjmdesign@hotmail.co.uk



Site Location Plan
Scale: 1:2500 @ A4
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Site for Dwelling
Between 40a and 40b Drumcro Road
Kilkeel
Co. Down



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2010/A0202
Appeal by:	Billy Henderson Properties Limited against the refusal of full planning permission.
Development:	One and a half storey dwelling and detached garage.
Location:	20 metres south-east of 21 Curryfree Road, Creevedonnell, Londonderry.
Application Reference:	A/2009/0214/F
Procedure:	Written Representations and Accompanied Site Visit on 20 th April 2011.
Decision by:	Commissioner Julie de-Courcey, dated 27 th April 2011.

Decision

1. The appeal is allowed and full planning permission is granted subject to the conditions set out below.

Reasons

2. The main issues in this appeal are whether the proposed buildings are acceptable in principle in the countryside and their effect on the area's character, appearance and neighbours' residential amenity.
3. Policy CTY 1 of Planning Policy Statement 21 (PPS 21) identifies a dwelling sited within a cluster of buildings in accordance with Policy CTY 2a of that document as being one of the types of development that, in principle, are considered to be acceptable in the countryside. Policy CTY 2a sets out six criteria that a proposal must comply with in order for planning permission to be granted for a dwelling at an existing cluster of development. I note the appellants' Ordnance Survey evidence about the historical existence of a cluster at this location, that the alleged former forge (now within the curtilage of No.25 Curryfree Road) was a community facility that was a local focal point and that the T junction of public roads to the south of the appeal site was historically a cross-roads with a public right of way leading eastwards across the river valley to a ford, school, mill, cricket ground and farm holdings. However, whether the site comes within an existing cluster of development falls to be assessed in the contemporary context.
4. The appeal site adjoins three detached houses with their respective garages. It shares a party boundary with the house to the south-west and those to the north-west and north are separated from it by the shared drive that serves all three

dwelling. This drive would also serve the proposed buildings. To the south are detached bungalows at Nos. 22 and 24 Curryfree Road. To the south-west are a range of buildings associated with the two storey house at No. 25 Curryfree Road. There is a detached cottage to the east of the appeal site on the opposite side of the road. What appears to be a shed/outbuilding that the appellants identify as a dwelling/replacement, does not read as part of this loose cluster. Notwithstanding, the other buildings form a loose cluster around the T junction of the part of Curryfree Road running north-east to south-west and the branch that leads eastwards to Rushall Road. On this basis, the proposal satisfies the first and second criteria of Policy CTY 2a of PPS 21 as the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings) of which at least three are dwellings, and the cluster appears as a visual entity in the local landscape.

5. The proposed buildings would be seen when travelling in both directions on Curryfree Road. However, as they would be seen in the context of the three dwellings and garages that surround the site on two of its three sides, they would not be prominent from this vantage. Whilst there are trees on the party boundary with the dwelling to the south-west and behind the roadside fence, the site is not enclosed by long established natural boundaries. Notwithstanding, adjoining buildings, the shared drive and the site's existing boundary definition provide it with a suitable degree of enclosure so that it is not at odds with the second criterion of Policy CTY 13 of PPS 21. Imposition of a condition securing retention of existing vegetation in addition to the supplementary planting proposed would safeguard the current situation.
6. The proposed dwelling would present its rear elevation to the public road with its front elevation orientated north-westwards to take advantage of the panoramic views across the river valley. It would present a long ridge line to the road. However, as the ridge line would be broken up by changes in height, orientation and coping stones, it would not have a uniform appearance. In the context of the scale and design of the three adjoining dwellings, in terms of scale, form and massing. There would be a lower proportion of solid to void on the front elevation, an area of full height glazing and a variety of window sizes. However, this would not be seen from Curryfree Road and the Department did not identify a critical view from the shared drive. The view of the proposed buildings from the neighbouring dwellings is not a critical view as defined by paragraph 5.60 of PPS 21.
7. The Department directed me to longer range views from Killymallaght Road and Trench Road on the opposite side of the river valley, which it considered to be critical. From those vantages the proposed buildings would be seen in the context of the three immediately adjoining it with a backdrop of vegetation and topography. The wind turbines on the hill top to south-west dominate the landscape. From some stretches of those views, the proposed dwelling's front elevation would be partially obscured by the middle of the three new houses. Its context and distance would ensure that the amount and style of glazing on the front elevation would not be prominent or inappropriate. As the proposed buildings would integrate into the landscape in compliance with both the fourth

criterion of Policy CTY 2a and Policy CTY 13 of PPS 21, the Department's second reason for refusal is not sustained.

8. The disposition, design and boundary treatment associated with the three adjoining dwellings has resulted in a suburban style of build-up. Development of the site could be absorbed into the existing cluster through rounding off and consolidation and would not cause a detrimental change to or further erode the area's character. As already set out in the preceding paragraph, the proposed buildings would not be unduly prominent in the landscape. As such, the proposal is not at odds with Policy CTY 14 and would comply with the fifth criterion of Policy CTY 2a of PPS 21. Accordingly, the Department's third reason for refusal is not sustained.
9. No. 21 Curryfree Road presents its rear elevation to the shared drive. As it is set below the level of the public road there are views into its rear area. Vehicles going to/from the house to the south-west of the appeal site pass its point of access at a level 2.6m higher than No.21's finished floor level (FFL). Given the dwelling's orientation, its private amenity space is to the side and front. At their nearest point, the proposed dwelling's front elevation would be 19.5m from the rear elevation of No. 21. The existing dwelling's FFL would be 3.6m lower than that of the proposed house. No. 21 has a two storey projecting rear wing with two windows at ground floor level serving the utility room and kitchen respectively. Each of these rooms have a second window on the side elevation. There is one window at first floor level serving a bedroom. There would be three roof lights at first floor level on the front elevation of the proposed dwelling serving a family/games room. "Creating Places advocates a separation distance of around 20m or greater between opposing rear first floor windows but provides no guidance on a situation such as this where it is the front and rear elevations of dwellings that would be facing. Notwithstanding the dwellings' respective FFLs, given the separation distance, I am not persuaded that the residential amenity of the occupants of No.21 would be harmed to the extent that would merit dismissing the appeal on the basis of the Department's concerns about overbearing impact. Imposition of a condition removing permitted development rights for the extension or alteration of the proposed dwelling would give the Department control over any future additions as they might reduce the separation distance between it and No.21. On this basis, the proposal is not at odds with paragraph 52 of Planning Policy Statement 1 nor the sixth criterion of Policy CTY 2a of PPS 21.
10. The third criterion of Policy CTY 2a requires that the cluster is associated with a focal point such as a social/community building/facility or is located at a cross-roads. I have no evidence that what the appellants refer to as a "right of way" is a legally asserted public footpath/right of way. As such, the junction to the south of the appeal site is not a cross-roads. There is no social/community building/facility currently in the vicinity of the appeal site. There is merit in the appellants' point that the criterion is not exclusive in its definition of a focal point and that stated examples of such is not an exhaustive list. Notwithstanding, the term "focal point" suggests a single entity and not an existing cluster of development otherwise the third criterion would add nothing to the policy in the

round and be extraneous. The appeal decision referred to by the appellant was decided in a different policy context to this proposal and dealt with a reason for refusal that is not pertinent in this instance. Consequently, the proposal does not satisfy this third criterion of Policy CTY 2a.

11. Whilst the proposal fails the third criterion of Policy CTY 2a of PPS 21, it complies with the policy's broad overall intent in that it would round off and consolidate an existing cluster of development without changing to the area's character. In this respect, there are a number of site-specific characteristics that I find so compelling as to outweigh the fact that the cluster is not associated with a focal point. These are as follows:

- The site comprises a mown grassed area with a suburban style ranch fence marking its boundary with the public road. Fencing posts have been erected on top of the retaining wall along its boundary with the shared drive and there are stone pillars on either side of the entrance off the drive;
- It is visually associated with the adjoining dwellings and has the appearance of domestic curtilage;
- Given its size and relationship with adjoining dwellings, the site is unsuited to agriculture;
- It is bounded by residential development on two of its three sides; and
- It is a small gap site within an otherwise substantial and continuously built-up frontage that extends for 240m along this side of Curryfree Road.

As the proposal is not at odds with the spirit of Policy CTY 2a of PPS 21 in the round, it is one of the types of housing development that is acceptable in the countryside in accordance with Policy CTY 1 thereof. Accordingly, the Department's first and fourth reasons for refusal are not sustained and the appeal is allowed.

Conditions

1. The development shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the provisions of Article 2(3)(a) and Schedule 1, Parts A, B and C of the Planning (General Development) (Amendment) Order (Northern Ireland) 2011 (or any legislation revoking that Order and re-enacting those provisions) the dwelling shall not be enlarged, improved or extended without the Department's prior permission.
3. Notwithstanding the landscaping details shown on Drawing Reference 0927 003 Revision A, existing vegetation on the site's roadside and south-western boundaries shall be retained.

This decision relates to Drawing Reference 0927 001 Location Map, Drawing Reference 0927 003 Revision A Site Layout Plan, Drawing Reference 0927 004 Proposed Elevations and Plans and Drawing Reference 0927 006 Proposed Garage Elevations and Plans.

COMMISSIONER JULIE DE-COURCEY



Appeal Decision

Park House
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BELFAST
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Appeal Reference: 2012/A0120
Appeal by: John & James McKibben against the refusal of outline planning permission.
Development: Proposed site for a cluster dwelling and garage.
Location: 70m south east of no 181 Moyad Road, Kilkeel.
Application Reference: P/2011/0611/O
Procedure: Written Representations and Commissioner's Site Visit on 26 April 2013.
Decision by: Commissioner Pauline Boomer, dated 10 May 2013.

Decision

1. The appeal is dismissed and outline planning permission is refused.

Reasons

2. The main issue in this appeal is whether the proposed development is acceptable in principle in the countryside.
3. Planning policy for the countryside is set out in Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21). Policy CTY 1 of this document identifies a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.
4. This policy states that planning permission will be granted for a dwelling at an existing cluster of development provided all of its six criteria are met. A cluster of development is not defined by the Policy, but its first three criteria give an indication of its intended meaning. The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more buildings (excluding ancillary buildings such as garages) of which at least three are dwellings. The second criterion indicates that the cluster should appear as a visual entity in the local landscape. The third criterion indicates the cluster is to be associated with a focal point such as a social/community building/facility, or is located at a crossroads.

5. The appeal site comprises a triangular plot of land set back 25m from Moyad Road. It is accessed via an existing laneway which serves a detached one and a half storey dwelling at No.181, 6 disused mushroom houses and two partially built dwellings, one to the immediate north-east and another further to the south-west. Two detached one and a half storey dwellings, Nos 1 and 3, accessed off Dougans Road lie directly east-north-east of the appeal site. Development along both sides of the laneway is tiered with the appeal site lying at a lower level than No. 181, the mushroom houses and the partially constructed dwelling to the north-east and marginally below the level of those properties at Nos 1 and 3 Dougans Road.
6. The appellant argues that the appeal site is centrally located within a group of 11 buildings to the west of Dougans Road and south of Moyad Road. I agree that the appeal site is enclosed by the dwellings at No 181 and Nos 1 and 3 and by 6 mushroom houses. Whilst the two approved dwellings are currently under construction up to and beyond wall plate level, they must be taken into account but given the physical separation distance and intervening vegetation, I disagree that the partially built dwelling to the south-west reads as part of this group. I do not accept the appellant's argument that other development at 4 and 6 Dougans Road and 174, 175, 178 and 180 Moyad Road are associated with it. I am however satisfied that this grouping consists of four or more buildings including three dwellings.
7. However the appellant drew my attention to the planning history of the site to the south-west which was assessed and approved as "a dwelling and garage on a farm" at the same time as the planning application, the subject of this appeal, was being considered by the Department. I also note the existence of 6 mushroom houses within the ownership of the appellant and although annotated as "disused" on the site location plan, the appellant offered no clarification of their current use. I therefore have no evidence to confirm that the appeal site lies outside of a farm and the first criterion is therefore offended.
8. Whilst the Department considers that the appeal site fails to meet the 2nd and 3rd criteria and part of the 4th and 5th criteria set out in Policy CTY2a, they did not present any explanation or justification for the 1st Reason for Refusal in their Statement of Case, referring only to the 3rd criterion in their rebuttal.
9. I have indicated that the appeal site is enclosed by and reads with the 9 existing buildings and another partially completed as identified above. The appeal site nestles within the lowest point within the grouping which sits in a natural hollow. Whilst the Department have not identified any critical views, the photographs supplied by the appellant show that, when approaching in both directions along Moyad Road, one is looking down on the appeal site and the development enclosing it from where it does read as a visual entity in the landscape. When travelling along Dougans Road in an easterly direction, the appeal site is intervisible with all of those adjacent buildings which read as a particular and discrete unit rather than a loose collection of individual buildings. This strong visual linkage from the more elevated critical views is aided by the unusual tiered arrangement of development and the limited vegetation enclosing the appeal site and adjacent plots. I am satisfied that the development of the appeal site can be absorbed into the existing grouping through rounding off and consolidation,

without significantly altering the character of the area and the 2nd and 5th criterion are therefore met. With regard to the 4th criterion, the Department only raised concerns about enclosure by other development and as I have concluded that the appeal site is bounded on two and a half of its three sides by buildings, I find no conflict in this instance.

10. The 3rd criterion requires that the cluster is associated with a focal point such as a social/community building/facility or is located at a crossroads. Whilst the appellant argued that the appeal site meets this criterion as it lies at a "staggered crossroads", the policy allows only for development where it is located at a crossroads (my emphasis). The junction of Moyad Road with Dougans Road is located 80m north-west of its junction with Leitrim Road. As the latter junction sits on the crest of the hill and given the considerable separation distance and intervening vegetation, one is not aware of the Leitrim Road junction when exiting from Dougans Road or the shared laneway serving the appeal site. When travelling southwards along Moyad Road, there is no awareness of a crossroads and on the other approach, one is past the Leitrim Road junction before the existing grouping comes into view. Given the degree of physical and visual separation between the Dougans Road junction and the Leitrim Road junction, I am not persuaded that the appeal site is in fact located at a crossroads.
11. The appellant presented a number of cases where he contends that the Department assessed against Policy CTY2a and approved dwellings located at staggered crossroads. The Department in their rebuttal has indicated that planning applications P/011/0547/O and C/2010/0683/F were associated with social/community buildings and therefore met 3rd criterion on this basis. It appears from the site location plan attached that planning application D/2011/0130/F was assessed against Policy CTY 8 which has no requirement for location at a crossroads. No details other than the decision notice and site location map submitted by the appellant in regard to B/2010/0242/F were presented which makes it impossible to ascertain against which policies it was assessed and on what basis it was considered acceptable. In this evidential context, I am not persuaded that the Department has been inconsistent in their interpretation of the 3rd criterion of Policy CTY2a. Each appeal has to be assessed on its own merits and Appeal 2010/A0202 was decided on a particular set of site specific circumstances which are not replicated here. I conclude that the appeal proposal offends the 3rd criterion of Policy CTY 2a.
12. Policy CTY2a states that all criteria must be met and as the appeal proposal offends the 1st and 3rd criterion, the 1st reason for refusal is sustained.
13. Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character. I have concluded above that the development of the appeal site can be absorbed into the existing grouping through rounding off and consolidation, without significantly altering the character of the area. The introduction of a single dwelling enclosed by existing development would respect the traditional pattern of settlement in an area characterised by similar groupings and the 2nd reason for refusal is not sustained.

14. The appeal site is located in the Mourmes Area of Outstanding Natural Beauty (AONB) and Policy DES 4 of the Planning Strategy for Rural Northern Ireland therefore applies. Whilst the appellant is correct in his assessment that the policies in PPS21 take precedence over the policy provisions for CPA designations in all existing and published draft plans, AONBs still fall to be considered against Policy DES 4 which was not superseded by PPS21 as outlined in its Preamble.
15. The headnote of Policy DES 4 requires development "to be sensitive to the distinctive character of the area and the quality of their landscape, heritage and wildlife". It also states that "new buildings should respect and may have to reflect the traditional architectural styles and settlement pattern". The appeal proposal would have limited visual impact given its low lying position and enclosure by existing buildings. The introduction of another dwelling at this location would reflect the character and settlement pattern of the area where other concentrations of development are apparent, without harming the scenic value of the area. Whilst there are a variety of different house styles and designs in the immediate vicinity, as this is an outline proposal, appropriate conditions could be attached to ensure that the development reflect the traditional styles of the area. I find no conflict with policy DES4 and the Department has not sustained its 3rd reason for refusal.

This decision relates to the 1:2500 site location plan date stamped refused by the Department on 4 July 2012.

COMMISSIONER PAULINE BOOMER



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Lorraine Moon	
Application ID: LA09/2016/0997/F	Target Date: <add date>
Proposal: Proposed relocation of existing approved storage shed (LA09/2015/0115) and Extension of site curtilage for the storage of plant machinery & Building materials	Location: 50m East of no 47 Ballymoyle Road Coagh
Applicant Name and Address: Mr Martin Loughran 47 Ballymoyle Road Coagh	Agent name and Address: CMI Planners Unit C5 80-82 Rainey Street Magherafelt BT45 5AJ
Summary of Issues: No objections were received in respect of this application. One letter of support has been received following the deferred office meeting. This letter was from the occupier of no.47 Ballymoyle Road, who is a sister/daughter of the applicant who owns the adjoining dwelling and site.	
Summary of Consultee Responses: TransportNI and Environmental Health responded with no objections subject to conditions.	
Characteristics of the Site and Area: The proposal site is located approx. 2miles NE of Coagh, in the open countryside in accordance with the Cookstown Area Plan 2010. The site is located to the rear of Nos 47 _ 49 Ballymoyle Road, Coagh. The site currently comprises an area of hardstanding used for the storage of building materials and machinery. The land to the rear of the proposal site is agricultural and undulating in nature. There is no existing boundary on the eastern side as shown in submitted drawing No 03 dated 15.07.16.	
Description of Proposal Proposed relocation of Ex Approved storage shed, Ref No: LA09/2015/0115 _ Extension of site curtilage for storage of plant machinery and building materials.	

Deferred Consideration:

This application was presented to Committee on 7th February 2017 with a recommendation to refuse for the following reasons:-

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development, in that it has not been demonstrated why this new building outside the curtilage of the established is required.

The Planning Committee agreed to defer the application for an office meeting with the Planning Manager and this took place on 16th February 2017. At that meeting the issues relating to the recommendation were discussed. The applicant works with heavy machinery ie. diggers/dozers/lorries etc. and he requires a shed to carry out repairs on the equipment/vehicles which are used on site. The extant approval was granted for similar shed which has not yet been constructed. This shed is now to be located within the new extended yard and will have an appearance similar to an agricultural building.

The correct policy under which to assess this proposal is PPS 4 PED 3 and the increase in the size of the site should be proportionate. Due to the size of the existing yard, if the extant approved shed were to be constructed, this would limit the extent of the remaining area. This would then cause difficulties in that if one vehicle entered the yard this would result in the yard being blocked and no other vehicles/equipment could enter the yard. The proposed extension to the yard and new shed would provide an extended area to accommodate additional vehicles and improve the circulation space around the yard.

The applicant was requested to provide a written explanation as to why the existing yard does not work and also confirmation from the occupiers of the adjacent dwelling that they have no objections to the siting of the shed and yard to the rear of their dwelling. Following receipt of this, the application will be reconsidered.

The existing use has been established and was accepted by way of an application for a lawful development certificated for 'Existing access laneway and hardcore yard for the storage of plant, machinery, vehicles and building materials' which was approved on 16th March 2015. It is accepted that the existing yard area is small in size and given the type of machinery/equipment used by the applicant it would be difficult to have any more than two machines in the yard at any one time and still have an adequate area remaining for turning, loading or off-loading of other machinery. Therefore it is my opinion that there is sufficient justification for an extension to the existing yard. A letter of confirmation has been received from the adjoining dwelling owner stating that they have no objections to the proposed development. Therefore, given that there is little, if any, visual impact of the development when viewed from the public road, the proposal would not be unacceptable in this respect. The development is considered to be acceptable and should be approved 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 building hereby approved is in substitution for the building approved under LA09/2015/0115/F and only one building shall be constructed on this site.

Reason: To preserve the rural character of the area and to prevent an accumulation of buildings on the site.

3. The existing line of mature trees and hedgerows as indicated on the approved drawing no. 03 date stamped 15th July 2016 shall be permanently retained and allowed to grow on.

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

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

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

5. The building/shed hereby permitted shall not become operational until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow with trees and shrubs of mixed woodland species planted on the inside as shown on the stamped approved drawing no. 03 date stamped 15th July 2016.

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

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

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

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Roisin McAllister	
Application ID: LA09/2016/1640/F	Target Date:
Proposal: Agricultural Shed	Location: 90m South of 54 Gortlenaghan Road Dungannon
Applicant Name and Address: Martin McCool 15 Ardglena Dungannon BT71 7TN	Agent name and Address: Clarman & Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
Summary of Issues: No representations received.	
Summary of Consultee Responses: EH outstanding – await response. DFI Roads – No objection.	
Characteristics of the Site and Area: The application site is located 90m south of 54 Gortlenaghan Road, Dungannon. It is in an area largely characterised by agricultural land, farm holdings and dispersed settlement. The site extends 0.55Ha and is a roadside plot with a field gate to the public road. The site is elevated above lands to the east and is visible from the surrounding road network, particularly from Cabragh Road. The ground level falls steadily from the roadside in an easterly direction and site boundaries are marked by hedgerows. To the south on land adjacent is a neighbouring two storey dwelling, no. 71 Cabragh road.	
Description of Proposal Agricultural Shed	
Deferred Consideration: The application was presented to planning committee with a recommendation for refusal as it was considered contrary to Policy CTY 1, CTY 12, CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable development in the countryside. The applications was deferred for an office meeting which was held at Mid Ulster District Council.	

The first test of policy CTY 12 of PPS21, requires the farm business is currently active and has been established for at least 6 years. While evidence demonstrated the applicant leased his land to Mr Hughes, it had not been demonstrated that his farm was active and established. Further to the office meeting, information detailing the history of Mr McCools farm was provided. This included a herd record of Michael McCool (the applicant's father) from 1984, declaration of cattle movement from 1985 and a receipt for Mr Martin McCool's application for a business ID.

I am therefore satisfied that Mr McCool's farm business has been established for at least 6 years and while he does not draw a direct income, he obtains an income by leasing the land to Mr Hughes. Furthermore, the applicants notes that he cuts hedges, maintains drainage, cleans out shucks, installs post and wire fences and sprays rushes to maintain the land. I am satisfied the applicants farm business is active. Efforts to formalise this have been made through an application for a business ID.

In a supporting statement it notes – it is Mr McCool's intention to continue farming the land and he requires a shed for the storage of farm equipment, hay and silage. He also has no facility for animal testing and wishes to provide a cattle crush and two holding pens to the side of the shed. Considering there are no other farm sheds at present on these lands, the shed is therefore necessary for the efficient use of the agricultural holding.

Environmental Health were consulted and responded stating that they required more information regarding the intended use of the building. The use proposed is primarily for storage of machinery and silage along with a small animal testing facility. In order to avoid adverse impact on residential amenity, I recommend the use of the building is restricted to that explicitly stated – for the storage of farm machinery and silage. Environmental Health have been re-consulted and we await their response. Given the use proposed I recommend the application is progressed with a recommendation subject to a satisfactory response from Environmental Health.

Concerns were previously raised in relation to the siting of the shed on an elevated site. The shed has subsequently been moved eastwards to lower land and avoids a roadside frontage. The design of the proposal has also been amended and the ridge height reduced from 7m to 5.7m with a barrel vault design.

The proposal now intends to use an existing agricultural laneway as opposed to the dominant driveway previously presented. I am content the proposal will visually integrate with the landscape and recommend existing hedgerow boundaries are augmented by trees. Concerns relating to CTY 13 and CTY 14 are also therefore alleviated.

It has not been demonstrated that the proposal at this location is essential for the efficient functioning of the business.

It is noted that MrMcCools father Michael McCool (name of the farm map) resides a short distance away along Gortlenaghan Road. Questions were raised as to why the shed could not be sited beside this existing building on the farm. A drawing was submitted with the supporting statement showing consideration of the proposed shed adjacent to this existing building. The drawings demonstrate restrictions in siting the shed at this location. I am content that a shed sited on the farm holding is therefore required for the efficient functioning of the farm.

Transport NI were re-consulted and have no objection subject to conditions.

I recommend permission is granted with conditions.

Conditions

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

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

2. All existing hedgerows and trees located within the site outlined in red on drawing 01rev2 bearing the date stamp 18th December 2017 shall be retained and augmented with trees of indigenous species. No trees or vegetation shall be removed without prior consent in writing to the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

3. The agricultural shed hereby approved shall be used solely for the storage of farm equipment, hay and silage.

Reason: In the interests of residential amenity.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer:	
Melvin Bowman	
Application ID: LA09/2017/0629/O	Target Date: <add date>
Proposal: Off site replacement for a dwelling currently at 120m West of no.39 Bellshill Road, Castledawson to be relocated on lands 70m West of no. 47 Bellsill Road, Castledawson	Location: 70m West of no.47 Bellshill Road Castledawson Magherafelt
Applicant Name and Address: George McMillin 11 Bellshill Road Castledawson	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge Toome BT41 3SQ
Summary of Issues: Case previously recommended for refusal for off-site replacement dwelling.	
Summary of Consultee Responses: TNI concerns regarding future access location.	

**Characteristics of the Site and Area:**

The proposal site is located within the corner of a large agricultural field. The existing dwelling is a single storey detached traditional design building, the building still displays all the original characteristics of a dwelling with all external walls being substantially intact. The current location of the dwelling is affected by the new road development to the north and the land has been vested for gravel extraction thus the applicant has applied for an off site replacement. The proposed new location is currently an agricultural field and the dwelling is proposed to be sited in the corner of this. The site is elevated above the level of the existing site and in a prominent location on the sky line. There are a scattering of single storey properties within proximity but not adjacent to the proposal site. The site is unbounded on the northern and NE boundaries and only minimally on the SW and eastern boundaries by a very modest agricultural hedge.

The new road layout is underway and the existing dwelling has already been demolished, the new site proposed would site immediately south of the new road layout. The proposal site is surrounded by agricultural land which drops in levels below the proposed site.

Description of Proposal

Outline application for 'off site replacement for a dwelling currently at 120m West of no.39 Bellshill Road, Castledawson to be relocated on lands 70m West of no. 47 Bellshill Road, Castledawson'.

Deferred Consideration: This application was deferred for a site visit by members at the Planning Committee on the 4th Nov 2017. A site visit took place to the site on the 30th Nov of which the below is a summary:

In attendance: M.Bowman (Planning) Cllrs McKinney, Glasgow, Kearney, McPeake (2pm)

- Members visited the immediate location of the site on the Bellshill which at present is being heavily worked to facilitate the new road line, the basis for which is already in place along the frontage of the site. The precise location of the application site was identified and members noted the presence of surrounding dwellings on 2 sides of the site which some felt offered a degree of screening to a new dwelling on the site if it maintained a similar 5.5m ridge
- I asked members to observe the large embankment works on the proposed main dual carriageway when travelling to the next viewpoint on Annaghmore Road and how this prevented views of the proposed dwelling.
- Members visited an identified but more distant viewpoint from the Annaghmore Road to the west of the site. From this point the site could be viewed in the context of the road works, surrounding dwelling and falling topography. Views were expressed about limiting ridge height to a low elevation dwelling.
- On access – members noted a road line could be identified and sure if approval was to be forthcoming then a condition could be attached securing its precise location to tie into the road becoming operational.
- The visit concluded at 2.50pm.

Having visited the site before and again during the members site visit I have re-considered this case in light of Policy CTY3. There is no dispute here regards the applicants entitlement to a replacement dwelling and I am reasonably content that due to the engineering operations which are taking place on the original site preventing it being used for an on-site replacement dwelling.

Critical to the acceptance of any off-site replacement dwelling in policy terms is whether the new site will create a significantly greater visual impact than the existing dwelling would have. Having considered the genuine concerns of the officer in the original report, and having also been afforded the opportunity to examine all approaching public views, I am not overly concerned that a low elevation bungalow on the application site will be unduly prominent. When travelling along the main dual carriageway one will not be able to view the new dwelling site given the degree of significant embankment works which have now been put in place to the southern edge of the road line. From Bellshill a bungalow will nestle within a small grouping of existing dwellings.

All in all I consider that the proposal is acceptable and that outline planning permission should be granted subject to conditions:

- 5.5m ridge height
- Access location to be agreed with DFI upon the completion of the adjacent new road line.

Signature(s): M.Bowman

Date 18th Dec 2017.

Report on	Consultation by DfI on further environmental information in respect of planning application LA03/2017/0310/F for Extraction, Transportation and working of sand gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km², in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material.
Reporting Officer	Chris Boomer Planning Manager
Contact Officer	Melvin Bowman Sinead McEvoy

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To provide members with an overview and a draft reply to the consultation from the Department for Infrastructure (DFI) on a consultation on further environmental information in respect of planning application LA03/2017/0310/F for Extraction, Transportation and working of sand gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km ² , in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material. The consultation was issued to this council on 20 th November 2017 and seeks a response within 4no. weeks of the consultation date.
2.0	Background
2.1	Members will recall that this council was previously consulted on this application and accompanying Environmental Statement in May 2017. At that time we responded to advise that we had no comment to make and given that this application is being dealt with by the Department of Infrastructure, verification of probity of the Environmental Statement lies with the Department.
2.2	This most recent DfI consultation relates specifically to the receipt of Further Environmental Information in relation to Shadow Habitats Regulations Assessment including Air Quality Report.
3.0	Main Report
3.1	The consultation is made up of a report which states that it is prepared to inform the applicants response on matters raised by NIEA on concerns regarding potential implications for the Lough Neagh Area of Special Scientific Interest (ASSI) and Lough Neagh and Lough Beg Special Protection Area (SPA) and Ramsar site in relation to air

	quality and in particular, Nitrogen Oxide (NOx) concentrations and Nitrogen deposition. The Further Environmental Information report is compiled by Ecology Solutions Ltd. An Air Quality Assessment (undertaken by Redmore environmental) of the implications of barges in the winning of sand from the Lough is appended to the report.
3.2	The report contains information on the conservation status of the ASSI, SPA and Ramsar site. It then goes on to provide an assessment of the implications of the proposals on these designations. The report advises that a number of discrete receptor locations have been chosen in order to ascertain the impact on the most relevant sensitive habitats across the landing sites.
3.3	The report considers atmospheric nitrogen, nitrogen deposition, identifying real effects and precautionary mitigation. The reports concludes that, on the basis of the best available scientific evidence, including detailed air modelling, the proposals will not result in a risk of any likely significant adverse effect on the ASSI/SPA/Ramsar site as a result of air quality impacts, either alone or in combination with other plans or projects.
3.4	The report goes on to state that currently there is no actual evidence of real harm being caused at the ASSI/SPA/Ramsar site as a result of air quality impacts from sand trader operations. Notwithstanding this the report states that precautionary mitigation has been proposed on a precautionary basis. They state that should the competent authority conclude that mitigation is required a modification to the unloading process is proposed, which will significantly reduce the length of time over which barge engines are running at the quayside. This will in turn result in a reduction in engine emissions and thus a reduction in atmospheric NOx concentrations and Nitrogen deposition levels around the Lough shore.
4.0	Other Considerations
4.1	<u>Financial & Human Resources Implications</u> Financial: Human:
4.2	<u>Equality and Good Relations Implications</u>
4.3	<u>Risk Management Implications</u>
5.0	Recommendation(s)
5.1	Members are asked to note the contents of this report and it is recommended that a response issue DFI to state that we have no comment to make on this consultation since the application is being decided by DFI and that responsibility for checking the probity of the Further Environmental Information rests with them. The proposed draft response to DFI is attached.

6.0	Documents Attached & References
6.1	Appendix A – Draft letter to DFI



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster District Council
Planning Department
Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Your Ref: LA03/2017/0310/F

January 2018

Strategic Planning Division
Clarence Court
10 – 18 Adelaide Street
Belfast
BT2 8GB

Dear Sir/Madam

Re: Consultation response to further environmental information in respect of planning application LA03/2017/0310/F for Extraction, Transportation and working of sand gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km², in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material.

Thank you for your consultation of 20th November 2017 in respect of the above proposal.

Mid Ulster District Council Planning Committee has considered the further environmental information. The Council has no comment to make at this time. Given that this application is being dealt with by the Department of Infrastructure, verification of probity of the Further Environmental Information lies with the Department.

Yours sincerely

Melvin Bowman
On behalf of Dr Chris Boomer – Planning Manager
Mid-Ulster District Council

Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 December 2017 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney (8.05 pm), McPeake, Mullen (7.16 pm), Reid (7.04 pm), Robinson, J Shiels (7.22 pm)

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McAllister, Senior Planning Officer
Ms McKearney, Senior Planning Officer
Ms McNally, Council Solicitor
Miss Thompson, Committee Services Officer

Others in Attendance

Applicant Speakers

LA09/2016/1015/F	Ms Fowley
	Mr Ross
LA09/2017/0899/F	Mr McNulty
	Mr Cushnahan
LA09/2017/0945/O	Mr O'Neill
LA09/2017/1035/O	Mr Diamond
LA09/2017/1112/O	Mr Cassidy
H/2014/0399/F	Mr Carr

The meeting commenced at 7.01 pm

P173/17 Apologies

None.

P174/17 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

Councillor Glasgow declared an interest in planning application LA09/2017/0498/F and requested to speak on behalf of the applicant.

Councillor McPeake declared an interest in planning applications LA09/2016/1684/O, LA09/2017/0074/O and LA09/2017/0422/O.

P175/17 Chair's Business

The Planning Manager referred to the planning team stating that the original three teams which reflected the three legacy council areas had been reorganised into two teams – 'Northern' and 'Southern'.

Councillor Reid entered the meeting at 7.04 pm.

Matters for Decision

P176/17 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2016/0419/F Retention of extension to existing workshop unit at 135m NE of 11 Derryvale Park, Derry Road, Coalisland for Pat O'Neill

Members considered report on planning application LA09/2016/0419/F which was recommended for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved That planning application LA09/2016/0419/F be approved subject to conditions as per the officer's report.

LA09/2016/1015/F Reorganisation of general industrial site including retention and extension of the existing metal fabrication shed; construction of 2 sheds for spraying and storage of metal, acoustic walls, landscaping and associated works at lands at 51 and 55 Knockanroe Road, Cookstown for Reid Engineering Ltd

The Head of Development Management presented a report on planning application LA09/2016/1015/F advising that it was recommended for refusal.

Councillor Mullen entered the meeting at 7.16 pm during presentation of the above report.

The Chair advised the committee that requests to speak on the application had been received and invited Ms Fowley to address the committee in the first instance.

Ms Fowley supported the recommendation to refuse this application stating it would have a negative impact and would create a build up of development and industrialise the area if approved. Ms Fowley also made the following comments –

- Application would significantly increase the site and its operations which the site does not have capacity to absorb.
- Neighbouring residents should be protected by planning policy – Already five live enforcement cases for this site.
- No exceptional circumstances for proposal – land owned at Kilcronagh Industrial Estate which would be more suitable for this type of business.
- P1 form advises business only employs six with no plans to increase employment.
- Similar applications also refused by planning department and planning appeals.

Ms Fowley finished by urging the committee to uphold the officer's recommendation to refuse the application.

Councillor J Shiels entered the meeting at 7.22 pm during Ms Fowley's address.

Mr Ross, as agent for the application, stated that this was a complicated case and that work had been ongoing on the masterplan for some time with the aim of dealing with the site in a comprehensive way. Mr Ross also made the following comments –

- The application will protect the site and the business.
- Acoustic wall has improved situation but is not complete solution as is masterplan.
- Masterplan was discussed with planning department prior to submission with plans to move everything inside sheds, to relocate further away from neighbouring dwellings and to landscape area.
- All statutory consultees content with application.
- Concerns of Head of Development Management regarding the amount of development.
- Policy PED3 and PED 9 have been met.

Mr Ross referred to plans for a reduced scheme and asked the committee to defer the application to further consider this reduced scheme.

Councillor Bateson stated the need for balance with this type of development in a rural location but felt that the balance had been exceeded in favour of the applicant with this application.

Councillor Cuthbertson stated that the main issues of the application related to activity outside and asked what the sole aim of the application was.

Mr Ross advised that the application was brought forward as it was felt the best solution was to get as much inside sheds as possible and that this floor space should be moved further away from nearby housing. Mr Ross advised that the reduced scheme will not accommodate everything inside but is the bare minimum.

Councillor Cuthbertson proposed that the application be deferred.

The Planning Manager felt that the application should be discussed further as he was keen to hear the views of Members.

Councillor Kearney referred to the five cases of alleged non compliance, the height of the sheds and proposed flues. Councillor Kearney felt that the scale and nature of the application would be detrimental to rural character and proposed the officer recommendation to refuse the application.

Councillor McAleer seconded Councillor Kearney's proposal.

Councillor Clarke stated that the application site was on a hilltop location and would be obtrusive in the countryside. The Councillor felt there was nothing the Committee could do but accept the officer's recommendation.

In response to Councillor Glasgow's question regarding the acoustic wall the Planning Manager advised that there was a wall in place but is the subject of enforcement which will be dealt with at another meeting. The Planning Manager stated that this should not prejudice Members consideration of this application.

Councillor Glasgow referred to the two proposed sheds and asked if the argument of moving everything inside is strengthened, in terms of visual amenity the Councillor asked if further landscaping would help.

The Planning Manager advised that he did not feel the tests for major expansion had been met.

Councillor Cuthbertson stated he had heard nothing new in the objections put forward tonight and that if the Committee had saw fit to approve application put forward in June he questioned what had changed. Councillor Cuthbertson stated that the business was providing jobs in the area and that if this application helped to sustain these jobs then further consideration should be given. Councillor Cuthbertson proposed that the application be deferred.

Councillor Reid stated that this was a long established business and is an important asset to Mid Ulster, the Councillor felt that the applicant had worked with planners during the planning process. Councillor Reid stated that he had not been approached in relation to this application and did not need to declare an interest, he felt that it would be wrong to refuse the application and seconded Councillor Cuthbertson's proposal for a deferral.

Councillor Robinson stated he had went to the site meeting and that the saw was a particular problem, the Councillor felt that if the saw was moved inside it would be beneficial. Councillor Robinson advised that no matter what decision was made the business would remain at its current site and that steps should be taken to accommodate all sides.

The Planning Manager stated that sometimes parties become so divided that he cannot mediate a solution, he felt that Members had made a wise decision in June with the approval given to the retention of the shed and full account had been taken of residential amenity. However, this application represented a major expansion of the site and the industrial activity. He confirmed that in discussions with the applicant's agent in terms of amenity there were advantages if activities which

currently took place in the yard area-could be accommodated inside but that Members should remember that the site is changing from a residential site to an industrial site and the application had not met the policy tests for this expansion.

The Chair, Councillor Mallaghan expressed the concern of officers that Councillor Reid may have a conflict of interest in respect of this application.

Councillor Reid reiterated that he had not been approached in respect of this application and had no declaration of interest to make.

Members voted on Councillor Kearney's proposal to accept the officer recommendation to refuse the application –

For – 9

Against – 4

Members voted on Councillor Cuthbertson's proposal to defer the application –

For – 4

Against – 9

Resolved That planning application LA09/2016/1015/F be refused on grounds stated in the officer's report.

LA09/2017/0102/F Building for ancillary storage use at 127 Ballynakilly Road, Coalisland for Eurosprings Ltd

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Bateson

Seconded by Councillor J Shiels and

Resolved That planning application LA09/2017/0102/F be approved subject to conditions as per the officer's report.

LA09/2017/0498/F Extension to garage to provide commercial machinery store at 100m NE of 29 Fegarron Road, Cookstown for Granville Carson

Ms McAllister (SPO) presented a report on planning application LA09/2017/0498/F advising that it was recommended for refusal.

The Chair advised the committee that requests to speak on the application had been received, it was noted that Mr Lamont was not in attendance to address the committee.

Councillor Glasgow advised that the applicant is an agricultural worker and the purpose of the application is to store machinery. The Councillor referred to the high value of this machinery and in order to try to deter rural crime the aim is to get the machinery inside. The Councillor also advised that because the machinery is

currently stored outside insurance premiums are high. The Councillor advised that the purpose of the third access is to keep traffic away from the house as there are times when young children are outside. Councillor Glasgow advised that the applicant is a sole trader who works for the agricultural trade and sought approval of the application.

The Planning Manager asked who owned the third party land and if the applicant's son was a farmer.

Councillor Glasgow advised he was unsure of the answer to either question but stated that this was a genuine application and that machinery would get stolen sooner or later.

Councillor Glasgow withdrew to the public gallery.

Councillor Clarke stated he knew where the site was and that this would be a genuine application. Councillor Clarke stated he understood the arguments being made and proposed that the application be deferred for an office meeting.

Councillor Bell seconded Councillor Clarke's proposal.

Resolved That planning application LA09/2017/0498/F be deferred for an office meeting.

Councillor Glasgow rejoined the meeting at 8.05 pm.

Councillor McKinney entered the meeting at 8.05 pm.

LA09/2017/0801/F First floor extension to side of dwelling at 24 Ashveigh, Benburb for Mr Chris Coleman

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Gildernew

Seconded by Councillor Bell and

Resolved That planning application LA09/2017/0801/F be approved subject to conditions as per the officer's report.

LA09/2017/0809/F Infill site between 280 and 282a Hillhead Road, Knockloughrim for Loughdoyle Construction Ltd

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Bateson

Seconded by Councillor McPeake and

Resolved That planning application LA09/2017/0809/F be approved subject to conditions as per the officer's report.

LA09/2017/0844/F Stable to house pony at 44 Moyagoney Road, Portglenone for Mr and Mrs Madden

The Planning Manager advised of further documentation received in respect of this application and suggested that the application be deferred for an office meeting.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2017/0844/F be deferred for an office meeting.

LA09/2017/0891/F Extension to existing multi storey car parking facility to provide 212 additional car parking spaces over 2 additional levels to include associated alterations/extension to existing lobbies/elevators at Meadowlane Shopping Centre, Moneymore Road, Magherafelt for Castlefarm Properties Ltd

H/2015/0068/F Change of use from basement carparking to supermarket unit to include new mall and amended service yard at existing Meadow Lane Shopping Centre, Moneymore Road, Magherafelt for Castlefarm Properties

The Head of Development Management (SPO) presented reports on planning applications LA09/2017/0891/F and H/2015/0068/F advising that they were recommended for approval. Members were also directed to Appendix 1 which included the draft 'Terms of Agreement' that would be incorporated in to a Section 76 Planning Agreement and which are associated with planning application H/2015/0068/F.

The Council Solicitor advised that if the Committee was minded to approve these applications it would be an approval in principle and subject to the Planning Agreement being approved/sealed by Council.

Proposed by Councillor Clarke
Seconded by Councillor Bateson and

Resolved That planning applications LA09/2017/0891/F and H/2015/0068/F be approved in principle subject to conditions as per the officer's report and subject to a Planning Agreement being agreed and executed by Council.

The Planning Manager congratulated officers and agents working on these applications as they had managed to work through planning issues and come to an agreement.

LA09/2017/0899/F Cattle handling and cattle isolation facilities and hard standing areas for a hobby farm at lands to the front of and

**NE of 102 and 104 Ballygawley Road and S of 101
Ballygawley Road, Glenadush for Bernard McAleer**

Mr Marrion (SPO) presented a report on planning application LA09/2017/0899/F advising that it was recommended for refusal.

The Chair advised the committee that requests to speak on the application had been received and invited Mr McNulty to address the committee in the first instance.

Mr McNulty stated that the application was for a new agricultural building which will be located in close proximity to existing dwellings and that he had plans for a future additional retirement dwelling. Mr McNulty made the following comments –

- No provision for slurry tank made in plans
- No provision for how noise and smell will be dealt with
- Applicant has no farming history
- Entrance to site will make three lanes coming out onto road adjacent to dangerous corner
- Fishery already brings a lot of traffic on this road
- Applicant untruthful regarding draining water into sheugh – There is no sheugh
- Question over who the farmer is
- Building could be used for other purposes

Mr Cushnahan felt that this type of application was rare and should be accommodated, he continued with the following comments –

- There is no provision in planning policy for new farm holdings
- Applicant wants to establish a small farm holding (9 cattle and 5 sheep) to pass to the next generation
- Plans include external cattle crush, pens and storage for machinery – These are required to be in place before securing a farm business id
- No intention of increasing farming activities as this would require a further planning application
- Consideration would be given to relocating further away from dwellings
- Roads Service content
- Environmental Health content if application limited to what proposed
- No flooding on the site

Councillor Gildernew advised that Members could not take into consideration Mr McNulty's plans for future retirement dwelling and that the application needed to be decided upon based on the information before them. Councillor Gildernew referred to the need to have facilities in place before a business id will be granted and proposed that the application be deferred for an office meeting.

Councillor Cuthbertson stated he had sympathy for the farmer/landowner and questioned where else they could build a shed to house stock. Councillor Cuthbertson seconded Councillor Gildernew's proposal.

Councillor Robinson advised that adequate facilities are needed to ensure a farm operates safely and that further consideration should be given to the application.

Councillor Reid advised that a farmer cannot have livestock until a handling pen and crush are in place therefore the planning application needs to come before getting a business id.

The Chair, Councillor Mallaghan referred to the offer to resolve some concerns by relocating the proposal.

The Planning Manager stated that Members cannot make a decision on the basis of suspicion, he referred to the need for an active and established farm and that policy cannot be set aside.

Resolved That planning application LA09/2017/0899/F be deferred for an office meeting.

Councillor Cuthbertson left the meeting at 8.33 pm.

LA09/2017/0945/O Dwelling on infill site replacing existing stables at land between 23 and 25 Annaghmore Road, Coalisland for Mr Declan O'Neill

Mr Marrion (SPO) presented a report on planning application LA09/2017/0945/O advising that it was recommended for refusal. Mr Marrion also drew attention to Appendix 1 which advised that planning permission has been granted for a site for a dwelling beside the proposed site, however no buildings have been erected on the approved site for consideration against the infill policy.

The Chair advised the committee that a request to speak on the application had been received and invited O'Neill to address the committee.

Mr O'Neill advised that policy CTY8 allows for infill for up to two houses on a continuous frontage. He advised that within the frontage regarding this application there are two gap sites of which one is already approved. Mr O'Neill advised that the proposal will retain existing vegetation and asked that the application be approved as policy was being met.

In response to Councillor Clarke's comments regarding maps Mr Marrion advised that officers only became aware of the approved site today and this was highlighted in Appendix 1.

Councillor Gildernew felt that the proposal was ideal as an infill site.

Councillor McPeake felt there was enough built up frontage and the site represented an infill site.

Mr Marrion explained the map and why it was felt the application did not meet policy.

The Planning Manager stated he could see where there were arguments for and against the proposal but explained that there was ribboning on the road and there was policy in place to protect rural character.

Councillor Bateson felt this was a borderline case with limited future development potential. Councillor Bateson proposed that the application be approved.

Councillor Reid questioned why maps were still showing buildings which are claimed to be demolished.

Mr Marrion advised that this was the most recent map and that the architect had advised the building had been demolished in the last year.

Councillor Gildernew referred to the application already approved and questioned the difference approving this application would make. Councillor Gildernew seconded Councillor Bateson's proposal.

Councillor Mullen declared an interest in this application.

Resolved That planning application LA09/2017/0945/O be approved subject to conditions in relation to height of dwelling.

LA09/2017/1018/F Erection of drive through restaurant (change of siting from planning permission H/2014/0358); alterations to car park of Forbes retail store (approved under H/2014/0354/F); new access road to Lidl and Forbes sites from Castledawson Road; landscaping and associated site works at former Forbes Furniture retail building at Station Road Industrial Estate and lands to the immediate South of it bounded by Station Road Industrial Estate, Magherafelt for Patsy Forbes

Application listed for approval subject to conditions as per the officer's report.

Members were advised of Appendix 1 in relation to this application which provided conditions of approval which had been omitted from the officer's report.

Proposed by Councillor Kearney
Seconded by Councillor McPeake and

Resolved That planning application LA09/2017/1018/F be approved subject to conditions as per Appendix 1 circulated.

LA09/2017/1035/O Infill site for dwellings and garages 90m SE of 2 Scribe Road, Bellaghy for Mr David Mulholland

Ms McAllister (SPO) presented a report on planning application LA09/2017/1035/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Diamond to address the committee.

Mr Diamond advised that when travelling north to south there is line of frontage from Scribe Road to Tamlaghduff Road which should be acceptable. Mr Diamond referred to the shape of the site, being triangular, and that it was not as big as it looked.

Councillor McPeake felt that Scribe Road was not really in a rural setting and asked for clarification on gap widths.

Ms McAllister advised that the proposal site measures 80m with adjoining land having a frontage of 60m, properties to the north of the site have frontages measuring between 20m and 40m. Ms McAllister advised that taking this into consideration the proposal site could accommodate at least three dwellings.

The Planning Manager advised that if this site is approved as infill this could open opportunities for further infill sites along the Scribe Road and referred to the duty to protect rural character.

In response to Councillor Clarke's question Ms McAllister advised that she did not believe that the landowner of the proposal site and the owner of no.2 Scribe Road were the same person.

Councillor Clarke referred to the irregular shape of the site and stated he did not know why it couldn't be squared off.

The Planning Manager asked Members to think about what directive is being given if the application is approved and felt there was a distinct risk of rural character being eroded.

Councillor Gildernew felt that the shape of the site was deceiving and that there was no development on the other side of the road.

Councillor J Shiels felt the application was too much on too big a site, he felt that rural character would be changed and proposed that the application be refused as per officer's recommendation.

Councillor McKinney felt that the size of sites needed further consideration due to the amount of vehicles around dwellings nowadays. The Councillor felt that there was a portion of the site where it went in a point was useless and stated he did not have issue with the size of the proposed site.

Councillor McPeake did not feel the proposal would make a material difference, that it respected the rural character of the area and would have no detrimental impact. Councillor McPeake proposed that the application be approved.

Councillor Bell seconded Councillor McPeake's proposal to approve the application.

Councillor Reid seconded Councillor Shiels' proposal to refuse the application. Members voted on Councillor McPeake's proposal to approve the application –

For – 12

Against - 2

Resolved That planning application LA09/2017/1035/O be approved, delegated authority to be given to Planning Manager to set conditions

LA09/2017/1062/F New entrance to dwelling at 33 Gulladuff Road, Maghera for D Crossett

Ms McAllister (SPO) presented a report on planning application LA09/2017/1062/F advising that it was recommended for refusal.

Councillor Clarke asked if the current entrance was coming out onto a road or laneway.

Ms McAllister advised that the current access comes out onto a laneway which provides access to Beagh Terrace.

It was highlighted that the application proposes an access onto a protected route.

Councillor Glasgow asked if there was a stipulation regarding the number of cars that can use the existing access.

The Planning Manager stated that there should be no more than a 5% increase in traffic which would constitute traffic for 20 houses.

Councillor Gildernew stated the because the access was proposing to come out onto a protected route this would cause serious problems for Council if there was an accident at a later date.

Councillor J Shiels felt that the reason the application had been made was because it was a small area for making turns in a vehicle.

Councillor Reid proposed the officer recommendation to refuse the application.

The Planning Manager advised that the purpose of protected routes was to keep accesses to a minimum.

Councillor Bateson seconded Councillor Reid's proposal to refuse the application.

Resolved That planning application LA09/2017/1062/F be refused on grounds stated in the officer's report.

LA09/2017/1112/O Dwelling and garage approximately 60m WSW of 5 Cloane Lane, Draperstown for Danny Grant

Ms McAlister (SPO) presented a report on planning application LA09/2017/1112/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy advised that issues relating to this application related to the siting of farm buildings and whether they are visually linked with the established farm group. Mr Cassidy advised that the proposal site adjoins two animal shelters which are owned by the applicant. Mr Cassidy also made the following comments –

- The shelters are constructed as buildings based on previous Council/Planning Appeals decision
- The shelters are legal based on imagery taken in June 2011
- The shelters are representative of a group of buildings based on previous Planning Appeal Decision
- Whilst the proposal will not be sited beside the main group of farm buildings it will be sited beside an established group of buildings – as per previous Planning Appeal Decision

The Planning Manager referred to the argument put forward that the buildings were legitimate and stated that a certificate of lawfulness would be required. The Planning Manager asked if information had been submitted to establish that the buildings were lawful.

Ms McAllister advised that no information had been submitted to state that the buildings were lawful.

The Planning Manager asked if the applicant would like the opportunity to submit a certificate of lawfulness in respect of the buildings.

Mr Cassidy advised he would like the opportunity to do so.

Proposed by Councillor Mallaghan
Seconded by Councillor McPeake and

Resolved That planning application LA09/2017/1112/O be deferred for an office meeting.

Councillor McKinney felt it was amiss that the relevant information had not been submitted prior to the meeting and that a decision could then have been made on the application tonight.

LA09/2017/1176/F Alterations and extension to dwelling at 44 Mullaghboy Glen, Magherafelt for Thomas and Siobhan Hampsey

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Glasgow
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/1176/F be approved subject to conditions as per the officer's report.

LA09/2017/1240/F Single storey extension to rear of dwelling, car port structure and covered walkway linked to existing garage; new split level summer house and associated stores;

conversion of existing garage to home gym at Forthill Cottage, 98 Old English Road, Dungannon for Mr and Mrs Dobson

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2017/1240/F be approved subject to conditions as per the officer's report.

LA09/2017/1249/F Change of house type and detached garage as previously approved under M/2005/0066/F, at Site 1, at land immediately W of 21 Fintona Road, Clogher for Lynden Keys

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McAleer
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2017/1249/F be approved subject to conditions as per the officer's report.

LA09/2017/1345/F Change of use from beauty/hair salon to education and training facility at 118-120 Main Street, Maghera for Charlene Wilson

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McEldowney
Seconded by Councillor Kearney and

Resolved That planning application LA09/2017/1345/F be approved subject to conditions as per the officer's report.

LA09/2017/1439/F Replace existing ball stop with new 4m high ball stop fencing to goal end, Drumgose Road, Benburb for Benburb and District Community Association

Application listed for approval subject to conditions as per the officer's report.

The Chair, Councillor Mallaghan advised of the need for Members to declare an interest in this application as the proposal was on Council owned land.

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson and J Shiels declared an interest in this application.

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved That planning application LA09/2017/1439/F be approved subject to conditions as per the officer's report.

H/2015/0068/F Change of use from basement carparking to supermarket unit to include new mall and amended service yard at existing Meadow Lane Shopping Centre, Moneymore Road, Magherafelt for Castlefarm Properties

Application dealt with earlier in meeting.

LA09/2016/0797/F Retrospective change of use to car sales yard (including front garden changing to hardstanding car display area) and tyre/alloy wheels sales at 53 and 53a Ballyronan Road, Magherafelt for Top Gear NI

Application listed for approval subject to conditions as per the officer's report.

Councillor Bell declared an interest in this application.

Proposed by Councillor McKinney
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2016/0797/F be approved subject to conditions as per the officer's report.

LA09/2016/1684/O Expansion of existing care home facility to provide 4 individual care units and a new dwelling and garage at lands immediately SW of 19 Rocktown Lane, Knockloughrim for Mr C Maynes

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Bateson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/1684/O be approved subject to conditions as per the officer's report.

LA09/2017/0074/O Dwelling at site adjacent to 61a Brough Road, Castledawson for Mary Scullion

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Bateson
Seconded by Councillor McAleer and

Resolved That planning application LA09/2017/0074/O be approved subject to conditions as per the officer's report.

LA09/2017/0422/O Site for dwelling and garage 150m NW of 107 Bancran Road, Draperstown for Stephen Donnelly

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McEldowney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0422/O be approved subject to conditions as per the officer's report.

Councillor Reid left the meeting at 9.24 pm.

H/2014/0399/F Pig fattening shed with feed bin (to contain 900 pork pigs) at land off Cahore Road approximately 100m East of 11A Tonaght Road, Draperstown for Michael McErlean

The Head of Development Management presented a report on planning application H/2014/0399/F advising that it was recommended for refusal.

Councillor Reid rejoined the meeting at 9.27 pm during presentation of the above report.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Carr to address the committee.

Mr Carr advised that he had been involved in many applications for pig and poultry sites and that the main issue with this application related to odour. Mr Carr advised that normal pig feed is a low protein diet, he stated that the application complied with best practice and guidelines in relation to odour for pig sites and referred to similar applications in neighbouring Councils which had been approved. Mr Carr stated that the proposal will be adjacent to the applicant's home and would be run efficiently.

The Planning Manager asked if the applicant's house is at a higher level than the proposal and that of the neighbour's house.

Mr Carr advised that the applicant's house is at a higher level than the proposal and the neighbour's house is at a lower level than the proposal.

The Planning Manager asked how it is known what foodstuffs are being consumed.

Mr Carr advised that feedstuffs are logged when delivered and that this information is available to view.

The Head of Development Management felt that one of the applications passed by a neighbouring Council was not like for like with this application as the closest neighbour was 150m away.

Mr Carr felt that the applications were similar in that lower emissions were relied on through a low protein diet.

Councillor Clarke felt that the applicant's dwelling would not be subject to odour due to prevailing winds and the siting of the proposal. The nearest neighbouring dwelling would be affected to a greater degree due to its siting.

Councillor Bateson referred to regulations on pig feed and stated that these regulations did not seem to be having the desired effect as the odour coming from pig houses on some occasions was unbearable.

Councillor Robinson advised that modern pig houses were totally different to older houses in terms of the amount of odour being emitted. The Councillor also referred to the need to produce documentation on what foodstuffs are being consumed and felt that there was nowhere else the proposal could be located only in the country.

Councillor McKinney agreed that modern pig houses were different and that there had been no smell or noise coming from the pig houses visited on site visit. Councillor McKinney further advised that he lives close to a pig unit and has no issues with smell coming from that and he would not have any difficulty with this application.

The Chair, Councillor Mallaghan advised that he had been on site visit and that whilst there was little odour until standing close by the unit there was still some odour.

Councillor Gildernew asked if the proposal could be sited elsewhere.

The Planning Manager advised that the offer of re-siting the proposal had been turned down by the applicant. The Planning Manager advised that the proposal came down to neighbouring residential amenity and that based on the information put forward Members should make a decision.

In response to Councillor Reid's questions the Head of Development Management confirmed that other possible sites were offered and refused and that there was a management plan with regard to manure.

Councillor Bateson advised that his earlier comments were based on his own experience. He stated he was unable to make the site visit undertaken to other similar pig sheds.

Councillor Gildernew felt that as the applicant did not accept the offer of discussing alternative sites Members had no choice but to refuse the application.

The Planning Manager referred to the applicant's right of appeal should the application be refused.

Councillor Glasgow advised he lived on a poultry farm and that complaints were common in respect of same. The Councillor stated that if the operator of a unit did not have proper documentation in place in relation to animal foodstuffs then accreditation would be refused. Councillor Glasgow advised he had seen old and new type pig houses and would have no difficulty in proposing approval of the application.

Councillor McKinney asked if there was any merit in deferring the application to further consider re-siting of proposal.

The Planning Manager advised that a new application would be required. He further stated that he would be uncomfortable in going against the advice of Environmental Health and suggested that Members follow the recommendation of the planning officer as there was mechanism of appeal.

Councillor Clarke stated he was a farmer himself and was sympathetic to farming issues but that the Committee had received advice which it would be foolish to go against.

Councillor Kearney proposed the recommendation to refuse the application.

Councillor Clarke seconded Councillor Kearney's proposal.

Councillor Reid seconded Councillor Glasgow's proposal.

Councillor Bell felt it was bizarre that the applicant had been given the opportunity to re-site their application but did not accept this offer.

Councillor McEldowney stated that Councillor Reid had been out of the room for part of the officer's presentation and could not second Councillor Glasgow's proposal.

Councillor McKinney seconded Councillor Glasgow's proposal.

Members voted on Councillor Clarke's proposal to refuse planning application H/2014/0399/F –

For – 10
Against – 4

Resolved That planning application H/2014/0399/F be refused on grounds stated in the officer's report.

*Meeting recessed at 9.56 pm and recommenced at 22.16 pm.
Councillors Gildernew, McAleer and Mullen did not return to the meeting.*

P177/17 Receive invitation from Dalradian Gold Ltd

The Planning Manager presented previously circulated report which detailed invitation from Dalradian Gold Ltd for Councillors and Officers to visit sites in Omagh and Curraghinalt in relation to mineral exploration and to discuss their planning application for an underground gold mine.

The Chair, Councillor Mallaghan felt that Councillors/Officers should not take up the invitation and that due process should be followed and that when Council is formally approached by the Department in relation to the application it should engage at that stage.

Councillor McPeake agreed with the comments of the Chair and felt that there would be ample opportunity to engage in the process at a later stage.

Councillors Glasgow and Reid rejoined the meeting at 10.20 pm.

Councillor J Shiels understood there were differences of opinion with regard to the planning application and mineral extraction but felt that Council should accept the invitation to visit sites and engage in discussion with Dalradian.

Councillor Clarke referred to Sperrins Conference which took place in September and the outcomes of that conference which were positive in respect of the future of the Sperrins. Councillor Clarke felt that the planning application submitted by Dalradian was totally out of sync with what had been discussed at the conference.

Councillor Bateson felt that the invitation was tantamount to the Committee being lobbied and that the Committee would have a conflict of interest in respect of the planning application submitted if it accepted the invitation.

The Planning Manager advised that there was no question that the purpose of the invitation was to lobby Council but there was a difference in that Council would not be determining the planning application submitted. The Planning Manager felt it would not be inappropriate for officers to undertake visit to site and increase their knowledge.

Councillor Kearney stated he had no objection to officers accepting invitation and providing update to Councillors at a later stage.

Councillor McKinney felt that officers should accept invitation but not the committee.

Councillor Reid felt there would be prejudice and that Council should have something formal on paper in respect of these type of invitations first.

Councillor Bateson stated that officers may increase their knowledge base but it would not be an objective view.

The Chair, Councillor Mallaghan proposed that Council wait until it is formally consulted before engaging in discussions in relation to the application.

Councillor Bateson seconded Councillor Mallaghan's proposal.

Resolved That it be recommended that Council do not accept the invitation of Dalradian and that Council wait until it is formally consulted by the Department before engaging in discussion in relation to the application.

Matters for Information

P178/17 Minutes of Planning Committee held on Tuesday 7 November 2017

Members noted minutes of Planning Committee held on Tuesday 7 November 2017.

P179/17 A consultation request has been received from DfI on a Planning Application for the extraction, transportation and working of sand and gravel from Lough Neagh (LA09/2017/0310/F) as the Department has received 'Further Environmental Information – Supplementary Information for Shadow HRA including Air Quality Report'

Noted.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor J Shiels
Seconded by Councillor Bell and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P180/17 to P188/17.

Matters for Decision

P180/17 Receive report on the Scheme of Delegation
P181/17 Receive TPO Report
P182/17 Receive Enforcement Report

Matters for Information

P183/17 Confidential Minutes of Special Planning Committee held on Tuesday 17 October 2017
P184/17 Confidential Minutes of Special Planning Committee held on Thursday 2 November 2017
P185/17 Confidential Minutes of Planning Committee held on Tuesday 7 November 2017
P186/17 Enforcement Case Liveload
P187/17 Enforcement Cases Opened
P188/17 Enforcement Cases Closed

P189/17 Duration of Meeting

The meeting was called for 7.00 pm and ended at 10.41 pm.

Chair _____

Date _____

Appendix 1

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ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON : 5 December 2017

Additional information has been received on the following items since the agenda was issued.

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.4	Letter of support received 19.10.2017 from Councillor Glasgow.	Members to Note.
4.8	'Terms of Agreement' attached for car parking decks at Meadowlane	Members to Note.
4.10	Planning permission LA09/2016/1204/O has been granted for a site for a dwelling beside this site.	Members to note, no buildings have been erected on the approved site for consideration against the infill policy
4.11	Conditions were not listed in the case officer report	Members to note the conditions circulated with the Addendum.

Draft for Mid Ulster Council Comment

**Planning Act (Northern Ireland) 2011
Section 76 Planning Agreement**

Proposed Heads of Terms between Mid Ulster Council and Castlefarm Properties

Application H/2015/0068

The following sets out the broad Heads of Terms between Mid Ulster Council and Castlefarm Properties (applicant and owner of Meadowlane Shopping Centre). The Heads of Terms are proposed to form the basis of a Planning Agreement between Mid Ulster Council and Castlefarm Properties to be drafted in conjunction with an application for two additional decks of car parking at Meadowlane Shopping Centre.

The agreement and the planning application for the deck car park combined would provide the agreed solution to allow the grant of application H/2015/0068 (i.e. provision of a supermarket) without additional car parking being provided at the commencement and occupation of the development.

The agreed terms are:

1. The agreement is concerned solely with the operation of the supermarket and the provision of car parking at Meadowlane.
2. The agreement will last for a period of 5 years from the opening of the supermarket.
3. Mid Ulster Council can require the delivery of the deck car park, in whole or in part at any time during the period of 5 years.
4. To assist Mid Ulster Council to understand need for the deck car park, following opening of the supermarket, Castlefarm Properties will supply Mid Ulster Council with quarterly survey results of car parking utilisation rates.
5. The survey of the car park will be undertaken in accordance with a methodology provided by Mid Ulster Council. Verification of results can be undertaken by Mid Ulster Council in a manner to be agreed.
6. Where survey results as shown verified by the Transport NI and the Council show Meadowlane Car Park to:
 - a. exceed an 80% of occupancy rate on more than one day per week between the hours of 11.00 am and 17.00m during two successive quarters , Castlefarm Properties will provide one extra deck of car parking (identified as Deck.....on approved plan date stamped)
 - b. exceed an 90% of occupancy rate on more than one day per week between the hours of 11.00 am and 17.00m during two successive quarters for one day per week Castlefarm Properties will provide two extra decks of car parking. (identified as Deck Nos.....on approved plan date stamped)
 - c. If an additional deck is provided as required by point (a) above and over the proceeding period use of the car park exceeds 80% of occupancy rate on more than

one day per week between the hours of 11.00 am and 17.00m during two successive quarters , Castlefarm Properties will provide the second deck of car parking (identified as Deck.....on approved plans date stamped)

7. The time period for commencing development of the car park shall be 1 year from the date of the council making the request and it shall be fully operational with 18 months of the date of the request.

Item 4.11

Conditions for LA09/2017/1018/F

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 4.5m x 90m in both directions, shall be provided in accordance with Drawing No. 09 bearing the date stamp 10 November 2017, prior to the occupation of any other works or other development hereby permitted.

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

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

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

4. The gradient of the access shall not exceed 8% (1 in 12.5) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. The development hereby permitted shall not become operational) until the existing access onto the Castledawson Road has been permanently closed and the carriageway / footway / verge properly reinstated to DfI Roads satisfaction.

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

6. No retail operations in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No 09 bearing the date stamp 10 November 2017 to provide 163 no. spaces for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

7. The development hereby approved shall not become operational until the road works indicated on Drawing No 09 bearing the date stamp 10 November 2017 have been completed to the satisfaction of DfI Roads, in accordance with approved plans to be

submitted when an application is made for a licence to carry out the works on the Castledawson Road.

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

8. No development shall commence until a suitable site investigation and risk assessment methodology is submitted and agreed with Mid Ulster District Council. This shall be implemented in order to suitable characterise the land by determining the extent, scale and nature of any contamination and in accordance with the Model Procedures for the Management of Land Contamination (CLR 11) and British Standard BS 10175, 2011 "Investigation of potentially contaminated sites Code of Practice" in order that unacceptable risks to health are identified and evaluated.

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

9. A remediation strategy (if required as a result of the site investigation/risk assessment under Condition 8 identifying unacceptable risks) shall be submitted and agreed with Mid Ulster District Council. The development hereby permitted shall not be occupied until the remediation objectives and measures as detailed and agreed in the detailed remediation have been implemented and carried out in accordance with its terms. Prior to commencement of the remediation scheme, the Council must be given two weeks written notification to enable its representatives to visit the site during the works on-site as deemed necessary.

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

10. In the event that previously unknown contamination is encountered at any time when carrying out the approved development that was not previously identified or falling outside the scheme of the approved remediation strategy (submitted as per Condition 9), Mid Ulster District Council shall be notified immediately and works shall cease pending submission and agreement of a written report detailing the proposed investigation, risk assessment and remediation scheme to the Council. This new contamination shall be fully investigated and a risk assessment undertaken in accordance with the Model Procedures for the Management of Land Contamination (CLR 11) and British Standard BS 10175, 2011 "Investigation of potentially contaminated sites Code of Practice". In the event of unacceptable risks being identified and where remediation is necessary, a remediation strategy shall be submitted for prior approval with the Council. Development works shall not resume until the approved remediation strategy has been implemented and carried out in accordance with its terms.

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

11. Following completion of remedial measures implemented under approved remediation strategy (required under conditions 9 and 10 as necessary), and prior to occupation of the development, a written verification report shall be submitted for prior approval to Mid Ulster District Council. The verification report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR 11). The verification report shall present suitable evidence that all the remediation and

monitoring works have been undertaken and shall demonstrate the effectiveness of the works in managing and remediating all the risks and achieving the remedial objectives.

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