



01 February 2022

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 01 February 2022 at 19:00 to transact the business noted below.

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

Yours faithfully

Adrian McCreesh  
Chief Executive

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## AGENDA

### OPEN BUSINESS

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

### Matters for Decision

#### Development Management Decisions

4. Receive Planning Applications 5 - 170

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2018/0565/F	Housing development of 36 no dwellings, services and infrastructure at lands N of 7 Lisnastraine Heights, Coalisland for McAvoy Roan Pension Fund.	REFUSE
4.2.	LA09/2020/0025/F	Retention of timber cabin for use as storage, at site at 42 Main Street, Moygashel,	APPROVE

		Dungannon for Mr Brian Turkington.	
4.3.	LA09/2020/0892/F	Dwelling & detached garage at Site 177 adj to 1 Brookfield Road Dungannon for NI031025 Ltd.	APPROVE
4.4.	LA09/2020/1378/F	2 blocks of 5 glamping accommodation at Fishermans Walk 380m E of 23a Ballymacombs Road, Bellaghy for Ryan McSorley.	APPROVE
4.5.	LA09/2020/1637/F	Change of use of first floor of unit 12 from storage to two apartments. Addition of a first floor over unit 11 for use as two apartments, together with additional floorspace for access stairs and storage at Units 11 & 12 The Diamond Centre, Market Street, Magherafelt ,for SH Watterson (Machinery) LTD	REFUSE
4.6.	LA09/2021/0283/F	Retrospective change of use from domestic garage/store to offices & storage at rear of 81 Glen Road, Maghera, for H.M Electrics Ltd.	APPROVE
4.7.	LA09/2021/0288/O	Site for dwelling & garage within a gap at 30m S of 174A Ardboe Road Cookstown for James Devlin.	REFUSE
4.8.	LA09/2021/0622/F	Extension and alterations to clubhouse to provide multi-purpose sports hall, associated changing facilities, community gym and associated parking and site works at 10 Corrick Road Straw Draperstown, for St Colms GAA Ballinascreen.	APPROVE
4.9.	LA09/2021/0719/F	Farm dwelling and garage at Approx 25m E of 25 Creagh Hill Road, Toomebridge, for Brendan Mulholland.	REFUSE
4.10.	LA09/2021/0806/O	Dwelling at site 100m W of 89 Omagh Road, Ballygawley, for Stephen Canavan.	REFUSE
4.11.	LA09/2021/0845/O	Dwelling & garage at lands 50m SE of 13 Magherafelt Road Clooney, Tobermore, for Mark Drennan.	REFUSE

4.12.	LA09/2021/0994/O	Infill site for a dwelling adjacent to 21 Tullyveagh Road, Doorless, Cookstown for Mr Patrick Conlon.	APPROVE
4.13.	LA09/2021/1007/O	Dwelling (revised siting on block plan) at site adjacent to 113 Back Lower Road, Brockagh, Dungannon, for Owen Campbell.	APPROVE
4.14.	LA09/2021/1089/O	2 dwellings (additional Plans Submitted) at lands to the rear of 41 Millburn Street, Cookstown for William Wilkinson.	APPROVE
4.15.	LA09/2021/1283/O	Off-site replacement dwelling and garage 50m NW of 26 Annaginney Road, Dungannon, for George McIvor.	REFUSE
4.16.	LA09/2021/1380/A	2 Banner Signs fixed to front elevation on PPC aluminium frames at Ranfurly House Arts & Visitor Centre, 26 Market Square, Dungannon, for Mid Ulster District Council.	APPROVE
4.17.	LA09/2021/1397/LBC	2 Banner Signs fixed to front elevation on PPC aluminium frames at Ranfurly House Arts & Visitor Centre, 26 Market Square, Dungannon, for Mid Ulster District Council.	APPROVE
4.18.	LA09/2021/1497/F	Retention of existing access, walls and pillars at 22 Ballynagowan Road, Stewartstown for Enda & Nuala Devlin.	REFUSE

5. Receive Deferred Applications

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	Planning Reference	Proposal	Recommendation
5.1.	LA09/2019/1119/O	Dwelling and domestic garage at approx 50m W of 62 Reclaim Road, Dungannon, for Ms Margaret Donnelly.	REFUSE
5.2.	LA09/2020/0908/O	Dwelling and garage. 25m NE of 68 Hillhead Road, Toomebridge for Mr Damian Barton.	APPROVE
5.3.	LA09/2020/1444/O	Dwelling and garage adjacent to 76 Moghan Road, Castlecaulfield, Dungannon, for Brigid McElduff.	REFUSE
5.4.	LA09/2021/0305/F	Dwelling with detached garage & loft room at approx. 50m SSW of 31 Sherrigrim Road,	APPROVE

		Stewartstown for Mr Daryl Morrison & Miss Rachel Mullan.	
5.5.	LA09/2021/0317/O	Infill dwelling & garage between 23 & 27a Macknagh Lane, Upperlands, for Paddy McEldowney.	REFUSE
5.6.	LA09/2021/0690/O	Dwelling, adjoining and NE of 100 Trewmount Road, Killyman for Briege O'Donnell.	APPROVE
5.7.	LA09/2021/0822/O	Site for farm dwelling and garage, 60m South of 88 Gulladuff Hill, Magherafelt for Dan McCrystal.	APPROVE
5.8.	LA09/2021/1313/O	Dwelling and garage, between 55c and 59 Cadian Road, Dungannon (site 1) for Mr R P Reid.	APPROVE
5.9.	LA09/2021/1314/O	Dwelling and garage between 55c and 59 Cadian Road, Dungannon (site 2) for Mr R P Reid.	APPROVE

6. Receive Update to Planning Officer Authorisation List 297 - 298

Matters for Information

- 7 Minutes of Planning Committee held on 10 January 2022 299 - 320

**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 Enforcement Report

Matters for Information

9. Confidential Minutes of Planning Committee held on 10 January 2022
10. Enforcement Live Case List
11. Enforcement Cases Opened
12. Enforcement Cases Closed

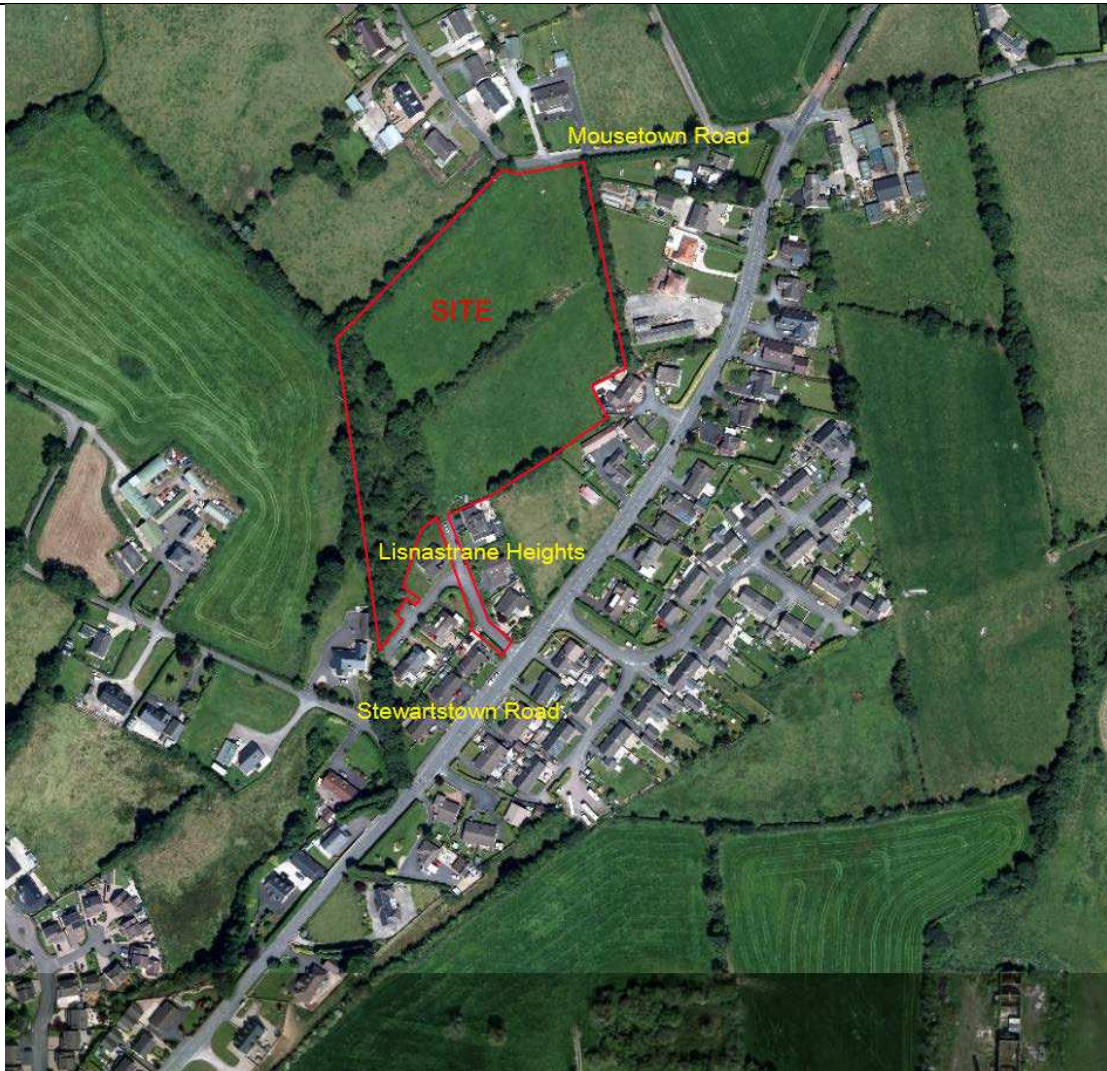


### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0565/F	<b>Target Date:</b>
<b>Proposal:</b> Housing development consisting of 36 no dwellings (6 no detached and 30 semi-detached), services and infrastructure	<b>Location:</b> Lands North of No 7 Lisnastraine Heights, Coalisland
<b>Referral Route:</b>  Major planning application	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> McAvoy Roan Pension Fund 76 Ballynakilly Road Dungannon	<b>Agent Name and Address:</b> Clarman & Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	DETI - Geological Survey (NI)	Add Info Requested
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Advice

Non Statutory	DETI - Geological Survey (NI)	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	
Statutory	DFI Roads - Enniskillen Office	
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	47	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
<p>There have been 47 letters of objection received to date which raise the following concerns.</p> <ul style="list-style-type: none"> <li>- The site location plans and block plans do not match;</li> <li>- The land required for the access is not within the red line;</li> <li>- The proposal is contrary to Policy AMP 2 of PPS 3 as it will prejudice driver and pedestrian safety and inconvenience the flow of traffic;</li> <li>- The proposal is contrary to Policy AMP 1 of PPS 3 and due regard is not given to the specific needs of people with disabilities;</li> <li>- Visibility splays have not been provided;</li> <li>- The existing footpath into Lisnastrane Heights is insufficient for pedestrians to safely access the proposed development;</li> <li>- The existing footpath is not correctly drawn on the plans;</li> <li>- The proposed two storey dwellings will result in an overlooking of the existing dwellings which it is said are predominantly bungalows;</li> <li>- Out of character with the local area;</li> <li>- Negative impact on local wildlife;</li> <li>- There is an issue with the drains and storm water on Colliers Lane;</li> <li>- Some of the lands within the red line of the site are not in the ownership of the applicant;</li> <li>- The proposed development does not accord with the key site requirements of zoning CH 24 of the area plan with regards to vehicular access which should link through to Mullaghmoyle Road;</li> <li>- Vehicular access should be from the Stewartstown Road and not Lisnastrane Heights;</li> </ul>		

- Additional street lighting and increased level of noise will be detrimental to a quiet family life;
- Reassurance is sought that there will be no damage to the existing properties, such as sinkage and subsidence caused by the disused mine shafts;
- Removal of hedges and trees will have a negative impact on the local wildlife;
- A culvert that runs under Washingbay Road and Springisland is not capable of taking an increased amount of down water which will be running from this site;
- The proposed development will devalue the properties in the area;
- Existing children living in the area will no longer be able to play outside due to an increase in traffic;
- Increased pollution and light pollution from street lights;
- Existing residents will suffer from stress should the development proceed;
- 

In response to the objections raised I would comment as follows:

- Site location and footprint of block plans do match
- All required lands are situated within the red line of the site boundary
- Roads have concerns with the layout as proposed
- The rear garden depths are a minimum of 10 metres as required in Creating Places
- There is a mix of single, 1.5 storey and 2 storey dwellings in the vicinity of the application site and I do not consider the proposal to be out of character;
- NIEA: NED are content with the findings of the reports and plans submitted;
- The application site is on zoned residential land within the development limits of Coalisland where housing and associated works are to be expected.
- GSNI are content with the proposal subject to conditions
- Rivers Agency are content with the proposal subject to informatives
- Property values are not a material consideration
- Safe areas of public open space have been indicated for the residents to enjoy.

### **Characteristics of the Site and Area**

The site is located within the development limits of Coalisland and is proposed to be accessed off Lisnastrane Heights which is accessed off the Stewartstown Road. The site is located on zoned housing land, CH06, as identified in the Dungannon and South Tyrone Area Plan 2010.

The site comprises currently of grazing agricultural lands. The site rises from the proposed access point up to the Mousetown Road. Neighbouring land uses comprise of residential dwellings and agricultural lands. To the southern end of the proposed site lies dwellings in Lisnastrane Heights as well as another field included in zoning CH06. Along the eastern boundary are the rear of dwellings at Lisnastrane Court. The northern and western boundaries are bounded by agricultural fields. The eastern boundary is bounded by rear gardens of dwellings fronting onto the Stewartstown Road.

### **Description of Proposal**

Housing development consisting of 36 no dwellings (6 no detached and 30 semi-detached), services and infrastructure



## **Planning Assessment of Policy and Other Material Considerations**

The Regional Development Strategy 2035  
 Strategic Planning Policy Statement  
 Dungannon and South Tyrone Area Plan 2010  
 MUDC Local Development Plan 2030 - Draft Plan Strategy  
 Planning Policy Statement 2 - Natural Heritage  
 Planning Policy Statement 3 - Access, Movement and Parking  
 Planning Policy Statement 7 - Quality Residential Environments  
 Planning Policy Statement 15 - Planning and Flood Risk (Revised)

The RDS 2035, whilst is not an operational policy, it does provide the overarching framework for NI. Policy RG8 seeks for the varied housing needs of the whole community to be met. The emphasis is on managing housing growth with a focus on developing more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas.

The SPPS is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. The provisions of the SPPS are material to all decisions on individual planning applications and appeals. The SPPS states that objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. Para 6.133 states that good quality housing is a fundamental need that plays a significant role in shaping our lives and our communities.

### **Dungannon and South Tyrone Area Plan 2010**

This is the current statutory area plan for the former Council District of Dungannon. The site is located on zoned residential land (CH06) in the Area Plan for which there are five key site requirements. The issue of concern in this application is the vehicular access for the proposed residential development. Although the first KSR requires vehicular access from the Stewartstown Road the proposed access is off Lisnastraine Heights. At an office meeting with the agent, roads consultants and DfI Roads Service it was agreed that access can be taken from Listnastraine Heights providing this will meet current standards in PPS3, DCAN 15 and Creating Places. Following the submission of drawings and a number of revised drawings from the agent DfI Roads find the proposed access arrangements unacceptable.

In the latest consultation response from DfI they have made the following comments:

- Review of revised drawing indicates the splays associate with the private access to No 1 Lisnastraine Heights does not comply with the minimum visibility splays requirement and the proposed realignment of the internal road would also result in the visibility splays from existing junction not complying with minimum standards;
- The centre line of the access road being moved closer to the access to house 112 Stewartstown road is not acceptable as the occupant will have to entre/egress their property extremely close to a public road junction, the centre line of the access road must remain in its current location;
- The access road layout and all access arrangements onto the access road to comply with Creating Places, DCAN 15 and PPS 3 AMP 2;

- Review of DCAN 15 tables indicate that visibility splays of 2.4m x 70m are appropriate for the proposed application. However the design of the main access depicts visibility splays of only 2.0m x 70m
- PPS 3 AMP 2 states that planning permission will only be granted for a development proposal involving direct access or intensification of the use of an existing access onto a public road where such an access will not prejudice road safety or significantly inconvenience the flow of traffic. It is the opinion of Dfl this proposal will result in the intensification of an existing road which currently services 11 units by introducing an additional 36 units along a road which currently has pinch points and accesses below the minimum splay requirement;
- A letter from the agent has cited issues with incorrect positioning of walls, fences and maintenance issues with hedges by the existing home owners and that these are matters for Planning to enforce. It should be noted that the submitted design has failed to provide visibility splays of 2.0m x 33m at these accesses as previously advised on numerous occasions to ensure a safe layout.

In response to the comments and refusal reasons advised by Dfl the agent has written to the Council. In summary the agent states the following:

- The gain in public safety, additional housing, compliance with the Area Plan is being jeopardised simply because every box in the ever increasing DCAN 15 isn't ticked;
- The application is on Phase 1 housing lands, equates to 85% of the Phase 1 lands and 9% of the entire Phase 1 and 2 lands. It is unrealistic to expect 9% of the entire phasing to construct and pay for a new entrance roundabout and link road, purchase four dwellings and the remaining lands within Phase 1 which abut the Stewartstown Road;
- The proposal increases the existing Lisnastraine Heights/Stewartstown Road junction from the current 2.4m x 30.90m to 2.4m x 90m. This would provide sightlines well in excess of what Dfl are requesting i.e. 2.4m x 70m. This is accommodated by reducing the parallel parking on the opposite side of the Stewartstown Road to the DCAN 15 width.
- The existing problem with the sight splay was an approval to No 1 Lisnastraine Heights which included a boundary wall which has had the impact of reducing the existing sight splay to less than half of the required distance;
- Dfl Roads were not consulted on the aforementioned house extension and the agent argues this is the single most important issue for the existing and proposed development;
- All but two of the internal driveway sightlines are able to be upgraded to full standards required by Dfl. One existing entrance misses the full standards by 4m on the "Y" distance and the other by 9m.
- All the existing entrances benefit from increased sightlines
- The agent has addressed "X" and "Y" distances to No 112 Stewartstown Road and believes the proposed access arrangements will benefit No 112 rather than concentrating on the reduction in separation distance between the proposed development
- The agent quotes DCAN 15 where it states that in exceptional circumstances a relaxation to the normal access standards may be accepted in order to secure other important planning objectives. The agent believes that constructing a central part of the access road to serve a significant land bank zoned for housing is an important planning objective. He states that to increase a substandard

sightline serving an existing housing development at the boundary to Phase 1 lands is an important objective.

- The agent considers DfI are using this application to bring a sub-standard access up to today's standard and this is not stated or implied in policy as being a requirement.

### Key Site Requirements

In considering comments made by both DfI Roads and the agent it is clear the current and proposed access arrangements are not to the standard required in policy and guidance documents. The KSR does state that access should be from Stewartstown Road and this access is not. In a meeting with representatives from DfI Roads during the processing of this application, it was made clear that an access would be considered from Lisnastraine Heights where it met with standards.

Some of the other KSR's refer to the wider CHO06 zoning. Relevant to this portion of land are the following:

- A vehicular access linking through to housing zoning CH24 is being provided.
- GSNI have been consulted on the possibility of mineshafts being sited though not seen. GSNI records indicate abandoned mine shaft located in the northern part of the site. There is some doubt as to the precise location for the shaft. An assessment of the area should be conducted to ensure public safety and integrity of the buildings. GSNI recommend that the Planning Authority, if granting approval, should apply the following conditions to be undertaken prior to the commencement of the development.
- A preliminary ecological appraisal was submitted by the agent and considered by NIEA. The PEA considered the vegetation and the areas of habitat currently on site. NIEA did not raise any concerns at the potential loss of existing areas of habitat.

In terms of the layout of the proposed development I consider it is in accordance with the criteria a, b c and d of Policy QD 1 of PPS 7. Given the size of the site there is no requirement for the applicant to provide neighbourhood facilities in accordance with criteria e. There is a conflict with criteria e with regards to safety of road users, in light of the consultation response from DfI Roads. I consider the proposal is in accordance with criteria f, g and i. Given the inadequate access and road layout arrangements I consider there is a conflict with criteria h of QD1. The current arrangements will result in an unacceptable adverse impact on existing properties in terms of their amenity, with an additional 36 dwellings being served by a substandard road currently used by the residents of Lisnastraine Heights.

An objection has been received from the resident of number 3 Lisnastraine Court who has raised a concern on overlooking and loss of privacy from site no 6. There is a bedroom window on the extended part of the dwelling. The rear gable wall of site no 6 sits 10 metres from the common boundary. This is considered acceptable in Creating Places and as it is not a room that serves living accommodation I am not giving this determining weight.

**MUDC Local Development Plan 2030 - Draft Plan Strategy:**

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

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refuse due to issues of road safety concern.

**Reasons for Refusal:**

1. The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2.4 metres by 70.0 metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
2. The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to an unacceptable level of conflict by reason of the increased number of vehicles entering and leaving the proposed access.
3. The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking, Policy AMP 2 and Policy QD1 of Planning Policy Statement 7: Quality Residential Environments, in that it would, if permitted, prejudice the safety and convenience of road users since the carriageway width/visibility splays of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
4. The proposal is contrary to criteria h of Policy QD1 in that it would, if permitted, create conflict with adjacent land uses and will result in an unacceptable adverse effect on the existing properties of Lisnastraine Heights.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	26th April 2018
<b>Date First Advertised</b>	10th May 2018
<b>Date Last Advertised</b>	
<p><b>Details of Neighbour Notification (all addresses)</b></p> <p>The Owner/Occupier, 1 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR,  The Owner/Occupier, 1 Lisnastrane Park, Coalisland, Tyrone, BT71 4PW,  The Owner/Occupier, 104 Colliers Lane, Coalisland, Tyrone, BT71 4GP  The Owner/Occupier, 105 Colliers Lane, Coalisland, Tyrone, BT71 4GP  The Owner/Occupier, 108 Stewartstown Road, Coalisland, Tyrone, BT71 4PF  The Owner/Occupier, 110 Stewartstown Road, Coalisland, Tyrone, BT71 4PF  The Owner/Occupier, 112 Stewartstown Road, Coalisland, Tyrone, BT71 4PF  Martina Fox, 112 Stewartstown Road, Coalisland, Tyrone, Northern Ireland, BT71 4PF  The Owner/Occupier, 114 Stewartstown Road, Coalisland, Tyrone, BT71 4PF  The Owner/Occupier, 128 Stewartstown Road, Coalisland, Tyrone, BT71 4PF  The Owner/Occupier, 130 Stewartstown Road, Coalisland, Tyrone, BT71 4PF  The Owner/Occupier, 132 Stewartstown Road, Coalisland, Tyrone, BT71 4PF  Joseph &amp; Elizabeth Rankin, 132, Stewartstown Road, Coalisland, Tyrone, Northern Ireland, BT71 4PF  The Owner/Occupier, 134 Stewartstown Road, Coalisland, Tyrone, BT71 4PF  Sean &amp; Olga Ferry, 134 Stewartstown Road, Coalisland, Tyrone, Northern Ireland, BT71 4PF  Pat Dooley, 14 Lisnastrane Road Coalisland Tyrone  The Owner/Occupier, 15 Mousetown Road, Coalisland, Tyrone, BT71 4PJ  The Owner/Occupier, 17 Mousetown Road, Coalisland, Tyrone, BT71 4PJ  The Owner/Occupier, 19 Mousetown Road, Coalisland, Tyrone, BT71 4PJ  P L O'Neill, 19 Mousetown Road, Coalisland, Tyrone, Northern Ireland, BT71 4PJ  Sinead Quinn, 2 Lisnastrane Court Coalisland Tyrone  Eileen Quinn, 2 Lisnastrane Court, Coalisland, Tyrone, BT71 4PS  The Owner/Occupier, 2 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR  The Owner/Occupier, 2 Lisnastrane Park, Coalisland, Tyrone, BT71 4PW  Paul Quinn, 22 Mousetown Road Coalisland Tyrone  Padraig O'Neill, 3 Lisnastrane Heights, Coalisland, Co Tyrone, BT71 4PR  Patrick McLernon, 3 Lisnastrane Court Coalisland Tyrone  Patrick Gerard McLernon, 3 Lisnastrane Court Coalisland Tyrone  Nuala McLernon, 3 Lisnastrane Court Coalisland Tyrone  Brian Mc Leron, 3 Lisnastrane Court, Coalisland, Tyrone, BT71 4PS  Brian McLernon, 3 Lisnastrane Court, Coalisland, Tyrone, Northern Ireland, BT71 4PS  The Owner/Occupier, 3 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR  The Owner/Occupier, 3 Lisnastrane Park, Coalisland, Tyrone, BT71 4PW  Gillian O'Neill, 3, Lisnastrane Heights, Coalisland, Tyrone, Northern Ireland, BT71 4PR  Bronwyn O'Neill, 3, Lisnastrane Heights, Coalisland, Tyrone, Northern Ireland, BT71 4PR  Eleanor Gourley, 3, Lisnastrane Heights, Coalisland, Tyrone, Northern Ireland, BT71 4PR</p>	

Meagan Quinn, 4 Lisnastrane Court Coalisland Tyrone  
 Brenda Quinn, 4 Lisnastrane Court, Coalisland, Tyrone, BT71 4PS  
 The Owner/Occupier, 4 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR  
 The Owner/Occupier, 4 Lisnastrane Park, Coalisland, Tyrone, BT71 4PW  
 The Owner/Occupier, 46 Irish Street, Dungannon, Tyrone, Northern Ireland, BT70 1DB  
 Glenn Duffy, 5 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR  
 Clare Morris, 5 Lisnastrane Park Coalisland Tyrone  
 Sean McGrath, 5-7 Irish Street, Dungannon, Tyrone, Northern Ireland, BT70 1JW  
 Fiona Blair, 6 Lisnastrane Heights Coalisland Tyrone  
 Patricia Thornton, 6 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR  
 The Owner/Occupier, 6 Lisnastrane Park, Coalisland, Tyrone, BT71 4PW  
 Seamus O'Donnell, 6, Colliers Lane, Coalisland, Dungannon, Co Tyrone, Northern Ireland, BT71 4GP  
 Thomas Whitehouse, 7 Lisnastrane Heights, Coalisland, Tyrone  
 Siobhan Whitehouse, 7 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR  
 Siobhan Whitehouse, 7 Lisnastrane Heights, Coalisland, Tyrone, Northern Ireland, BT71 4PR  
 The Owner/Occupier, 8 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR,  
 Chris Graham, 9 Lisnastrane Heights, Coalisland, Tyrone  
 Stephen McNeice, 9 Lisnastrane Heights, Coalisland, Co Tyrone, BT71 4PR  
 Catherine Creaney, 9 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR  
 The Owner/Occupier, 95 Stewartstown Road, Coalisland, Tyrone, BT71 4PF  
 The Owner/Occupier, 97 Stewartstown Road, Coalisland, Tyrone, BT71 4PF  
 Terence Gervin, 99 Stewartstown Road, Coalisland, Tyrone, Northern Ireland, BT71 4PF  
 Dermot Monaghan, MBA Planning, 4 College House, Citylink Business Park, Belfast, Co Antrim, BT12 4HQ  
 Sean McGrath, P A Duffy & Co 5-7 Irish Street

<b>Date of Last Neighbour Notification</b>	18th December 2020
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<b>Date of EIA Determination</b>	
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<b>ES Requested</b>	No
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### Planning History

Ref ID: LA09/2018/0019/PAN

Proposal: Proposed housing development consisting of 37 no. dwellings - 5 no. detached and 32 no. semi detached with associated roads and services.

Address: Lands to rear of Lisnastrane Heights, Stewartstown Road, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2017/0665/PAD

Proposal: Proposed housing development to include 51 no. houses (both semi-detached and detached dwellings)

Address: Lands behind Lisnastrane Heights, Stewartstown Road, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2018/0565/F

Proposal: Housing development consisting of 36 no dwellings (6 no detached and 30 semi-detached), services and infrastructure  
Address: Lands North of No 7 Lisnastraine Heights, Coalisland,  
Decision:  
Decision Date:

Ref ID: M/2003/0717/O  
Proposal: Site for proposed dwelling  
Address: 30 Metres South West of 114 Stewartstown Road, Coalisland  
Decision:  
Decision Date: 01.03.2004

Ref ID: M/1996/4028  
Proposal: Extension to dwelling  
Address: 114 STEWARTSTOWN ROAD, COALISLAND  
Decision:  
Decision Date:

Ref ID: M/2005/2126/O  
Proposal: Domestic dwelling  
Address: To the rear of 136 Stewartstown Road Mousetown Road, Coalisland  
Decision:  
Decision Date: 21.12.2005

Ref ID: M/2005/1573/F  
Proposal: Extension & Refurbishment to Existing Dwelling  
Address: 1 Lisnastraine Heights, Coalisland  
Decision:  
Decision Date: 05.10.2005

Ref ID: LA09/2015/0964/F  
Proposal: Proposed single storey extension to side/ rear of existing dwelling to provide a disabled bedroom and bathroom  
Address: 3 Lisnastrane Court, Coalisland, BT71 4PS,  
Decision: PG  
Decision Date: 28.01.2016

### **Summary of Consultee Responses**

#### **GSNI:**

GSNI records indicate abandoned mine shaft located in the northern part of the site. There is some doubt as to the precise location for the shaft. An assessment of the area should be conducted to ensure public safety and integrity of the buildings. GSNI recommend that the Planning Authority, if granting approval, should apply the following conditions to be undertaken prior to the commencement of the development.

1. Recommendations as provided by BCD Partnership Ltd are adhered to and completed to ensure public safety and integrity of the structures.
2. On locating any disused mine shaft, an adequate shift cap is installed as per CIRIA SUP 32 Guidance.

3. A report is submitted to GSNI detailing investigation works pertaining to disused mine shafts and demonstration the completion of works is effective.

The developer should contact GSNI directly to discover what information is available that could assist investigation works at the site.

NIEA:

NED has reviewed the information within the badger survey report and noted that further badger activity has been located outside the site to be developed. NED is content with the finding of the badger survey and advises that a condition must be attached to the decision notice to ensure that sett 1 is protected during the construction phase of the development and that sett 2 must be closed under licence.

Roads

Recommend refusal

Rivers

*FLD 1 - Development in Fluvial Flood Plains* - The Flood Hazard Map (NI) indicates that the site does not lie within the 1 in 100 year fluvial flood plain.

*FLD 2 - Protection of Flood Defence and Drainage Infrastructure* - An undesignated watercourse lies adjacent to the western boundary of the site. Under 6.32 of the policy a minimum 5m maintenance strip is required. The maintenance strip should be level, marked up on all layout drawings and be protected from impediments (including tree planting), land raising or future unapproved development by way of planning condition.

*FLD 3 - Development and Surface Water* - The Drainage Assessment indicates the storm water system will be adopted by NIW, therefore NIW will be responsible for checking design calculations, adoption and maintenance of the system.

Consequently DfI Rivers, while not being responsible for the preparation of the reports accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisers.

*FLD 4 - Artificial Modification of watercourses* - This policy is not applicable to this site

*FLD 5 - Development in Proximity to Reservoirs* - This policy is not applicable to this site.

NI Water:

There is no objection from NIW. They have confirmed there is available capacity at the WWTW.



**Drawing Numbers and Title**

Drawing No. 01/1  
Type: Site Location Plan  
Status: Submitted

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

Drawing No. 02/1  
Type: Site Layout or Block Plan  
Status: Submitted

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

Drawing No. 03/2  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 03/3  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 04/2  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 04/3  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 04/4  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 05/2  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 05/3  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 06  
Type: Site Appraisal or Analysis  
Status: Submitted

Drawing No. 07

Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 07/1  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 08  
Type: Road Access Plan  
Status: Submitted

Drawing No. 08/1  
Type: Road Access Plan  
Status: Submitted

Drawing No. 09/2  
Type: Cross Sections  
Status: Submitted

Drawing No. 09/3  
Type: Cross Sections  
Status: Submitted

Drawing No. 09/4  
Type: Cross Sections  
Status: Submitted

Drawing No. 10/2  
Type: Cross Sections  
Status: Submitted

Drawing No. 10/3  
Type: Cross Sections  
Status: Submitted

Drawing No. 11/2  
Type: Cross Sections  
Status: Submitted

Drawing No. 11/3  
Type: Cross Sections  
Status: Submitted

Drawing No. 12  
Type: Proposed Plans  
Status: Submitted

Drawing No. 13  
Type: Proposed Plans  
Status: Submitted

Drawing No. 14  
Type: Proposed Plans  
Status: Submitted

Drawing No. 15  
Type: Proposed Plans  
Status: Submitted

Drawing No. 16  
Type: Housing Concept Plan  
Status: Submitted

Drawing No. 17/1  
Type: Landscaping Proposals  
Status: Submitted

Drawing No. 17/2  
Type: Landscaping Proposals  
Status: Submitted

Drawing No. 18  
Type: Landscaping Plan  
Status: Submitted

Drawing No. 18/1  
Type: Landscaping Plan  
Status: Submitted

Drawing No. 19  
Type: Housing Concept Plan  
Status: Submitted

Drawing No. 19/1  
Type: Housing Concept Plan  
Status: Submitted

Drawing No. 20  
Type: Roads Details  
Status: Submitted

Drawing No. 21  
Type: Roads Details  
Status: Submitted

Drawing No. 21/1  
Type: Roads Details  
Status: Submitted

Drawing No. 21/2  
Type: Road Access Plan  
Status: Submitted

Drawing No. 22  
Type: Roads Details  
Status: Submitted

Drawing No. 22/1  
Type: Roads Details  
Status: Submitted

Drawing No. 23  
Type: Roads Details  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

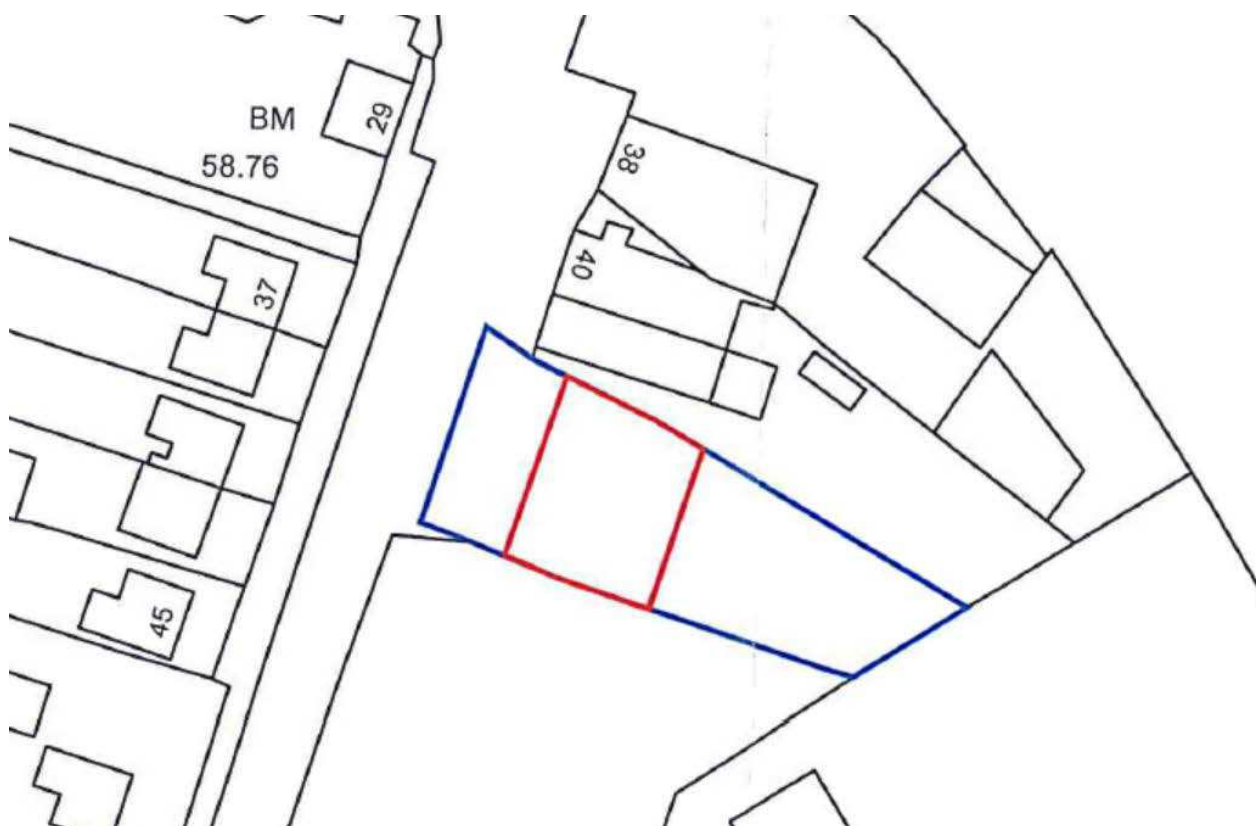
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 01/02/2022	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0025/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of timber cabin for use as storage. Cabin located on same footprint as demolished building.	<b>Location:</b> Site at 42 Main Road Moygashel Dungannon
<b>Referral Route:</b> 1. Objection from a third party.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr Brian Turkington 14 Wellbrook Avenue Dungannon	<b>Agent Name and Address:</b> Arcen 3A Killycolp Road Cookstown BT80 9AD
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
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#### Representations:

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

#### Characteristics of the Site and Area

The site is located within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is a mix of residential, convenience shops and hot food outlets. To the west and south of the site are semi-detached and detached dwellings. Adjacent and south of the site is a group of established trees and to the southeast is a day-care facility. To the north of the site are two hot food outlets.

The site is on a flat land and has a roadside frontage onto the Main Road in Moygashel. The application site is situated on a long rectangular plot, which is currently vacant and there was previously buildings at the field but have since been demolished. There is metal fencing along the roadside boundary of the plot with unauthorised signage located on the fencing.

**Description of Proposal**

This is a full application for the retention of a timber cabin for use as storage. The cabin is located on the same footprint as a demolished building at 42 Main Street Moygashel.

**Planning Assessment of Policy and Other Material Considerations****Planning History**

LA09/2019/0357/F - Retention of 20 x 8ft container to house vending machines - Site at 42 Main Road, Moygashel - Permission Refused 6<sup>th</sup> February 2020 Planning Appeal Dismissed 9<sup>th</sup> February 2021

**Representations**

The proposal was advertised and at the time of writing one representation has been received. There are no neighbours directly abutting the site so no neighbour notification has been undertaken.

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

**Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

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

**Dungannon and South Tyrone Area Plan 2010**

The proposal is located within the settlement limit of Dungannon so SETT 1 – Settlement Limits is the relevant policy, which applies. I am content the proposal is acceptable as it meets all of the following criteria.

**Use**

The application site is located along the main road in Moygashel where there is a mix of convenience shops, residential and hot food outlets. There are both semi-detached and detached dwellings across the road from the site. 15m north of the site are two hot food outlets Gordy's fish and chip shop and Applejacks café. The applicant has stated on the P1 form the building is used for storage. When I completed my site visit I was unable to gain access to the inside of the building but I did observe there was a kitchen and toilet

and an empty room just off the main entrance to the rear. The applicant sent pictures of the inside to demonstrate the use of the building but this only show a table and chairs in one room, boxes, a filing cabinet and security cameras in another room and gym equipment in another room. However, a supporting statement was received from the applicant by email on 14<sup>th</sup> July 2020. In this email, it states the building, which is the subject of this application, stores soft drinks, snacks and sealed products for the hot drinks machines. At the time of the application it was indicted the products being stored were for the vending machines. These were located in the metal container which that was refused and dismissed at Planning Appeal. The vending machines and associated building have subsequently been removed as required by the enforcement notice. The applicant was asked what is the purpose of the building which is the subject of this application is it still storage or a dwelling. In emails dated 9<sup>th</sup> July 2021 and again 30<sup>th</sup> November 2021 the applicant said the cabin is used as a utility building and mainly for the storage for the vending machine business as they have other vending machines they operate. Subsequently the applicant has confirmed there is no use as an office at the building and this was removed from the description.

Planning appeal 2020/A008 is particularly relevant to this application as it related to the sea container which housed vending machines to the front of the cabin. In this appeal the commissioner discussed the unacceptable use of vending machines in this location. The 3no. vending machines in the sea container were unmanned and operated 24 hours a day. With the application LA09/2019/0357/F there were numerous complaints to Environmental Health about noise and anti-social behaviour at the site. These vending machines at the roadside have since been removed. The applicant has stated the building which is the subject of this application is used for the storage of goods in relation to his vending machine business. Finally, the commissioner stated that the use as a vending machine business is better suited away from residential properties and in a more commercial area. Therefore if vending machines were to be accessible to the public again from this timber building, the use would continue to be unacceptable.

I consider conditioning the use that it is only for the storage of goods and no vending machines are stored at the site is appropriate for this application and would mitigate against the risk of the use beginning again. Members should be aware there is the risk if the application is approved the building could house vending machines and doors open to the public and they could purchase from the vending machines. The site is currently blocked off by fencing and the public would be unable to gain access to the building.

### **Appearance**

The building to be retained is 8.6m in length and 5.7m in width with a ridge height of 3.2m. There is a long rectangular form with a pitched roof. The finishes are dark green timber cladding on the external walls, dark grey window frames and doors, black guttering and slate roof tiles. The building has the appearance of a timber cabin. The use of timber cladding is significant as in planning appeal 2020/A008, reference is also made to the appearance of the sea container. In that appeal the commissioner states the use of proposed timber finishes on the container would not provide the architectural character one would expect of a permanent building. Also it would appear as short term and temporary in the street scene. I am of the opinion this cabin building even though it has timber cladding on the external walls has the appearance of a building with more permanence in comparison with a sea container. The applicant has stated in correspondence he does not intend to use the site for storage permanently and housing



would be his preferred use at the application site and adjoining land. A time limited permission will allow the Council to reassess the appearance of the building periodically to see how the timber cladding weathers to ensure it does not become an eyesore.

In rebuttal to the issue's raised in the planning appeal I consider you need to look at the character of the surrounding area. To the north of the site are 2no. hot food outlets Applejacks and Gordys takeaway. Gordys has timber cladding on its fascia sign and stonework walls on the front elevation as shown in figure 1 below. Applejacks has wooden cladding on the front elevation. Across the public road from the site are single storey dwellings with pitched roofs and cream render walls. There is a mix of finishes and appearances of buildings in the area so I am of the opinion the building will not have an unacceptable impact on the character of the area.



Figure 1 – Image of the external finishes of nearby businesses

The objector states the style of building at the application site is not in keeping with the style of the other buildings along this road as it is wood and the other dwellings are brick. Also, the building is not with linear development as it is set back from the roadside. In critical views from the NE the building is set back behind the building line and the low ridge height of the building means it is not a prominent feature in the landscape. In critical views of the SW housing is set back from the building line so the timber building will not look out of character for the area as shown in figure 2 below.



Figure 2 – Image of the housing to the SW of the site

### **Amenity**

The applicant stated on the P1 form there was 1 no. vehicle for staff and 1 no. for goods at the site each day. In addition, there would be 1 employee and 1 visitor every day. I consider the building will not create an unacceptable impact on neighbouring amenity. There is not going to be high volumes of traffic at the site every day and the use as a storage building will not generate excessive levels of noise and pollution. In the supporting statement, the applicant states there will be one delivery per week and there will be no members of the public to the office.

I consider it would be appropriate that no public customers are allowed to visit the site and limiting the opening hours for deliveries to 9am to 5pm Monday to Friday and no Saturdays and Sundays, to minimise the disruption to neighbouring dwellings nearby.

One representation has been received from Ms Geraldine McGarvey who operates the Kids and Bibs Daycare at 12 Moygashel Lane, south east of the application site. She states the building has a tv aerial and is in use late at night which suggests it is not being used as storage. Also, the building has windows and a decking area which looks into the play area of the daycare. When I completed the site visit I observed there are 2no. windows on the rear elevation and a decking area but due to separation distance from the building to the day care I consider there are no direct views. The building is at least 25m from the nearest boundary of the daycare at No. 12 and there is a 2m high timber fence to the eastern boundary of the site which will block any views. There are no dwellings to the rear or north and south boundaries to block light or loss or privacy or create overshadowing. There are dwellings across the road from the west boundary but there is a container in front which blocks any views.

### **PPS 3 Access, Movement and Parking**

The applicant states on the P1 form there is no alteration to the existing access and states on the P1 form there will be 2no. vehicles at the site throughout the day, 1 for staff and 1 for goods. The building is 49m<sup>2</sup> and according to Mid Ulster Council's 'Parking Standards' guidance the office would need 1 car parking space per 20m<sup>2</sup>. Thus the proposal needs

three car parking spaces. There is parking to the front of the site which could accommodate at least three spaces.

The objector states there is no parking, loading or turning bay for storage at the site and this is an unsafe access. The tarmacked area in front of the site has not marked out car parking spaces but there is an area is tarmacked down to the café at Applejack's café further south. This tarmacked area is currently used for parking at both the café and Gordy's chippy so could be used as parking for the office. The applicant also states there will be no customers to the office so there will not be an intensification of car parking need at the site.

### **Planning Strategy for Rural Northern Ireland**

#### **DES 2 – Townscape**

I am content as the proposal meets all the criteria in SETT 1 it also meets the criteria in DES 2 which relates to appearance of the development, land use, amenity and design. These criteria were discussed previously in the assessment for SETT 1.

#### **Other Consultations**

NI Water were consulted and confirmed that even-though there was previously a shop on the site the applicant will still need NI Water permission for a re-connection to the network.

The site is not within any historical, conservation designations or zonings.

<b>Neighbour Notification Checked</b>	None Required
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#### **Summary of Recommendation**

The proposal is recommended for approval as it complies with SETT 1 in the Dungannon and South Tyrone Area Plan 2010 and DES 2 in the Planning Strategy for Rural Northern Ireland.

#### **Conditions:**

1. The permission hereby granted shall be for a limited period of 3 years only and shall expire on February 2025.

Reason: In the interests of residential amenity.

2. The building shown on drawing 02 date stamped 08 JAN 2021 shall be used only for storage of goods associated with the applicant's vending machine business and no vending machines should be stored within the building at any time, and no other purpose in Use Class Part B of the Schedule to the Planning (Use Classes) Order (NI) 2015.

Reason: In the interests of residential amenity.

3. The use hereby permitted shall not be open to customers at any time and no goods stored shall be sold to members of the public from the premises at any time. No deliveries shall be taken at, or dispatched from the site outside the following times 09:00 to 17:00 Monday to Friday, nor at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

**Informatives**

1. This permission does not alter or extinguish or affect any existing right of way crossing.
2. This permission does not confer title. It is the responsibility of the developer to ensure he controls all the land necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or any other statutory authority.

**Signature(s)**

**Date:**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

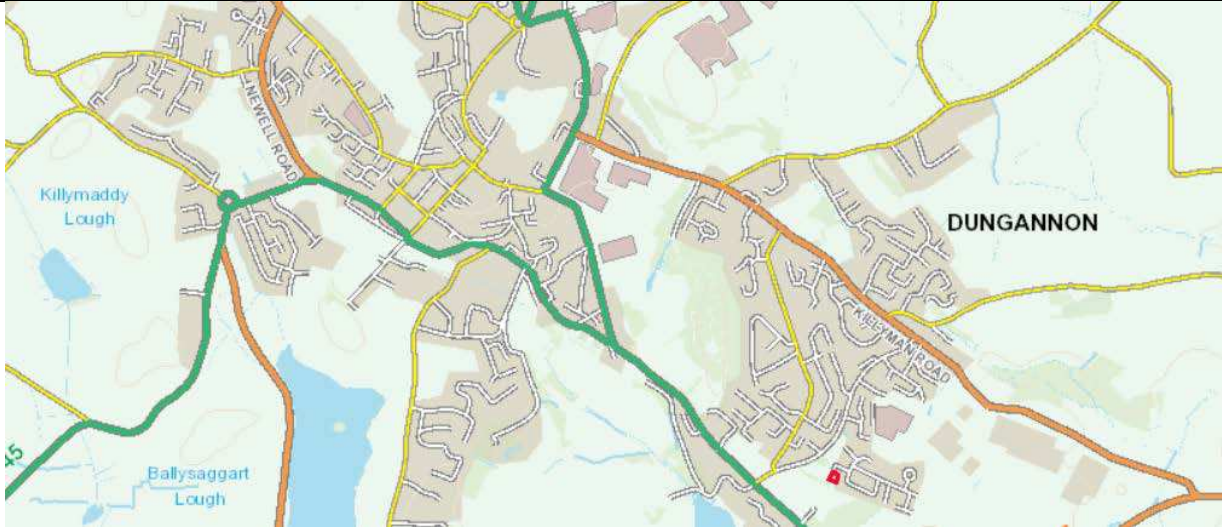
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0892/F	<b>Target Date:</b>
<b>Proposal:</b> New dwelling & detached garage	<b>Location:</b> Site 177 adj to 1 Brookfield Road Dungannon
<b>Referral Route: Objection</b>	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> NI031025 Ltd 64 Hall Street Maghera BT46 5AD	<b>Agent Name and Address:</b> Diamond Architecture 77 Main Street Maghera BT46 5AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

Case Officer Report

Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
<b>Representations:</b>		
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
<b>Characteristics of the Site and Area</b>		
<p>The site is located within the development limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. It sits on Phase 1 Housing Land, comprising an established housing development known as 'Brookfield's'.</p> <p>The site is a relatively square shaped plot located south of and adjacent no. 1 Brookfield Road Dungannon, an existing dwelling 2-storey dwelling; and adjacent and southwest / west of nos. 1 &amp; 2 Brookfield Crescent, another 2-storey and a single storey dwelling, respectively.</p> <p>The site sits adjacent and to the outside of a right-angled bend in the estate road, serving Brookfield's, which it is to be accessed off. The site is enclosed by approx. 1.2 – 1.6m high close boarded wooden fencing. The landform in the immediate area falls relatively steeply downwards in a west to east direction, from the Gortmerron Link Road to the site and beyond through Brookfield's. As such, the site whilst relatively flat, sits just below adjacent road level. As the land also fall gently in a south to north direction, the site sits above the level of the bounding properties. A footpath part bounds the frontage of the site along the estate road.</p> <p>The immediate area surrounding the site is primarily residential in nature comprising mixed density housing developments located to both sides of the Gortmerron Link Road. Disused poultry houses exist on a yard located south of the site.</p>		
<b>Description of Proposal</b>		
<p>This is a full application for a 2-storey detached dwelling and single storey detached garage to be located on lands (site 177) adjacent to 1 Brookfield Road Dungannon, an existing dwelling within an established housing development, 'Brookfield's'.</p> <p>The proposed dwelling, which is to be accessed off the Brookfield Road serving the wider housing development, is located relatively central on the site, in line (gable to gable) with no. 1 Brookfield Rd and orientated like no. 1 Brookfield Rd to face in a northwesterly direction.</p> <p>The proposed dwelling has a rectangular shaped floor plan and a pitched roof construction, which slopes down deeper to its front elevation. The front elevation of the property has a two storey front projection offset to the southwest gable and a single dormer extending from the wall plate offset to the northeast side of the property.</p>		

The proposed garage, which has a simple rectangular shaped floor plan and a pitched roof construction, is to be located to the rear northwest side off the proposed dwelling, orientated gable end facing towards the Brookfield Rd. It has a single roller shutter door in its elevation facing Brookfield Rd and two windows in its side elevation facing northeast towards no. 1 Brookfield Rd.

Finishes to the dwelling and garage:

- Roof: black flat profile concrete tile
- Walls: brick finish & painted render
- Rainwater goods: half round seamless gutter and PVC downpipes
- Windows: brown PVC double glazed

### **Planning Assessment of Policy and Other Material Considerations**

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

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

- Strategic Planning Policy Statement for Northern Ireland
- Dungannon and South Tyrone Area Plan 2010
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7 (Addendum): Safe Guarding the Character of Established Residential Areas
- Creating Places
- Development Control Advice Note 8 Housing in Existing Urban Areas

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

### **Planning History**

- M/2002/1026/F – Proposed Housing Development – Adjacent Gortmerron Heights Gortmerron Link Rd Dungannon – Granted 22<sup>nd</sup> December 2004
- M/2005/1969/F – 10 no. additional dwellings and change of house types to sites 64, 65, 86, 90, 93, 94 and 112 to recently approved housing development M/2002/1026/F – Adjacent to Gortmerron Heights Gortmerron Link Rd Dungannon – Granted 19<sup>th</sup> December 2006
- M/2007/1122/F – Proposed change of house types – 18 Brookfield Crescent Dungannon & 49 Brookfield Dungannon – Granted 9<sup>th</sup> October 2007
- M/2012/0013/F – Proposed change of house type on site 2, 109 and 112 from detached HT3 to semi-detached HT33 at housing development off Gortmerron



Link Road, Dungannon – Brookfield Development Gortmerron Link Road  
Dungannon – Granted 22<sup>nd</sup> August 2012

- LA09/2016/0122/F - Site 1 2 44 and 109b Brookfield Dungannon – Proposed change of house types from 3no detached dwellings to 6no semi-detached dwellings on sites 1,2 and 44 and change of house type on site 109B from a 2 bedroom semi-detached dwelling to a 3 bedroom semi-detached dwelling – Granted 15<sup>th</sup> July 2016
- LA09/2020/0913/F - Change of house type on Site 44 (semi-detached dwellings to 1 no HT7 detached) – Site 44 adj to 9 Brookfield Glen Dungannon – Granted 15<sup>th</sup> September 2020.

The above applications relate to the housing development 'Brookfield Crescent' located adjacent the site. The current site was not included within the above developments.

### **Consultees**

1. Dfl (Roads) were consulted in relation to access, movement and parking arrangements for the proposal. Subject to an amended 1:500 block plan received 8<sup>th</sup> July 2021 to show visibility splays of 2m x 33m and a forward site distance of 33m, where the driveway meets Department property, Roads raised no concerns. Accordingly, I am content the access arrangements will not prejudice road safety or significantly inconvenience the flow of traffic, in accordance with Planning Policy Statement 3: Access, Movement and Parking.
2. NI Water (Multi Units West) were consulted on this proposal and responded that there is insufficient capacity at the receiving waste water treatment works to serve the proposal. The agent was contacted to submit further information as to how the applicant intends to address the capacity issue raised. He subsequently detailed that another site within the wider Brookfield development under planning application LA09/2020/0913/F had recently had a change of house type from a set of semi-detached dwellings to a detached dwelling. The agent made the case that in effect alongside LA09/2020/0913/F the current proposal just brings the capacity of the overall development back to that previously approved. Whilst this case was considered a site inspection identified the dwelling approved under LA09/2020/0913/F has not yet been constructed as such Planning has no assurances the previous permission for 2 dwellings would not be implemented. As such the capacity issue raised by NI Water still stands. However, having considered this capacity issue further, I am content it is reasonable to approve this proposal subject to a negative condition being applied to any subsequent decision notice. That no development hereby approved shall commence until NI Water has provided written confirmation they will allow connection to their mains sewers or the developer has obtained all necessary consents for an alternative means of dealing with waste water from the site and this has been provided to Mid Ulster District Council.

**The Dungannon and South Tyrone Area Plan (2010)** identifies the site as being within the settlement limits of Dungannon on Phase 1 Housing Lands DH 11

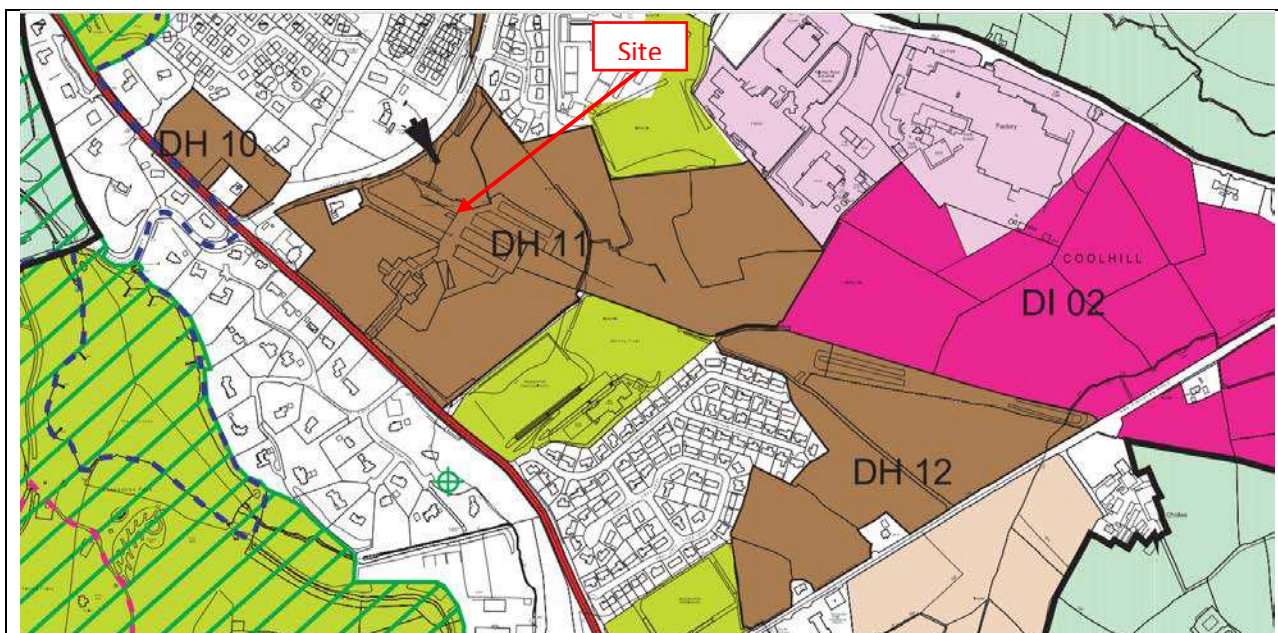


Fig 1: Extract from Dungannon Settlement Map (Dungannon & South Tyrone Area Plan 2010)

Plan Policy HOU 1 Housing Zonings gives favourable consideration to proposals for housing on Phase 1 Housing Land within Settlements subject to compliance with prevailing regional planning policy and the policies and key site requirements contained in the Plan. Plan Policy SETT 1 sets out 6 criteria and a general criteria to meet with regional policy. I consider that if the development meets with regional policies contained in PPS 3 – Access, Movement; Parking and PPS7 – Quality Residential Environments; and PPS 7 (Addendum): Safe Guarding the Character of Established Residential Areas, it will meet the requirements of SETT1 including Part 3 of the Plan.

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

**Planning Policy Statement 3 – Access, Movement and Parking** – The dwelling is to be accessed off the existing estate road (Brookfield Rd) serving Brookfield’s housing development. As detailed above DfI (Roads) were consulted in relation to the proposed access, movement and parking arrangements for the proposal. Subject to an amended 1:500 block plan received 8<sup>th</sup> July 2021 to show visibility splays of 2m x 33m and a forward site distance of 33m where the driveway meets Department property Roads raised no concerns. Accordingly, I am content the access arrangements will not prejudice road safety or significantly inconvenience the flow of traffic, in accordance with Planning Policy Statement 3: Access, Movement and Parking.

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

- (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;

I am content the proposed dwelling and garage are of appropriate size, scale, design (including finishes) and layout for the site and locality. That they should integrate on to the site, respecting the surrounding residential context, character, and topography of the site. Existing close-boarded fencing provides enclosure to the site.

- (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;

I have no concerns in this regard. DfC's Historic Environment Division map viewer identified no built heritage assets of interest on site and whilst a Listed Building was identified approx. 120m southwest of the site to the other side of disused poultry sheds, it is enclosed by other buildings, as such neither the building or its setting should be impacted by this proposal. Additionally, there are no landscape features on this 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;

Public open space is not a requirement for this type of proposal and I am content that private amenity space in excess of the 70m<sup>2</sup> average promoted in Creating Places has been provided within the curtilage of the property. There is no existing vegetation bounding this site. A close-boarded fence encloses the site.

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

I am dealing with an application in which local neighbourhood facilities in their own right would not be required.

- (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 site will access onto the estate road serving Brookfield's housing development, which provides footway links onto the Gortmerron Link Rd. This will support walking or

cycling into the Town. The footpaths will support walking and enhance the safety of pedestrians.

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

Adequate in-curtilage parking has been provided to the northeast side of the property.

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

The design and finishes of the proposed dwelling and garage are considered acceptable to the site and locality.

- (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; and

I am content neighbouring properties should not be adversely impacted by this proposal to an unacceptable degree in terms of overlooking or overshadowing. Whilst the proposed dwelling will be elevated slightly above and sit gable to gable with no. 1 Brookfield's and both properties have main serving windows at ground level and a bedroom window at first floor I am content an existing close-boarded fence separates private amenity and adequate separation distance exists between properties. According, subject to a condition that all windows in the northeast gable elevation of the proposed property be permanently fitted with obscured glass I am content both properties private amenity should not be adversely impacted by this proposal to an unacceptable degree in terms of overlooking or overshadowing. In terms of the proposed garage, whilst it may overshadow a small portion of no. 1 Brookfield's garden this is not considered significant to justify a refusal and it is considered it would screen off thus protect private amenity. That said given the close proximity of the garage to the neighbouring boundary with, and windows facing towards, no. 1 Brookfield's I would consider as with the aforementioned gable of the proposed dwelling to condition the windows in the garage to be permanently fitted with obscured glass to prevent overlooking. Guidance within Creating Places advises that there should be a minimum separation distance of 10m between the rear of new houses and the common boundary. I am content that this distance, at 9-11m, has generally been provided between the proposed dwelling and nos. 1 & 2 Brookfield Crescent to its' rear. The aforementioned separation distance alongside the existing boundary fencing on site; position of the proposed garage; and position and orientation of nos. 1 & 2 Brookfield including no. 1's garage, should protect the amenity of nos. 1 & 2 from the proposed dwelling and vice versa in terms of overlooking and overshadowing. Given the nature of this proposal, I have no concerns regarding noise or other disturbance.

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

The proposal raises no concerns in relation to crime or personal safety as I am satisfied that the dwelling is located adjacent an established residential development whereby there will be enough dwellings close by to deter crime to some degree.

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

I am satisfied that this proposal complies with Policy LC 1 of the Addendum to PPS 7, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this area, unit size is not less than recommended in Annex A of this policy.

**Representations**

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 3 third party objections had been received from Ms Cleary, the owner / occupier of no. 1 Brookfield Rd, a dwelling located adjacent and north of the site.

Ms Cleary raised the following issues 1) a right to privacy, 2) a right to daylight; and 3) water run-off from the site into her property. In relation to the third issue Ms Cleary stated that in the 15 years she has lived in her property she has had a continuous problem with water run-off from the site that has never been resolved with any investigation drawing a blank. 4) Proposal will undermine foundation of her property.

During the processing of this application in order to make the appropriate assessment and address the issues raised by Ms Cleary the agent was asked to provide an amended site layout showing full existing and proposed finished ground and floor levels; and the means of surface water drainage. As detailed earlier in this report and in light of an amended site layout received, I was content neighbouring properties, including Ms Cleary's, should not be adversely impacted by this proposal to an unacceptable degree in terms of overlooking or overshadowing subject to condition. I am also content that Flood Maps NI do not indicate flooding on this site and the issue of site drainage raised has been addressed within the remit of Planning in that the agent has been made aware of the issue and has shown drainage measures to prevent water run-off to Ms Cleary's property. The developer will have the ultimate responsibility for effectiveness of these measures. The developer will also have responsibility for ensuring any development does not undermine the foundations of the objectors property. Foundations are dealt with under building control regulations.

**Taking all of the above into consideration I would recommend the approval of this application based on the lack of information on file.**

<b>Neighbour Notification Checked</b>	Yes
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<b>Summary of Recommendation:</b>	Approve
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**Conditions**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
  
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. No development hereby approved shall commence until NI Water has provided written confirmation they will allow connection to their mains sewers or the

developer has obtained all necessary consents for an alternative means of dealing with waste water from the site and this has been provided to Mid Ulster District Council.

Reason: In the interests of public health and to safeguard existing and proposed residential amenity.

3. The dwelling hereby approved shall not be occupied until the drainage indicated on Drawing No. 02(Rev.01) bearing the date stamp received 8 JUL 2021 has been implemented and is fully functional.

Reason: To ensure sufficient drainage measure are in place,

4. All windows in the northeast gable elevation of the dwelling hereby approved shall be permanently fitted with obscured glass.

Reason: In the interests of residential amenity.

5. Windows marked 'A' and 'B' on Drawing No. 4 bearing the date stamp received 27 JUL 2020 shall be permanently fitted with obscured glass.

Reason: In the interests of residential amenity.

6. The vehicular access, including visibility splays of 2m x 33m and any forward sight distance, shall be provided in accordance Drawing No. 2(Rev.01) bearing the date stamp received 08 JUL 2021, 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.

7. 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 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 does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. This permission authorises only private domestic use of the proposed garages and does not confer approval on the carrying out of trade or business there from.
5. Department for Infrastructure (Roads) comments:

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.

The applicant should contact the Department for Infrastructure Roads Service's Maintenance Section in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.

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

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

6. Please see NI Water consultation response dated and scanned to the planning portal on the 14<sup>th</sup> August 2020 for information purposes.

**Signature(s)**

**Date:**



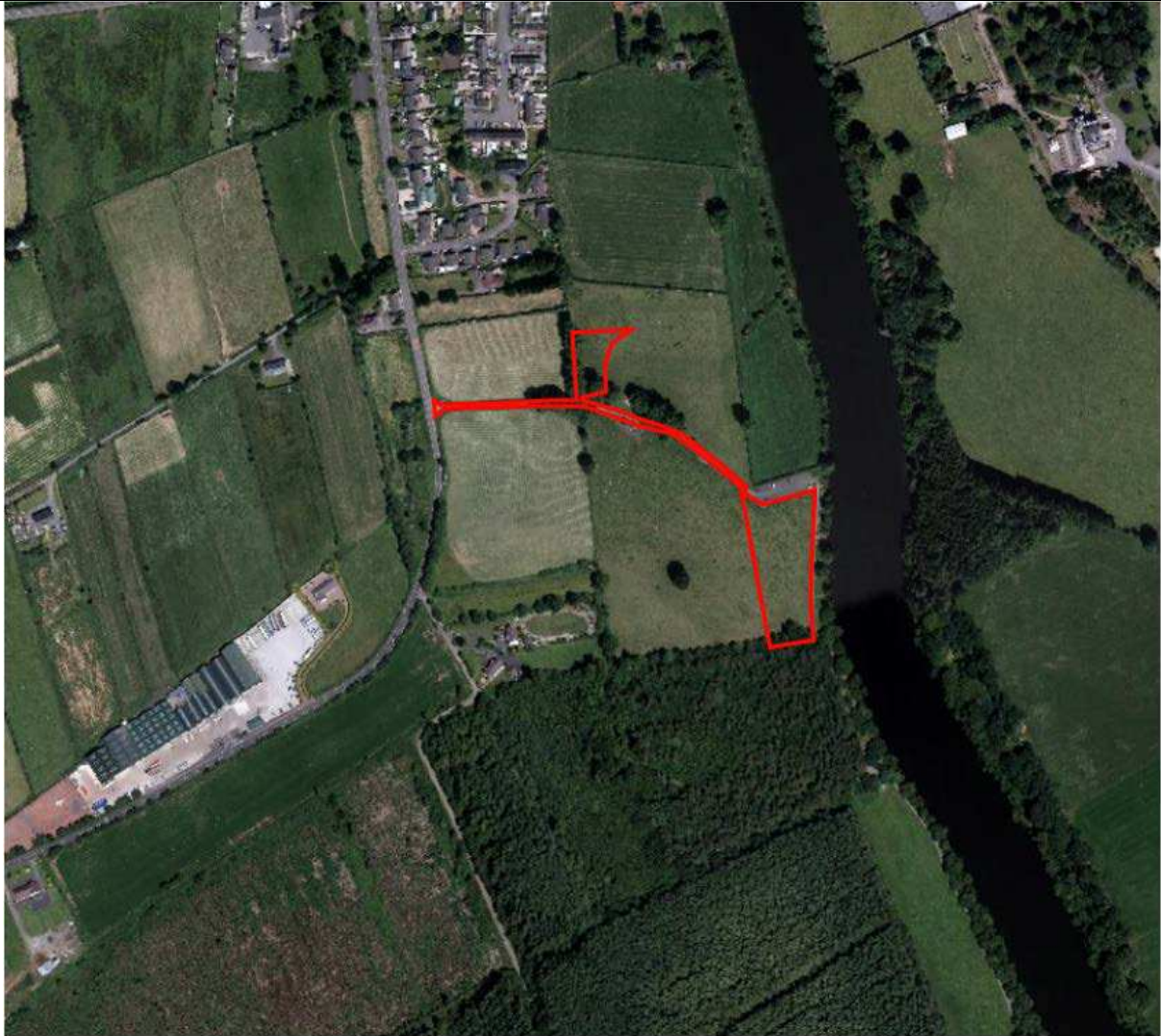
## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1378/F	Target Date:
<b>Proposal:</b> Proposed 2 blocks of 5No glamping accommodation to provide tourist facilities at Fishermans Walk.	<b>Location:</b> Site 380m East of 23a Ballymacombs Road Bellaghy.
<b>Referral Route:</b>  This application is being presented to Committee as it has attracted two letters of objection.	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Ryan McSorley 16 Culbane Road Portglenone BT44 8NZ	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Non Statutory	NI Water - Strategic Applications	Substantive Response Received

Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	NIEA	Advice
Statutory	NIEA	Content
Statutory	NIEA	
Statutory	NIEA	
Statutory	NIEA	
Representations:		
Letters of Support	None Received	
Letters of Objection	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>Two letters of objection have been received in respect of this application and relate to the following issues:-</p> <ul style="list-style-type: none"> <li>Increase in noise and the impact of this on a residents health issues;</li> <li>Anti-social behaviour attributed to vehicular movements;</li> <li>Disruption;</li> <li>Loss of privacy with direct views into bedroom windows and private amenity space;</li> <li>The fact that the development has commenced prior to receiving approval raises question over the management of the facility with due consideration to local residents;</li> <li>Potential to pitch tents on the site;</li> <li>Discarded food and rubbish attracting vermin;</li> <li>Litter;</li> <li>Located too close to dwellings;</li> <li>Detrimental to visual character;</li> </ul> <p>Environmental Health were consulted on the proposed development and did not raise any issues in relation to noise being emitted from the site during its operation. Advice was offered in relation to construction noise, however, this would be temporary.</p> <p>Any issues relating to the use of the existing car park by vehicles in anti-social behaviour is a matter for local policing and is not a planning consideration.</p> <p>As the proposed site is located between 230m and 250m from the rear of the objectors' dwellings and have rear private amenity spaces which extend between 85m to 100m to the rear of the dwellings, it is not accepted that the occupants of any of the proposed glamping pods will have a direct view into bedrooms of either of the objectors' properties. In addition, the proposed pods only have a single bathroom window facing the objectors' properties, therefore it will not be possible for occupants to have a view into bedrooms. From Councils' orthophotographic records, both objectors' properties appear to</p>		

have a mature boundary between their respective rear amenity spaces and the proposed site. Again it is not accepted, given the separation distance between these dwellings and the proposed site, that the occupants of any of the pods will have a view into the rear amenity space thereby resulting in a loss of privacy.

The commencement of the proposed development without first seeking approval is not an offence. Neither is it taken as any indication of how the proposed development would be managed.

The potential to pitch tents on the site does not form part of this proposal and therefore has not been considered in this assessment.

Environmental Health provided advice on 'Refuse' and that all proposed pods should have adequate provision for the storage and disposal of waste. The proposed development would be expected to be maintained in a clean and litter free manner.

As detailed above, the proposed site is in the region of 230m-250m from the nearest dwellings with the proposed pods being a further 15-20m away. These separation distances are accepted as being adequate.

The proposed pods are set back around 320m from the Ballymacombs Road and are finished with a mixture of external materials including charred cladding and intensive sedum roofs. These finishes will help the pods to integrate into the surrounding landscape. Although it is accepted there is a public interest from the laneway leading to the pods, they will be set against the setting of the river bank with the associated mature vegetation and the adjacent forest. It is not accepted that the proposed pods will have a detrimental impact on visual character.

Given the separation distance between the proposed development and any third party dwelling, it is not accepted that the proposal would cause such disruption as to warrant a refusal.

#### Characteristics of the Site and Area

The site is set on the edge of Glenone, with the access extending along the southern boundary of the settlement. The area between the settlement and the River Bann to the east is designated as an LLPA (GE 03) and extends in a southern direction to the boundary of Portglenone Forest/Glenone Wood. The site is located within the LLPA.

The site is located at the eastern side of a large agricultural field (3.6ha) and is accessed via an existing tarmac laneway leading to an area called Fisherman's Walk. At the end of the laneway there is an existing car park with parking spaces marked out for approximately 40 cars. The car park is used by visitors to the fishing stands which have been provided by Mid Ulster District Council and which are used for casual fishing, including competitions. The car park is also used by visitors who walk along the river bank on the public path which extends approximately 1400m south and 500m north of the car park. The paths also extend through Portglenone Forest/Glenone Wood. The path extends alongside a green area on the western bank of the River Bann.

The site is bounded to the north by a post and wire fence at the car park, by a post and wire fence along the public path to the east, to the south by the forest while the western boundary is undefined and extends into the remainder of the larger field.

There are restricted transient views of the site on approach from Glenone for approximately 60m. However, from this approach, the site is set back 280m from the Ballymacombs Road and a further 40m

to the pods, with any views set against the river corridor and its mature tree lined banks as well as Portglenone Forest/Glenone Wood to the south. There is a public interest from the lane leading to Fishermans Walk, however any view of the pods from this lane would also be set against the same backdrop.

#### Description of the proposal

The proposal is for the erection of 10 glamping pods in two blocks of five pods each, all of which front onto the River Bann. The pods are aligned along the eastern end of a larger field bordering the banks of the River Bann and immediately adjacent to a larger forest area and involves the clever use of timber cladding and intensive sedum roofs to help blend in with the sites woodland surroundings. The buildings are modest in scale and with mono pitched roofs undulating between heights of 2.7m to 4.0m.

Eight of the pods have an identical layout containing a single two person bedroom/kitchen and a shower room, with the remaining two pods being larger and containing accommodation for four persons in two bedrooms with kitchen and shower room facilities.

The external finishes are:

Walls - charred cladding, black render - grey

Windows - aluminium - colour varies

Roof - Intensive sedum roof

Doors - Natural hardwood colour varies

The site is laid out in such a manner that one gravel access laneway from the existing lane serves all 10 units, with communal open space and dedicated car parking spaces to the rear/west. A small area of more private open space is provided to the front/east of each pod which have meadow landscaping. These areas are bounded by new hedgerows which extend along the existing riverside path and also around the site perimeter. This landscaping will also help the development to achieve a satisfactory degree of integration into the surrounding landscape.

#### Planning Assessment of Policy and Other Material Considerations

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

SPPS

Magherafelt Area Plan 2015

PPS 16 - Tourism

PPS 21 - Sustainable development in the Countryside

The SPPS recognises the vital contribution that tourism makes to the NI economy. Its regional strategic objectives are to facilitate sustainable tourism development in an environmentally sensitive manner; contribute to the growth of the regional economy by facilitating tourism growth; safeguard tourist assets from inappropriate development; utilise and develop tourism potential of settlements by facilitating tourism development of an appropriate nature and scale; sustain a vibrant rural community by supporting tourism development of an appropriate scale, nature and ensure a high standard of quality and design for all tourist development.

The Magherafelt Area Plan 2015 advises that the potential for growth in tourism in the district rests on the beauty of the landscapes and variety of interests and heritage features to be enjoyed. This includes

the Lower Bann which is recognized for the quality of its natural landscape. The promotion and marketing of tourism in the District is primarily the responsibility of Mid Ulster District Council. MUDC were therefore consulted on the proposal and the Head of Tourism within MUDC advised that they have no objections to the application and would welcome such accommodation on the Lower Bann Corridor. Policy CON 2 relates to Local Landscape Policy Areas and advises that within such areas planning approval will not be granted for development that would adversely effect the intrinsic environmental value and character. Where riverbanks are included within a LLPA it will normally be required that access is provided to the river corridor, as part of the development proposal. A landscape buffer may also be required between any development and the river corridor to maintain its intrinsic environmental value.

The Councils Tourism Strategy states that Mid Ulster has the potential to expand its tourism offer significantly by focusing upon one new tourism strand, currently under development - linked to Seamus Heaney - and two strands that are significant and prominent, but so far undeveloped, relating to Outdoor Activities and to Archaeological sites, the History and Heritage of the island of Ireland, Northern Ireland and the area itself. These strands, or themes, will serve as the strategic core propositions for Mid Ulster, to attract visitors, encourage them to stay longer in the area and ensure that tourism contributes to the local economy.

PPS21 Policy CTY1 permits non-residential development in countryside, such as this proposal, for tourism development as long as such development is in accordance with PPS16. The aim of this Planning Policy Statement (PPS) is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment.

PPS 16 Policy TSM 5 Self Catering Accommodation in the Countryside states that;

Planning approval will be granted for self catering units of tourist accommodation in any of the following circumstances:

(b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right;

In either circumstance (a) or (b) above, self catering development is required to be subsidiary in scale and ancillary to the primary tourism use of the site.

The proposal is for 10 self catering units for tourist accommodation and are seen as complementing the existing fishing stand facilities adjacent to the site. The fishing stands are operated by MUDC and have been used to facilitate both national and international fishing competitions in addition to being available to members of the general public for casual fishing and in that sense are regarded as a significant visitor attraction.

All permissions for self-catering accommodation will include a condition requiring the units to be used for holiday letting accommodation only and not for permanent residential accommodation.

This will be a condition of any planning approval granted for the proposed development.

The overall design of the self catering scheme, including layout, the provision of amenity open space and the size and detailed design of individual units, must deter permanent residential use. To this end, permitted development rights in respect of plot boundaries will also be removed.

The layout is designed in such a manner that it will not be used for permanent residences. Permitted development rights can be removed by way of condition to prevent such and this will be enforced by MUDC.

TSM 7 - Criteria for Tourism Development is a policy which must be given consideration for this proposal also.

A proposal for a tourism use, in addition to the other policy provisions of this Statement, will be subject to the following design criteria:

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

This has been satisfactorily addressed in the submitted site layout;

(b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;

The Pods are of high quality design and utilise the existing access leading to the river, the associated paths and forested areas.

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

This site is set back of the public road in excess of 280m and the pods a further 40m and although there will be some transient views from the Ballymacombs Road, these will be set against the backdrop of the existing river corridor and the forest. New hedgerows and trees are proposed to form a parkland landscape around the accommodation. No areas of outside storage are proposed.

(d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;

The access laneways are proposed to be gravel which will aid in surface water run-off.

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

Although this is a remote location, the riverside paths area open to the public at all times and therefore the site will have some degree of public supervision in that sense. However, it is in the operators interests to secure the site at all times.

(f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context. In addition to the above design criteria, a proposal will also be subject to the following general criteria (g - o). General Criteria

Not applicable to this proposed development.

(g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;

The proposal will satisfy this requirement and will in no way detract from the site or wider rural location.

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

There are no nearby residents within 230m of the proposed site and therefore in my opinion, the proposed development will not have any effect on nearby residents.

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

There are no features of built heritage on the site. The effects on natural heritage/ecology were considered within the Preliminary Ecological Assessment which was accepted by NIEA.

(j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;

The site is hydrologically connected to Bann Estuary SAC which is located approximately 40km downstream. The supporting information was examined by Shared Environmental Services on behalf of MUDC. The location is such that there is a >10m buffer between the development site and the river. Based on the location of the proposal and the distance to the Bann Estuary SAC it is concluded that during construction works there can be no conceivable effects to the SAC features given the nature and location of the SAC. Foul sewage is to a septic tank with the soakaway distant from the river. This will be subject to consent to discharge from NIEA WMU. There will be no operational impacts that could impact on Bann Estuary SAC.

(k) access arrangements must be in accordance with the Department’s published guidance;  
DfI Roads have no objections

(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;  
DfI Roads have no objections

(m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;  
DfI Roads have no objections.

(n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.  
The site does not access onto a protected route.

(o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided  
The proposal utilises and promotes access to the adjoining amenity in my view.

**PPS 3 - Access, Movement and Parking**

The access arrangements were considered by DfI Roads who advised it is acceptable subject to suggested conditions.

In considering the above, it is my opinion that the proposed development satisfies all the relevant policy considerations and should be approved subject to the following conditions:-

Neighbour Notification Checked	Yes
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**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 glamping accommodation hereby permitted shall be used only for holiday accommodation and shall not be used as a place of permanent residence.

Reason: The site is located within a rural area where it is the policy of Mid Ulster District Council to restrict development and this approval is hereby granted solely because of its proposed holiday use.

3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no building, structure, hard surface or enclosure (including swimming pools and gardens) incidental to the enjoyment of the dwelling hereby permitted, or access onto an unclassified road, shall be erected, provided, maintained or improved outside the area as indicated, in red, on the stamped approved location map drawing no. 01/3, received 16th June 2021.

Reason: To preserve the amenity of the countryside.

4. The vehicular access including visibility splays 4.5 x 100 metres and a 100 metre forward sight distance, shall be provided in accordance with Drawing No 01/2 bearing the date stamp 16th June 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no 01/3 bearing date stamp 16th June 2021 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

6. When a contractor has been appointed, a detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, should be submitted to Mid Ulster District Council in consultation with NIEA: Water Management Unit for their written agreement prior to works commencing on site.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection

Signature(s)

Date:



ANNEX	
Date Valid	5th November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) Simon Ball 22, Ballymacombs Road, Portglenone, Londonderry, Northern Ireland, BT44 8NQ Michael Kinoulty	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Planning History  Ref ID: LA09/2020/1378/F Proposal: Proposed 2 blocks of 5No glamping accommodation to provide tourist facilities at Fishermans Walk. Address: Site 380m East of 23a Ballymacombs Road, Bellaghy., Decision: Decision Date:  Ref ID: LA09/2017/0348/F Proposal: Proposed housing development consisting of 25 No. Dwellings (18 semi-detached and 7 detached) with associated access ,roads and landscaping) (Amended plans) Address: 70m South West of 21 Ballymacombs Road, Portglenone, Decision: PG Decision Date: 19.02.2019  Ref ID: LA09/2018/1522/F Proposal: Farm diversification scheme to include replacement of existing agricultural building with new tourist facility, that will comprise of public toilets(to serve Fisherman walk) tourist information facilities, farm shop and cafe Address: Site at Fisherman's Walk Lane-way, Approx 225m South East of 21 Ballymacombs Road, Portglenone, Ballymena, Decision: PG Decision Date: 24.07.2019  Ref ID: LA09/2020/0414/LDP	

Proposal: Provision of 77 angling stands to replace existing stands, associated resurfacing of access paths  
Address: 260m East of 22 Ballymacombs Road Portglenone,  
Decision: PG  
Decision Date:

Ref ID: H/2002/0703/O  
Proposal: Housing Development  
Address: 110m South of Ashlea Park, Ballymacombs Road, Portglenone  
Decision:  
Decision Date: 05.11.2003

Ref ID: H/2008/0639/O  
Proposal: Housing Development.  
Address: 110m South of Ashlea Park, Ballymacombs Road, Portglenone.  
Decision:  
Decision Date: 13.03.2009

Ref ID: H/2012/0081/O  
Proposal: Housing Development (Previous Outline Approval H/2008/0639/O)  
Address: 110m South of Ashlea Park, Ballymacombs Road, Portglenone,  
Decision: PG  
Decision Date: 20.05.2013

Ref ID: H/1976/0301  
Proposal: SITE OF HOUSING DEVELOPMENT  
Address: BELLAGHY ROAD, PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/1979/0519  
Proposal: SITE OF HOUSING DEVELOPMENT  
Address: GLENONE, PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/1992/0262  
Proposal: INTERNATIONAL COARSE ANGLING FACILITIES WITH ASSOC. CAR PARKING AND ACCESS ROADS  
Address: PORTGLENONE FOREST AND RIVER BANN BALLYMACOMBS ROAD  
PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/2002/1170/F  
Proposal: 11KV Supply.  
Address: Ballymacombs Road, Portglenone.  
Decision:  
Decision Date: 20.03.2003

Ref ID: H/1992/0578

<p>Proposal: FISHING FACILITIES WITH ASSOCIATED CAR PARKING Address: PORTGLENONE FOREST AND RIVER BANN BALLYMACOMBS RD PORTGLENONE Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>All consultees responded positively.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01/3 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 02 Type: Proposed Plans Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>

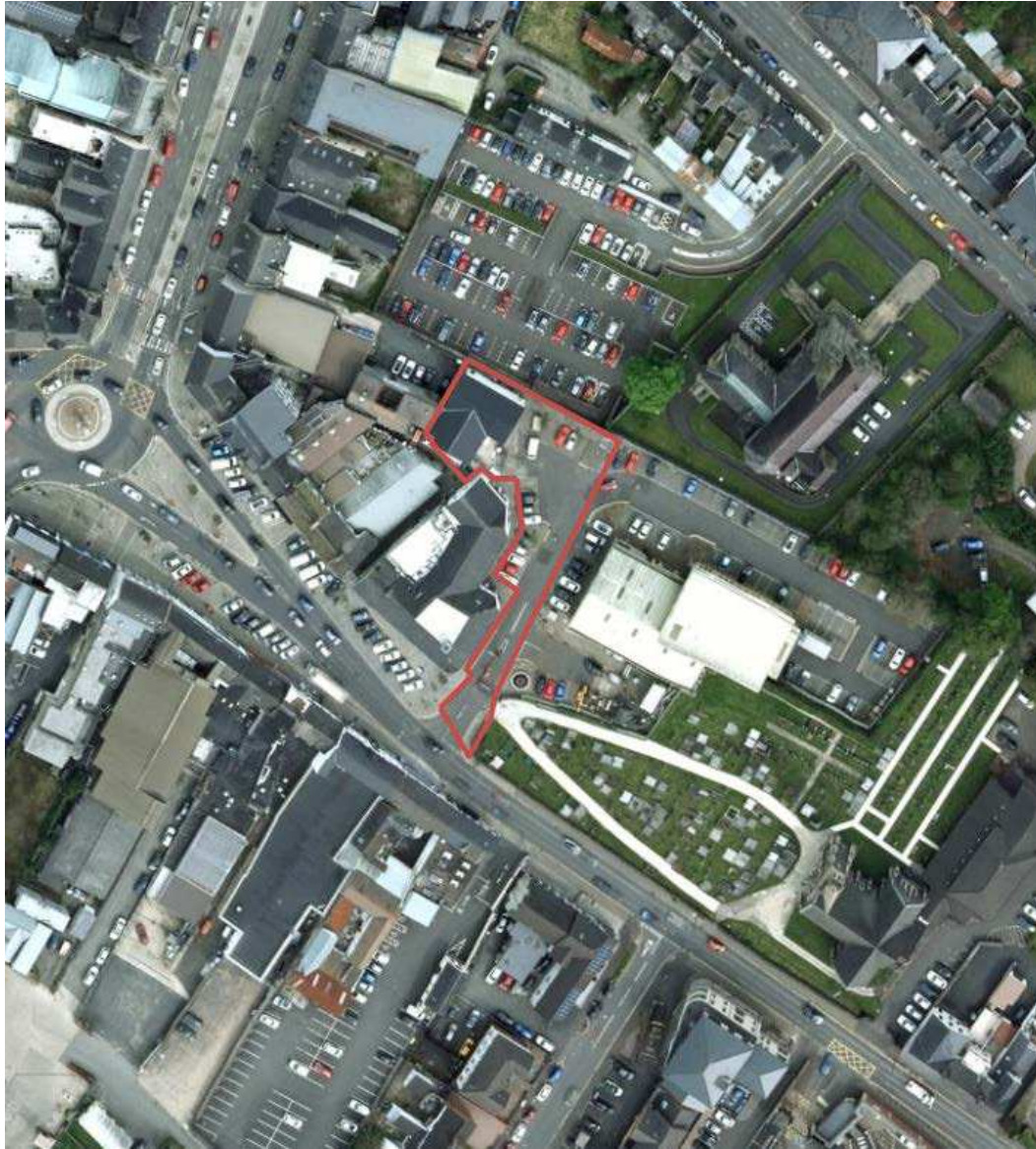


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1637/F	<b>Target Date:</b>
<b>Proposal:</b> Change of use of first floor of unit 12 from storage to two apartments. Addition of a first floor over unit 11 for use as two apartments, together with additional floorspace for access stairs and storage. Four apartments total.	<b>Location:</b> Units 11 & 12, The Diamond Centre, Market Street, Magherafelt. Town parks of Magherafelt.
<b>Referral Route:</b> Recommended refusal	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> SH Watterson (Machinery) LTD The Diamond Centre Market Square Magherafelt	<b>Agent Name and Address:</b> Ward Design 10 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b> Proposal considered against prevailing planning policy. It is considered in the absence of outstanding additional information, the proposal fails to comply with PPS 7 QD1 (H) and DES2 of PSRNI. No letters of representation received.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



**Consultations:**

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

**Representations:**

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

**Characteristics of the Site and Area**

The site is located within the settlement limits of Magherafelt and is within the Town Centre Boundary as defined in the Magherafelt Area Plan 2015. The proposal site comprises two buildings which form part of the Diamond Centre and a portion of the associated parking area. The four units subject to this application appear to be currently used for storage. There are varying land uses surrounding the application site including commercial/retail, Magherafelt Medical Centre, Corry Dental Care and Magherafelt Reformed Baptist Church. The First Magherafelt Presbyterian Church grounds are located a short distance to the east and the Church of the Assumption is located in close proximity to the NE. Both Churches are Grade B Listed Buildings. The surrounding area is urban in character and predominantly commercial made up of retail units and restaurants/pubs/cafes.

### **Description of Proposal**

This application seeks full planning permission for 4no. Apartments with the change of use of Unit 12 from storage to 2no. Apartments and the addition of a first floor over unit 11 for the provision of 2no. Apartments with ancillary works located at Units 11&12, The Diamond Centre, Magherafelt.

### **Planning Assessment of Policy and Other Material Considerations**

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- PPS 3 - Access, Movement and Parking
- PPS 7 - Quality Residential Environments
- Planning Policy Statement 12 - Housing in Settlements
- DCAN 8 - Housing in Existing Urban Areas
- A Planning Strategy for Rural Northern Ireland (PSRNI)

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

### **Representations**

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

### **History on Site**

LA09/2019/1312/F - Change of use of unit 12 to 4 apartments and creation of single apartment above unit 11 with associated elevation and signage changes - Units 11 and 12 The Diamond Centre, Market Street, Magherafelt – Application withdrawn 11/10/19

LA09/2018/1071/F - Vacant offices converted to residential - The Diamond Centre, Magherafelt – Permission Granted 07/03/19

LA09/2015/0665/F - Change of use of existing retail store to provide additional surgery to existing dental practice - Unit 18 The Diamond Centre, Magherafelt – Permission Granted 09/12/15

### **Key Policy Considerations/Assessment**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Paragraph 6.137 of the SPPS states ‘the use of greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings. More housing should also be promoted in city and town centres and mixed use development encouraged.’

Magherafelt Area Plan 2015 is the statutory local development plan for the application site. The application site is located within the settlement limits of Magherafelt and within the designated town centre however on white land with no specific land zoning. Plan Policy SETT2 of the extant Area Plan states favourable consideration will only be given to development proposals within settlement development limits provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials; and where applicable is in accordance with any key site requirements. The sensitivity of the proposal to the settlement will be considered in more detail below when considering the prevailing policy criteria. The proposal site is located outside the Primary Retail Core and there are no key site requirements specified within the Plan for the application site.

This proposal seeks full planning permission for the change of use of Unit 12 from storage to 2no. Apartments and the addition of a first floor to Unit 11 to provide to 2no. Apartments. NI Water were consulted to ensure there is available capacity for receiving waste water treatment works. NI Water have advised there is available capacity for waste water treatment facilities however have advised the receiving foul sewerage network has reached capacity therefore have recommended connections to the system are curtailed. It is considered should Members consider planning permission be granted for this development, it will be necessary to consider NI Water response and condition that no development should take place on site until the developer demonstrates an acceptable method of sewage disposal agreed with NI Water and provided in writing to Mid Ulster District Council, as well as other conditions NI Water have suggested.

Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered against all criteria outlined under Policy QD1.

- a) The site is located in an area dominated by commercial/retail uses, however planning approval LA09/2018/1071/F previously granted the change of use of vacant offices to residential within the Diamond Centre to east and it is noted there are residential properties in proximity to the site to the southeast on Kirk Avenue. The site is also outside the designated Primary Retail Core. Regional policy encourages housing in urban areas. Overall, I am content that a residential use is acceptable in this area and the development will respect the surrounding area.
- b) The site is located in proximity to Our Lady of the Assumption R.C. Church, King St, Magherafelt, (Grade B) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. HED have considered the impact of the proposal on the building and on the basis of the information provided, advises that it is content with the proposal with conditions. Thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.
- c) Due to its town centre location and the restrictions of the site, this proposal has limited areas for communal open space and provision of amenity space is minimal. Creating Places minimum requirement states there should be 10m<sup>2</sup> per flat. It is noted from Drawing 05 Rev 1 that there is a small provision of communal space to the northeast portion of the site approx. 34m<sup>2</sup>. Following internal discussions, the provision of communal space detailed on the site layout plan is considered acceptable in this instance given the town centre location. Planting does not form any part of this proposal, however given its location it would be onerous to expect the applicant to do so.
- d) The proposal site is situated within the settlement limits of Magherafelt thus it is considered there is easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.
- e) Due to its Town Centre location the apartments will benefit from an existing movement pattern which supports walking, cycling and will meet the needs of those who are disabled. Pedestrians can access the building safely from the existing public footpath network. The site is flat and will allow access for wheelchair user. A footpath runs along site frontage which connects into a wider public footpath network and town bus stop services. There is adequate provision for a range of movement patterns and I do not consider it necessary for any further provision.
- f) DFI Roads were consulted and have offered no objections advising the proposed development fronts directly onto the Diamond Centre Car Park and access from



the Diamond Centre to the public road is satisfactory. In light of this, it is considered the proposal also complies with PPS3.

- g) The proposed design is considered to be sympathetic to the existing built form and surrounding area. The proposal extends Unit 11 from 3.6m to 6.6m ridge height to match Unit 12. The proposed external changes include the addition of first floor windows and the removal of the green cladding and facing brick and addition of white render to the front elevation. The proposed form and external finishes are in keeping with the surrounding character.
- h) The proposal is for a change of use of Unit 12 and addition of a first floor to Unit 11 to create 4no first floor apartments. The proposal will create 9no. Additional windows to the front elevation, 3no. Windows to the rear elevation, 2no. Additional windows to the northern elevation and 5no. Windows to the southern elevation. The front and south elevation face onto a public car park and the north and rear elevation faces onto private parking and the back of commercial properties. It is not considered that the proposal would give rise to unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light or overshadowing to warrant refusal. Environmental Health Department (EHD) were consulted and responded raising concerns with the proximity of the proposal to a busy bar/nightclub and restaurant premises situated on Market Street. EHD advise that bar and restaurants can be associated with high levels of noise from entertainment, kitchen and patron activities, and plant and machinery e.g. refrigeration and ventilation. EHD state future occupants of the proposed apartments would only be separated by a few metres from extraction fans, air conditioning units, outdoor smoking terrace etc. and therefore the proposed development would be undesirable and occupants would be subject to noise disturbance which would impair their quality of life. Therefore EHD requested an acoustic consultant to assess potential noise impact and suitable mitigation and as well as this, an odour impact assessment given the siting of ventilation flues and associated discharge of cooking odours could cause nuisance. The agent's attention was drawn to EHD response and he was asked to address their comments on 20/04/21 with follow up requests on 29/06/21 and 13/08/21. On 21/09/21 the agent provided a supporting statement which argued the concerns are beyond the scope of the Planning Department and are within Building Control's remit. The agent questioned if the concerns offend planning policy and argues that the reference to DCAN4 and DCAN7 within EHD response do not apply and this misreading of guidance places an unfair burden on the applicant. The agent states that given the pub already existing, the onus on odour pollution is entirely on the creator of odours and the construction of apartments does not negatively affect the pub and a city centre location can expect to have noise. EHD were asked to provide comment on this supporting statement and advised this did not address the concerns in relation to existing noise and odour sources. EHD advised that without additional supporting information, they would continue to have concerns regarding the suitability of the proposed land use and therefore will be unable to support this application. This was considered at Internal Group and it was agreed that the agent has been given the opportunity to provide the information required and in the absence of this information, the Planning Department agree with EHD. Paragraph 6.90 of the SPPS states "incompatibility could arise when new residential development is approved in proximity to an

existing economic development use that would be likely to cause nuisance, for example through noise, pollution or traffic disturbance". It is considered that insufficient information has been provided to demonstrate that there would not be an unacceptable adverse effect on proposed properties in terms of noise and odour nuisance which is contrary to this policy criterion.

- i) I have no significant concerns in terms of crime or health and safety with respect to the proposed design. The development is in an area where there is existing street lighting and CCTV.

Policy DES 2 Townscape of PSRNI requires development proposals in towns to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The proposal is for a change of use with addition of first floor to Unit 11. The existing design remains broadly similar and the scale and proposed external finishes of white render are in keeping with the materials of surrounding built form and in my opinion will make a positive contribution to townscape and the character of the area. Policy DES2 states new development should provide reasonable standards of amenity both in the environment which the development creates and in terms of the effect it has on neighbouring properties. Where there is an inherent incompatibility with neighbouring developments, or where remedial action cannot be made effective, applications will normally be refused. As stated above, the Environmental Health Department have raised concerns that existing noise and odour from the neighbouring bar/restaurant could impact the residential amenity of future occupants to the proposed development. The agent has failed to provide acceptable assurances or suitable mitigation with respect to residential amenity and in failing to address this issue the proposal is contrary to this policy.

Development Control Advice Note 8 (DCAN 8) establishes that new development in existing residential areas should appreciate the context and be designed to reinforce local characteristics, while preserving the residential amenity of the area and respecting the privacy of existing residents. It is considered the proposed development of 4 units in this location will not detract from the surrounding established character. It is considered the proposal will not cause a visual or functional disruption to the local character nor result in overlooking or result in a loss of privacy for existing residents.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

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

**Reasons for Refusal:**

1. The proposal is contrary to the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 Quality Residential Environments (Criteria h) and Policy DES2 of A Planning Strategy for Rural Northern Ireland in that insufficient information has been provided to demonstrate that the proposal would not create conflict with adjacent land uses and have a detrimental impact on residential amenity in terms of noise and odour.

<b>Signature(s)</b>
<b>Date:</b>



Development Management Officer Report  
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0283/F	Target Date:
Proposal: Retrospective change of use from domestic garage/store to offices & storage associated with electrical business (Amended plans received)	Location: Rear of 81 Glen Road Maghera.
Referral Route:  This application is being presented to Committee as it has attracted one letter of objection.	
Recommendation:	APPROVE
Applicant Name and Address: H.M Electrics Ltd 95 Glen Road Maghera BT46 5JG	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Strategic Applications	Substantive Response Received

Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	Consulted in Error
Statutory	DFI Roads - Enniskillen Office	
Non Statutory	Environmental Health Mid Ulster Council	
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<p>Summary of Issues including representations</p> <p>One representations has been received in respect of this proposed development and relates to the following issue:-</p> <p>Provision of screening along the side of the external staircase and the provision of obscure glazing in the first floor gable window to prevent overlooking of private amenity space.</p> <p>The applicant provided the requested amendments indicating a 2.0m high screen fence along the outer side of the staircase with obscure glazing in the first floor gable window. The objector was notified of these amendments on 7th December 2021, but to date has not made any further comment.</p>		
<p>Characteristics of the Site and Area</p> <p>The site is located on the Glen Road within the settlement of Maghera and within an area of Townscape Character identified in the Magherafelt Area Plan 2015 as MA 14. The site is located between to the rear of the applicants son's dwelling, with a smaller single storey detached dwelling at No. 81A to the west. No.81A has its private amenity space to the rear and to the immediate west of the application site. The common boundary is defined by a 2.0m high laurel hedge, with a 2.7m-2.9m high rendered wall to the rear of the garage and the wall also extends along the eastern boundary with gated access into the adjoining site.</p>		
<p>Description of Proposal</p> <p>This application is for Retrospective change of use from domestic garage/store to offices &amp; storage associated with electrical business.</p>		

The garage is a garage with set within a large plot to the rear of a large two storey detached dwelling on the Glen Road. The garage, which has an 'L' shaped footprint has a gable front with a large roller shutter door with three garage doors to the remainder of the frontage. The ground floor is currently used for the storage of materials and vehicles in connection with the applicant's electrical contracting business while the first floor is used for office accommodation in connection with the same business. There is a small lean-to structure under construction attached to the south eastern side of the garage. This lean-to is subject of a separate application LA09/2021/0271/F which is being run in conjunction with this application.

There is a large vacant site to the eastern side of the site which was the site of the former Parochial House, now demolished. The applicant now owns that site. The site also backs onto a single dwelling at No.1 Glenree and the adjacent agricultural field to the rear, the access to which runs between the two properties. That agricultural laneway is defined by mature hedgerows on both sides and partially screens the site from the private dwelling.

## Planning Assessment of Policy and Other Material Considerations

### Planning History

Reference	Location	Proposal/Complaint	Status	Date
LA09/2019/0457/TPD	81 Glen Road, Maghera, BT46 5AP,	Consent to carry out works to Protected Trees	DC GROUP CONSIDERATION	
LA09/2021/0283/F	Rear of 81 Glen Road, Maghera.,	Retrospective change of use from domestic garage/sto	VALID APPLICATION RECEIVED	
LA09/2021/0271/F	Rear of 81 Glen Road, Maghera,	Retention of lean to structure for storage of electrical pr	VALID APPLICATION RECEIVED	
H/2005/1018/O	Approx 25m SE of 83 Glen Road, Magl	Site of dwelling	APPLICATION WITHDRAWN	10.09.2007
H/2009/0080/F	81 Glen Road, Maghera	Proposed detached two storey garage (triple garage, bc	PERMISSION GRANTED	27.08.2009
H/2011/0124/F	81 Glen Road, Maghera,	Proposed Replacement Dwelling and Garage, along wi	PERMISSION GRANTED	15.12.2011
H/2005/1015/O	Land Situated between 81 & 83 Glen F	Site of Dwelling	APPLICATION WITHDRAWN	10.09.2007
H/2005/1017/O	Adjacent to 79 Glen Road, Maghera	Site of Dwelling	APPLICATION WITHDRAWN	10.09.2007
H/2013/0106/O	79 Glen Road, Maghera,	Site for 2 no blocks of semi detached dwellings	PERMISSION GRANTED	23.08.2013
H/1983/0067	KILREA ROAD, UPPERLANDS	HOUSE AND GARAGE	PERMISSION GRANTED	
H/2005/1016/O	Approx 20m NE of 81 Glen Road, Mag	Site of Dwelling	APPLICATION WITHDRAWN	10.09.2007
H/2007/0301/O	79 Glen Road, Maghera	Proposed demolition of existing dwelling and replace wil	PERMISSION GRANTED	18.08.2009
H/1996/0553	79 GLEN ROAD MAGHERA	SITE OF 4 DWELLINGS	PERMISSION REFUSED	
H/2001/0573/F	Housing Development, Glen Road, Ma	Change of house types	PERMISSION GRANTED	25.01.2002
H/2003/0825/O	Land around 66 Tirkane Road and Opj	Site of residential development land.	APPEAL DISMISSED	
H/1989/0047	34 DRUMSAMNEY ROAD DESERTM	ALTS AND ADDS TO BUNGALOW	PERMISSION GRANTED	
LA09/2020/0109/CA	81 Glen Road, Maghera, Londonderry, B	Alleged unauthorised hardcored storage yard, unauthor	NEGOTIATE TO RESOLVE	
H/2009/0060CA	81 Glen Road, Craigadick, Maghera, N	TPD Trees	ENFORCEMENT CASE CLOSED	29.06.2011
LA09/2016/0191/CA	81 Glen Road Maghera	Unauthorised works to a TPO	ENFORCEMENT CASE CLOSED	31.10.2018
2004/A292	Land around 66 Tirkane Road and Opj		APPEAL DISMISSED	22.02.2005
TPD/2009/0093	Lands at Glen Road, Maghera	Development Pressure and High quality visual amenity v	TPD CONFIRMED	05.11.2009

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

SPPS

Magherafelt Area Plan 2015

PPS 4

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

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.

Within larger settlements such as cities and towns, planning decisions must, to a large extent, be informed by the provisions made for economic development through the LDP process. In these larger settlements appropriate proposals for Class B1 business uses (such as offices and call centres) should be permitted if located within city or town centres, and in other locations that may be specified for such use in a LDP, such as a district or local centre. Elsewhere, such proposals should be determined on their individual merits, taking account of the potential impacts and the likely economic benefits, both local and regional.

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 site lies within an Area of townscape character as identified in the Magherafelt Area Plan 2015, although as this application is for a change of use, the ATC does not preclude such a use as no new buildings are proposed which would be out of keeping with the existing character of the area.

The proposal is for the change of use from a domestic garage to an electricians store including vehicle storage on the ground floor with the first floor/attic accommodation being used as office accommodation. This would appear to be in association with the applicants electrical business. These uses would fall within use classes B1(a) - Offices and B4 Storage or distribution.

#### PPS4 Planning and Economic Development

##### Policy PED 1 Economic Development in Settlements

A development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan) and in other locations that may be specified for such use in a development plan, such as a district or local centre.



Elsewhere in cities and towns a development proposal for a Class B1 business use will only be permitted where all the following criteria are met:

(a) there is no suitable site within the city or town centre or other location specified for such use in the development plan;

There are no suitable sites available within the town centre which could accommodate the proposed electrical and vehicle storage.

(b) it is a firm rather than a speculative development proposal for business use;

As this is a retrospective business proposal, it is not speculative.

(c) the proposal would make a substantial contribution to the economy of the urban area;

The proposal will support the applicants existing electrical business which operates from the rear of the dwelling and will support and maintain local jobs in that area.

Where a development proposal for Class B1 business use satisfies the above criteria, applicants will be expected to demonstrate that an edge of town centre location is not available before a location elsewhere in the urban area is considered.

The proposed site would be regarded as being an edge of town centre location.

A development proposal for a Class B4 storage or distribution use will be permitted in an area specifically allocated for such purposes in a development plan.

Although the site is not specifically identified within the Area Plan for storage or distribution, it is an existing domestic garage at the rear of a dwelling owned by the applicant with a gated access from the dwelling into the curtilage of the garage and it is used in connection with the applicants own business. The proposed use is small scale and in my opinion, it would be acceptable in that sense.

In addition a Class B4 development will also be permitted in an existing or proposed industrial/employment area where it can be demonstrated: that the proposal is compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally. Elsewhere in cities and towns such proposals will be determined on their individual merits.

The proposal is not within an existing or proposed industrial/employment area and is therefore assessed on its own merits. The proposal is for electrical and vehicle storage and is used in connection with the applicants own electrical business. This is a small scale operation at the rear of the applicant's sons dwelling and operating from what was approved as a domestic detached two storey garage (triple garage, boat storage area and first floor playroom/games room). In my opinion the proposal is acceptable in that it is for the applicant to run his business form an approved domestic garage and although there are employees working at the premises, the proposal is not seeking permission for retail sales to the public from the premises.

Policy PED 9 General Criteria for Economic Development

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

The proposed use is compatible in that it is contained to the rear of the applicant's son's dwelling with an associated vacant site to the east. To the western side there is a single dwelling, the occupants of which originally objected sue to the potential for overlooking

and loss of privacy. However, this has been satisfactorily addressed by the use of a solid screen and obscure glazing.

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

Due to the provision of a solid screen on the external staircase and obscure glazing on the gable first floor window, the proposal will not cause any loss of amenity to the neighbouring dwelling. Environmental Health did not raise any issues of concern regarding loss of residential amenity.

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

There are no features of natural or build heritage on the site.

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

The site is not affected by flooding;

(e) it does not create a noise nuisance;

The proposal will not create a noise nuisance and Environmental Health have not raised any issues in this regard.

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

The proposal will not generate any emissions or effluent.

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

Dfl Roads did not raise any issues of concern in this respect.

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

The access arrangements, parking and manoeuvring areas are acceptable to Dfl Roads.

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

The site is located within 300m of the town centre with good footpath links and thereby supports walking and cycling.

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

The site layout, building design, associated infrastructure and landscaping arrangements are acceptable in this regard.

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

No changes are proposed to the existing boundary treatment of the site. There are no areas of outside storage proposed.

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

The site is well secured by fencing and boundary walls.

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

The site is not within the rural area.

PPS 3 - Access, Movement and Parking;

Dfl Roads advised that they have no objections with the proposal subject to suggested conditions.

Environmental Health

Advised that they have no issues of concern subject to suggested conditions.

Recommendation

It is my opinion that this application is acceptable and should be approved subject to the conditions listed below:-	
Neighbour Notification Checked	Yes
Summary of Recommendation:  Approve subject to the conditions listed below.	
Conditions:	
<p>1. This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.</p> <p>Reason: This is a retrospective application.</p>	
<p>2. The premises shall be used only for the purposes of office accommodation and storage in connection with the applicant's electrical business and for no other purpose in Use Class B1 and B4 of the Schedule to the Planning (Use Classes) Order (NI) 2015.</p> <p>Reason: To prohibit a change to an unacceptable use within this Use Class.</p>	
<p>3. The vehicular access including visibility splays 2.0 x 45 metres and any forward sight distance, shall be provided in accordance with Drawing No 02/1 bearing the date stamp 26th October 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>	
<p>4. No commercial vehicles shall access the property hereby approved prior to 07:00 hours or post 23:00 hours Monday to Saturday or at any time of a Sunday.</p> <p>Reason: In the interests of residential amenity.</p>	
Signature(s)	
Date:	

ANNEX	
Date Valid	25th February 2021
Date First Advertised	9th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Glenree, Maghera, Londonderry, BT46 5JB The Owner/Occupier, 62 Glen Road Maghera Londonderry The Owner/Occupier, 64 Glen Road Maghera Londonderry The Owner/Occupier, 81a Glen Road Maghera Gareth Campbell 81a, Glen Road, Maghera, Londonderry, Northern Ireland, BT46 5AP	
Date of Last Neighbour Notification	7th December 2021
Date of EIA Determination	N/A
ES Requested	No
Planning History  Ref ID: LA09/2019/0457/TPO Proposal: Consent to carry out works to Protected Trees Address: 81 Glen Road, Maghera, BT46 5AP, Decision: Decision Date:  Ref ID: LA09/2021/0283/F Proposal: Retrospective change of use from domestic garage/store to offices & storage associated with electrical business. Address: Rear of 81 Glen Road, Maghera., Decision: Decision Date:  Ref ID: LA09/2021/0271/F Proposal: Retention of lean to structure for storage of electrical products Address: Rear of 81 Glen Road, Maghera, Decision: Decision Date:  Ref ID: H/2005/1018/O	

Proposal: Site of dwelling  
Address: Approx 25m SE of 83 Glen Road, Maghera  
Decision:  
Decision Date: 10.09.2007

Ref ID: H/2009/0080/F  
Proposal: Proposed detached two storey garage (triple garage, boat storage area and first floor playroom/games room). Proposed new boundary walls, altered road access and new entrance pillars and gates  
Address: 81 Glen Road, Maghera  
Decision:  
Decision Date: 27.08.2009

Ref ID: H/2011/0124/F  
Proposal: Proposed Replacement Dwelling and Garage, along with the retention of a second access, gates, and additional pillars behind boundary wall  
Address: 81 Glen Road, Maghera,  
Decision:  
Decision Date: 15.12.2011

Ref ID: H/2005/1015/O  
Proposal: Site of Dwelling  
Address: Land Situated between 81 & 83 Glen Road, Maghera  
Decision:  
Decision Date: 10.09.2007

Ref ID: H/2005/1017/O  
Proposal: Site of Dwelling  
Address: Adjacent to 79 Glen Road, Maghera  
Decision:  
Decision Date: 10.09.2007

Ref ID: H/2013/0106/O  
Proposal: Site for 2 no blocks of semi detached dwellings  
Address: 79 Glen Road, Maghera,  
Decision: PG  
Decision Date: 23.08.2013

Ref ID: H/1983/0067  
Proposal: HOUSE AND GARAGE  
Address: KILREA ROAD, UPPERLANDS  
Decision:  
Decision Date:

Ref ID: H/2005/1016/O  
Proposal: Site of Dwelling  
Address: Approx 20m NE of 81 Glen Road, Maghera  
Decision:  
Decision Date: 10.09.2007

Ref ID: H/2007/0301/O

Proposal: Proposed demolition of existing dwelling and replace with proposed private housing development comprising of 4no houses with new access road at 79 Glen Road.

Address: 79 Glen Road, Maghera

Decision:

Decision Date: 18.08.2009

Ref ID: H/1996/0553

Proposal: SITE OF 4 DWELLINGS

Address: 79 GLEN ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2001/0573/F

Proposal: Change of house types

Address: Housing Development, Glen Road, Maghera

Decision:

Decision Date: 25.01.2002

Ref ID: H/2003/0825/O

Proposal: Site of residential development land.

Address: Land around 66 Tirkane Road and Opposite Craigmore Heights, Maghera

Decision:

Decision Date:

Ref ID: H/1989/0047

Proposal: ALTS AND ADDS TO BUNGALOW

Address: 34 DRUMSAMNEY ROAD DESERTMARTIN MAGHERAFELT

Decision:

Decision Date:

#### Summary of Consultee Responses

All consultees responded positively.

#### Drawing Numbers and Title

Drawing No. 01

Type: Proposed Plans

Status: Submitted

Drawing No. 02/1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03/2

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

### Development Management Officer Report Committee Application

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



Case Officer Report

Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
<b>Representations:</b>		
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	
<b>Description of Proposal</b>		
This is a full planning application for dwelling & garage within a gap to be located on land 30m South of 174A Ardboe Road Cookstown.		
<b>Characteristics of the Site and Area</b>		
<p>This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. 1.2km west and 1.7km south of Ardboe and Moortown Settlement Limits, respectively; and on the shores of Lough Neagh.</p> <p>The site is a flat rectangular shaped plot cut from the roadside frontage and most northwest corner of much larger field immediately adjacent Lough Neagh. The site in effect cuts the roadside frontage of the host field in half, occupying the north side. A mature hedgerow bounds the site to north and a dense mix of mature hedgerow and tree vegetation bounds the site to west along the road. The eastern and southern boundaries of the site are undefined unto the host field.</p> <p>Access to the site is via a dead end road, which extends from the primary Ardboe Road located to its north. This road provides access to a substantial cluster of dwellings and ancillary buildings located to the north, west and south of the site; and a small fishing quay located immediately northeast of the site.</p> <p>The site is located within a line of development running along the east side of the aforementioned cluster and Ardboe Road including nos. 174 Ardboe Road, a brick bungalow; 174a Ardboe Road, a bungalow dwelling with outbuildings to its rear/north side; and a small outbuilding shed. The site sits between no. 174a Ardboe Road located immediately to its north and the small outbuilding shed located further to its south. The small outbuilding shed sits in the field immediately adjacent the current site's host field.</p> <p>Critical views of this site will be limited until passing along the roadside frontage of the field in which it sits due to its location within an existing line of development, which alongside existing vegetation within the wider vicinity will largely screen it from view.</p> <p>The area surrounding the site is characterised by its rural location on the shores of Lough Neagh. The immediate area comprises generally flat lying to undulating agricultural landscape. The area has come under development pressure in recent times,</p>		

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

### **Planning Assessment of Policy and Other Material Considerations**

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Revised Planning Policy Statement 15: Planning and Flood Risk

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

### **Planning History**

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

### **Consultees**

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

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

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

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

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

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

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

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

### **Consideration**

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

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

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

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

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

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

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

I believe when travelling along road serving the aforementioned cluster of development it appears as a visual entity in the local landscape.

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

The site is associated with a small fishing quay located to the northeast of the site.

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

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

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

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

- Development would not adversely impact on residential amenity.

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

### **Representations**

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

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

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

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

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

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

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

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

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

#### **Additional considerations**

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



**Recommendation: Refuse**

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

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

**Neighbour Notification Checked**

Yes

**Summary of Recommendation**

Refuse

**Refusal reasons**

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

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

**Signature(s)**

**Date:**

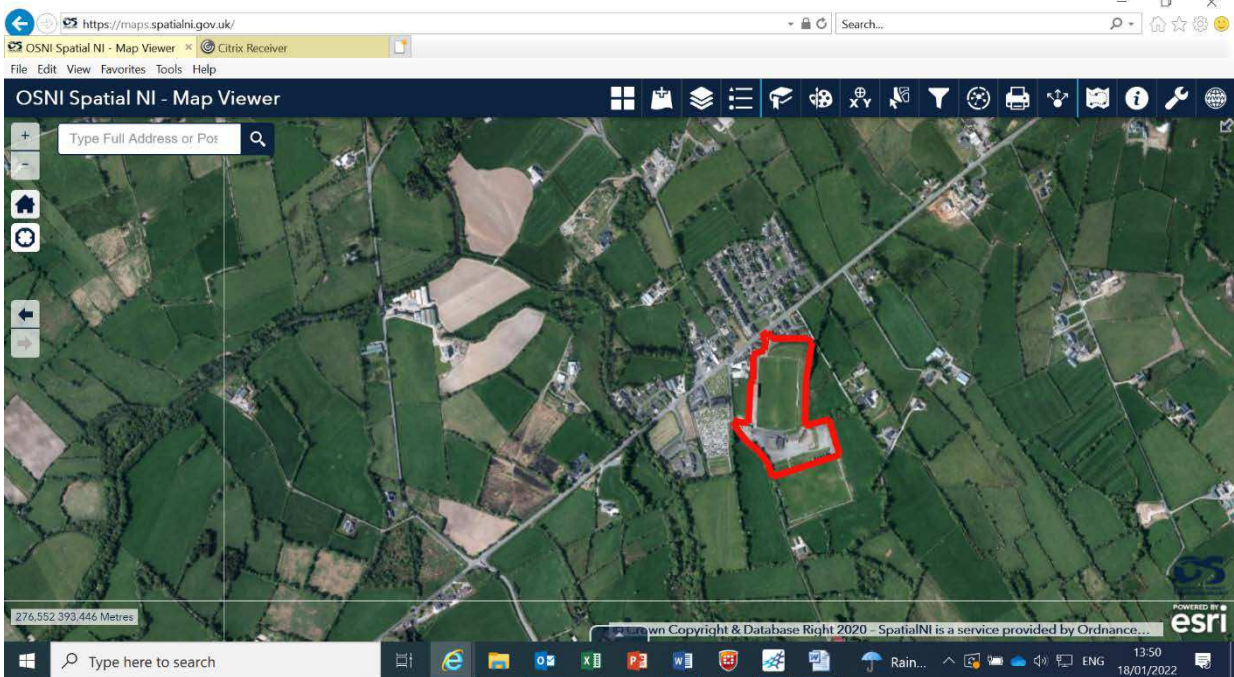


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0622/F	<b>Target Date:</b> 20/10/21
<b>Proposal:</b> Proposed extension and alterations to existing clubhouse to provide multi-purpose sports hall, associated changing facilities, community gym and associated parking and site works	<b>Location:</b> 10 Corrick Road Straw Draperstown
<b>Referral Route:</b>  Major application	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> St Colms GAA Ballinascreen 10 Corrick Road Straw Draperstown	<b>Agent Name and Address:</b> Enda Mc Sorley 8 Tonagh Heights Draperstown BT45 7DD
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

**Case Officer Report**

**Site Location Plan**



**Consultations:**

Consultation Type	Consultee	Response
Statutory	NI Water - Strategic Applications	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice
Statutory	NIE - Ballymena	Content

**Representations:**

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

**Details of the Proposal:**

Proposed extension and alterations to existing clubhouse to provide multi-purpose sports hall, associated changing facilities, community gym and associated parking and site works at 10 Corrick Road Straw Draperstown in compliance with Planning Policy Statement 8 (PPS 8): Open Space, Sport and Outdoor Recreation.

**Characteristics of the Site and Area**

The site is located within the limit of development for Straw as defined within the Magherafelt Area Plan 2015. On site is a GAA sports complex consisting of pitches, clubrooms, spectator accommodation and car parking areas. Boundaries to the site vary including a variety of fences and hedging. Access to the site is provided from both the Corrick and Sixtowns roads. The existing clubrooms is a two storey A line brick structure incorporating function hall, changing rooms and kitchen. Development within the area includes residential and commercial uses to the north, church and graveyard to west with agricultural lands to the east and south.

**Relevant Site Histories:**

No recent relevant history identified.

**Representations:**

No representations received from press notice or neighbourhood notification.

Consultation with Department for Infrastructure - Roads, Department for Infrastructure - Rivers, Northern Ireland Water and Northern Ireland Electricity has raised no concerns subject to conditions and informatives.

**Planning Assessment of Policy and Other Material Considerations**

The site lies within the defined limits of Straw as defined within the Magherafelt Area Plan 2015. The area is identified as existing sports facilities.

The proposed development consists of extension to existing clubhouse to provide multi-purpose sports hall, associated changing facilities, community gym and associated parking and site works. On site at present is a GAA sports facility incorporating playing field, clubhouse and car parking. The proposed car parking is located adjacent to the eastern side of the existing pitch and the clubhouse extension is proposed to the eastern side of the existing clubhouse. The covered multi-purpose hall has a pitched roof with ridge some 10 metres high and associated flat roofed changing facilities some 4 metres in height.

This application is to be considered under Planning Policy Statement 8 (PPS 8): Open Space, Sport and Outdoor Recreation in particular Policies OS 4. As the proposal is for the redevelopment of the existing sports facilities on Corrick Road it will not result in the loss of open space.

Policy OS 4 Intensive Sports Facilities states that the development of intensive sports facilities will only be permitted where these are located within settlements... and continues; in all cases the development of intensive sports facilities will be required to meet all identified criteria. I note that this is an extension to existing established sporting facilities. Based on examination of the site, submitted plans and consultation replies it is my opinion that there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed; there is no adverse impact on features of importance to nature conservation, archaeology or built heritage; that the buildings are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment; the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

Outdoor sports activities could impact negatively on the amenity of nearby residential properties, in terms of noise and lighting. The current sports facility is operational and the application does not propose to alter or extend the outdoor element of the site. I believe that the proposal will not have a negative impact on residential property. The existing clubhouse is located to the southern side of the site and not close to any residential property. In addition the proposal does not include the provision of floodlighting.

**Other Policy and Material Considerations:**

This application being categorised as major has complied with the requirements of the Planning (Development Management) Regulations (Northern Ireland) 2015

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation is retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area, no other issues have been identified.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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**Recommendation:**

I recommend that planning permission is granted subject to conditions.

Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) Order 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
  
Reason: Time Limit.
2. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with Annex D of PPS 15 and Sewers for Adoption Northern Ireland 1st Edition, and containing a detailed drainage network design including a demonstration of how out of sewer flooding will be safely managed shall be submitted to the Planning Authority for its consideration and approval.  
  
Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.
3. Prior to the commencement of any of the proposed development hereby approved a 1:500 site map shall be submitted and approved by Mid Ulster District Council indicating a working strip of minimum width 5m along the undesignated watercourse which flows along the eastern boundary of the site. The strip should be level and be protected from impediments (including tree planting, hedges,

permanent fencing and sheds),land raising or future unapproved development. Clear access and egress to the strip shall be provided at all times.

Reason: To comply with policy FLD2 of Planning Policy Statement 15: Planning and Flood Risk.

#### 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. Department for Infrastructure Roads Informatives:

DfI Roads do not offer an objection subject to Council Planning being satisfied with parking provision.

3. Department for Infrastructure Rivers Informatives:

FLD1 - Development in Fluvial and coastal Flood Plains - The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure ? This site is affected by an undesignated watercourse which flows along the eastern boundary. Under 6.32 of the policy it is essential that a working strip of minimum width 5m is retained. It should be level, marked up on a drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds),land raising or future unapproved development by way of a planning condition. Clear access and egress should be provided at all times.

Prospective purchasers whose property backs onto this watercourse are made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

FLD3 - Development and Surface Water - DfI Rivers has reviewed the Drainage Assessment by Flood risk Consulting, dated September 2021 and comments as follows:-

The DA has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained through an online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event.

The Drainage Assessment states that this is a preliminary design, therefore DfI Rivers requests that the planning authority includes a Condition as part of its planning permission if granted.

FLD4 - Artificial Modification of watercourses ? Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons.

FLD5 - Development in Proximity to Reservoirs ? Not applicable to this site.

Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such

as culverting, bridging, diversion, building adjacent to or discharging storm water etc requires the written consent of DfI Rivers.

This should be obtained from the Western Regional Office at 3a St Julians Road, Lisnamallard, Omagh, Co Tyrone, BT79 7HQ.

4. Northern Ireland Electricity comment:

NIE Networks has no objection to make to the planning application based on the planning application and associated documentation that has been submitted.

The proposed development should take into account the position of any NIE Networks? equipment in the area to ensure safety. The developer should maintain statutory clearance from NIE Networks? equipment during the construction and operational phases of the project and also during future maintenance programmes in accordance with HSE Guidance Note GS6 (Avoidance of Danger from Overhead Electric Lines) and HSE Booklet HS(G)47 (Avoiding Danger from Underground Services). Further information is also available at [www.nienetworks.co.uk/Safety-Environment](http://www.nienetworks.co.uk/Safety-Environment).

Should information be required at this stage regarding the location of NIE Networks? equipment adjacent to the development, please contact NIE Networks with the location details of your proposed development at:

Northern Ireland Electricity Networks Ltd, Distribution Service Centre,  
Request for Markup, Carn Industrial Estate, Craigavon, BT63 5QJ.

[markups@nienetworks.co.uk](mailto:markups@nienetworks.co.uk)

We hope that this information will be of assistance to you. If you require any further clarification or additional information then please do not hesitate to contact us on our Customer Helpline Number: 03457 643 643.

5. Northern Ireland Water comments:

See consultation reply sheet dated 21/5/21.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	13th April 2021
<b>Date First Advertised</b>	4th May 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses)	
<p>The Owner/Occupier, 3 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 4 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 5 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 6 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 68 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 7 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 74 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 76 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 76b Sixtowns Road Draperstown</p> <p>The Owner/Occupier, 8 Shanmullagh Park, Draperstown, Londonderry, BT45 7BF</p> <p>The Owner/Occupier, 9 Shanmullagh Park, Draperstown, Londonderry, BT45 7BF</p>	
<b>Date of Last Neighbour Notification</b>	13th May 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>	
<p>Ref ID: LA09/2021/0622/F</p> <p>Proposal: Proposed extension and alterations to existing clubhouse to provide multi-purpose sports hall, associated changing facilities, community gym and associated parking and site works</p> <p>Address: 10 Corrick Road, Straw, Draperstown,</p> <p>Decision:</p> <p>Decision Date:</p>	

<b>Summary of Consultee Responses</b>  See above
<b>Drawing Numbers and Title</b>
Drawing No. 01 Type: Site Location Plan Status: Approved  Drawing No. 02 Type: Proposed Plans Status: Approved  Drawing No. 03 Type: Proposed Floor Plans Status: Approved  Drawing No. 04 Type: Existing Plans Status: Submitted  Drawing No. 05 Type: Existing Plans Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: N/A Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0719/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed farm dwelling and garage	<b>Location:</b> Approx 25m East of 25 Creagh Hill Road Toomebridge
<b>Referral Route:</b>  To Committee – Refusal - Contrary to CTY 1, 8, 10, 13 and 14 of PPS 21.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Mr Brendan Mulholland 107 Deerpark Road Toomebridge	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Executive Summary: Refusal</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	Rivers Agency	Advice

### Representations:

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

### Summary of Issues

To Committee - Refusal

### Characteristics of the Site and Area

The site is located approximately 1.1km north of the development limits of Creagh, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. I note that the site is identified as Approx. 25m East of 25 Creagh Hill Road Toomebridge, in which the red line covers a small roadside portion of a much larger agricultural field accessed via an existing access. I note that the immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.

**Representations**

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

**Relevant Planning History**

H/2009/0093/O - Site of dwelling on a farm (and garage) - 25m North of 105 Deerpark Road, Toomebridge - Permission Granted 09.04.2009

H/2009/0424/F - Dwelling on a farm with attached garage (1 storey) - 25m North of 105 Deerpark Road, Toomebridge - Permission Granted 15.10.2009

**Description of Proposal**

This is a full application for a farm dwelling and garage, the site is located at Approx. 25m East of 25 Creagh Hill Road Toomebridge.

**Planning Assessment of Policy and Other Material Considerations**

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

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan 2015

PPS 1 - General Principles

PPS 3 - Access, Movement and Parking

PPS 21 - Sustainable Development in the Countryside

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

CTY 1 - Development in the Countryside

CTY 10 - Dwellings on the Farm

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

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

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the business has been allocated in 1992. Went on to confirm that the farm business has made claims in each of the previous six years. From such I am content that the farm business is currently active and established as per required by policy.

With respect to (b), upon review of the farm business and after reasonable checks were completed I note that two approvals were attained under the farm business number - H/2009/0093/O and H/2009/0424/F. However after further checks these two permissions were permitted in 2009 beyond the ten years. Upon a land registry check however it was clear that this site H/2009/0424/F has been transferred in October 2012 as such it is within the last ten years. As there has been a transfer off the farm in the previous ten years as such it fails under this part of the policy.

With respect to (c), I note that the registered farm address of the business sits approximately 315m south of the site, with the farm buildings sitting approximately 230m south of the site. I note that there are four farm sheds identified I am content that these can constitute as an existing group of buildings on the farm. With this in mind I hold the opinion that the proposed site is too far to be able to visually link or cluster with this existing group. I hold the opinion that the applicant owns lands between the site and the existing group which would be able to successfully visually link and cluster with this group and any dwelling should be located within these lands. The policy states that where practicable to use an existing laneway for access, I note that the intention is use an existing laneway onto the public road. From such I hold the opinion that the application has failed this part of the policy.

As such the application does not comply under CTY 10. I note that other case has been put forward at this point. In that there is no replacement or conversion opportunity, nor does the site lie within a cluster associated with a focal point. I would argue that the site in this position would extend a ribbon of development along the Creagh Hill Road, as such the application would also fail under CTY 8. Finally there has been no personal and domestic circumstances provided nor any case for a dwelling for non-agricultural business.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that there are a variety of housetypes in the close vicinity of the site as such given this I am content that the proposed dwelling is unlikely to appear as a prominent feature in the landscape. In addition, given the landform and surrounding

landscaping (existing and proposed) I am content that the dwelling and ancillary works would be able to successfully integrate into the landscape. In terms of design, I note that the design is quite simple and has become quite a common housetype seen in the countryside and from such I am content that this is acceptable within this location. However as mentioned previously I hold the opinion that the proposed dwelling in this location is unable to cluster nor visually link with the existing group of buildings on the farm, from such I hold the opinion that application fails under CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As mentioned previously I am content that a dwelling in this location will not be unduly prominent in landscape. Upon review of the site further I hold the opinion that if permitted the dwelling would further extend a ribbon of development along the Creagh Hill Road as such would damage rural character. From such the application has failed under CTY 14.

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

#### PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, confirmed that they had no objections to the application subject to the relevant conditions and informatives being added, as a result I am content that the access is acceptable under PPS 3.

A consultation was sent to Rivers Agency, who in their response confirmed that the Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 coastal flood plain. However confirmed that an undesignated culverted watercourse affects the site, the exact positioning is unknown and should be verified on site. Under 6.33 of the policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place. DfI Rivers would recommend that the working strip is shown on a site layout drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times. In addition by way of a planning informative, prospective purchasers whose property backs onto this watercourse should be made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

Rivers Agency went on to confirm that the development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development

and any impacts beyond the site. If the proposal is to discharge into a watercourse then an application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973. Finally confirmed that FLD 4 and 5 do not apply.

I have no ecological or residential amenity concerns.

I recommend refusal given the failure under CTY 1 of PPS 21.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal

**Reasons for Refusal:**

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

2.The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along the Creagh Hill Road.

3.The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other dwelling(s)/development opportunities have not been sold off from the farm holding within 10 years of the date of the application. Nor does the proposed new building visually linked or sited to cluster with an established group of buildings on the farm.

4.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.

5.The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	10th May 2021
<b>Date First Advertised</b>	25th May 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 23 Creagh Hill, Toomebridge, Toome, Londonderry, BT41 3SR The Owner/Occupier, 24 Creagh Hill Toomebridge Toome The Owner/Occupier, 25 Creagh Hill Toomebridge Toome The Owner/Occupier, 26 Creagh Hill Toomebridge Toome The Owner/Occupier, 90 Deerpark Road Toomebridge Toome	
<b>Date of Last Neighbour Notification</b>	25th May 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2021/0719/F Proposal: Proposed farm dwelling and garage Address: Approx 25m East of 25 Creagh Hill Road, Toomebridge, Decision: Decision Date:  Ref ID: H/2004/0889/O Proposal: Site of Dwelling and Garage. Address: 80m North of 25 Creagh Hill Road, Toomebridge. Decision: Decision Date: 24.10.2005  Ref ID: H/1983/0235 Proposal: HOUSE AND DETACHED STORE Address: CREAGH HILL, TOOMEBRIDGE Decision: Decision Date:	

<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>
<p>Drawing No. 04 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 05 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 03 Type: Proposed Plans Status: Submitted</p>
<b>Notification to Department (if relevant)</b>
<p>Date of Notification to Department: Response of Department:</p>



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Development Management Officer Report Committee Application

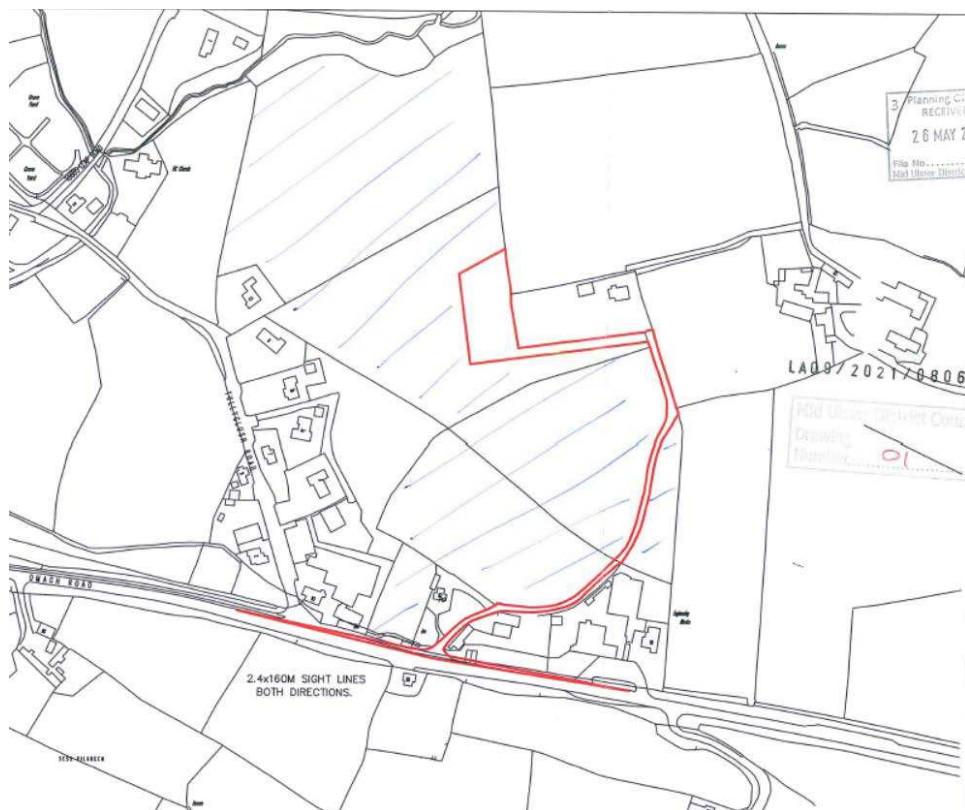
Summary	
<b>Committee Meeting Date:</b> 01/02/2022	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0806/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling for a non-agricultural business enterprise under policy CTY7	<b>Location:</b> Site 100m West of 89 Omagh Road Ballygawley
<b>Referral Route:</b> <ol style="list-style-type: none"><li>1. Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.</li><li>2. Contrary to Policy CTY 7 – Dwellings for Non-Agricultural Business Enterprises in PPS 21 in that a specific need has not been clearly demonstrated why it is essential for one of the firms employees to live at the site of their work.</li><li>3. Contrary to AMP 2 – Access to Public Roads in PPS 3 Access, Movement and Parking in that the development if permitted would lead to an intensification onto a protected route which would prejudice road safety and conflicts with policy AMP 3 - Access to Protected Routes.</li><li>4. Contrary to AMP 3 – Access to Protected Routes in PPS 3 Access, Movement and Parking as the proposal is not considered an exception as it does not meet the criteria for a dwelling serving an established commercial or industrial enterprise.</li></ol>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Stephen Canavan 89 Omagh Road Ballygawley	<b>Agent Name and Address:</b> McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b> The proposal is a dwelling for a non-agricultural business enterprise. The applicant lives at No. 89 Omagh Road and has a food packing business at a shed at No. 89. Environmental Health have confirmed the business is an established business. It is stated in a supporting email the applicant is now retiring and is passing the business onto his son who needs the	

proposed dwelling. It claimed the business operates evenings and nights and someone needs to be at the site to receive, strip carcasses and package the meat. There already is another approval under CTY10 at the field adjacent to No.89 and this is for the other son who is a farmer. There is farm land associated with No. 89. I do not consider there is a need for another dwelling to serve the business and the proposed dwelling will not be located within the boundaries of the shed and dwelling at No. 89. The proposal is accessed via an existing laneway to the dwelling at No 89 which is off a protected route. In PPS 3 the proposal has to meet CTY 7 to be considered an exception to allow an intensification of the access off the protected route. This application does not meet CTY so consequently it does not meet AMP2 and AMP 3 in PPS 3.

**Signature(s):**

### Case Officer Report

#### Site Location Plan



#### Consultations:

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

Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	
<b>Representations:</b>		
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	
<b>Characteristics of the Site and Area</b>		
<p>The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character with predominantly agricultural fields, groupings of farm buildings and single rural dwellings. The site is accessed off the Omagh Road which is a heavily trafficked road between Omagh and Ballygawley and on towards the dual carriageway to Belfast. 60m west of the access lane is Greenhill Kitchens which is a commercial enterprise with a roadside frontage onto Omagh Road. To the east of the access lane are a group of buildings for Gormely Engineering Works.</p> <p>The application site is set back from the main road and has a sweeping lane where the topography rises up steeply from the road to the site. Adjacent and to the east is a single storey dwelling and shed at No. 89 Omagh Road. To the west of No. 89 is a field. The site is a cut out of a larger agricultural field where the land rises up steeply to the back of the site. The only vegetation is along the east boundary where there is established hedging and the other boundaries are undefined.</p>		
<b>Description of Proposal</b>		
<p>This is an outline application for a proposed dwelling for a non-agricultural business enterprise under policy CTY7 at site 100m West of 89 Omagh Road, Ballygawley.</p>		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
<p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p> <p><b>Representations</b> Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.</p> <p><b>Planning History</b></p>		

LA09/2017/0700/O - Proposed dwelling and domestic garage - Site immediately adjacent to and west of 89 Omagh Road Ballygawley – Permission Granted 07.07.2017

LA09/2020/0576/O - Renewal of Previously approved application LA09/2017/0700/O - Lands Adjacent to/west of 89 Omagh Road, Ballygawley – Permission Granted 20.07.2020

### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

### **Dungannon and South Tyrone Area Plan 2010**

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

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

### **Planning Policy Statement 21**

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. The proposal is for a dwelling for a non-agricultural business so CTY 7 is the relevant policy which applies.

### **CTY 7 – Dwellings for Non-Agricultural Business Enterprises**

CTY 7 policy states a dwelling for a non-agricultural business enterprise will be granted where it is clearly demonstrated it is essential for one of the firm employees to live at the site.

The agent stated in an email dated 19<sup>th</sup> October 2021 that the nature of the applicant’s business is that he takes delivery of culled animals such as cattle, sheep and poultry, scarifies all the meat of the carcasses, shrink wraps the meat and either returns it to the

owner or sells it to the public. His main enterprise is providing this specialist service for neighbouring farmers. I consulted Environmental Health and they confirmed Canavan Meats has been a registered food business since 03 December 2003. The applicant Steven Canavan currently resides at No. 89 Omagh Road and the business operates from the shed beside the dwelling as shown in figure 1 below.



Figure 1 – Image of the dwelling and shed where the business operates from

I am content there is an established business at the site and the next section of the assessment will consider the specific need for a new dwelling. The agent states in an email dated 19<sup>th</sup> October 2021 that the applicant Stephen Canavan is now retiring from the business and his son is planning to take over the business on the same basis as his father. In a supporting statement dated 24<sup>th</sup> November 2021 the agent states the applicant want to reside in their own dwelling at No. 89 to enjoy their retirement. There was another approval LA09/2020/0576/O for a farm dwelling at the site immediately west and adjacent. This site is for their son Darren Canavan who runs the farm associated with the dwelling. The current application is for their other son Thomas Canavan who is taking over the family business.

I consider there is not a specific need for another dwelling at the site especially as there is already an approval for another dwelling beside No. 89. The agent has stated in an email dated 19<sup>th</sup> October 2021 that animal carcasses arrive on site at all times of day and evenings depending on those being slaughtered and those dying of natural causes. No invoices have been submitted as evidence to substantiate these claims. I am of the opinion the business could still operate evenings and there is not a specific need for someone to be on call 24 hours a day.

The proposed dwelling is not within the boundaries of the site at No. 89 Omagh Road. There is an approval for a farm dwelling immediately west of the site and the application site is abutting the west boundary of this site. I am of the opinion the proposed dwelling would only integrate if the farm dwelling is built as the proposed dwelling isn't beside the business.

I consider the proposal does not meet the criteria in CTY 7 and is recommended for refusal.

### **CTY 13 - Integration and Design of Buildings in the Countryside**

The land rises up steeply at the application site towards the back of the site. The site is a cut-out of a larger agricultural field so the majority of the boundaries are undefined. I

consider there is the potential for the proposed dwelling to be a prominent feature. A ridge height of 5.5m is recommended due to the elevated land and the surrounding dwelling at No. 89 is a bungalow and the approval for the farm dwelling has a ridge height condition of 5.5m. Additional landscaping is needed around the dwelling to create a greater sense of enclosure at the site. Overall, I am content the proposed dwelling could integrate into the landscape.

### **CTY 14 – Rural Character**

As stated previously there is the potential for the dwelling to be prominent so I consider it is appropriate to have a low ridge height and additional planning. There is already development pressure in the surrounding area from the construction of single dwellings especially along the neighbouring Tullyglush Road. I consider this dwelling will not exacerbate the situation in an already semi-rural area. The proposal will add to a ribbon of development but as the site is set back from the public road I do not see this as a reason for refusal. The proposal will be accessed off an existing laneway. Overall I believe that the proposal will not have an unacceptable impact on rural character.

### **PPS 3 – Access, Movement and Parking**

#### **AMP 2 – Access to Public Roads and AMP 3 – Protected Routes**

AMP 2 states that access will be granted for direct access or intensification of the use of an existing access where the proposal will not prejudice road safety and does not conflict with AMP 3 Access to protected routes.

DFI roads were consulted as the site is accessed off an existing laneway onto the Omagh Road which is a protected route. DFI Roads as a statutory consultee requested a block plan showing an x distance of 2.4m, where they state this is available to the NW but not to the SE as a pillar and shed need set back. Roads state the y distance need to be 160m to the NW which is available but not to the SE where again the pillar and shed need moved back. In a supporting statement dated 24<sup>th</sup> November 2021 the agent states the applicant has control of land on either side to achieve the visibility splays. In their consultation response dated 20<sup>th</sup> August 2021 Roads recommended refusal as they stated the proposal is contrary to AMP 3 as it is the intensification of an existing sub-standard access onto a Protected Route and would prejudice road safety. As the criteria in AMP 2 states that the proposal must not conflict with AMP 3 so the application does not meet AMP 2 in PPS 3.

Policy AMP 3 states that the intensification of an access onto a Protected Route is unacceptable but will be granted in certain exceptions. One of these exceptions is for a dwelling serving an established commercial or industrial enterprise. As previously discussed I consider the proposal does not meet the case for CTY 7. The applicant has stated the visibility splays of 2.4m x 160m are in-situ in both directions and at the time of writing I am awaiting a consultation response from DFI Roads to confirm this.

### **Other Considerations**

#### **Historic Environment**

The proposed dwelling is located in close proximity to 3 scheduled monuments, a rath (TYR052:007) which is sited 306m to the south, a Megalithic Tomb (TYR052:008) which is sited 404m to the south west and a landscape feature (two tree clumps ? TYR052:031) 321m to the east of the proposal. In considering the impact on these scheduled monuments I consulted with HED who responded on 14<sup>th</sup> July 2021 highlighting that they were content



with the proposal. Based on that above I am content that the proposal is satisfactory to the requirements of PPS 6 and Policy BH 2 therein.

There are no ecological issues at the site.

There is surface water flooding at the entrance to the existing lane so I consulted Rivers Agency. The site is 282sqm agricultural field so I am content the proposal does not go over the 1000sqm threshold and require a drainage assessment.

Environmental Health were consulted and confirmed the food packing business at No. 89 is an established business.

**Neighbour Notification Checked**      Yes

**Summary of Recommendation:**

The proposal is recommended for refusal as the proposal does not meet the criteria in CTY 7 in PPS 21 and AMP 2 and AMP 3 in PPS 3.

**Reasons for Refusal:**

1. Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to Policy CTY 7 – Dwellings for Non-Agricultural Business Enterprises in PPS 21 in that a specific need has not been clearly demonstrated why it is essential for one of the firms employees to live at the site of their work.
3. Contrary to AMP 2 – Access to Public Roads in PPS 3 Access, Movement and Parking in that the development if permitted would lead to an intensification onto a protected route which would prejudice road safety and conflicts with policy AMP 3 - Access to Protected Routes.
4. Contrary to AMP 3 – Access to Protected Routes in PPS 3 Access, Movement and Parking as the proposal is not considered an exception as it does not meet the criteria for a dwelling serving an established commercial or industrial enterprise.

**Signature(s)**

**Date:**



Development Management Officer Report  
 Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0845/O	Target Date:
Proposal: Proposed dwelling & Garage.	Location: Lands 50m SE of 13 Magherafelt Road Clooney Tobermore Magherafelt BT45 5PJ.
Referral Route:  This application is being presented to Committee as it is being recommended for Refusal.	
Recommendation:	Refuse
Applicant Name and Address: Mark Drennan 35 Main Street Tobermore BT45 5PP	Agent Name and Address: Slemish Design Studio LLP Raceview Mill 29 Raceview Road Broughshane Ballymena BT42 4JJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

No representations have been received in respect of this application.

#### Characteristics of the Site and Area

The site is a small road frontage field along the Clooney Road and sits between No's. 11 and 13. The site which has a frontage length of 60m, sits approximately 1.5m below road level. A 2m wide grass verge extends along the site frontage with a 1m high thorn hedge to the rear. There is a low conifer hedge along the north western boundary with a 4m high conifer hedge along the southern boundary. A post and wire fence defines the western boundary. The site is relatively flat with an open drain traversing the centre of the site. Due to the existing roadside vegetation, there are only short distance critical views of the site from between no's 11 and 13 Clooney Road.

#### Description of Proposal

The proposal is an outline application for a site for dwelling and garage within a gap site.

#### Planning Assessment of Policy and Other Material Considerations

##### Relevant planning history

Reference	Location	Proposal/Complaint	Status	Date
H/2001/0068/F	Adjacent to 15 Magherafelt Road, Tob	Dwelling	PERMISSION GRANTED	07.06.2001
H/2000/0548/D	Adjacent to 15 Magherafelt Road, Tob	Site of Dwelling	PERMISSION GRANTED	18.12.2000
H/2001/0123/F	11 Magherafelt Road, Gortamney, Tob	Extension To Dwelling	PERMISSION GRANTED	21.08.2001
H/1991/0269	BETWEEN 11&13 MAGHERAFELT R	SITE OF DWELLING	PERMISSION REFUSED	
H/1984/0193	13 MAGHERAFELT ROAD, TOBERM	ALTERATIONS AND ADDITIONS TO BUNGALOW	PERMISSION GRANTED	
H/1986/0049	13 MAGHERAFELT ROAD, TOBERM	ALTERATIONS AND ADDITIONS TO BUNGALOW	PERMISSION GRANTED	
H/2001/0508/Q	Magherafelt Road, Tobermore, Magher	Site Of Dwelling	PRE APPLICATION ENQUIRY - NO	
LA09/2021/0845/D	Lands 50m SE of 13 Magherafelt Road	Proposed dwelling & Garage.	NEIGHBOURS NOTIFIED	
H/1999/0031CA	15 Magherafelt Road, Gortamney, Tob	Non Compliance	ENFORCEMENT CASE CLOSED	

#### 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 ? Draft Plan Strategy has been published for consultation, 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 main policy considerations in the assessment of this application are:-

Magherafelt Area Plan 2015 - the site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015.

PPS 21 - sustainable development in the countryside

The proposal falls to be considered under Policy CTY 8. In order to assess whether or not an infill opportunity exists, it is first necessary to identify if a substantial and continuously built up frontage, containing a gap is present. Secondly, an assessment of the gap is required in order to ascertain whether it is 'small' in the context of the policy. Although it does not purport to provide an exhaustive list of circumstances, CTY 8 states that a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

When travelling in a south-easterly direction, the site is bounded to the north west by No.13 a single storey detached dwelling, which has associated outbuildings but these are set to the rear of the dwelling. Beyond No.13 is the site and then to the south east is No.11 which is surrounded by a mature hedge but is not visible from the Clooney Road. Two other dwellings share the same access as No.11 but these dwellings are set to the rear of No.11 and neither have a frontage to the Clooney Road. Therefore only No's. 11 and 13 have frontages to the public road and it is clear that there are only two buildings in this line, one on each side of the proposed site. Whilst there is undoubtedly a gap, it is not within what constitutes a substantial and continuously built up frontage of at least three buildings. Any dwelling on this site would create a ribbon of development along this road frontage and therefore the proposed site is contrary to Policy CTY 8 in this respect.



The aerial map above shows the curtilage of the site and surrounding buildings. No.13 is to the north west outlined in blue, with No.11 to the south east outlined in green. No's. 11a and 15 are outlined in orange and purple respectively. The map clearly shows that only No's. 11 and 13 have frontages to the Clooney Road.

While the site fails to satisfy the requirements of CTY 8, it also has to be considered under other policies ie. CTY 13 - Integration and CTY 14 - rural character.

**CTY 13 - Integration**

As the proposed site is set between two existing dwellings, a dwelling of a similar scale and design could be erected on this site without having a detrimental impact of visual amenity and which would achieve an acceptable degree of integration. Therefore the proposal does not offend this policy.

**CTY 14 - Rural Character**

The site is not considered to be a gap site and there will only be transient views of the site on approach from either direction due to the dwellings on either side. However, if this gap was to be developed with a dwelling, then the three dwellings would constitute a ribbon of development along this stretch of the Clooney Road. A dwelling on the proposed site would result in a suburban form of development when read with other existing buildings to such an extent as to result in a change of character of the rural area and therefore the proposal is contrary to this policy.

**Consultations**

DfI Roads and NI Water advised that they have no objection to the proposed development, however, DfI Rivers advised that the proposed site is located partially within a predicted flood area as indicated on the Surface Water Flood Map and it is therefore the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

**Recommendation**

On consideration of the above, it is my opinion that planning permission should be refused for the following reasons:-

Neighbour Notification Checked

Yes

**Summary of Recommendation:**

Refuse for the reasons listed 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 Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage along this part of Clooney 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 as it would 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	4th June 2021
Date First Advertised	15th June 2021
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 11 Magherafelt Road Tobermore Londonderry</p> <p>The Owner/Occupier, 11a ,Magherafelt Road,Tobermore,Londonderry,BT45 5PJ</p> <p>The Owner/Occupier, 12 Magherafelt Road Tobermore Londonderry</p> <p>The Owner/Occupier, 13 Magherafelt Road Tobermore Londonderry</p> <p>The Owner/Occupier, 15 Magherafelt Road Tobermore Londonderry</p> <p>The Owner/Occupier, 15a Magherafelt Road Tobermore</p> <p>The Owner/Occupier, 18 Magherafelt Road,Tobermore,Londonderry,BT45 5PJ</p>	
Date of Last Neighbour Notification	9th July 2021
Date of EIA Determination	
ES Requested	Yes /No
<p>Planning History</p> <p>Ref ID: LA09/2021/0845/O Proposal: Proposed dwelling &amp; Garage. Address: Lands 50m SE of 13 Magherafelt Road, Clooney, Tobermore, Magherafelt BT45 5PJ., Decision: Decision Date:</p> <p>Ref ID: H/1991/6121 Proposal: SITES FOR DWELLINGS MAGHERAFELT ROAD TOBERMORE Address: MAGHERAFELT ROAD Decision: Decision Date:</p> <p>Ref ID: H/1991/0269 Proposal: SITE OF DWELLING Address: BETWEEN 11&amp;13 MAGHERAFELT ROAD TOBERMORE</p>	



<p>Decision: Decision Date:</p> <p>Ref ID: H/1986/0049 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 13 MAGHERAFELT ROAD, TOBERMORE Decision: Decision Date:</p> <p>Ref ID: H/1984/0193 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 13 MAGHERAFELT ROAD, TOBERMORE Decision: Decision Date:</p> <p>Ref ID: H/2001/0508/Q Proposal: Site Of Dwelling Address: Magherafelt Road, Tobermore, Magherafelt Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>DfI Roads and NI Water advised that they have no objection to the proposed development.</p> <p>DfI Rivers advised that the proposed site is located partially within a predicted flood area and it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Approved</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0994/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed infill site for a dwellinghouse in accordance with CTY8 of PPS21	<b>Location:</b> Adjacent to 21 Tullyveagh Road Doorless Cookstown
<b>Referral Route:</b> Approval – The applicant/agent works in MUDC.	
<b>Recommendation:</b>	APPROVAL
<b>Applicant Name and Address:</b> Mr Patrick Conlon 16 Gortreagh Road Cookstown BT80 9ET	<b>Agent Name and Address:</b>
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

**Case Officer Report**

**Site Location Plan**



**Consultations:**

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

**Representations:**

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

**Summary of Issues**

No issues. No representations received.

**Characteristics of the Site and Area**

The red line of the site includes a roadside portion of lands at lands adjacent to 21 Tullyveagh Road, Cookstown. The application site includes a paddock/garden area and an existing garage which is currently under construction as approved under LA09/2019/0664/F. The surrounding area is made up with a number of residential properties to the NE, however beyond that the lands are rural in nature.

**Description of Proposal**

Outline planning permission is sought for an infill site for a two storey dwelling.

**Planning Assessment of Policy and Other Material Considerations**Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were a number of neighbours notified under this application including: 11, 15, 19 and 21 Tullyveagh Road. At the time of writing, no third party representations have been received.

Planning History

LA09/2019/0664/F - 21 Tullyveagh Road, Doorless, Cookstown - Proposed domestic garage, amenity area with curtilage expansion to enable works - PERMISSION GRANTED

Planning Assessment of Policy and Other Material Considerations

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

The Cookstown Area Plan 2010 identifies the site as being in the rural countryside with no other zonings or designations within the plan.

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

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of the policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

It is considered that the proposed site meets the policy test in that there is a continuous built up frontage along this road frontage. At present, there is 6 dwellings west of the site and there is a garage currently under development to the east of the site which was substantially complete during the site visit. Therefore, taking into consideration what is on the ground at present, I am satisfied that there is a line of three or more buildings along this road frontage and therefore the proposal meets this policy requirement. I consider that the gap between existing dwellings and buildings would be sufficient to accommodate no more than two dwellings, given the current plot sizes located along this road. Policy CTY 8 notes that an infill opportunity must "respect the existing pattern along the frontage in terms of size and scale" and therefore the "2 storey dwelling" which was originally proposed in the description has been removed and any forthcoming approval for a dwelling at this site will be conditioned to have a maximum 5.5m ridge height.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be forthcoming. Conditions will be attached to this application to ensure that any forthcoming design is appropriate for the site.

The applicant has noted that they intend to create a new access from Tullyveagh Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Refusal is recommended.

**Conditions/Reasons for Refusal:**

1. 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 Mid Ulster District Council, in writing, before any development is commenced.

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.5m x 45m in both directions and a 45m forward sight line, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. 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. 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.

5. The dwelling hereby permitted shall have a ridge height not exceeding 5.5 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

Reason: To ensure that the proposal is in keeping with the character of the area.

6. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

#### 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.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	30th June 2021
<b>Date First Advertised</b>	13th July 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 11 Tullyveagh Road Cookstown Tyrone The Owner/Occupier, 15 Tullyveagh Road Cookstown Tyrone The Owner/Occupier, 19 Tullyveagh Road Cookstown Tyrone The Owner/Occupier, 21 Tullyveagh Road Cookstown Tyrone	
<b>Date of Last Neighbour Notification</b>	2nd August 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/0664/F Proposal: Proposed domestic garage, amenity area with curtilage expansion to enable works Address: 21 Tullyveagh Road, Doorless, Cookstown, Decision: PG Decision Date: 07.08.2019  Ref ID: LA09/2021/0994/O Proposal: Proposed infill site for a two storey dwelling in accordance with CTY8 of PPS21 Address: Adjacent to 21 Tullyveagh Road, Doorless, Cookstown, Decision: Decision Date:  Ref ID: I/1979/0181 Proposal: IMPROVEMENTS AND EXTENSION TO DWELLING Address: 19 TULLYVEAGH ROAD, COOKSTOWN Decision: Decision Date:	



Ref ID: I/1980/0365  
Proposal: DOMESTIC GARAGE  
Address: 19 TULLYVEAGH ROAD, COOKSTOWN  
Decision:  
Decision Date:

Ref ID: I/2009/0035/F  
Proposal: Proposed extension and alterations to dwelling to include side extension for living room, rear extension for bedroom and kitchen, new front porch and reroofing of entire dwelling, works to include internal alterations  
Address: 21 Tullyveagh Road, Doorless, Cookstown  
Decision:  
Decision Date: 03.03.2009

Ref ID: I/1996/0086  
Proposal: 11 kv rural spur (system improvement)  
Address: APPROX 180M SE OF JUNCTION OF LOWER GRANGE ROAD & TULLYVEAGH ROAD COOKSTOWN  
Decision:  
Decision Date:

**Summary of Consultee Responses**

**Drawing Numbers and Title**

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Committee Application

Summary	
<b>Committee Meeting Date:</b> 01/02/2022	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1007/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling (Revised siting on block plan)	<b>Location:</b> Site adjacent to 113 Back Lower Road Brockagh Dungannon
<b>Referral Route:</b> 1. Objection from third parties at neighbouring dwellings.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Owen Campbell 158 Annagher Road Coalisland Dungannon BT71 4NF	<b>Agent Name and Address:</b> McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b> The proposal is for an infill dwelling within the curtilage of No. 113 which is one half of a pair of semi-detached dwellings. There are three buildings with a frontage to the road for the purposes of CTY 8 and the size of the plot is in character with the other plots. I am content the proposal meets the criteria for an infill dwelling under CTY 8 in PPS 21.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

#### Representations:

Letters of Support	None Received
Letters of Objection	8
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

#### Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Cookstown Area Plan 2010. The surrounding area is rural in character but there is a lot of development pressure in the area from the construction of single dwellings. The main land uses in the area are agricultural fields, single dwellings with a roadside frontage and groups of farm buildings. To the west of the site are 2no. semi-detached dwellings at 113 and 115 and to the east is a detached dwelling at 111.

The application site is a flat portion of land within the curtilage of No. 113 and currently serves as the garden area for this dwelling. Along the rear and roadside boundaries are hedging, and along the boundary with No. 111 is a low wooden fence. As the site is within the boundaries of No. 113 there is no boundary treatment to the west.

**Description of Proposal**

This is an outline application for a proposed dwelling at a site adjacent to 113 Back Lower Road, Brockagh, Dungannon.

**Planning Assessment of Policy and Other Material Considerations**

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

**Representations**

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, eight third party objections were received.

An objection was received by letter on the 5<sup>th</sup> August 2021 from the residents of No. 111 Back Lower Road. However as this letter was anonymous it cannot be considered a formal objection but I wrote to the occupants on the letter and they subsequently submitted a formal objection on the 16<sup>th</sup> August 2021. Further objection were submitted on the 17<sup>th</sup> October 2021 and 21<sup>st</sup> December 2021. No. 111 is the dwelling abutting the east boundary of the site and has the granny flat which is discussed later in the report.

An objection was received by letter on the 5<sup>th</sup> August 2021 from the residents of No. 115 Back Lower Road. No. 115 is the other half of the pair of dwellings immediately west of the site.

An objection was received by letter on the 9<sup>th</sup> August 2021 from the residents of No. 113 Back Lower Road. A further objection was submitted on the 26<sup>th</sup> October 2021. No. 113 is the half of the pair of dwellings directly abutting the site to the west. No. 113 is currently within the curtilage of the application site and serves and their garden.

All objectors have raised similar issues which I will summarise and rebut below.

Road Safety – The objectors state this proposed dwelling is coming out on the brow of a hill. It is also stated a previous application I/2006/0675/O was withdrawn as the applicant was unable to obtain the sight lines and this situation has not changed. In rebuttal, the topography of the road is relatively flat but is just before a bend in the road. DFI roads were consulted about the proposal and had no concerns subject to visibility splays and informatives.

Noise – This is a quiet country area resided by elderly. In rebuttal I do consider an additional dwelling will create significant noise in the area.

Previous Planning Decisions – in 2005 and 2006 there were applications withdrawn due to the fact planning was not granted due to site lines. Again Roads have stated the sight lines are available. The applicant has stated on the P1 form that he owns the land either side to achieve the splays.

Granting of another dwelling in the countryside – In granting planning permission you will be making a quite scenic area built up. In rebuttal, for a dwelling to be approved in the countryside it has to meet a policy in PPS 21 for the principle of the dwelling to be acceptable. The concept of whether the dwelling will lead to the area being too built up will be discussed in CTY 13 and CTY 14 later in the assessment.

The objectors of No. 111 raise more site specific concerns which are discussed later in the assessment. They state the proposed dwelling will create overlooking and loss of privacy, loss of light and overshadowing as the site sits on higher ground. In addition, road safety and access but these have already been rebutted.

On the 17<sup>th</sup> October 2021 an objection was received from the occupants of No. 111 Back Lower Road. This objection was received following re-neighbour notification as the applicant has submitted revised plans for a dual access. The objector states they now have an extension to the rear of their property which I am aware of and will discuss in the assessment. They state the proposal will invade their privacy and there are two other established trees on the boundary line which are not shown on the plans. Landscaping is considered at the Reserved Matters Stage. A further objection was submitted on the 21<sup>st</sup> December 2021 which states that the visibility splays cut across a corner of the garden of No. 111 and the site is on higher land and will have an unacceptable impact on the light at No. 111. If trees need to be removed for visibility splays this is a third party matter between the applicant and neighbouring properties.

On the 26<sup>th</sup> October 2021 an objection was received from the occupants of No. 113 Back Lower Road. This objection was received following re-neighbour notification as the applicant has submitted revised plans for a now dual access. It is stated the proposed dwelling is too close to No 113 and the siting of the dwelling will block their lighting and impact on their privacy. Again the issues about neighbour amenity are discussed in the assessment.

### **Planning History**

No recent planning histories at the application site.

### Adjoining Histories

LA09/2016/0828/F - Proposed single storey extension to existing dwelling (for granny flat) (amended proposal) - 111 Back Lower Road Killycolpy Dungannon – Permission Granted 16.12.2016

### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

### **Cookstown Area Plan 2010**

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

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

### **Planning Policy Statement 21**

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for an infill dwelling CTY 8 is the relevant policy in the assessment.

### **CTY 8 – Ribbon Development**

The application site is a portion of land within the curtilage of No. 113 along Back Lower Road. There are three dwellings along this stretch of road with a pair of semi-detached dwellings to the west at No. 113 and 115 as shown below in figure 1. These dwellings both have gardens that face onto the road so I am content they have a common frontage to the road.



Figure 1 – Photograph from the site visit from 113 and 115 Back Lower Road

Figure 2 below shows the dwelling to the east at No. 111 which has a garden frontage onto the road so I am content the site has a common frontage to the road.



Figure 2 – Photograph from the site visit of No. 111

I am content there proposal is a small gap site within a substantial frontage of three or more buildings along Back Lower Road.

The application site has a roadside frontage of 28m, No. 115 has a frontage of 49m, No. 113 has a frontage of 12m excluding the application site, and the dwelling to the east at No. 111 has a frontage of 55m. There are varying frontage along this short stretch of road and the average frontage is 36m. So the site is only slightly smaller than the average frontage. The proposal is for only 1 dwelling at the site. I am content the proposed site has a frontage which is in character with the surrounding frontages and is capable of accommodating not more than two dwellings.

Along this stretch of road it is mainly single storey so a single storey dwelling would be the only house type that would fit with the existing character.

As shown in figure 4 below the applicant originally submitted a block plan to demonstrate the location of the proposed dwelling on the site. The dwelling will be sited only a few metres from the boundary with No. 111 and had a garage and a rear return. No. 111 is a slightly lower ground level and the dwelling at No. 111 is three metres from the boundary fence with the application site. If the proposed dwelling was sited further back in the plot it would not fit with the established building line of the other dwellings. As shown in figure 5 below to the rear of No. 111 there is a granny flat with 5no. windows facing onto the boundary and will be adjacent to the rear return of the proposed dwelling. The windows on the granny flat are for main rooms such as a kitchen and bedroom. An initial proposal had a rear return on the dwelling which will create unacceptable loss of amenity to the occupants to No. 113 by overshadowing, dominance and loss of privacy, as shown in figure 3 below.



Figure 3 – View of the site facing onto No. 111

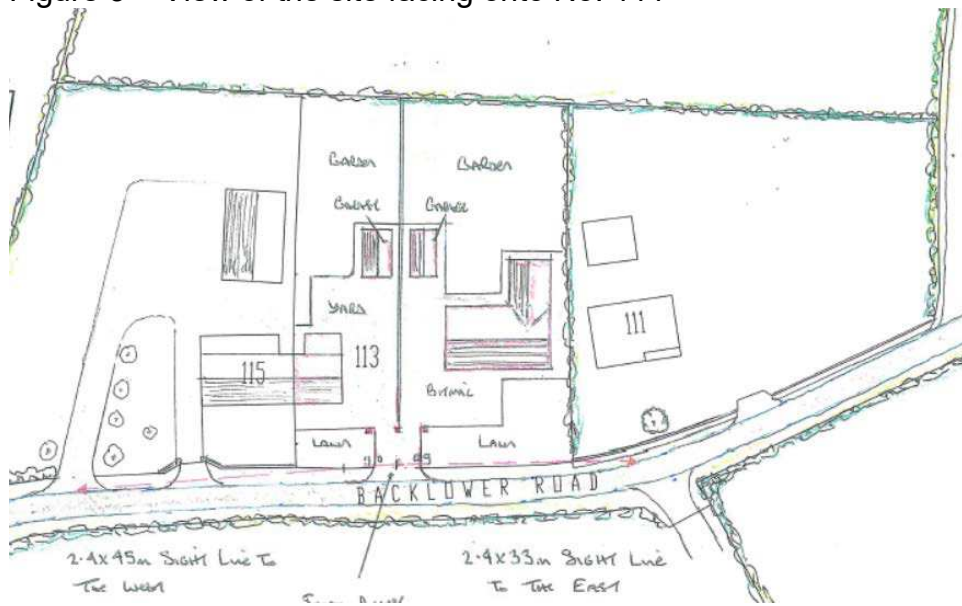


Figure 4 – Snapshot of the initial block plan submitted



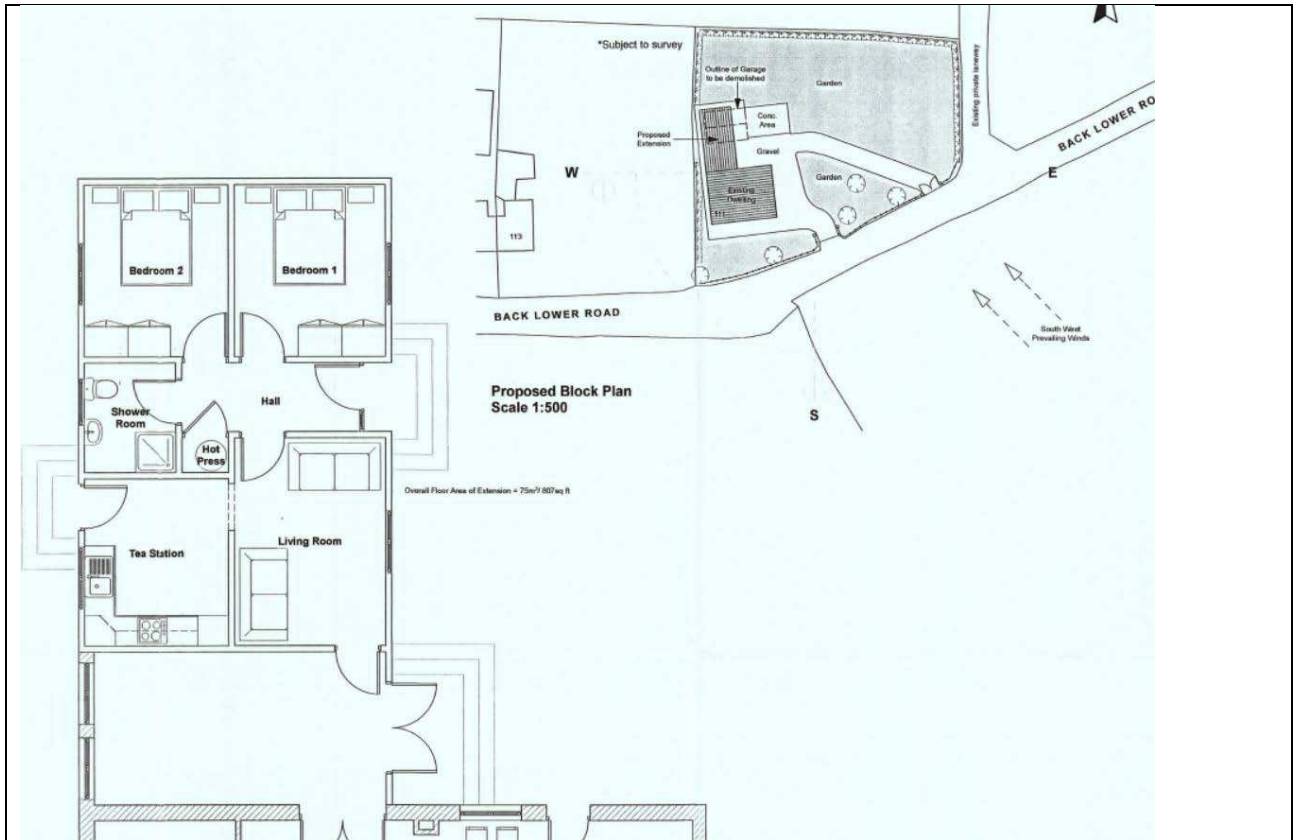


Figure 5 – Screenshot from planning approval LA09/2016/0828/F at No. 111

The occupants of No. 113 to the west have made a further objection since the revised plans for the access were submitted. They state the proposal would lead to a loss of light to windows in their property and invade their privacy. As this is an outline application the design of the dwelling has not been submitted, but a block plan showing a concept of where the dwelling will be situated has been.

After discussions with the Planning Manager, it was agreed a revised plan needed to be submitted to address the concerns of the objectors about dominance, loss or privacy and loss of light. Consequently the proposal removes the garage and rear return and pushes the dwelling slightly further forward on the site. I am content the revised plans are acceptable as the proposed dwelling will be at the same building line as No. 111 and No. 113. The proposed dwelling will no longer be adjacent to the granny flat at No. 111. I feel it is appropriate to condition obscure glazing on the gable walls of the proposed dwelling to minimise loss of privacy to No. 113 and No. 111. As the rear return has been removed I am content the proposed dwelling will not create unacceptable loss of light to the granny flat at No. 111.

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

The application site is on a portion of land with a flat topography and a direct frontage onto Back Lower Road. The site is just before a bend in the road. I consider the proposal will not be a prominent feature in the landscape as it would site with other dwellings in critical views in both directions along the road.

There is hedging along the roadside and rear boundaries but some of the roadside boundary would have to be removed for visibility splays. Although I am content there is a suitable degree of enclosure at the site.

As this is an outline application the design will be considered at the reserved matters stage.

I consider the proposed dwelling will blend with the existing buildings and not lead to unacceptable neighbour amenity.

Overall, I am content the proposal integrates into the landscape sufficiently.

#### **CTY 14 – Rural Character**

I am content the proposed dwelling will not be a prominent feature in the landscape. As the site is between other dwellings I am content the proposal will not result in a suburban style build-up of development. I recommend a ridge height condition so a modest single storey dwelling can only be placed on the site which would fit with the traditional pattern of settlement in the area. I consider the access will not damage rural character.

#### **PPS 3 – Access, Movement and Parking**

##### **Policy AMP 2 – Access to Public Roads**

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

#### **Other Considerations**

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

**Neighbour Notification Checked**      Yes

#### **Summary of Recommendation:**

The proposal is recommended for approval as it meets the criteria in CTY 8, CTY 13 and CTY 14 in PPS 21 – Sustainable Development in the Countryside.

#### **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 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. No development shall take place until a plan indicating existing and proposed floor levels has been submitted to and approved by Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

4. The proposed dwelling shall be sited in the area shown on the drawing No 02 Rev 1 date stamped 30 NOV 2021.

Reason: To preserve the amenity and privacy of the adjoining dwelling.

5. The proposed dwelling shall have a ridge height of less than 5.5 metres above finished floor level.

Reason: To ensure that the development is not prominent in the landscape.

6. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

7. During the first available planting season after the occupation of the dwelling, a (hawthorn/natural species) hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm as indicated in green on Drawing No 02 Rev 1 date stamped 30 NOV 2021.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity.

8. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved at the Reserved Matters Stage. No trees or hedgerows which may be damaged or die within a period of 5 years from the date of the planting shall be replaced by plants of similar species and size at the time of their removal.

Reason: In the interests of visual amenity.

9. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 45m to the west and 2.4m x 33m to the east shall be provided in accordance with drawing 02 Rev1 date stamped 30 NOV 2021. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

10. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order,

no extension or enlargement (including alteration to roofs) shall be made to the dwelling house hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of this dwelling requires detailed consideration to safeguard the amenities of the surrounding area.

11. All windows on the gable walls of the dwelling house hereby permitted shall be obscure glazed.

Reason: To protect neighbour amenity.

### **Informatives**

1. This permission does not alter or extinguish or affect any existing right of way crossing.
2. This permission does not confer title. It is the responsibility of the developer to ensure he controls all the land necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or any other statutory authority.
4. The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

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

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

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

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site

- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a Transportni drainage system.

**Signature(s)**

**Date:**



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1089/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed outline planning for 2no. dwellings (Additional Plans Submitted)	<b>Location:</b> Lands to the rear of 41 Millburn Street, Cookstown.
<b>Referral Route:</b> <ul style="list-style-type: none"> <li>• 1no. Objection received</li> <li>• The applicant and agent are employees of Mid Ulster District Council</li> </ul>	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> William Wilkinson 26 Upper Kildress Road Cookstown BT80 9RS	<b>Agent Name and Address:</b> PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT80 9ET
<b>Executive Summary:</b>  Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen	Content
Statutory	Rivers Agency	Advice
Non Statutory	NI Water	Substantive Response
Statutory	DFI Roads - Enniskillen	Standing Advice

#### Representations:

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

#### Characteristics of the Site and Area

The site is located within the development limits of Cookstown and adjacent to an Area of Townscape Character as defined within the Cookstown Area Plan 2010. The site is located to the rear of existing terrace housing along Milburn Street. The application site is set back approximately 45m from the public road and accessed via a laneway which is identified in the extant area plan as a walkways and cycle route and leads to Dunmore Close. The site comprises a small portion of land with an outbuilding/sheds located on site. The boundary adjacent to the laneway is defined by close board fencing approximately 2m in height, the remaining boundaries are defined by mature hedging

and trees. The site has a relatively flat topography. The surrounding area is urban in character with a mix of land uses, predominantly residential.

### **Description of Proposal**

This planning application seeks outline planning permission for 2no. Dwellings located on lands to the rear of 41 Millburn Street, Cookstown.

### **Planning Assessment of Policy and Other Material Considerations**

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- PPS 3 - Access, Movement and Parking
- PPS 7 - Quality Residential Environments
- Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (APPS 7)
- Planning Policy Statement 12 - Housing in Settlements
- PPS 15 – Planning and Flood Risk
- DCAN 8 - Housing in Existing Urban Areas

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

### **Representations**

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 objection letter was received from the occupier of No.45 Millburn Street. The concerns outlined in this letter are summarised below:

- A safe means of access cannot be provided to the standards required by policy. The access is located within 2/3 of the left hand sightline of the adjacent Moneymore Road/Millburn Street junction and the right hand visibility splay cannot be provided in accordance with DCAN15 Para 2.1 and Fig 1.
- Objector has expressed concern that the existing laneway/proposed access, which he has a right of way, was only ever intended for light traffic and would be unsuitable for construction traffic and delivery of materials associated with the



development and his property which immediately abuts the laneway could be at risk of damage from this unsuitable construction traffic.

I will aim to consider all concerns and points raised in the objection letter in turn below:

- DfI Roads are the relevant statutory consultee under The Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) to provide advice on road safety. Having reviewed the proposed access arrangements, DfI Roads have not provided any objections or comments which suggest the proposal will prejudice road safety or significantly inconvenience the flow of traffic. Following receipt of the objection letter, DfI Roads were asked to provide comment and they have responded that the proposal is acceptable subject to conditions. The provision of the necessary visibility splays prior to the commencement of development will be conditioned to any forthcoming approval. It will be the applicant's responsibility to comply with all conditions attached to any forthcoming approval and failure to do may result in planning enforcement action. With respect potential damage to the objector's property during the construction phase, it is considered that these concerns would be a civil matter to be discussed between the relevant parties outside the remit of planning. Whilst it is noted that the construction phase has the potential to give rise to some level of disturbance, it is considered as this is for a short term period only it would not warrant the refusal of planning permission and any damage to property would be a legal/civil matter.

### **History on Site**

I/2015/0063/F - Erection of replacement domestic garage (for disabled use) 45 Milburn Street, Cookstown, BT80 8EG – Permission granted 22/05/15

### **Key Policy Considerations/Assessment**

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

Cookstown Area Plan 2010 is the statutory local development plan for the application site. The application site is located within the settlement limits of Cookstown and located on white land with no specific zoning or designation. Immediately east of the application site is a designated Area of Townscape Character. The extant Area Plan states that if the proposal meets all relevant, prevailing planning policy; it will meet the policy tests of Cookstown Area Plan Policy SETT 1 - Settlement Limits.

This proposal seeks outline planning permission for 2no. Residential dwellings. As this is an outline application, no details of the design have been included and will be a matter for consideration should a reserved matters or full application be forthcoming. However, the submission of a block/concept plan which demonstrates how 2no. Dwellings would be accommodated and sited on the proposal site was requested. Drawing 02 date

stamped 2<sup>nd</sup> November 2021 provides an indicative plan which indicates the proposal will be made up of 1 set of semi-detached dwelling units with a northern orientation. The proposed layout will be considered below and if considered acceptable an appropriately worded condition could be attached to any forthcoming approval requiring this layout/siting.

Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered against all criteria outlined under Policy QD1.

- a) The proposal is for 2 dwelling units which would be in the form of 1 sets of semi-detached properties as per the submitted concept plan (Drawing No. 02). It is noted that the proposed dwelling units are located to the rear of the terrace of dwellings along Milburn Street on a small plot of land which appears to act as garden space with an outbuilding and clothes line currently present on site. The site is accessed via a private laneway and it was noted on the date of the site inspection some of the surrounding plots were overgrown. Paragraph 4.8 of PPS7 advises analysis of context is particularly important for backland development in established residential areas. While such development can usefully contribute to housing supply, great care will be needed to ensure that the individual or cumulative effects of such development proposals do not significantly erode the character and amenity of existing areas, for example through inappropriate design or overdevelopment. Having considered the proposal at the internal group meeting with the Principle Planner, it is considered that the development would not appear inappropriate and would respects the surrounding context given the history of backland development within Cookstown settlement limits. The indicative plot size and scale of dwelling appears to be acceptable to the setting. However this will be a matter of further consideration, along with the design, should permission be granted and a reserved matters application forthcoming.
- b) No protected archaeological or built heritage features identified have been identified within the site or in close proximity thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.
- c) The submitted concept plan Drawing 02 has indicated a suitable level of private amenity space. On the date of the site inspection, it was noted that existing mature boundaries defines the site and it is considered appropriate to condition this to be retained and where necessary new additional planting will be provided.
- d) The proposal site is situated within the settlement limits of Cookstown thus it is considered there is easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.
- e) The proposal seeks to use an existing private access onto Milburn Street. It was noted on the date of the site inspection the presence of an existing footpath along

this public road. DfI Roads have been consulted and have no objection to the proposal subject to conditions. In light of this, it is considered the proposal is in accordance with PPS3 AMP 2. It is considered an acceptable movement pattern is provided for vehicular, pedestrian and cycle links with local facilities and amenities.

- f) I considered that adequate provision has been made for the provision of in-curtilage parking on the site. Drawing 02 provides an indicative site layout and indicates 2 parking spaces per dwelling. This again will be considered further at Reserved Matters stage when further detail is provided.
- g) As this is an outline application no form or detailing has been given. The surrounding character is residential with varying design and scale in the locality. It is considered a modest 2 storey design could be accommodated on site reflecting the surrounding character and built form.
- h) As stated previously, it is considered appropriate to condition that the existing vegetation is to be retained and reinforced where necessary with additional planting. Landscaping will be a further consideration at reserved matters stage, however should planning permission be granted it is considered necessary to condition a landscaping scheme is provided to be approved by Council. In terms of overlooking, loss of light and overshadowing, the proposed layout indicated in Drawing 02 provides a separation distance from neighbouring properties of approximately 20 metres. I do not foresee any unacceptable adverse impact on neighbouring amenity as a result of this proposal subject to the submission of a suitable design at reserved matters stage.
- i) The proposal seeks permission for 2 dwelling units, each with private off street parking and amenity space. I have no significant concerns in terms of crime or health and safety with respect the proposed design.

Further to that above Policy LC 1 of APPS 7 Addendum to PPS 7 Safeguarding the Character of Established Residential Areas is a material consideration. Policy LC1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 of PPS7 as well as the below additional criteria:

- a) The proposed density is not significantly higher than that found in the established residential areas – This proposal is for 2 units, west of the site are two storey terrace dwellings and further north there are detached and semi-detached properties. It considered the proposed density is appropriate and acceptable in this setting.
- b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area – The proposal is located to the rear of existing properties, however having considered the proposal in the context of the surrounding character and pattern of development within Cookstown settlement in this instance it is considered the proposal will not have a negative impact on the character and environmental quality of the established residential area.

- c) All units should be built to a size not less than those set out in Annex A of Addendum to PPS7 - As this proposal is an outline application the precise details of the scale and size of dwellings has not been provided. However, having considered the concept plan provided it is considered the minimum standards could be accommodated and this will be a consideration at the reserved matters stage should an approval be granted.

Development Control Advice Note 8 (DCAN 8) establishes that new development in existing residential areas should appreciate the context and be designed to reinforce local characteristics, while preserving the residential amenity of the area and respecting the privacy of existing residents. It is considered the proposed development of 2 units in this location will not detract from the surrounding established character. It is considered the proposal will not cause a visual or functional disruption to the local character. The proposal will be considered to ensure the new development will respect that of adjacent housing and safeguard the privacy of the existing residents at reserved matters stage.

#### **Additional Considerations -**

NI Water were consulted to ensure there is available capacity for receiving waste water treatment works. NI Water have advised there is available capacity for waste water treatment facilities at Cookstown however have advised a high level assessment has indicated potential network capacity issues therefore have recommended connections to the public sewage and surface water system are curtailed. This was considered at internal group and it was agreed that should planning permission be forthcoming it will be necessary to condition that no development should take place on site until the developer demonstrates an acceptable method of sewage disposal agreed with NI Water and provided in writing to Mid Ulster District Council.

Whilst the proposal is not located within a fluvial flood plain, the site is located partially within a predicted flooded area as indicated on surface water flood maps. Rivers Agency were consulted and have offered no objections advising it is the developers responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. In light of Rivers Agency response, it is considered the proposal is not contrary to any policies within PPS 15 Planning and Flood Risk and an informative will be attached to any forthcoming approval drawing the applicant's attention to DFI Rivers Planning Advisory and Modelling Unit response.

**Neighbour Notification Checked**

**Yes**

#### **Summary of Recommendation:**

Having considered the prevailing planning policy and all material considerations outlined above, I am of the opinion that this application accords with the relevant policy tests and therefore is recommended for approval subject to the following conditions.

#### **Conditions**

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

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

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

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

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

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

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

4. The layout shall be in general conformity with the stamped approved concept plan Drawing 02 bearing the date stamp received 2<sup>nd</sup> November 2021 and shall be designed in accordance with Policy QD1 of Planning Policy Statement 7 "Quality Residential Environments" and the associated supplementary guidance "Creating Places".

Reason: To ensure the provision of a quality residential development.

5. The existing mature trees and vegetation along the east, west and south boundaries shall be permanently retained at a minimum height of 1.2m unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity.

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

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

7. During the first available planting season following the occupation of any of the development hereby approved, or within a time period otherwise agreed with the Council, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a landscaped belt along the south eastern and south western boundaries of the site outlined in red and all other landscaping and areas

of public open space provision within the site. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. The Scheme shall also include a Management and Maintenance Schedule which includes the long term objectives, performance indicators and management responsibilities for all landscaped areas. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of residential and visual amenity.

8. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

Reason: To ensure there is a satisfactory means

9. No development hereby permitted shall commence until formal water / sewer connection has been agreed in writing between the applicant and Northern Ireland Water and provided to the Planning Department and the applicant has received written confirmation that the Council has agreed discharge of this condition.

Reason: To ensure that satisfactory means of sewage disposal is achieved and in the interest of safeguarding residential amenity and public health.

10. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs, new window openings and erection of outbuildings) or provision within its curtilage of any building or enclosure shall be made to the dwelling house hereby permitted without the grant of a separate planning permission from the Council.

Reason: To safeguard adjacent residential amenity.

### **Informatives**

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

4. The applicant should consider all comments considered in the consultation response Rivers Agency dated 13<sup>th</sup> September 2021.

5. The applicant's attention is drawn to NI Water consultation response dated 17<sup>th</sup> August 2021.

**Signature(s)**

**Date:**



Comhairle Ceantair  
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**Mid Ulster**  
District Council

Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
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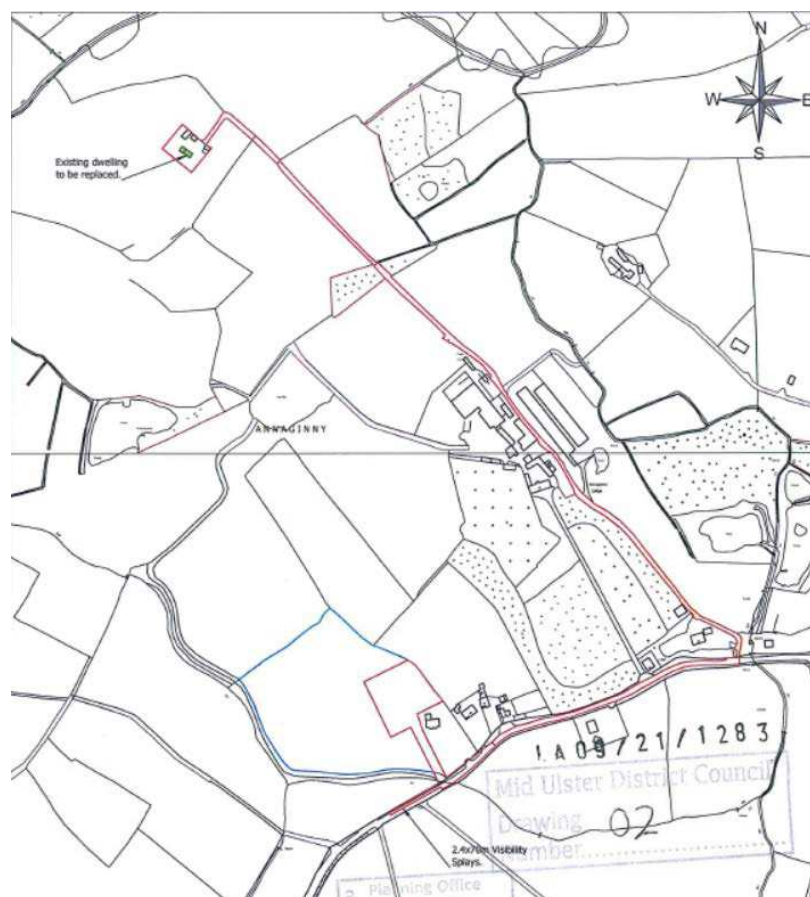
### Development Management Officer Report Committee Application

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



## Case Officer Report

### Site Location Plan



#### Consultations:

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

#### Representations:

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

#### Characteristics of the Site and Area

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

field to the north. The off site location is 600m to the south west of the building to be replaced and is behind No. 26. The site itself is a portion of a larger agricultural field.

### **Description of Proposal**

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

### **Planning Assessment of Policy and Other Material Considerations**

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

### **Representations**

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

### **Planning History**

No planning histories at the application site.

### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

### **Dungannon and South Tyrone Area Plan 2010**

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

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

### **Planning Policy Statement 21**

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

### **CTY 3 – Replacement Dwellings**

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



Figure 1 – Orthophotography of the site

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

replaced is along a shared laneway and two field back along an agricultural track. But issues along a shared laneway are a material planning consideration but travelling through a farm holding may create health and safety issues. Overall, I am of the opinion the proposal does not meet the criteria in CTY 3.

### **CTY 13 - Integration and Design of Buildings in the Countryside**

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



Figure 2 – Image from the site visit of the site

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

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

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

### **CTY 14 – Rural Character**

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

**PPS 3 – Access, Movement and Parking**

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

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

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

**Other Considerations**

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

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

**Neighbour Notification Checked**    **Yes**

**Summary of Recommendation:**

The proposal is recommended for refusal as it does not meet the criteria in CTY1 or CTY 3 – Replacement Dwellings in PPS 21 – Sustainable Development in the Countryside.

**Reasons for Refusal:**

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

**Signature(s)**

**Date:**



Comhairle Ceantair  
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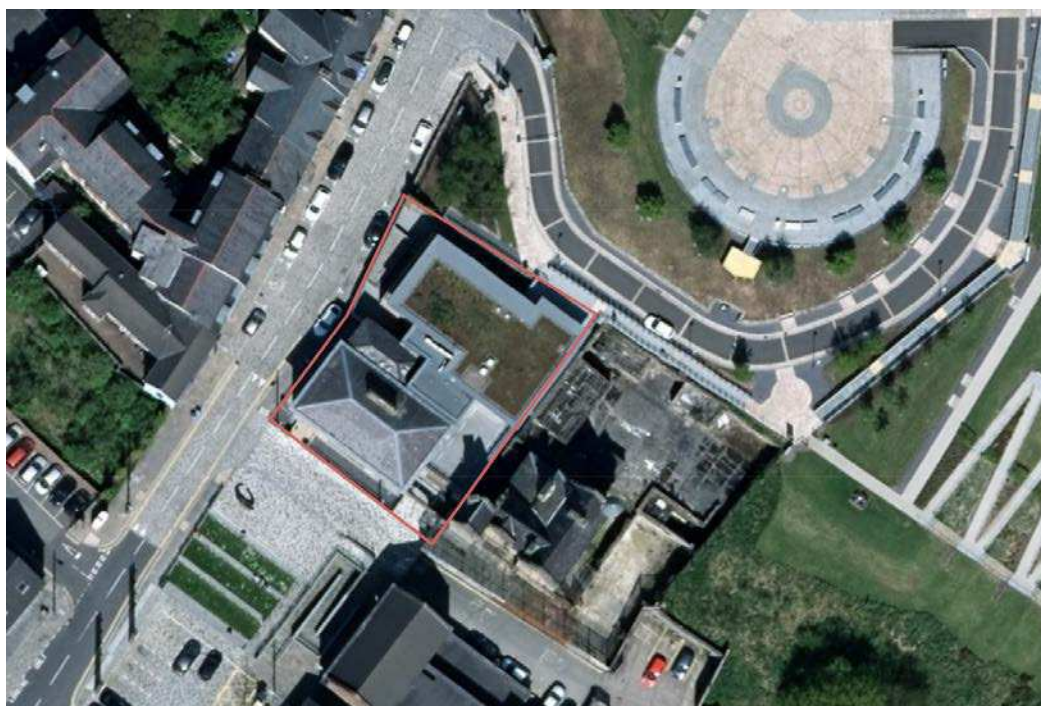
## Development Management Officer Report

### Committee Application

Summary	
<b>Committee Meeting Date:</b> 01/02/2022	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1380/A	<b>Target Date:</b>
<b>Proposal:</b> 2No. Banner Signs, Fixed to Front Elevation on PPC Aluminium Frames	<b>Location:</b> Ranfurly House Arts & Visitor Centre 26 Market Square Dungannon BT70 1AB
<b>Referral Route:</b> 1. Mid Ulster Council Application	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mid Ulster District Council Circular Road Dungannon BT71 6DT	<b>Agent Name and Address:</b> Horscroft Design 2 Fair Hill Cushendall Ballymena BT44 0ND
<b>Executive Summary:</b> The proposal is to fix 2no. banner signs to the front elevation of Ranfurly House which is operated by Mid Ulster Council. HED had initial concerns about the signs and its impact on the listed building. However revised drawings have been submitted and HED are now content.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice

#### Representations:

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

#### Characteristics of the Site and Area

The site is within the town centre and development limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is urban in character and predominantly retail, services and tourism.

The application site is Ranfurly House which is a listed building at the top of the Market Square in Dungannon. The building has external finishes of stonework walls.

#### Description of Proposal

This is an application for advertisement consent for 2NI. Banner Signs, Fixed to Front Elevation on PPC Aluminium Frames at Ranfurly House Arts & Visitor Centre, 26 Market Square, Dungannon.

#### Planning Assessment of Policy and Other Material Considerations

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

### **Representations**

At the time of writing, no third party objections were received. No neighbour notification nor press advertisement has taken place as there is no statutory requirement to do so, and the Council do not feel that it was necessary to carry them out.

### **Planning History**

M/2011/0273/F - Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community / arts facilities with access onto Castle Hill – Permission Granted 21.03.2012

M/2011/0279/LBC - Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community / art facilities with access onto Castle Hill - Ranfurly House, Market Square Dungannon – Consent granted 20.03.2012

M/2013/0309/F - Refurbishment of existing listed building and removal of outbuildings - Dungannon Barracks, Market Square, Dungannon – Permission Granted 11.03.2014

M/2013/0308/LBC - Refurbishment of existing listed building and removal of outbuildings - Dungannon Barracks, Market Square, Dungannon – Consent Granted 11.03.2014

### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

### **Dungannon and South Tyrone Area Plan 2010**

The site is located within the town centre and settlement limits of Dungannon so SETT 1 and ROS1 is the relevant policy which applies. I am content as the proposal complies with PPS 17 it will also comply with SETT 1 and ROS1.

### **Area of Archaeological Potential**

The application site is within the designation AAP 13 which is Dungannon Area of Archaeological Potential and Plan Policy CON 3 in the Dungannon and South Tyrone Area Plan. I am content as the proposal is for advertisements and there is no other developments there is minimal impact on archaeological remains. There is no need for an archaeological assessment.



### **Area of Townscape Character**

The site is within Dungannon ATC so CON 5 in the Dungannon and South Tyrone Area Plan applies. I am content the proposed advertisements will not have an unacceptable impact on the character and appearance of the ATC. I have no concerns about the scale, design and detailing of the signs.

### **SPPS – Strategic Planning Policy Statement for Northern Ireland:**

The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS states that the regional strategic objectives for the control of advertisements are to:

- ensure that outdoor advertisements respect the amenity and do not prejudice public safety, including road safety; and
- help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and countryside.

### **Planning Policy Statement 17 – Control of Outdoor Advertisements**

PPS 17 lays out the planning policy and guidance for the control of outdoor advertisements. Policy AD 1 states consent will be granted for the display of an advertisement where it meets the policy in terms of amenity and public safety.

#### Amenity

When assessing the amenity impact of an advertisement or sign it must take account of all of the following matters:

The site is within the settlement limits and town centre designation of Dungannon, and also with Dungannon Area of Townscape Character. The signs are also within an Area of Archaeological Potential.

The proposal is for 2no. long banner signs on the front elevation of listed building HB13/20/009 which is Ranfurly House. The banner signs are 1m in width and 5.4m in length, and are made of mesh material. The banner will hang from aluminium welded brackets which are fixed to the building and there is LED floodlighting attached to the lower bracket. The signs will be illuminated at times of low light. Figure 1 below shows a visual image of the banner signs on the building. Whilst the site is within an Area of Townscape Character I am content that this application would not adversely impact on any historical features.



Figure 1 – Snapshot of the submitted drawings showing the position of the banner signs on the building.

HED were consulted as the signs are on a listed building and had concerns about the initial proposal submitted. Consequently a revised scheme has been submitted with the top of the banner will be at the point on the window where the arch begins and the width reduced a few inches in proportion. There is also a reduction in the LUX level of the external lighting.

I have no concerns with the scale and design of the signage. I consider the proposal will not have a negative effect on the general characteristics of the area, and their position on the host building and its scale and size in relation to the building is considered acceptable. The proposal does not result in clutter when read with other advertisements on the building and in the surrounding area. There are no other advertisements on the building and other signs are located on the facades of shops within the town centre.

I don't envisage any public safety issues with regards the proposed signage, it is not located close to any road signs and its appearance cannot be easily confused with roads signage. The proposed signage does not include any moving features, moving parts or flashing lights therefore there I do not consider there is a need to consult DfI Roads on the application. There is low level illumination on the banners but I am of the opinion it is low level and will not result in glare to drivers and create a road safety hazard.

I recommend approval as the proposal respects amenity and does not prejudice public safety.

**PPS 6 – Planning, Archaeology and Built Heritage**

**Policy BH9 – The Control of advertisements on a Listed Building and Policy BH11 – Development affecting the setting of a Listed Building**

Policy BH9 in PPS 6 states that consent will be granted for an advertisement on a listed building where it is carefully designed to respect the architectural form and detailing of the building. The banners will be on the front elevation of listed building HB13/20/009 and is adjacent to another listed building at HB13/20/010. In assessing this application, I consulted with Historic Environment Division (HED) of the Department of Communities, as the competent authority in assessing the impact of the advertisement on the listed building. HED have concerns the proposed banner does not respect the listed building, and feel that high level banners and particularly between windows which cover large expanses of wall should be avoided. HED also had concerns about the fixing of the banner to the wall of the listed building and feel that as there are lampposts in front of the building this would be more acceptable. The agent had discussions with HED and a revised scheme has been submitted which HED are now content with. I am of the opinion the banner signs will not have an unacceptable impact on the listed building itself and its wider setting. As shown in figure 1 the signs will fit in an elongated space between the windows and will not cover a large extent of the front elevation. I am content the illumination of the banner signs is subtle.

**PPS 6 Addendum - Area of Townscape Character**

**Policy ATC 3 – The Control of Advertisements in an Area of Townscape Character**

As discussed earlier in the assessment I am content the proposal maintains the overall character of the area and does not prejudice public safety. As the proposal complies with PPS 17 it also complies with ATC 3.

**Other Considerations**

The site is within the statutory 200m buffer zone of archaeological site and monument TYR054:017 – Dungannon Castle or O’Neills Castle. HED had no concerns about the impact of the banners on the castle as they provided no comments.

**Neighbour Notification Checked**          None Required

**Summary of Recommendation:**

The proposal is recommended for approval as it complies with Policy AD1 in PPS 17 and PPS 6.

**Conditions**

1. The signage shall be erected in the position shown on the approved plan No. 02 Rev 1 date stamped 13 JAN 2022.

Reason: In the interests of visual amenity, road safety and convenience of road users.

2. The illumination level of the proposed signage must comply with the Institution of Lighting Professionals Technical Report No 5 `Brightness of Illuminated Advertisements.

In the interests of visual amenity, road safety and convenience of road users.

3. The advertisement hereby approved shall not comprise sequential displays; or otherwise include moving parts or features; or feature intermittent lighting in a manner designed to give the appearance of movement.

Reason: In the interests of visual amenity.

**Informatives:**

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.

**Signature(s)**

**Date:**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

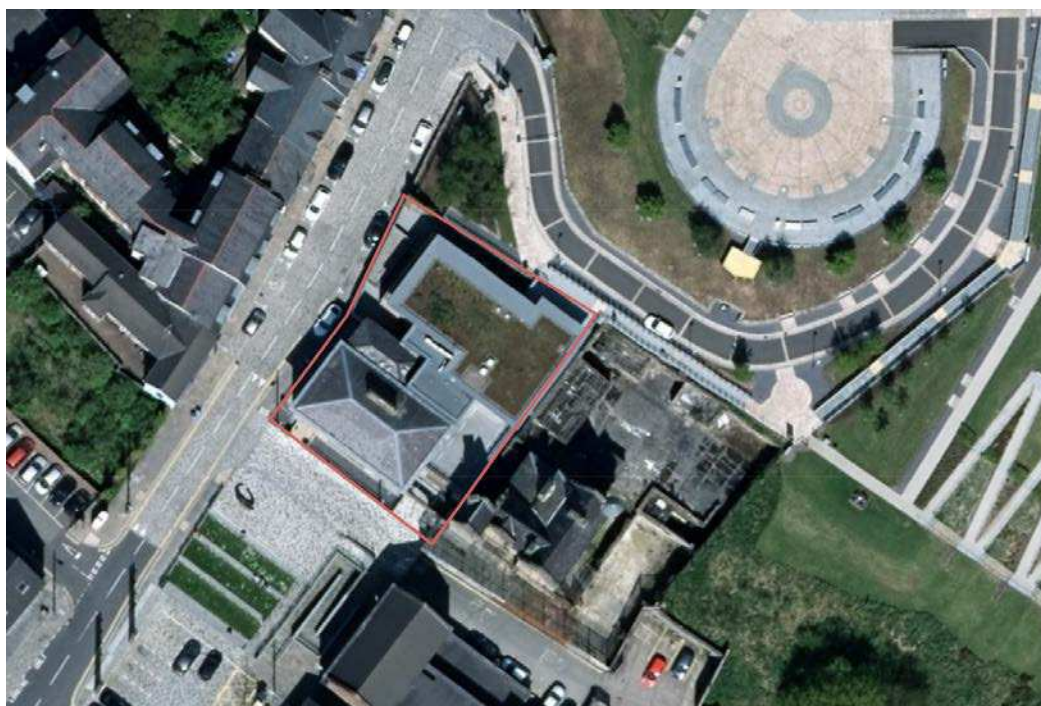
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 01/02/2022	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1397/LBC	<b>Target Date:</b>
<b>Proposal:</b> 2 no banner signs, fixed to front elevation on PPC aluminium frames	<b>Location:</b> Ranfurly House Arts & Visitor Centre 26 Market Square Dungannon
<b>Referral Route:</b> 1. Mid Ulster Council Application	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mid Ulster District Council Circular Road Dungannon BT71 6DT	<b>Agent Name and Address:</b> Horscroft Design 2 Fair Hill Cushendall Ballymena BT44 0ND
<b>Executive Summary:</b> The proposal is to fix 2no. banner signs to the front elevation of Ranfurly House which is operated by Mid Ulster Council. HED had initial concerns about the signs and its impact on the listed building. However revised drawings have been submitted and HED are now content.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice

#### Representations:

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

#### Characteristics of the Site and Area

The site is within the town centre and development limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is urban in character and predominantly retail, services and tourism.

The application site is Ranfurly House which is a listed building at the top of the Market Square in Dungannon. The building has external finishes of stonework walls.

#### Description of Proposal

This is an application for listed building consent for 2NI. Banner Signs, Fixed to Front Elevation on PPC Aluminium Frames at Ranfurly House Arts & Visitor Centre, 26 Market Square, Dungannon.

#### Planning Assessment of Policy and Other Material Considerations

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

### **Representations**

At the time of writing, no third party objections were received. No neighbour notification nor press advertisement has taken place as there is no statutory requirement to do so, and the Council do not feel that it was necessary to carry them out.

### **Planning History**

M/2011/0273/F - Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community / arts facilities with access onto Castle Hill – Permission Granted 21.03.2012

M/2011/0279/LBC - Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community / art facilities with access onto Castle Hill - Ranfurly House, Market Square Dungannon – Consent granted 20.03.2012

M/2013/0309/F - Refurbishment of existing listed building and removal of outbuildings - Dungannon Barracks, Market Square, Dungannon – Permission Granted 11.03.2014

M/2013/0308/LBC - Refurbishment of existing listed building and removal of outbuildings - Dungannon Barracks, Market Square, Dungannon – Consent Granted 11.03.2014

### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

### **Dungannon and South Tyrone Area Plan 2010**

The site is located within the town centre and settlement limits of Dungannon so SETT 1 and ROS1 is the relevant policy which applies. I am content as the proposal complies with PPS 17 it will also comply with SETT 1 and ROS1.

### **Area of Archaeological Potential**

The application site is within the designation AAP 13 which is Dungannon Area of Archaeological Potential and Plan Policy CON 3 in the Dungannon and South Tyrone Area Plan. I am content as the proposal is for advertisements and there is no other developments there is minimal impact on archaeological remains. There is no need for an archaeological assessment.

**Area of Townscape Character**

The site is within Dungannon ATC so CON 5 in the Dungannon and South Tyrone Area Plan applies. I am content the proposed advertisements will not have an unacceptable impact on the character and appearance of the ATC. I have no concerns about the scale, design and detailing of the signs.

**Strategic Planning Policy Statement (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 6 has been retained under transitional arrangements. This is an advertisement at a Listed Building and it is therefore assessed against the Policy provision contained within Policy BH9 – The Control of advertisements on a Listed Building and Policy BH11 – Development affecting the setting of a Listed Building.

**PPS 6 – Planning, Archaeology and Built Heritage****Policy BH9 – The Control of advertisements on a Listed Building and Policy BH11 – Development affecting the setting of a Listed Building**

Policy BH9 in PPS 6 states that consent will be granted for an advertisement on a listed building where it is carefully designed to respect the architectural form and detailing of the building. The banners will be on the front elevation of listed building HB13/20/009 and is adjacent to another listed building at HB13/20/010. In assessing this application, I consulted with Historic Environment Division (HED) of the Department of Communities, as the competent authority in assessing the impact of the advertisement on the listed building. HED have concerns the proposed banner does not respect the listed building, and feel that high level banners and particularly between windows which cover large expanses of wall should be avoided. HED also had concerns about the fixing of the banner to the wall of the listed building and feel that as there are lampposts in front of the building this would be more acceptable. The agent had discussions with HED and a revised scheme has been submitted which HED are now content with. I am of the opinion the banner signs will not have an unacceptable impact on the listed building itself and its wider setting. As shown in figure 1 the signs will fit in an elongated space between the windows and will not cover a large extent of the front elevation. I am content the illumination of the banner signs is subtle.

Overall, I am content the proposal complies with all the relevant criteria.

**Neighbour Notification Checked**          None Required

**Summary of Recommendation:**

The proposal is recommended for approval as it complies with SETT 1, RSO1, CON5 in the Dungannon and South Tyrone Area Plan 2010 and PPS 6.

**Conditions**

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011



2. The signage shall be erected in the position shown on the approved plan No. 02 Rev 1 date stamped 13 JAN 2022.

Reason: In the interests of visual amenity, road safety and convenience of road users.

3. The illumination level of the proposed signage must comply with the Institution of Lighting Professionals Technical Report No 5 'Brightness of Illuminated Advertisements.

In the interests of visual amenity, road safety and convenience of road users.

**Informatives:**

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.

**Signature(s)**

**Date:**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 01/02/2022	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1497/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of existing access, walls and pillars	<b>Location:</b> 22 Ballynagowan Road Stewartstown Dungannon
<b>Referral Route:</b> 1. Contrary to CTY 1 – Development in the Countryside in PPS 21 Sustainable Development in the Countryside in that no justification has been provided for a new access to the building and the building is unauthorised.  2. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 Sustainable Development in the Countryside in that ancillary works do not integrate with their surroundings.  3. Contrary to CTY 14 – Rural Character in PPS 21 Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character.  4. Contrary to AMP 2 – Access to Public Roads in PSP 3 – Access, Movement and Parking in that in that no justification has been provided for a new access to the building and the building is unauthorised.	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Enda & Nuala Devlin 22 Ballygowan Road Stewartstown	<b>Agent Name and Address:</b> Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
<b>Executive Summary:</b> The proposal is for the retention of an access, walls and pillars onto the Ballynagowan Road. LA09/2019/0037/F granted planning permission for a building to serve as a garage and private art studio associated with the dwelling at No. 22 Ballynagowan Road. The new	

access serves this building. The building has been moved further forward on the site and the building is being used for commercial purposes. This is contrary to condition 4 of LA09/2019/0037/F which states the building shall not become a separate planning unit used as a commercial premises.

**Signature(s):**

**Case Officer Report**

**Site Location Plan**



**Consultations:**

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

**Representations:**

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

**Characteristics of the Site and Area**

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and predominantly characterised by agricultural fields, groups of farm buildings and single rural dwellings.

The application site comprises a new access onto Ballynagowan Road and a gate constructed in timber close boards. There is also blockwork pillars with spacing between them for wrought iron railing. The gates and pillars are set back from the roadside boundary. Alongside the new access is an existing lane to the dwelling and outbuildings at No. 22 which is the applicant's home address. At the site is a building which has the appearance of an agricultural shed which was approved under LA09/2019/0037/F.

### **Description of Proposal**

This is a full application for the retention of existing access, walls and pillars at 22 Ballynagowan Road, Stewartstown, Dungannon.

### **Planning Assessment of Policy and Other Material Considerations**

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

### **Representations**

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, three third party objections were received.

The first objection was received on the 19<sup>th</sup> October 2021 and no address has been given, just the name James F. The second objection was received on the 17<sup>th</sup> November 2021 and the signature was unreadable. The third objection was received on the 20<sup>th</sup> December 2021 and again was anonymous, just signed concerned environmentalist. But all three letters raise similar issues which are summarised and rebutted below.

### Road Safety Issues

The Ballynagowan Road is a minor road and there are now two lanes coming from this property and where is the need for another access at the site. The objector states there is the potential for two separate vehicles to be accessed off both lanes at the same time which will create a road safety issue. In addition, the road is not suitable for industrial use as there are already a number of farms along the road. In terms of road safety DFI Roads were consulted as were content subject to achieving visibility splays of 2.4m x 60m in both directions. I would agree with the objector and would have concerns about the need for another access from this site. The nature of the use of the building is discussed in the assessment.

### The Prominence of the Walls and Pillars

The objectors states the walls and pillars are a prominent feature in the landscape. The objector states they do not meet the criteria in CTY1, CTY13 and CTY14 in PPS 21. It is stated the new access does not integrate well into the landscape and this is an agricultural area, and the height and style of the pillars is inappropriate for the landscape.

As discussed below I consider the walls and pillars are prominent and will have an unacceptable impact on rural character.

#### Use of the building for non-domestic uses

The objector states that it is clear the building at the application site is not a domestic property. In rebuttal this issue is discussed in the assessment below.

#### Administrative Issues with the P1 form

The applicant has ticked Q12 which is for the existing unaltered access to a public road and this is something which can be rectified by the applicant.

The objectors state Q25 has not been filled and it is claimed the use is operating as a commercial enterprise from the building. The objector also states a Transport Assessment is needed. The assessment whether the use at the building is commercial is considered below. DFI Roads were consulted and were content with the road safety of the new access subject to visibility splays.

#### **Planning History**

LA09/2019/0037/F - Proposed domestic garage and private art studio - 22 Ballynagowan Road, Stewartstown, Dungannon – Permission Granted 10.05.2019

#### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

#### **Cookstown Area Plan 2010**

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

**SPPS – Strategic Planning Policy Statement for Northern Ireland:** sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

#### **PPS 3 Access, Movement and Parking**

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

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

Ballynagowan Road is not a protected route so there is no conflict with this part of the policy.

DFI Roads have been consulted with this application and have advised that a new access is acceptable subject to visibility splays of 2.4m x 60m in both directions.

Overall, I am content the proposal will not prejudice road safety or conflict with the Protected Routes policy but as discussed below consideration is also given to the number of access points along a road and the nature and scale of the development at the site. In this case the planning history for the building at the site is particularly relevant in the discussion.

LA09/2019/0037/F granted approval for a building which would serve as a garage and private art studio. As this was a domestic building it was proposed the garage would be accessed via the existing laneway off Ballynagowan Road. This proposal is for retention of a new separate access to the studio. As shown in figure 1 below this building was to be located in the southwest corner of the site close to the dwelling and shed at No. 22.



Figure 1 – Snapshot of approved block plan in LA09/2019/0037/F

In this application currently being assessed the applicant has shown the garage/studio further forward on site than what was approved. In an email dated 4<sup>th</sup> January 2022 the applicant acknowledges that the location of the building is not in the exact siting but still within the original red line. They state the ground level in the field from the dwelling at No. 22 falls away towards the roadside and it was more cost effective to build towards the roadside. In the assessment for LA09/2019/0037/F it was agreed the design similar to an agricultural shed and the proposed location in the corner of the shed would assist in integration in critical views of the building. So it was approved the building would be as close as possible to the existing group of buildings at No. 22 and use the existing laneway.

Condition 4 of LA09/2019/0037/F states the building shall not become a separate planning unit used as a commercial premises. In an email dated 4<sup>th</sup> January 2022 the applicants state the art studio and domestic garage is not used for commercial purposes. I have concerns that the studio is being used for a commercial business. The studio is registered as 22A Ballynagowan Road on Spatial NI as a separate address and as shown in figure 2 has a post box. There is a website Devlin in Design associated with this address as on the website the studio has this address as a contact point. The applicants argue the studio and

garage are not used for commercial purposes and only store art materials, work on large pieces and have delivery of materials to this building. The applicants also state they work irregular hours on a number of pieces and argue they are artists and not a commercial business with pieces of art on display and a shop that customers can come in and browse to buy. The website states they have been in business for over 15 years and work on private or commercial projects and list all the businesses they have done work for. The businesses include hotels, cruise ships, universities and restaurants. In a supporting statement for planning approval LA09/2019/0037/F the applicants stated they currently worked out of a unit at Castlebay Business Centre and they did not work regular 9 to 5 hours. They needed the flexibility of having a studio near to their dwelling to take on more contracts.



Figure 2 – Image from the site visit showing a separate address for the studio

I consider the retention of the new access is not acceptable as there is no need for an additional access to the site and no justification has been provided why an additional access is needed to the building if the use is only for domestic purposes. I am of the opinion an access that may serve a commercial enterprise would be detrimental to the rural character of the area. The main uses within the surrounding area are agricultural farm holdings and residential in single dwellings.

Overall I consider the proposal does not meet the criteria in AMP 2 in PPS 3.

**PPS21: Sustainable Development in the Countryside:** sets out planning policies for development in the countryside. Policy CTY 13 deals with integration with particular reference to criterion (d) which states that a new building will be unacceptable where the ancillary works do not integrate with their surroundings. Para 5.72 of the justification and amplification text states that a new access drive should, as far as practicable, be run unobtrusively alongside existing hedgerows or wall lines and be accompanied by landscaping measures.

**CTY 13 – Integration and CTY 14 – Rural Character**

As shown in figure 3 below the new access runs along the boundary of the existing lane which I consider is acceptable.



Figure 3 – Image from Google Maps July 2021

Figure 4 shows an image of the walls and pillars on the site. The gate has external materials of close board wooden boards and the pillars are proposed sandstone walls/pillars with wrought iron railing between the walls and pillars.



Figure 4 – Image from the site visit of wooden gates and pillars



The concrete pillars are 2.4m in height and at the time of my site visit on the 12<sup>th</sup> November 2021 they were under construction and had blockwork finishes. The applicant has shown in submitted the pillars will be finished in sandstone and will have wrought iron railing in between the pillars. I am of the opinion the scale, massing and design of the pillars and walls is excessive for an entrance in the countryside. The walls and pillars sweep round in a large semi-circle and are set back from the road which is unacceptable for an access in a rural area. As stated in paragraph 5.71 in PPS 21 on occasion new accesses can be more obtrusive than the building itself, particularly if they include ornate walls, gates and fencing. Consequently the walls and pillars are detrimental to rural character and do not meet criteria e in CTY 14.

I consider the proposal does not meet CTY 13 and CTY 14 in PPS 21.

**Neighbour Notification Checked**      Yes

**Summary of Recommendation:**

The proposal is recommended for refusal as the access, walls and pillars are detrimental to rural character and no justification has been provided why a separate access is needed to the building if it is for domestic use. The building approved under LA09/2019/0037/F has not been constructed in the approved location and is being used for commercial use.

**Reasons for Refusal:**

1. Contrary to CTY 1 – Development in the Countryside in PPS 21 Sustainable Development in the Countryside in that no justification has been provided for a new access to the building and the building is unauthorised.
2. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 Sustainable Development in the Countryside in that ancillary works do not integrate with their surroundings.
3. Contrary to CTY 14 – Rural Character in PPS 21 Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character.
4. Contrary to AMP 2 – Access to Public Roads in PSP 3 – Access, Movement and Parking in that in that no justification has been provided for a new access to the building and the building is unauthorised.

**Signature(s)**

**Date:**





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2019/1119/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed site for dwelling and domestic garage, based on Policy CTY10 (dwelling on a farm).	<b>Location:</b> Approx 50m West of 62 Reclain Road Dungannon BT70 2PQ
<b>Applicant Name and Address:</b> Ms Margaret Donnelly 29 Altmore Road Pomeroy Dungannon BT70 2UJ	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Summary of Issues:</b>  This application is for a dwelling on a farm, planning permission was granted for a dwelling on the farm in 2012, this was transferred to a family member in 2015 and as such counts as a sell off. The family members name has been added to the farm business in 2021 but no details have been provided to show what active role they have and for what period of time. The site is on a hill top, elevated in the landscape when viewed from Reclain Road to the west and east. A dwelling may be prominent in the landscape if sited here.	
<b>Summary of Consultee Responses:</b> DEARA - farm active and established for 6 years DfI Roads - safe access can be provided with conditions NI Water - no watermain or public sewer within 20m of property	
<b>Characteristics of the Site and Area:</b>  The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and is characterised by agricultural fields, single dwellings and farm complexes. There is moderate development pressure in the area as there are a number of single dwellings either built or under construction with a roadside frontage along adjoining roads.	

The application site is a square shaped plot which is immediately west of the farm holding at No. 62. The site is accessed off an existing laneway from Reclain Road and has a rising topography from the road to the site. No. 62 comprises a single storey dwelling and a number of outbuildings on a relatively flat land. The site itself is a portion of an agricultural land which has mature hedgerows on all boundaries. There are tall mature trees along the eastern boundary with No. 62. The site has a topography that rises up to a steep hill from Aghnagar Road.

#### **Description of Proposal**

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

#### **Deferred Consideration:**

This application was before the Planning Committee in March 2020 where it was deferred for an office meeting with the Planning Manager. A meeting was held on 11 March 2020 and the agent advised he would provide information to demonstrate the dwelling was not transferred off the farm as the owner of that property works on the farm.

Members should be aware this is an active and established farm and due to the difficulties with access at the existing farm group, an alternative site is acceptable away from the main farm. There is a the complex planning history in relation to this application:

M/2006/0372/O is an application for a site for Dwelling, Lands approximately 80 M South of 64 Reclain Road, Atlaglushan, Dungannon and was on the farm owned by the applicants father. It was refused planning permission on 21 December 2006. The application was appealed and the decision was overturned at appeal and planning permission was granted on 20 July 2009 under Planning Appeal 2007/A0639.

M/2012/0137/F, an application for a dwelling and domestic garage was submitted on 23 March 2012, as there was an extant permission on the site (M/2006/0372/O) planning permission was granted on 23rd May 2012 with a condition requiring the development to commence with 2 years, to tie it into the original Outline Planning Permission. The reduced time frame was due to the changes in Rural Planning Policy that were being introduced through Draft PPS14 and subsequently PPS21 – Sustainable Development in the Countryside.

This application was received on 22 August 2019, therefore between 22 August 2009 and the date of the application, there should not have been any sites or dwellings sold off from the farm. This permission is the development at No. 62, a land registry check shows that Stephen Donnelly and Celia Donnelly became the registered owners of the land on 28 September 2015, prior to this the land was registered to Mr Patrick Eugene Donnelly.

PPS21 was published in June 2010, Policy CTY10 within it sets out the considerations for a dwelling on a farm. There are 2 issues here in respect of the principle of a dwelling on a farm.

- 1. Criteria b states ‘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’**

It is clear there was a transfer within the time period and the applicants were asked to prove this was not transferred off the holding. Correspondence received from the agent on 25 August 2021 is an extract from DEARA database that indicates Mr Patrick Joseph Donnelly is originally named on the farm in 1996 and that Mr Stephen Donnelly joined the farm business in May 2021. It would appear that Stephen Donnelly has been added to the farm business to get around this part of the policy. No further details have been provided to elaborate on the extent of Mr Stephen Donnelly's activity on the farm or the period of time he has been active on the farm and as such, in my opinion members cannot conclude that a development opportunity was not transferred off the farm.

**2. Planning permission granted under this policy will only be forthcoming once every 10 years.**

Planning permission M/2012/1237/F was approved on 23 May 2012 and the 10 year period for this would not elapse until 23 May 2022. However, the policy is clear in that the permission must be granted under policy CTY10. The case officer report at the time does not refer to CTY10 as being the policy that was considered and no details of the farm business are on the file. The report refers to the PAC decision and indicates that a 2 year time commencement condition should be applied. At the transition period between when the then new rural policy was introduced, it was standard practice to limit time commencement where there was an extant permission on a site. I am therefore of the opinion that M/2012/1237/F was not approved under policy CTY10 and as such there have not been any other permissions granted under CTY10 within the last 10 years.

In light of the above, it has not been demonstrated that the transfer of the land associated with M/2012/1237/F was not off the farm and as such I do not consider the proposal meets with criteria b of CTY10.

As the proposal is not sited beside buildings on the farm, the site must meet with CTY13 and CTY14 in respect of integration and respecting rural character. The site is elevated in the landscape and there are critical views of it from the south east and north west.



View from SE



View from SE zoomed in, site behind hedge



View from NW



View from NW zoomed

There is a good strong hedge line to the east and south boundaries which could be retained. There are limited close up views of the site from the surrounding road network due to the landform and the critical views shown above are from a distance. Due to the distances, the existing vegetation along the site boundaries and the landform, I consider a low elevation dwelling with a ridge height 5m located in the south east corner of the site, with the existing vegetation retained, would not be prominent in the landscape. In my opinion it would satisfactorily integrate and would not result in any suburban form of build up. As such I consider a dwelling here could meet with polices CTY13 and CTY14.

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

As the applicant has not been able to demonstrate that a development opportunity was not transferred of the holding within 10 years of the date of the application, contrary to criteria (b) of CTY10 of PS21, I recommend this application is refused

Reasons for Refusal:

1. The proposal is contrary to criteria (b) in Policy CTY 10 of Planning Policy Statement 21, in that hasn't been demonstrated that a development opportunity has not been sold off or transferred from the holding within 10 years from the date of the application.

**Signature(s)**

**Date:**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 03/03/2020	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1119/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for dwelling and domestic garage, based on Policy CTY10 (dwelling on a farm).	<b>Location:</b> Approx 50m West of 62 Reclaim Road Dungannon BT70 2PQ
<b>Referral Route:</b>  <ol style="list-style-type: none"><li>1. The proposal is contrary to CTY 10 of Planning Policy Statement 21, in that hasn't been demonstrated that a development opportunity has not been sold off or transferred from the holding within 10 years from the date of the application.</li><li>2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new dwelling will occupy the top of the slope and be a prominent feature in the landscape.</li><li>3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted would further erode rural character as it will occupy the top of the slope and be a prominent feature in the landscape.</li></ol>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Ms Margaret Donnelly 29 Altmore Road Pomeroy Dungannon BT70 2UJ	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NI Water - Single Units West - Planning Consultations	Content
Statutory	DAERA - Omagh	Advice

#### Representations:

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

#### Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and is characterised by agricultural fields, single dwellings and farm complexes. There is moderate development pressure in the area as there are a number of single dwellings either built or under construction with a roadside frontage along adjoining roads.

The application site is a square shaped plot which is immediately west of the farm holding at No. 62. The site is accessed off an existing laneway from Reclaim Road and has a rising

topography from the road to the site. No. 62 comprises a single storey dwelling and a number of outbuildings on a relatively flat land. The site itself is a portion of an agricultural land which has mature hedgerows on all boundaries. There are tall mature trees along the eastern boundary with No. 62. The site has a topography that rises up to a steep hill from Aghnagar Road.

### **Description of Proposal**

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

### **Planning Assessment of Policy and Other Material Considerations**

#### **Planning History**

M/2006/0372/O - Site for Dwelling - Lands approximately 80 M South of 64 Reclain Road, Atlaglushan, Dungannon – Planning Appeal 2007/A0639 Upheld

M/2012/0137/F - Proposed dwelling and domestic garage - Lands approx 80m South of 64 Reclain Road, Atlaglushan – Permission Granted 23<sup>rd</sup> May 2012

This permission for a dwelling at No. 62 which has been built on site. A land reg check shows that Mr Stephen Donnelly is now the landowner.

LA09/2017/1543/O - Proposed dwelling and domestic garage - Site opposite 136 Aghnagar Road, Galbally for Margaret Donnelly. Application Withdrawn 16<sup>th</sup> September 2019. This was for a site abutting the eastern boundary of No. 64 and is the same applicant as this application. The application was withdrawn as this site would be a prominent feature in the landscape.

#### **Representations**

The proposal was neighbour notified and advertised in the press and no representations have been received.

#### **Planning Policy Consideration**

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

#### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this, the Draft Plan cannot be given any determining weight at this time.

#### **Dungannon and South Tyrone Area Plan 2010**

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010.

**SPPS - Strategic Planning Policy Statement for Northern Ireland:** sets out that 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.

### **PPS 21 Sustainable Development in the Countryside**

Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. As this is an application for a dwelling on a farm CTY 10 is the relevant policy which will apply.

### **Policy CTY 10 – Dwellings on Farms**

DAERA confirmed the farm business ID as stated on the P1C form has been in existence for over 6 years and the applicant is a Category 1 farm business. DAERA stated that the farm business has claimed Single Farm Payments for the past 6 years. Therefore I am satisfied the farm business is currently active and has been established for at least 6 years.

The applicant submitted DAERA 2019 farm boundary maps for the business at the holding. A land reg check shows that Patrick Donnelly is the landowner of the farm dwelling and outbuildings at No. 62 and this was transferred into his ownership on 28<sup>th</sup> September 2015. The previous owner of No. 62 is Patrick Donnelly who is stated on the P1 form that Mr Patrick Donnelly is the owner of the active farm business. No. 62 is within the farm holding so this is a sell-off as the policy in CTY 10 states sell-off include family members. However this is not a sell-off if Stephen Donnelly is an active member of the farm business. Emails were sent to the agent on 14<sup>th</sup> November 2019 and 9<sup>th</sup> January 2020 requesting information about Stephen Donnelly's involvement in the farm holding. This information was also requested in a telephone conversation. At the time of writing no information has been received. A history check on the DAERA number and the farm boundary maps demonstrates that no other sites have been sold-off from the farm holding. As the requested information has not been received I cannot definitively state that no sites have been sold-off.

No site location has been identified on the site location plan dated 22 AUG 2019 but it was suggested by the agent to place the dwelling along the western boundary beside No. 62. I consider the proposed dwelling will cluster with the group of buildings on the farm. There is an existing laneway to the farm holding from Reclaim Road.

### **CTY 13 – Integration and Design of Buildings in the Countryside**

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The application site is set back from the public road by 110m and the topography rises up steeply from Reclain Road to No. 62. The proposed dwelling will sit to the west of the group of farm buildings at No. 62 in a cut-out of an agricultural field. Along Aghnagar Road the land rises up steeply to the eastern boundary of the site where there is a row of mature trees. As shown in figure 1 below the proposed dwelling would read as skyline development, the policy in CTY 10 states this will be a prominent feature in the landscape and this is unacceptable. As figure 2 demonstrates, there will be minimal views of the dwelling from Reclain Road due to existing trees and the backdrop of buildings at No. 62. At the site itself, the land slopes downwards from the southern boundary as shown in figures 3 and 4.



Figure 1 View from Aghnagar Road



Figure 2 View from Reclain Road. The building is part of the group of farm buildings at No. 62

There is a 2m high established hedgerow along the east and south boundaries as shown in figures 3 and 4. There are mature trees along the eastern boundary with No. 62, which are within the applicant's control. The site is a portion of an existing agricultural field so 2 new hedgerows would need to be planted along the remaining boundaries to assist with integration. I am content the proposal will not rely on new planting for integration at the site.



Figure 3 View of the eastern boundary of the site



Figure 4 View of the southern boundary of the site

The proposed dwelling will use an existing laneway from Reclain Road so I have no concerns about the access.

The design of the proposed dwelling and garage will be considered at the Reserved Matters Stage. The predominant character of the area is single storey dwellings and as this site occupies the top of a slope, a one-storey dwelling would be most appropriate.

There is a dwelling and outbuildings at No. 62, which will provide a backdrop to a proposed dwelling and garage. In addition, there are established trees along the eastern boundary. However, the proposal will be sited at the top of a slope so it fails to blend into the landscape.

I am content the dwelling will cluster with a group of buildings on the farm holding at No. 62.

### **CTY 14 – Rural Character**

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area.

As previously discussed in the assessment, the proposed dwelling and garage will be a prominent feature in the landscape as it will be sited at the top of a slope and read as skyline development from Aghnagar Road.

I am content the proposal will not result in a suburban style build-up of development, as there already is moderate development pressure in the area from the construction of single dwellings.

I consider the proposal will not create or add to a ribbon of development.

I am content the use of an existing access will not damage rural character.

### **PPS 3 Access, Movement and Parking**

DFI Roads were consulted as this is an alteration of an existing laneway to No. 62. They responded and had no objections subject to conditions.

### **Other Considerations**

There are no other ecological, built heritage or flooding concerns.

**Neighbour Notification Checked**      **Yes**

### **Summary of Recommendation:**

The proposal is recommended for refusal, as it does not comply with CTY 10 and CTY 13 of Planning Policy Statement 21.

### **Reasons for Refusal**

1. The proposal is contrary to CTY 10 of Planning Policy Statement 21, in that hasn't been demonstrated that a development opportunity has not been sold off or transferred from the holding within 10 years from the date of the application.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new dwelling will occupy the top of the slope and be a prominent feature in the landscape.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted would further erode rural character as it will occupy the top of the slope and be a prominent feature in the landscape.

**Signature(s)**

**Date:**



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karla McKinless	
<b>Application ID:</b> LA09/2020/0908/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> 25m North East of 68 Hillhead Road Toomebridge
<b>Applicant Name and Address:</b> Mr Damian Barton 68 Hillhead Road Toomebridge BT41 3SP	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT413SG
<b>Summary of Issues:</b>  At Planning Committee on the 7th Dec 2021 members agreed that the proposal for a farm dwelling complied with policy CTY 10 of PPS 21. The case officer had however recommended that the application be refused as it was deemed contrary to Policy AMP 3 of PPS 3 (ie) that it was not acceptable for a new access to be created onto a Protected Route. The application was deferred for further consideration as DFI Roads had given an indication that the Protected Route (A6) would be declassified.	
<b>Summary of Consultee Responses:</b>  As part of my deferred consideration a re-consultation was issued to DFI Roads on the 16th Dec 2021. DFI Roads have advised that the re-classification of the A6 Hillhead Road has not taken place to date however, they would offer an assumption that this section of the Hillhead Road when re-classified will not be subject to restrictions under the Protected Route Policy. They have stated that they have no objections to approval being granted to this application subject to a standard condition requiring the submission of a 1:500 plan in accordance with the RS1 form at Reserved Matters stage.  Under the original consideration the following consultations were issued:  DFI Roads were consulted on 13/08/2020 and responded on 08/09/2020 recommending refusal under Protected Routes Policy PPS 3 AMP3.	



NIW were consulted on 13/08/2020 and responded 14/08/2020 no objections;  
DAERA were consulted on 13/08/2020 and responded on 03/09/2020 provided information pertaining to the farm activities of the farm.

### **Characteristics of the Site and Area:**

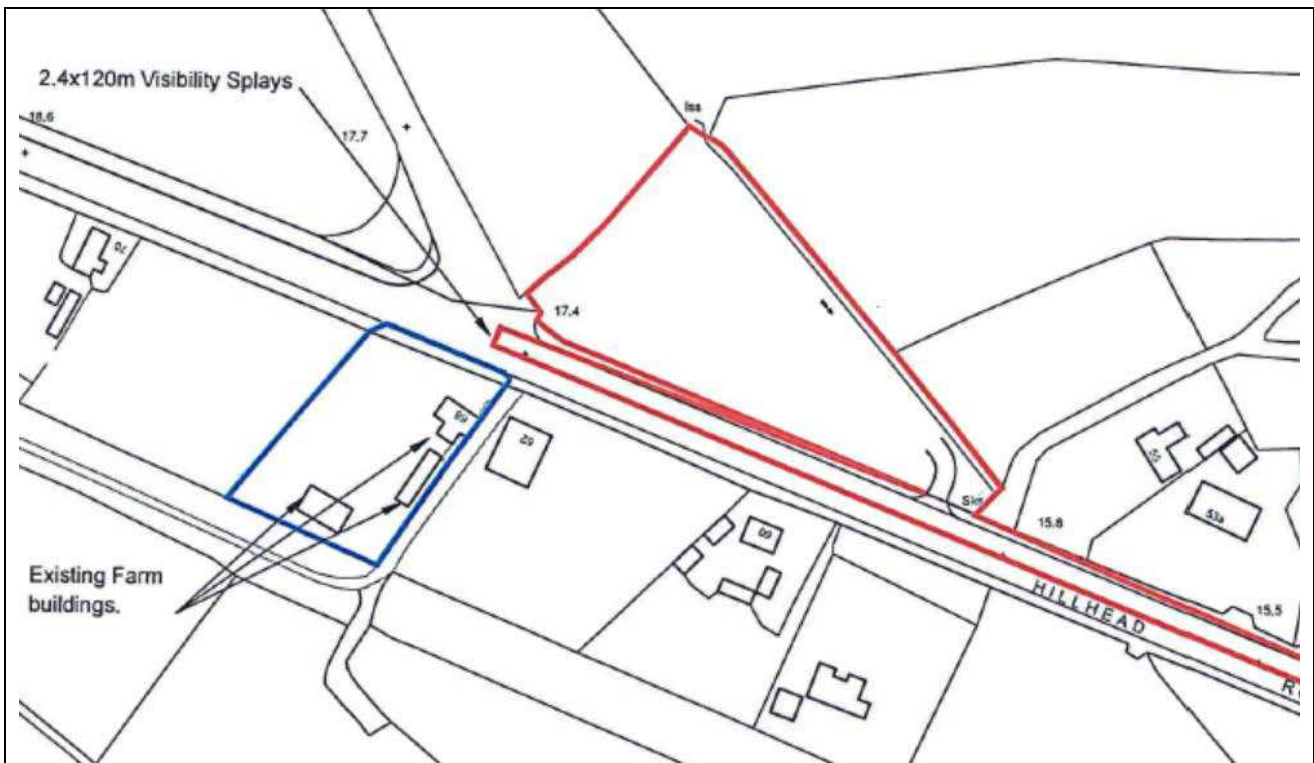
The site is identified as lands located 26m NE of 68 Hillhead Road, Toomebridge. The site borders on onto Deerpark and Hillhead Roads. The site plot is triangular in shape measuring approximately 0.63 of a hectare. Site boundaries comprise intermittent low level vegetation on the south western boundary (running appavelled with the Hillhead Road); post and wire fencing and sporadic vegetation on the south eastern boundary; the other to the north eastern boundary consist of hedgerow and post and wire fencing. The surrounding landform is one of undulating countryside and the land raises from Hillhead Road. The main farm group is located to the south opposite Hillhead Road no 68 consisting of a one and a half storey dwelling with outbuildings to the rear. There is a large evergreen hedgerow to the front of No 68 running parallel with Hillhead Road. The buildings to the rear of 68 appear to be agricultural. To the Southeast is a private laneway that runs parallel with the sheds servicing property and lands to southwest; to the east is no 62 a car sales businesses; located to the east is a detached dwelling No 60; and to the west is no 70 a small bungalow with an open area used for storing wooden pallets.

The site is located in open countryside and is within a designation Cou 01 area of high scenic value: west as defined in the Magherafelt Area Plan 2015.

The Hillhead Road is part of the A6 protected route running from Toome to Castledawson. There are limited views of the site on approach from either direction due to the built form on each side.

### **Description of Proposal**

The applicant is seeking outline planning permission for a proposed dwelling and garage on a farm, which was received by MUDC Planning on 28/07/2020. No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only



### Deferred Consideration:

This application is for a farm dwelling with a proposed access onto the A6 (Hillhead Road) which is currently a protected route. Currently there only exists an agricultural field access onto the protected route. There are no concerns about the acceptability of the site under CTY 10 and the sole refusal reason was based on Policy AMP 3 of PPS 3. DFI have been reconsulted with the application. In this re-consultation MUDC advised that we would be minded to treat this proposal as an exception to Policy AMP 3 (b) (as contained in Annex 1 of PPS 21) for the following reasons: access cannot be reasonably obtained from an adjacent minor road nor can the existing agricultural access be utilised, as a field gate is not deemed to be an access as advised in PPS 3. Also, we were content that the de-trunking of this section of the Hillhead Road will go ahead in the near future, despite DFI Roads not providing a set date.

DFI Roads have now revised their initial recommendation to refuse this application and have recommended approval subject to a standard outline condition.

Consideration has also been given to planning application LA09-2020-1536-O. This application for an infill dwelling between 74 & 76 Hillhead Road, Toomebridge, was approved at Planning Committee (August 2021). It proposed a new access onto this same stretch of Road. In terms of administrative fairness the Planning Department has to give the same consideration to this application and to the fact that DFI Roads have revised their initial recommendation to refuse the application.

Approval is therefore recommended, subject to conditions as set out below.

## Conditions

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.

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.

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

The proposed dwelling shall be sited in the area shaded green on the approved plan date stamped 28th July 2020

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

The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0908/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> 25m North East of 68 Hillhead Road Toomebridge
<b>Referral Route:</b>  Refusal contrary to PPS 3 -AMP3	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Damian Barton 68 Hillhead Road Toomebridge BT41 3SP	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT413SG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
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

Farm dwelling complies with CTY 10 criteria no third party representations received and all other material considerations have been taken into consideration.

### **Characteristics of the Site and Area**

The site is identified as lands located 26m NE of 68 Hillhead Road, Toomebridge. The site borders on onto Deerpark and Hillhead Roads. The site plot is triangular in shape measuring approximately 0.63 of a hectare. Site boundaries comprise intermittent low level vegetation on the south western boundary (running appavelled with the Hillhead Road); post and wire fencing and sporadic vegetation on the south eastern boundary; the other to the north eastern boundary consist of hedgerow and post and wire fencing. The surrounding landform is one of undulating countryside and the land raises from Hillhead Road. The main farm group is located to the south opposite Hillhead Road no 68 consisting of a one and a half storey dwelling with outbuildings to the rear. There is a large evergreen hedgerow to the front of No 68 running parallel with Hillhead Road. The buildings to the rear of 68 appear to be agricultural related. To the Southeast is a private laneway that runs parallel with the sheds servicing property and lands to southwest; to the east is no 62 a car sales businesses; located to the east is a detached dwelling No 60; and to the west is no 70 a small bungalow with an open area used for storing wooden pallets. The site is located in open countryside and is within a designation Cou 01 area of high scenic value: west as defined in the Magherafelt Area Plan 2015.

The Hillhead Road is part of the A6 protected route running from Toomebridge to Castledawson. There are limited views of the site on approach from either direction due to the built form on each side.

### **Description of Proposal**

The applicant is seeking outline planning permission for proposed dwelling and garage on a farm, which was received by MUDC Planning on 28/07/2020.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on [www.planningni.gov.uk](http://www.planningni.gov.uk)

### **Relevant planning history.**

There is no relevant planning history associated with the proposed site.

### **Representations.**

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 10/08/2020 (publication date 11/08/2020). Ten (10) neighbouring properties were notified on 14/08/2021; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

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

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

Statutory consultees:

- DFI Roads were consulted on 13/08/2020 and responded on 08/09/2020 recommending refusal under Protected Routes Policy PPS 3 AMP3. The response further stated that although the new A6 Trunk Road Scheme is now open to traffic the Contractor is responsible for the new road under his contract obligations until its completion. Dfi Roads will not remove protected routes status from the existing A6 Hillhead Road prior to the completion of the new road. However, no date has been set for the de-trucking of this section of Hillhead Road.
- NIW were consulted on 13/08/2020 and responded 08/09/2020 no objections;
- DAERA were consulted on 13/08/2020 and responded on 03/09/2020 provided information pertaining to the farm activities of the farm.

### **Planning Assessment of Policy and Other Material Considerations**

Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 (MAP) acts as the LDP for this area as Mid Ulster District Council has not yet adopted a plan strategy for the district as a whole. The site is in the open countryside outside of any settlement limit or rural policy area defined in the plan. MAP does not offer any relevant policies relating to the assessment of this application.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for their council area. It also retains certain existing Planning Policy Statements including Planning Policy Statement 21 Sustainable Development in the Countryside (PPS 21). Section 6.77 states that proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety.

Policy CTY1 of PPS 21 sets out the types of development which are considered to be acceptable in principle in the countryside. It states that planning permission will be granted for an individual dwelling house in six specified cases, one of which is a dwelling on a farm in accordance with Policy CTY10. This sets out three criteria to be met and also requires the site to comply with other policies in PPS 21.

Criterion (a) of Policy CTY10 requires that the farm business is currently active and has been established for at least 6 years. Paragraph 5.38 of the justification and amplification text to Policy CTY10 states that the applicant will be required to provide the farm's business identification number along with other evidence to prove active farming over the required period. The farm business is owned by the appellant's father Mr Richard Barton. It comprises only one field



located 25m to the north east of no 68 Hillhead Road. DAERA were consulted on this application and in their initial response confirmed the farm was established in 1992; a category 1 farm, does not claim SFP and the lands which the site is located on is associated with another farm business. The agent submitted a farm map and a Lease Agreement signed by Mr. Richard Barton and Mr. Sean McGrogan dated 1st May 2011.

My observations made while on site confirmed the land is kept in good environmental condition and on the basis of invoices relating to fence repairs, hedge cutting, weed control, rolling and harrowing I am satisfied that criteria has been met.

With respect to (b) and upon a history of the farm business, I am content that it does not appear that there were any development opportunities approved or sold off the farm in the previous 10 years.

With respect to (c), as stated earlier in my report the registered farm address is 68 Hillhead Road, Toomebridge where the site is situated approximately 25m north east of 68. With this in mind, I am content that there will be sufficient visual linkage between the site and this registered group of buildings notwithstanding that the Hillhead Road bisects the site with the existing farm group.

I note that the policy states that where practicable that access should be taken from an existing lane, I note that the intention is to construct a new access arrangements onto Hillhead Road. From this I am content that the dwelling would be able to comply under this policy test.



Fig. 1 Aerial overview of site and existing farm group 25m NE of No 68 Hillhead Rd.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that the site does sit higher than that of the registered farm address, in which I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. In which as much of the existing landscaping should be retained where possible and supplemented with additional landscaping to aid integration. Therefore, a landscaping plan will be needed I any reserved matters application.

Given the landform I feel it necessary to restrict the ridge height of any dwelling to have a ridge height of no more than 7m above finish floor level. In addition, I feel it necessary to restrict the siting of any dwelling to the upper portion of the site along the roadside in line with the development pattern in the area. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. I am content that this application is unlikely to lead to further development through infilling. From all of this it has been agreed that the application is able to comply with CTY 14 on balance.

Planning Policy Statement 3, Access, Movement and Parking Policy AMP3 access onto a Protected Route will only be granted for a development involving a direct access, or intensification of use of an existing access onto a Protected Route. As this development is a farm dwelling that involves the construction of a new access arrangements is not included as one of the cases referred to in policy AMP3 the proposed development is contrary to Policy and should be refused.

#### **Other policy and material considerations**

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

I have no ecological, flooding or residential amenity concerns. The south east section of the site shows on the flood maps as service water.

#### **Summary of Recommendation:**

In consideration of the above, it is my opinion that planning permission should be refused for the following reason

**Reasons for Refusal:**

The proposal is contrary to PP3, Access, Movement and Parking and Policy AMP 3 that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	28th July 2020
<b>Date First Advertised</b>	11th August 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner/Occupier, 17 Aughrim Lane Toomebridge Toome</p> <p>The Owner/Occupier, 19 Aughrim Lane Toomebridge Toome</p> <p>The Owner/Occupier, 5 Blackpark Road Toomebridge Toome</p> <p>The Owner/Occupier, 50 Blackpark Road Toomebridge Toome</p> <p>The Owner/Occupier, 53 Blackpark Road, Toomebridge, Toome, Londonderry, BT41 3SL</p> <p>The Owner/Occupier, 53a Blackpark Road, Toomebridge, Toome, Londonderry, BT41 3SL</p> <p>The Owner/Occupier, 60 Hillhead Road Creagh Londonderry</p> <p>The Owner/Occupier, 62 Hillhead Road Toome Londonderry</p> <p>The Owner/Occupier, 68 Hillhead Road Creagh Londonderry</p> <p>The Owner/Occupier, 70 Hillhead Road Creagh Londonderry</p>	
<b>Date of Last Neighbour Notification</b>	14th August 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>	
<p>Ref ID: LA09/2020/0908/O            Proposal: Proposed dwelling and garage            Address: 25m North East of 68 Hillhead Road, Toomebridge,            Decision:            Decision Date:</p> <p>Ref ID: H/2003/0230/O            Proposal: Site of dwelling and garage.            Address: 60 Metres North West of 55 Hillhead Road, Castledawson.</p>	

Decision:  
Decision Date: 07.11.2005

Ref ID: H/1998/0450  
Proposal: REPLACEMENT SEPTIC TANK  
Address: 9 AUGHRIM LANE CREAGH  
Decision:  
Decision Date:

Ref ID: H/1990/0560  
Proposal: H.V. O.H. LINE BM 0464/90  
Address: AUGHRIM LANE CREAGH MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1995/0246  
Proposal: SITE OF DWELLING AND GARAGE  
Address: ADJ TO 9 AUGHRIM LANE TOOMEBRIDGE  
Decision:  
Decision Date:

Ref ID: H/2014/0145/F  
Proposal: Proposed repositioning of entrance to existing dwelling  
Address: 55 Hillhead Road, Toomebridge, BT41 3SP,  
Decision: PG  
Decision Date: 22.12.2014

Ref ID: H/2007/1052/F  
Proposal: 1.Change of house type to that previously approved under current permission H/2005/0805/F. 2.Detached domestic garage (garage retrospective)  
Address: 55 Hillhead Road, Toomebridge  
Decision:  
Decision Date: 15.04.2008

Ref ID: H/1981/0364  
Proposal: SITE OF BUNGALOW  
Address: HILLHEAD ROAD, THE CREAGH, CASTLEDAWSON  
Decision:  
Decision Date:

**Summary of Consultee Responses**

<b>Drawing Numbers and Title</b>
Drawing No. 01 Type: Site Location Plan Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/1444/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed dwelling and garage on a farm (Amended Description)	<b>Location:</b> Adjacent to 76 Moghan Road Castlecaulfield Dungannon BT70 3BZ
<b>Applicant Name and Address:</b> Brigid McElduff 76 Moghan Road Castlecaulfield Dungannon BT70 3BZ	<b>Agent name and Address:</b> Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
<b>Summary of Issues:</b> Previously considered as infill development and not accepted, planning permission has been granted for a dwelling on a farm within the last 10 years.	
<b>Summary of Consultee Responses:</b> DFI Roads – no objections access requires 2.4m x 55.0m sight lines and 55.0m forward sight lines	
<b>Characteristics of the Site and Area:</b>  The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and is characterised by agricultural fields, scattered farm holdings and dwellings on single plots. Along adjoining roads there are a number of dwellings with a roadside frontage or set back along a lane. The public road rises up from north to south and reaches at plateau at No. 76, which is the dwelling to the north of the application site. Travelling south past the site and No. 76 the road starts to slope downwards.  The application site is a portion of an existing agricultural field with a roadside frontage onto Moghan Road. Along the roadside boundary is a post and wire fence and along the southern	

boundary is a low hedge. Along the boundary with No. 76 there is also a post and wire fence and the remaining boundary is undefined.

### **Description of Proposal**

This is an outline application for a proposed dwelling and garage on a farm at Adjacent to 76 Moghan Road, Castlecaulfield, Dungannon.

### **Deferred Consideration:**

This application was deferred at the Planning Committee in November 2021 to allow a meeting with the Planning Manager to review the case. A zoom meeting was held on 18 November 2021 and there was an issue with the Mr Donnelly's connection however Mr Donnelly subsequently provided additional information for consideration.

This application was initially submitted as a gap site within the exception in CTY8, it was not considered to meet the exception for an infill opportunity and was changed to a dwelling on a farm. The previous report sets out the full considerations of the farming case and it is clear the applicant had a larger holding which has been reduced in size but is still active and established. Planning permission LA09/2017/0395/O for a dwelling and garage was approved on 17 May 2017, land registry documents indicate that that site was owned by the applicant from 16 April 2016 and was transferred on 17 August 2017.

**Policy CTY10** in PPS21 it sets out the considerations for a dwelling on a farm. There are 2 issues here in respect of the principle of a dwelling on a farm.

**1. Criteria b states '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'**

It is clear Planning permission LA09/2017/0395/O was granted for a dwelling and garage, this was transferred to the applicant niece in or around 17 August 2017, after planning permission had been granted. This was a development opportunity and there has been no information presented to demonstrate that it was not transferred off the holding.

**2. Planning permission granted under this policy will only be forthcoming once every 10 years.**

Planning permission LA09/2017/0395/O was granted as an gap site within the exclusion in Policy CTY8 of PPS21. I am content that M/2012/1237/F was not approved under policy CTY10 and as such there have not been any other permissions granted under CTY10 within the last 10 years.

It is clear there has been a site transferred off the farm within the 10 year time and as such criteria (b) cannot be met.

In respect of the infill opportunity, members will be aware CTY8 allows the infilling of a small gap site in an otherwise substantially built up frontage. The Ministers Statement on 16 July 2013 into the Review of the Operation of PPS 21 'Sustainable Development in the Countryside' specifically identified the need to take account of extant permissions when assessing whether a suitable infill opportunity exists.

The proposed site has a frontage of 70m, which I consider to be excessive when compared with the existing development to the North (Map 1 & 2). The development to the north consists of:





Map 1 & 2

- a 2 storey dwelling and farm complex which has a frontage of 87.7m (fig1 &2 ),



Fig 1 – farm complex to north viewed from north approach



Fig 2 – farm complex to north viewed from the south boundary

- a new dwelling, with approval for a domestic garage beside it, this has a frontage of 43.5m (fig 3)



Fig 3 – new dwelling, was on farm lands and transferred off

- a large shed and yard area with a frontage of 32.9m (fig 4)



Fig 4 – shed and yard

- a dwelling and detached garage which has a frontage of 31.9m (Figs 5 and 6)



Fig 5 – dwelling and garage adjacent to the site



Fig 6 – dwelling and garage to side, viewed from south

In this case there is a new dwelling that has been constructed to the north west of the applicants dwelling, it has permission for a detached domestic garage to the side. Permission has also been approved for a replacement dwelling to the south east of the proposed site, ref LA09/2021/0179/O. There are currently no details of the proposed dwelling, however it has conditions limiting the height to 6m high ridge, siting restriction and curtilage restriction which uses the existing access off the existing lane. ( Appendix 1 and Fig 7)



Fig 7 – Stamped approved drawing for LA09/2021/0179/O

I do not consider the extant permissions change the consideration of CTY8 and the infill opportunities here. The site has a significant frontage which I consider is a good visual break in development along this side of Moghan Road. The existing and approved

development to south will not, in my opinion, significantly alert that impression and as such I do not consider this is an infill opportunity.

In light of the above assessment and considerations I recommend this application is refused.

**Reasons for Refusal:**

1. The proposal is contrary to policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside as the proposal would add to a ribbon of development.
3. The proposal is contrary to CTY 10 – Dwelling on a Farm in PPS 21 – Sustainable Development in the Countryside as a development opportunity has been sold off from the farm holding within the past 10 years since the date of this application.
4. The proposal is contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in that the application site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
5. The proposal is contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in that the proposal would add to a ribbon of development and be detrimental to rural character.

**Signature(s):**

**Date**



**OUTLINE PLANNING PERMISSION**  
**Planning Act (Northern Ireland) 2011**

Application No: LA09/2021/0179/O

Date of Application: 8th February 2021

Site of Proposed Development: 72 Moghan Road  
Dungannon

Description of Proposal: Proposed replacement dwelling

Applicant: Wayne Burrows  
Address: 26 Avonbank Gardens  
Denny

Agent: J Aidan Kelly Ltd  
Address: 50 Tullycullion Road  
Dungannon  
BT70 3LY

Drawing Ref: 01

Mid Ulster District Council in pursuance of its powers under the above-mentioned Act hereby

**GRANTS OUTLINE PLANNING PERMISSION**

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

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.

Application No. LA09/2021/0179/O

LA09



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. The existing building indicated and coloured green on the approved 1:2500 scale site location plan, Drawing No.01, date stamp received 8th February 2021, is to be demolished within 6 weeks of the occupation of the new dwelling and all rubble and foundations removed from the site.

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

4. The dwelling hereby permitted shall have a ridge height not exceeding 6 metres above existing ground level. It should be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside?'

**Reason:** To ensure that the proposal is in keeping with the character of the area and to ensure integration into the setting of the historic monument.

5. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by Mid Ulster District Council.

**Reason:** To ensure the dwelling integrates into the landform.

6. A detailed scheme of structured landscaping for the site including along all site boundaries, shall be submitted at Reserved Matters stage at the same time as the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during first available planting season after the occupation of the dwelling which is hereby approved.

**Reason:** To ensure the dwelling integrates into the countryside and to ensure the maintenance of screening of the site.



7. The proposed dwelling shall be sited in the area shaded green on the approved plan 01 which was received on 8th February 2021.

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

8. The curtilage of the proposed dwelling shall be as indicated in the area shaded green on the approved plan 01 which was received on 8th February 2021.

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

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. The existing vehicular access to the dwelling is considered to be sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility.

Dated: 18th May 2021

Planning Manager





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 02/11/2021	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1444/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage on a farm	<b>Location:</b> Adjacent to 76 Moghan Road Castlecaulfield Dungannon BT70 3BZ
<b>Referral Route:</b> <p>1. The proposal is contrary to policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development cannot be located within a settlement.</p> <p>2. The proposal is contrary CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside as the proposal would add to a ribbon of development.</p> <p>3. The proposal is contrary to CTY 10 – Dwelling on a Farm in PPS 21 – Sustainable Development in the Countryside as a development opportunity has been sold off from the farm holding within the past 10 years since the date of this application.</p> <p>4. The proposal is contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in that the application site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.</p> <p>5. The proposal is contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in that the proposal would add to a ribbon of development and be detrimental to rural character.</p>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Brigid McElduff 76 Moghan Road Castlecaulfield Dungannon BT70 3BZ	<b>Agent Name and Address:</b> Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF



Signature(s):

**Case Officer Report**

**Site Location Plan**



**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
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

**Characteristics of the Site and Area**

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and is characterised by agricultural fields, scattered farm holdings and dwellings on single plots. Along adjoining roads there are a number of dwellings with a roadside frontage or set back along a lane.

The public road rises up from north to south and reaches at plateau at No. 76, which is the dwelling to the north of the application site. Travelling south past the site and No. 76 the road starts to slope downwards.

The application site is a portion of an existing agricultural field with a roadside frontage onto Moghan Road. Along the roadside boundary is a post and wire fence and along the southern boundary is a low hedge. Along the boundary with No. 76 there is also a post and wire fence and the remaining boundary is undefined.

**Description of Proposal**

This is an outline application for a dwelling and garage on a farm at lands adjacent to 76 Moghan Road, Castlecaulfield.

**Planning Assessment of Policy and Other Material Considerations**

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

**Representations**

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

**Planning History**

No planning history at the application site.

**Surrounding land**

LA09/2017/0395/O - Dwelling and garage - 30m North West of 74 Moghan Road Castlecaulfield, Dungannon – Permission Granted 10.05.2017

LA09/2017/1094/RM - Dwelling and garage - 30m North West of 74 Moghan Road Castlecaulfield, Dungannon – Permission Granted 09.10.2017

**Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

## **Dungannon and South Tyrone Area Plan 2010**

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

### **Planning Policy Statement 21**

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

The proposal does not meet the criteria in CTY 2a as the site is not located at a crossroads or a focal point.

There is no dwelling on the application site that could be replaced so the proposal does not meet CTY 3.

### **CTY 8 – Ribbon Development**

Initially, the application was for an infill dwelling and garage but after an assessment of CTY 8 – Ribbon Development it was agreed with the Planning Manager this proposal did not meet the criteria for an infill opportunity under the exception to policy CTY 8. To the south of the site is a field and access lane to a dwelling and group of farm buildings at No. 72. I consider No. 72 does not have a frontage to the public road so cannot be considered as one of the three or more buildings. Therefore the agent was asked to consider other policies in PPS 21. Consequently this proposal is now for a dwelling and garage on a farm so CTY 10 is the relevant policy in the assessment.

### **CTY 10 – Dwelling on a Farm**

The applicant submitted a P1C form and confirmed there is no DAERA farm business ID at the site so I did not consult DAERA. In discussions with the applicant it was detailed that the applicant's husband has previously farmed the land but had passed away. Thus the land was rented out to Mr Victor Patterson who confirmed this in a letter received 17<sup>th</sup> August 2021. The letter stated that the site was previously part of a larger farm and the other land had been sold to him 5 years ago. The applicant had retained the land part of the application site and other land in blue on the map and Mr Patterson rented this land out for farming. The applicant also submitted a letter to verify these claims that they have previously owned and farmed over 42 acres of land.

The applicant also submitted receipts to demonstrate that active farming is occurring at the site for the past 6 years. Receipts have been submitted from Francis J. McKenna & Sons Agricultural Contractors for hedgecutting around farmland and grasstopping. Even-though the applicant does not have a DAERA number I am satisfied that there is active farming at the site and this has been established for at least 6 years. Para 5.39 of CTY10 states that 'agricultural activity' refers to the growing of agricultural products or maintaining the land in good agricultural and environmental condition. There are no animals on the farm holding and as such DEARA records are not helpful to verify if this is an active and established farm. The information presented in this case is in the form of invoices while these are unverifiable, I would tend to give the benefit of the doubt to Mrs McElduff and accept this

business has been on-going for over 6 years. I consider this is an active and established farm for the purposes of CTY10.

The land owned by Mrs McElduff, at this location, is some 1.8 hectares in area, which is over the 0.5ha that is specified in the Planning (General Permitted Development) Order (NI) 2015 for a farm holding.

I have carried out a planning history search of the farm holding. There is a dwelling abutting the northern boundary of the farm holding as shown in red on figure 1 below.



Figure 1 – Dwelling which has been sold off from the farm holding.

LA09/2017/0395/O granted approval for a dwelling and a garage on the 17<sup>th</sup> May 2017 at the site shown in figure 1. Land registry checks show that this site has been owned by Eilish Teresa Kelly & Christopher Bernard Mullin since the 17<sup>th</sup> August 2017. They were also the applicants on planning approval LA09/2017/0395/O. Land registry shows the previous owner of the site was Brigid McElduff since 18<sup>th</sup> May 2016 and she transferred the site to Eilish Kelly and Christopher Mullin on the 17<sup>th</sup> August 2017. Brigid McElduff is the applicant in this case for a dwelling on a farm. The applicant had previously indicated that the application site was part of a larger farm holding and other fields within the farm had been sold to a third party. I consider this is a sell-off from the farm holding within the past 10 years since the date of the application and is contrary to policy in CTY 10.

The only buildings on the farm holding is a one and half storey dwelling at No. 76, detached garage and another shed. I completed a check on dwelling and garage only, I am satisfied these buildings are more than just a dwelling and garage and is a group to cluster with.



Figure 2 – Snapshot from Google maps of the group of buildings on the farm.

The application site is immediately south of these group of farm buildings and I am content the site will cluster with these buildings in critical views. A new access is proposed at the site but as it will travel for a short distance I have no concerns.

### **CTY 13 – Integration and Design of Buildings in the Countryside**

The application site is a portion of a larger agricultural field and has a roadside frontage onto Moghan Road. Along the roadside boundary is a grass verge and a post and wire fence. Along the boundary with No. 76 is also a wire fence and along the southern boundary is a low hedge. Travelling from the south there are limited critical views and the proposed dwelling will read with the other buildings along this stretch of road. Travelling from the north there are also limited critical views. At the application site the topography rises up where it flattens off towards the rear boundary. I am content the proposal will not be a prominent feature in the landscape.



Figure 3 – Latest google image from the site showing the lack of natural boundaries

As shown in figure 3 above the site lacks only has limited natural boundaries. The land rises up from the roadside and there is only a post and wire fence along the roadside. I consider there is not a sufficient degree of enclosure at the site and would rely on the use of new landscaping for integration.

The design of the dwelling will be considered at the reserved matters stage as this is an outline application.

**CTY 14 – Rural Character**

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposal will add to a ribbon of development as it was previously assessed under CTY 8 and did not meet this criteria and is at the end of a row of three other dwellings. As stated in paragraph 5.8 in PPS 21 ribbon development is always detrimental to rural character and contributes a sense of build-up and fails to respect the local settlement pattern.

**PPS 3 Access, Movement and Parking**

DFI Roads were consulted as a new access is proposed at the site and they responded with no objections subject to conditions that a 1:500 block plan is submitted at Reserved Matters Stage.

I have no ecological, built heritage, flooding or residential amenity concerns.

**Neighbour Notification Checked**    Yes

**Summary of Recommendation:**

The proposal does not meet any policy in PPS 21 for a dwelling in the countryside, therefore there is no overriding reason why the proposal cannot be located within a settlement.

**Reason for Refusal:**

1. The proposal is contrary to policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside as the proposal would add to a ribbon of development.
3. The proposal is contrary to CTY 10 – Dwelling on a Farm in PPS 21 – Sustainable Development in the Countryside as a development opportunity has been sold off from the farm holding within the past 10 years since the date of this application.
4. The proposal is contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in that the application site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
5. The proposal is contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in that the proposal would add to a ribbon of development and be detrimental to rural character.

**Signature(s)**

**Date:**







Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/0305/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed dwelling with detached garage & loft room.	<b>Location:</b> Approx. 50m SSW of 31 Sherrigrim Road Stewartstown.
<b>Applicant Name and Address:</b> Mr Daryl Morrison & Miss Rachel Mullan 44 Lambfield Drive Dungannon BT71 6GG	<b>Agent name and Address:</b> Rodney Henry 2 Liscoole Cookstown BT80 8RG
<b>Summary of Issues:</b> The proposed design of the dwelling was not considered to be rural in character, amendments have been provide that reduce the overall scale of the proposal.	
<b>Summary of Consultee Responses:</b> DfI Roads have not raised any concerns with the access to the proposed dwelling subject to standard conditions, accordingly I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking, in that the access arrangements will not prejudice road safety or significantly inconvenience the flow of traffic. In relation to the objectors concerns regarding the additional agricultural access, this would benefit from permitted development rights under 'The Planning (General Permitted Development) Order (Northern Ireland) 2015', and would not require planning permission. That said, any subsequent determination of this application would relate to planning control only and would not cover any other 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 e.g. Roads advised Article 80 approval normally required under the Roads Order.	
<b>Characteristics of the Site and Area:</b> The site comprises a small, flat rectangular shaped roadside plot, located within a larger agricultural field. It possesses a sense of closure, with mature hedgerows to the north and west, which screen the site from the western approach and providing a backdrop from the eastern approach. In addition, the landform rises to the south to provide a backdrop to the proposed	

development. Critical views will be just before and passing the roadside frontage of the host field on the eastern approach.

The site is located in the rural countryside, as depicted within the Cookstown Area plan. There is a degree of development pressure along the road frontage of the Sherrigrim Rd. With the wider area defined by a small number of farm holdings and a number of single dwellings. The site lies within a ribbon of existing development (3 no. of buildings) running along the south side of the Sherrigrim Rd. The site which is to be accessed, directly off, the Sherrigrim Rd lies between a small agricultural byre and no. 32 Sherrigrim Rd, a single storey dwelling. A further relatively newly erected 2-storey dwelling exists to the immediate west of no. 32 Sherrigrim Rd. This dwelling, no. 32A Sherrigrim Rd, approved under planning applications LA09/2015/0099/O & LA09/2016/0135/RM (see 'Planning History' further below) contributes to the overall continually built up frontage.

The land within this ribbon of development is capable of accommodating a maximum of two dwellings. The current site only includes approx. half (eastern) the entire gap site as such only one detached dwelling is proposed. The site is relatively in keeping with the plot shapes and sizes surrounding the site.

#### **Description of Proposal**

This proposal is for a detached dwelling with a detached garage & loft room.

#### **Deferred Consideration:**

This application was before the Planning Committee in June 2021 where it was deferred to allow discussions with the Planning Manager in respect of the design of the proposed dwelling. A zoom meeting was held on 17 June 2021 and the applicants were invited to make amendments to the proposal and submit these for consideration.

An amended plan has been submitted that has removed the long flat roofed car port and set the garage further back into the site. The main block has been changed to provide stronger vertical emphasis to the openings with the introduction of peaks over the windows alterations and the single storey living block is finished with dark stone to mimic the vernacular grouping where additions do not necessarily match the main building. Overall the proposed development is smaller and more compact which will have less of a visual

impact on the character of the area.



Original Plans



Neighbours were advised about the amended plans and there was some concern about the indicative agricultural access opposite no 31. The neighbours were advised agricultural access may be provided without requiring the submission of a planning application provided they meet the criteria set out in the Planning (General Permitted Development) Order (NI) 2015.

In light of the above the application is now recommended for approval with the attached 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. Prior to the commencement of any development hereby permitted visibility splays of 2.4m x 90.0m shall be provided as shown on drawing no 02/2 bearing the stamp dated 23 NOV 2021. 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 existing natural screenings of the site, as indicated 'EXISTING HEDGEOW' on drawing no 02/2 bearing the stamp dated 23 NOV 2021 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity and biodiversity.

4. All hard and soft landscape works shall be carried out in accordance with the details as set out on drawing No 02/2 bearing the stamp dated 23 NOV 2021 and the appropriate British Standard or other recognised Codes of Practise. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or pant dying within 5 years of planting shall be replaced in the same position with a similar size, species and type.

REASON: In the interests of visual amenity and biodiversity.

5. One dwelling only shall be constructed within the area of the site outlined in red on the approved drawing no 01/1 received 23 NOV 2021.

Reason: To control the number of dwelling on the site as this permission is in substitution for planning approval LA09/2020/0222/O and is not for an additional dwelling on this site.

**Informatives:**

1. This permission does not relate to the provision of any agricultural accesses. The land owner is advised to consult with DFI Roads and the Planning (General Permitted Development) Order (NI )2015 in relation to agricultural access.

**Signature(s):**

**Date**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0305/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling & carport with detached garage & loft room.	<b>Location:</b> Approx. 50m SSW of 31 Sherrigrim Road Stewartstown.
<b>Referral Route: Objection, Refusal</b>	
<b>Recommendation: Refuse</b>	
<b>Applicant Name and Address:</b> Mr Daryl Morrison & Miss Rachel Mullan 44 Lambfield Drive Dungannon BT71 6GG	<b>Agent Name and Address:</b> Rodney Henry 2 Liscoole Cookstown BT80 8RG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content



<b>Representations:</b>	
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
<b>Description of Proposal</b>	
<p>This is a full planning application for a proposed dwelling and carport with detached garage and loft room on lands located approx. 50m SSW of 31 Sherrigrim Rd Stewartstown.</p> <p>There is a live outline planning application for an infill dwelling and detached garage on this site at present: LA09/2020/0222/O granted 7<sup>th</sup> September 2020.</p>	
<b>Characteristics of the Site and Area</b>	
<p>Whilst there has been an relatively modest increase to the site's proposed curtilage there does not appear to be any significant changes on site or in the immediate vicinity from the outline applications on site (LA09/2020/0222/O), as such the characteristics of the site and area remain largely as before.</p> <p>The site is located in the rural countryside, as depicted within the Cookstown Area plan. There is a degree of development pressure along the road frontage of the Sherrygrim Rd. With the wider area defined by a small number of farm holdings and a number of single dwellings.</p> <p>The site comprises a small, flat rectangular shaped roadside plot, located within a larger agricultural field. The site lies within a ribbon of existing development (3 no. of buildings) running along the south side of the Sherrigrim Rd.</p> <p>The site which is to be accessed, directly off, the Sherrigrim Rd lies between a small agricultural byre and no. 32 Sherrigrim Rd, a single storey dwelling. A further relatively newly erected 2-storey dwelling exists to the immediate west of no. 32 Sherrigrim Rd. This dwelling, no. 32A Sherrigrim Rd, approved under planning applications LA09/2015/0099/O &amp; LA09/2016/0135/RM (see 'Planning History' further below) contributes to the overall continually built up frontage.</p> <p>The land within this ribbon of development is capable of accommodating a maximum of two dwellings. The current site only includes approx. half (eastern) the entire gap site as such only one detached dwelling is proposed. The site is relatively in keeping with the plot shapes and sizes surrounding the site.</p> <p>The site possesses a sense of closure, with mature hedgerows to the north and west, which screen the site from the western approach and providing a backdrop from the eastern approach. In addition, the landform rises to the south to provide a backdrop to the proposed development. Critical views will be just before and passing the roadside frontage of the host field on the eastern approach.</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b>	

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside in particular:

Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside.

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

**History**

On Site

- LA09/2020/0222/O - Proposed site for dwelling (with ridge height no more than 8m above finished ground floor level) and detached domestic garage - Approximately 50m S.S.W of 31 Sherrigrim Rd Stewartstown – Granted 22<sup>nd</sup> September 2020

Adjacent Site

- LA09/2015/0099/O – 7.5m ridge height 2 storey dwelling with domestic garage on farm (under Policy CTY 10 of PPS21) - Approx 120m SE of 34 Sherrigrim Rd Stewartstown – Granted 16<sup>th</sup> September 2015
- I/2016/0135/RM – Proposed 2 storey dwelling and domestic garage on farm (under policy CTY10 of PPS21) – Approx. 120m East of 34 Sherrygrim Rd Stewartstown Dungannon – Granted 14<sup>th</sup> April 2016

The above applications related to lands to the west of the site and no. 32 Sherrygrim Rd, containing no. 32A Sherrygrim Rd, a relatively newly erected 2-storey dwelling.

**Representations**

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 third party objection had been received from the owners / occupiers of no. 31 Sherrygrim Rd, a bungalow located immediately northeast of the site at the opposite side of the road. The objectors outlined their concern is two entrances to the site, one of which is for agricultural use. That it is directly opposite their property entrance. That it is a very busy and dangerous stretch of road. It is extremely fast and there is a hidden dip on the road coming from Sherrygrim/Pomroy direction, quite close to the proposed site. It has been difficult to access their entrance and they feel that with the added entrances it will present a major hazard for all road

users. The objectors concerns having been taken into consideration alongside Dfl Roads response. See 'Consultees' below.

### **Consultees**

1. DFI (Roads) were consulted at the outset of this application in relation to access, movement and parking arrangements and had no objections to the proposal subject to standard conditions. Upon receipt of the objection letter detailed above Roads were re-consulted for further comment and responded with no objection to the proposal subject to conditions as per previous consultation response. Roads advised field gates are normally subject to a separate Article 80 approval under the Roads Order; noted acceptable sightlines can be achieved for the gate location and would be a condition for any approval; and asked Council to advise if the location of a new field gate as suggested is to be considered under this planning application.

Dfl Roads have not raised any concerns with the access to the proposed dwelling subject to standard conditions, accordingly I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking, in that the access arrangements will not prejudice road safety or significantly inconvenience the flow of traffic. In relation to the objectors concerns regarding the additional agricultural access, this would benefit from permitted development rights under 'The Planning (General Permitted Development) Order (Northern Ireland) 2015', and would not require planning permission. That said, any subsequent determination of this application would relate to planning control only and would not cover any other 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 e.g. Roads advised Article 80 approval normally required under the Roads Order.

**Cookstown Area Plan 2010** – The site is located in the open countryside outside any settlement limit designated by the Area Plan.

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

**Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside** – is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria.

I am content the principle of this development has already been established on site under outline planning application LA09/2020/0222/O. This approval granted permission for a dwelling and garage under the provisions of CTY 8 of PPS 21 - a small gap site within an otherwise substantial and continuously built up frontage.

It would appear this proposal has been submitted as a full rather than reserved matters application as there has been an increase to the original sites curtilage as it complies with all the planning conditions set at outline. I do not believe the relatively modest

increase to the site's curtilage alone would result in a dwelling on this site with a significantly greater visual impact, than that approved.

The above said with respect to the design of the dwelling (including garage) proposed it must still comply with Policies CTY 13 and 14 of PPS 21. CTY 13 states that the proposed development must be able to visually integrate into the surrounding landscape and be of an appropriate design. Policy CTY 14 allows for a building in the countryside where it does not cause detrimental change to or further erode the rural character of the area.



Fig 1: Proposed Block Plan



Fig 2: Proposed Elevations

Whilst the site has approval for a dwelling with an 8m ridge height above FFL I do not believe the site has the capacity to absorb the proposed dwelling in accordance with Policy CTY13 and 14. The size, scale, and design of the dwelling is inappropriate for the site and locality and if permitted would be a prominent feature in the landscape when viewed from the surrounding vantage points (see 'Characteristics of the Site and Area') leading to a detrimental change to the rural character of the area. It is considered the dwelling has an excessive frontage length, which when read with the proposed garage

will span the full width of the current site; and would not have been accommodated within the red line of the outline site. Due to the layout of the scheme, the aforementioned frontage will be orientated / tilted to view on the eastern approach to the site along Sherrygrim Rd. Whilst there is vegetation along the western boundary of the site the scheme will rely on proposed planting to enclose the site to the east.

Accordingly, the agent was contacted via email on the 19<sup>th</sup> April 2021 and advised that Planning did not consider the proposed dwelling acceptable for the site and locality by reason of its' size, scale and design and offered the opportunity to submit an amended scheme to reflect the rural design guide for further consideration.

The agent subsequently submitted a revised block plan showing additional in-curtilage planting; and a Supporting Statement dated 29<sup>th</sup> April 2021 and received 4<sup>th</sup> May 2021, within which he:

- Enclosed photos of existing dwellings noted as good examples of design within the rural design guide. Added that they had elongated frontages with a mix of contemporary features, traditional style and finished materials with variance in ridge heights to take in the dwelling, garage and other outside features. That current proposal is not dissimilar to examples particularly one whereby the 2-story section is fairly dominant.
- Advised a recently constructed contemporary style 2-storey dwelling exists approx. 100m west of the application site.
- Advised proposal submitted in one go, as that is how clients, wish to carry out works. That the double carport as far as aware would be permitted development; and though attached to dwelling, it is open on 3 sides with a slim line flat roof, which does not form a mass extension to dwelling or link to garage behind.
- Advised outline on site granted dwelling with 8m ridge above FFL. As such, proposal could have full 2-story dwelling footprint subject to approval. The proposal complies with ridge condition for the 2-storey section of dwelling with more than half footprint averaging 5 – 5 ½ m.
- Advised FGL's around dwelling are on average 1.2m below road frontage level. Topography to south and west of site rise as hills, and will form a backdrop to views. Public views from Sherrygrim Rd will be semi screened on east and completely screened on west approaches (enclosed photos to demonstrate). Additional landscaping along site boundaries and within curtilage will further mature the site in time.

Whilst the additional information above, has been taken into consideration, the opinion has not changed the dwelling is still considered inappropriate for the site and its locality, and if permitted it would be a prominent feature in the landscape leading to a detrimental change to the rural character of the area. In response to the examples provided and contemporary dwellings noted within the vicinity, every site is assessed on its individual merit and that of its surrounding context. Whilst the site has approval for a dwelling with an 8m ridge, it is considered the dwelling has an excessive frontage length, which when read with the proposed garage will span the full width of the current site; and would not have been accommodated within the red line of the outline site. Due to the layout of the scheme, the aforementioned frontage will be orientated / tilted to view on the eastern approach to the site along Sherrygrim Rd. Whilst there is vegetation along the western boundary of the site the scheme will rely on proposed planting to enclose the site to the east.

**Additional considerations**

I am content neighbouring amenity should not be impacted to any unreasonable degree in terms of overlooking or overshadowing by this proposal due to its' location, orientation, design and separation distance from existing properties.

Flood Maps NI identified no flooding on site.

In addition to checks on the planning portal Natural Environment and Historic Environment Map viewers available online have been checked and identified no natural heritage features of significance or built heritage assets of interest on site.

**Recommendation: Approve**

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Refusal

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the dwelling is inappropriate for the site and its locality, and if permitted it would be a prominent feature in the landscape.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s)**

**Date:**



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2021/0317/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed infill dwelling & garage.	<b>Location:</b> Between 23 & 27a Macknagh Lane, Upperlands, Maghera.
<b>Applicant Name and Address:</b> Mr Paddy McEldowney 48 Halfgayne Road Maghera BT46 5NL	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b> Substantial and continuous frontage	
<b>Summary of Consultee Responses:</b> No issues	
<b>Characteristics of the Site and Area:</b> <p>The application is identified as lands between Nos 23 and 27a Macknagh Lane, Maghera, which is sited in open countryside as per the Magherafelt Area Plan 2015. The site's topography is flat and is currently used for grazing livestock. The existing boundaries consist of semi-mature deciduous trees with intermittent thick vegetation with a galvanised field gate leading to public road. There is an existing lane connecting with farmland and sheds to the northeast. Further east is a dwelling with a detached garage set to the side. To the west is another dwelling and garage with a curved driveway cutting through the front portion of the site. This property is heathy bushed, which conceals its presence with any of the surrounding built features. The surrounding landscape is defined by undulating countryside characteristic with farmsteads and single dwellings some setback from the road.</p>	



### **Description of Proposal**

The applicant is seeking an outline planning permission for a proposed infill dwelling and garage between Nos 23 and 27a Macknagh Lane, Maghera.

### **Deferred Consideration:**

This application was presented before the Planning Committee in October 2021 with a recommendation to refuse based on CTY 8 of PPS 21 in that the development would create a ribbon of development if permitted. The application was deferred for an office meeting which took place on 14 October 2021 with the Planning Manager. It was agreed that I would visit the site and consider if a dwelling on this site would change rural character.

Having visited the site it is clear there is a dwelling and a garage with a frontage to the road at No 23. The dwelling being relied upon to provide a substantial and continuously built up frontage at No 27a does not have a frontage to the road. It is only the access point that comes to the road. The garden of No 27a does not front onto the road due to the field between the house and the road and also the application site which prevents it having a frontage.

The garages are set back from the dwellings in such a way that they do not have a significant presence to the road frontage, thus the requisite for 3 buildings has not been met. The guidance talks about important visual breaks, keeping the area rural in character and if this site is developed it will lead to further infill opportunities along the road. I do not consider the application to be sited on a site in a continuously and built up frontage and I recommend a continued refusal.



**Reasons for Refusal:**

1. The proposal is contrary to CTY 1 of Planning Policy Statement 21 in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.

**Signature(s):**

**Date**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

**Development Management Officer Report  
 Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0317/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed infill dwelling & garage.	<b>Location:</b> Between 23 & 27a Macknagh Lane Upperlands Maghera.
<b>Referral Route:</b>  Contrary to Planning Policy Statement 21 - CTY8	
<b>Applicant Name and Address:</b> Mr Paddy McEldowney 48 Halfgayne Road Maghera BT46 5NL	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b>	
<b>Signature(s):</b>  Gerard Lynch	

**Case Officer Report**

**Site Location Plan**



**Consultations:**

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - Enniskillen Office	Content

**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**

Neighbour Notifications and press advertisement has been carried out in line with the Council's statutory duty. No third-party representations have been received. All other material considerations have been addressed within the determination within the report.

**Description of Proposal**

The applicant is seeking an outline planning permission for a proposed infill dwelling and garage between Nos 23 and 27a Macknagh Lane, Maghera.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves the construction of a new access.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on [www.planningni.gov.uk](http://www.planningni.gov.uk).

### Site History.

Reference	Location	Proposal/Complaint	Status	Date
LA09/2021/0317/O	Between 23 & 27a Macknagh Lane, U	Proposed infill dwelling & garage.	VALID APPLICATION RECEIVED	
H/2008/0259/RM	180m North East of 24 Macknagh Lane	Proposed dwelling and detached double domestic gara	PERMISSION GRANTED	17.09.2008
H/2004/0327/O	180m North East of 24 Macknagh Lane	Site of dwelling and garage.	PERMISSION GRANTED	26.07.2005
H/2009/0690/F	180m north east of 24 Macknagh Lane	Re-location of existing approved dwelling and extensior	PERMISSION GRANTED	15.02.2010
H/2009/0454/F	35m South of 25 Macknagh Lane, Upp	Proposed 1? storey detached dwelling	PERMISSION GRANTED	16.10.2009
H/2001/0476/RM	Junction of Macknagh Lane & Tigarvil	Dwelling and garage	PERMISSION GRANTED	21.08.2001
H/2007/0898/O	Lands at the junction of Macknagh Lar	Site of proposed dwelling & garage	APPLICATION WITHDRAWN	16.11.2007
H/2010/0562/O	Site located 70metres north west of No	Proposed site for a dwelling in accordance with Policy C	APPLICATION WITHDRAWN	29.06.2011
H/2010/0160/F	180m NE of 24 Macknagh Lane, Magr	Change of house type from previously approved under	PERMISSION GRANTED	23.07.2010
H/2015/0065/O	Land approx. 120 metres North East of	Proposed detached dwelling and domestic garage to in	APPLICATION WITHDRAWN	15.06.2015

### Consultees.

1.DFI Roads were consulted in relation to access, moving and parking arrangement and have responded with no objection subject to standard conditions and Informatives, which I am satisfied the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and parking.

### Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 15.03.2021 (Publication date 16.03.2021). One (1) neighbouring properties was notified on 15.03.2021, and two (2) neighbouring properties wre notified on 17.09.2021; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

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

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

### Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS);
2. Regional Development Strategy 2035;
3. Magherafelt Area Plan 2015;
4. PPS 21 Sustainable Development in the Countryside (CT8, CTY 13 & 14);
5. PPS 3 Access, Movement and Parking & DCAN 15 vehicular Standards;
6. Draft. Mid Ulster District Council Area Plan 2030.

**Supplementary planning guidance:-**

Building on Tradition A sustainable design guide for rural NI; and

Planning Advice Note (PAN) on 'Implementation of Strategic Planning Policy for Development in the Countryside' August 2021.

**Magherafelt Area Plan 2015.**

The site lies in the rural countryside and outside any designated settlement limits as depicted in the MAP 2015, which has no specific planning polices relevant to this application.

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

Planning Policy Statement 21: Sustainable Development in the Countryside. PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria being met. These are listed in Policy CTY1 of PPS21.

The applicant has applied for a dwelling and garage as an infill site under Policy CTY 8 of PPS 21. Sustainable Development in the Countryside.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

There was no supporting statement with this application however the agent was contacted to ask if he wanted to submit why he considered the site an infill opportunity. No response was forthcoming.

<p>I have visited and noted my observations and have reviewed the policies I do not consider this site meets the requirements in accordance with Policy CTY3 of PPS21.</p> <p>Whilst I can content the site has the capacity to absorb a dwelling and ancillary garage of an appropriate size, scale and design would fail to meet the policy test in accordance with planning policy CTY8 of PPS 21.</p> <p>Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for one infill dwelling CTY 8 is the relevant policy in the assessment.</p> <p>I have screened the proposal against two additional policies which it did not meet the criteria in CTY 2a for a new dwelling in an existing cluster and failed to meet the criteria in CTY3 for a replacement dwelling as there is no dwelling at the site to be replaced.</p> <p>The application site is a small agricultural field accessing onto Macknagh Lane via a field gate, Upperlands near Maghera. There is a farm lane located on the site's eastern boundary, further to the east of the site is a dwelling and garage at No. 27. There is a garden area to the front of this property and I am content the dwelling has a frontage onto Macknagh Lane. I note there is a garage at No. 27 but recent Planning Guidance states that for garages and outbuildings to be considered as buildings for infill they have to be substantial. Paragraph 22 states that a domestic garage is not a substantial building for infill policy. The garage at No. 27 a small single storey building which is set back behind the dwelling so I do not consider the garage at No. 27 can be considered a building for infill policy in this case.</p> <p>To the west of the site is a dwelling at No. 27 Macknagh Lane. However, the dwelling is set back from the public road and is concealed from public view dose not in my view represent a dwelling with a frontage.</p> <p>Further west is a dwelling No 20 Macknagh Lane, which has 2 outbuildings within its curtilage and would in my view represent a road frontage. However, this property whilst having a road frontage would be a considerable away from the proposed site.</p> <p>The site is not in my view located within an otherwise substantial and continuously built frontage i.e. line of 3 or more buildings running along Macknagh Lane, without accompanying development to the rear</p> <p><b>Other Considerations</b></p> <p>Checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online identified no built heritage assets of interest or natural features of significance on site.</p> <p>NI Flood Maps have been checked no flooding issues have been identified on the site.</p> <p><b>Mid Ulster Development Plan 2030 Draft Plan Strategy</b></p> <p>The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.</p>	
<p><b>Neighbour Notification Checked</b></p>	<p><b>Yes</b></p>
<p><b>Summary of Recommendation:</b></p>	

Recommendation. Refuse
Reasons for Refusal:  1. The proposal is contrary to CTY 1 of Planning Policy Statement 21 in that there is no overriding reason why the development cannot be located within a settlement.  2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.
Signature(s)  Date:

<b>ANNEX</b>	
<b>Date Valid</b>	1st March 2021
<b>Date First Advertised</b>	16th March 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 23 Macknagh Lane Upperlands Maghera The Owner/Occupier, 25 Macknagh Lane Maghera Londonderry The Owner/Occupier, 25a Macknagh Lane Maghera The Owner/Occupier, 27 Macknagh Lane Upperlands Maghera	
<b>Date of Last Neighbour Notification</b>	15th March 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>	
<p>Ref ID: LA09/2021/0317/O            Proposal: Proposed infill dwelling &amp; garage.            Address: Between 23 &amp; 27a Macknagh Lane, Upperlands, Maghera.            Decision:            Decision Date:</p>	
<p>Ref ID: H/2008/0259/RM            Proposal: Proposed dwelling and detached double domestic garage            Address: 180m North East of 24 Macknagh Lane, Maghera            Decision:            Decision Date: 17.09.2008</p>	
<p>Ref ID: H/2004/0327/O            Proposal: Site of dwelling and garage.            Address: 180m North East of 24 Macknagh Lane, Maghera.            Decision:            Decision Date: 26.07.2005</p>	
<p>Ref ID: H/2009/0690/F            Proposal: Re-location of existing approved dwelling and extension of curtilage from previously approved applications H/2004/0327/O and H/2008/0259/RM)            Address: 180m north east of 24 Macknagh Lane, Maghera            Decision:</p>	



Decision Date: 15.02.2010

Ref ID: H/2009/0454/F

Proposal: Proposed 1? storey detached dwelling

Address: 35m South of 25 Macknagh Lane, Upperlands

Decision:

Decision Date: 16.10.2009

Ref ID: H/2001/0476/RM

Proposal: Dwelling and garage

Address: Junction of Macknagh Lane & Tirgarvil Lane, Upperlands

Decision:

Decision Date: 21.08.2001

Ref ID: H/2007/0898/O

Proposal: Site of proposed dwelling & garage

Address: Lands at the junction of Macknagh Lane and Tirgarvil Lane, Maghera

Decision:

Decision Date: 16.11.2007

Ref ID: H/2010/0562/O

Proposal: Proposed site for a dwelling in accordance with Policy CTY10 of PPS21

Address: Site located 70metres north west of No.23 Macknagh Lane, Maghera,

Decision:

Decision Date: 29.06.2011

Ref ID: H/2010/0160/F

Proposal: Change of house type from previously approved under application ref H/2009/0690/F

Address: 180m NE of 24 Macknagh Lane, Maghera

Decision:

Decision Date: 23.07.2010

Ref ID: H/2015/0065/O

Proposal: Proposed detached dwelling and domestic garage to include all associated site works.

Address: Land approx. 120 metres North East of 24 Macknagh Lane Maghera,

Decision: WITHDR

Decision Date: 15.06.2015

#### Summary of Consultee Responses

#### Drawing Numbers and Title

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/0690/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed dwelling	<b>Location:</b> Adjoining and North East of 100 Trewmount Road Killyman
<b>Applicant Name and Address:</b> Briege O'Donnell 184 Ardboe Road Moortown	<b>Agent name and Address:</b> Darcon Architectural Services 6 Ardean Close Moortown BT80 0JN
<b>Summary of Issues:</b>  There have been two objections / comments received in relation to this proposal. They have been received from the owners of numbers 95 and 99 Trewmount road.  The mains issues raised were: -Gap size too large -Elevated site, dwelling would be intrusive -Out of character -No visual link -Increased traffic -Setting precedent -Impact on wildlife  Following amendment of the proposal to one dwelling and further neighbour notification, an objection was made in respect of a dangerous access	
<b>Summary of Consultee Responses:</b>	

### Characteristics of the Site and Area:

The site lies in the open countryside just a short distance to the South East of the settlement limits of Killyman and outside all other areas of constraint as depicted by the DSTAP 2010.

The site is located just off the main Trewmount road to the North of number 100, at the beginning of the smaller Drumard Cross Road. The area is dominated by a rural industrial area to the north on what was the Trewmount Railway Station. In the immediate locality are four dwellings located at the road junction just south west, with a large farm holding to the north on Trewmount Road and on the opposite side of the old railway line, on Drumard Cross Road. The applicant has indicated they have control of the old railway line and have incorporated it into the field here. The Drumard Cross Road has a bridge over the old railway line and it has stone parapet walls on both sides of the road here.

The red line of the site consists of part of the north of a small agricultural field, the field has been enlarged onto the bed of the former railway line and has a frontage of 80 metres, with some of this made up of the bridge over the railway bed. The application site has a frontage of 36 metres onto Drumard Cross Road with a wide verge and post and wire fencing behind it. The land begins level with the roadside and then falls to the rear east. Number 100 Trewmount is a two storey dwelling to the south of the site and to the north of the site and the break for the railway line there is a small farm holding including a low 2 storey dwelling and a number of sheds.

### Description of Proposal

The proposal seeks outline planning permission for a dwelling.

### Deferred Consideration:

This application was for a double infill within the field fronting onto Drumard Cross Road and was deferred at the planning committee in September for a meeting with the Planning Manager. A meeting was held on 16 September 2021 and follow this meeting the application was amended to one dwelling with a 36m frontage onto Drumard Cross Road.

The proposed site sits between an existing dwelling and farm buildings at the corner of Drumard Cross Road and Trewmount Road and a farm complex on Drumard Cross Road. (Fig 1)



Fig 1 – site in the immediate context

The 2 storey dwelling to the west has a 27m frontage onto Drumard Cross Road, it has been granted planning permission for a replacement dwelling (Fig 2)



Fig 2 dwelling at junction of Trewmount Road and Drumard Cross Road

The farm complex to the east has a frontage of 66m onto Drumard Cross Road, it has a low 2 storey dwelling facing west with a garden area to the front and agricultural buildings to the rear. As the dwelling has its side elevation facing Drumard Cross Road the garden extends the frontage along the roadside and the 3 buildings joined together in the yard also have a frontage to Drumard Cross Road (Fig 3 and 4)



Fig 3 – dwelling to west



Fig 4 – agricultural buildings to the west

This proposed site for a dwelling has a frontage of 36m, adjacent to it and incorporating the rest of the frontage of this field and the old railway line is a 48m frontage. It is clear there is no average frontage size here as set out above, it is also notable the abandoned dwelling on the opposite side of Drumard Cross Road would appear to have a large overgrown curtilage with a 70m frontage onto Drumard Cross Road.

While the proposed site does sit in a gap that provides a break in development, I consider the dwelling to the west and the dwelling and agricultural buildings to the east do constitute a built up frontage as defined in CTY8 of PPS21. The overall character and plot sizes in the area are fairly large and as such, it is my opinion there could be a maximum of 2 dwellings in the gap here, this site and to the east. As such I consider this site for a dwelling meets the exception in CTY8 and that planning permission should be granted.

The objections raised have been addressed in the previous report, in respect of the visual break, this has been considered above and in my view a dwelling here would meet the infill criteria as set on in CTY8 of PPS21. DFI Roads have advised that a dwelling here would require sight lines of 2.4m x 35.0m and a forward sight line of 35.0m, as there is a wide verge at the frontage of the site, this is easily achievable. DFI Roads have not raised any issue in terms of road safety provided an access is designed to this standard.

In light of the above, it is my recommendation that planning permission is granted for a dwelling on this site as I consider it meets the exception in CTY8 for an infill dwelling.

**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. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

4. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries shall be retained and augmented with trees and native species hedging. All new curtilage boundaries shall also be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

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

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

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



6. 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 including sight lines of 2.4m by 35.0m in both directions and a forward sight distance of 35.0m. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

#### Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

**Signature(s):**

**Date**



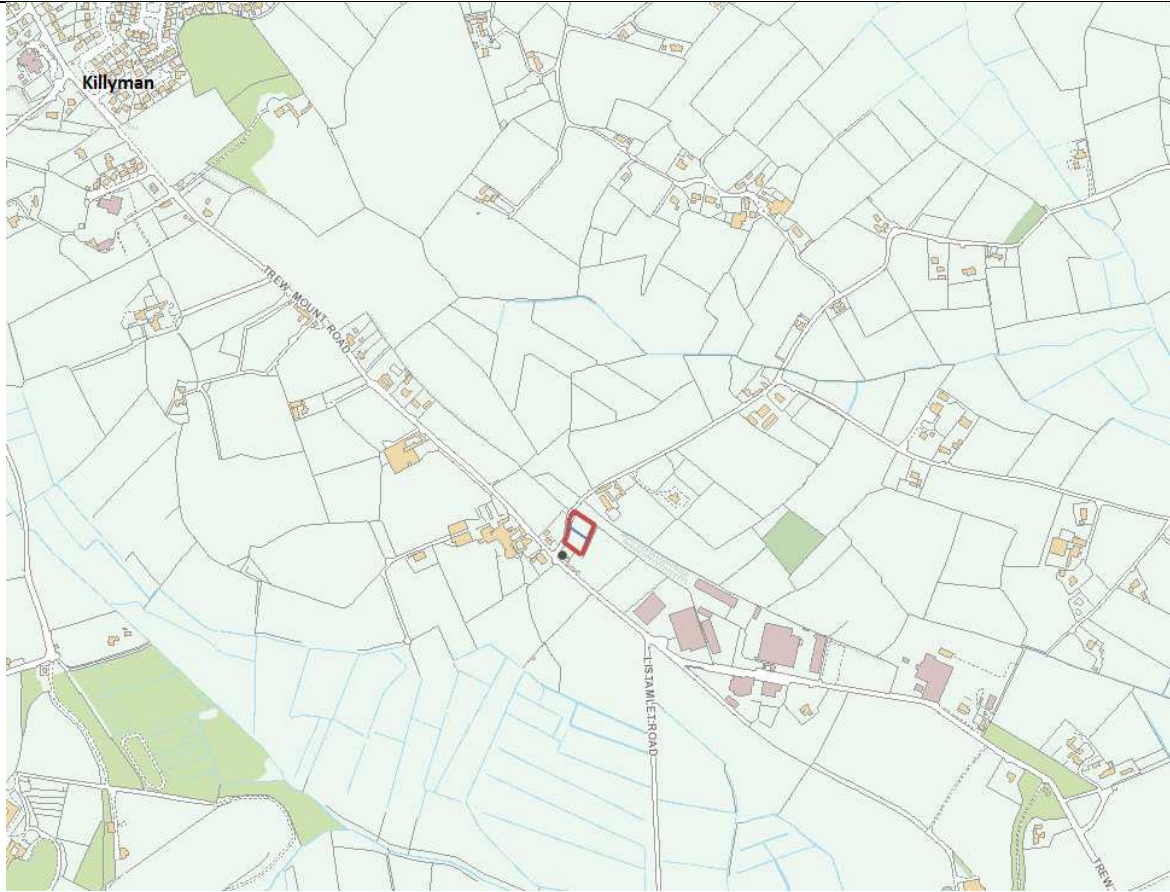
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0690/O	<b>Target Date:</b>
<b>Proposal:</b> 2 dwellings in an infill site	<b>Location:</b> Adjoining and North East of 100 Trewmount Road Killyman
<b>Referral Route:</b> Objections received	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Briege O'Donnell 184 Ardboe Road Moortown	<b>Agent Name and Address:</b> Darcon Architectural Services 6 Ardean Close Moortown BT80 0JN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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

#### Representations:

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

#### Summary of Issues

There have been two objections / comments received in relation to this proposal. They have been received from the owners of numbers 95 and 99 Trewmount road.

The mains issues raised were:

-Gap size too large

- Elevated site, dwelling would be intrusive
- Out of character
- No visual link
- Increased traffic
- Setting precedent
- Impact on wildlife

### **Characteristics of the Site and Area**

The site lies in the open countryside just a short distance to the South East of the settlement limits of Killyman and outside all other areas of constraint as depicted by the DSTAP 2010. The site is located just off the main Trewmount road to the North of number 100, at the beginning of the smaller Drumardcross road. The area is predominantly rural in nature, however there are four dwellings located at the road junction just south west, with a large farm holding also close by. To the direct north east of the site there is the old railway line which is now overgrown in vegetation.

The red line of the site consists of a small agricultural field with a 60 metre road frontage of mature hedging, with mature native species hedgerow on all remain sides. The land begins level with the roadside and then falls to the rear east. Number 100 Trewmount is a two storey dwelling to the south of the site and to the north of the site and the break for the railway line there is a small farm holding including a dwelling and a number of sheds.



## Description of Proposal

The proposal seeks outline planning permission for a double infill site.

## Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy  
Dungannon and South Tyrone Area Plan (DSTAP) 2010  
PPS3  
PPS21

- Policy CTY 1 - Development in the Countryside
  - Policy CTY 8 - Ribbon development
  - Policy CTY 13 - Integration and Design
  - Policy CTY 14 - Rural character
- Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement for Northern Ireland (SPPS) 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 retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

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

Objections / comment received from 3rd Parties;

There have been two objections / comments received in relation to this proposal. They have been received from the owners of numbers 95 and 99 Trewmount road. The mains issues raised were:

- Gap size too large
- Elevated site, dwelling would be intrusive
- Out of character
- No visual link
- Increased traffic
- Setting precedent
- Impact on wildlife

Consideration of objections.

The site does represent a 60 metre road frontage, however, in terms of the existing frontages of the dwellings in the surrounding areas, a 30 metre site would not be considered large.

The site is somewhat elevated when comparing to the Trewmount road, however, the siting is not overly elevated and the land does rise further as you travel past the site to the North.

The character of the area is predominantly rural agricultural land with a scattering of single dwellings or small farm holdings scattered along the roadside. A double infill at this position may cause a ribbon of development at the beginning of the Drumardcross road.

The objector also raises the issue of the visual break between the two buildings on each side of the site. It is my opinion that the objector is correct in this argument in that due to the existing vegetation, bend in the road and topography of the land, the site does represent a significant break and there is minimal if any visual link between the buildings to the north and south of the site.

The site if approved would mean more traffic to the site however it would not be anything uncommon or over the top, DFI Roads were consulted and had no issues.

It is my opinion that if approved the proposal could possibly set a precedent in allowing infill opportunities where there is minimal visual linkage.

Finally, on the issues of impact on wildlife. On site visit I did not witness any bats, badgers or other endangered species.

To the North of number 100, at the beginning of the Drumardcross road, there is a gap of approx. 115 metres building to building or 100 metres plot frontage. The red line of the site for this application includes the southernmost 60 metre portion of the gap. To the direct north of the site there is then a further break for the old railway line making up the rest of the gap. North of the railway line is an old dwelling at no.45 Drumardcross road and a number of farm buildings.

The site lies in the middle of a dwelling and farm holding to the NE, and a dwelling to the SW. In terms of the numbers of buildings the application may meet the required criteria for an infill site, however in my opinion this row does not constitute the definition of a substantially built up frontage as the old railway line represents a substantial break in the visual linkage between the two existing dwellings.

The site frontage may be 60 metres, however, when adding the extra distance of the railway line and the next field to the north the gap between developments is in my opinion a considerable visual break. It is also my opinion that the gap in this instance provides a relief and a visual break in the developed appearance of the locality that helps maintain the rural character. Building on tradition – as sustainable guide for the northern Ireland countryside also makes reference to the importance of visual breaks which would further add credence to the opinion that this gap provides relief and is important in maintaining the local character.

It is therefore my opinion that the proposal is contrary to PPS 21 - CTY 8.



Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that two dwellings could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. Furthermore as the site has existing buildings to the south and decent boundary vegetation it is considered that the site may have the capacity to absorb dwellings of a suitable size and scale.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it is not a prominent feature, does not cause a detrimental change to, or further erode the rural character of an area. It is considered that a double infill at this particular site may cause a detrimental change to the character of the area causing a build-up of development at this rural area at the beginning of the Drumardcross road.

Recommendation Refusal.

**Neighbour Notification Checked**

**Yes**

**Refusal Reasons**

1. 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 Drumard Cross Road.

2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwellings would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

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

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	5th May 2021
<b>Date First Advertised</b>	18th May 2021
<b>Date Last Advertised</b>	
<p><b>Details of Neighbour Notification</b> (all addresses)</p> <p>The Owner/Occupier, 100 Trewmount Road, Moy, Tyrone, BT71 6RN</p> <p>The Owner/Occupier, 95 Trewmount Road Moy Tyrone Catherine F McIlroy MBE 95 Trewmount Road, Moy, Co Tyrone, BT71 6RN</p> <p>The Owner/Occupier, 96 Trewmount Road Moy Tyrone</p> <p>The Owner/Occupier, 99 Trewmount Road Moy Tyrone Wm McIlroy 99 Trewmount Road, Moy, Co Tyrone, BT71 6RN</p>	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<p><b>Planning History</b></p> <p>Ref ID: LA09/2021/0689/O Proposal: Replacement dwelling Address: 100 Trewmount Road, Killyman, Decision: Decision Date:</p> <p>Ref ID: LA09/2021/0690/O Proposal: 2 dwellings in an infill site in accordance with CTY8 PPS21 Address: Adjoining and North East of 100 Trewmount Road, Killyman, Decision: Decision Date:</p>	

**Drawing Numbers and Title**

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

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2021/0822/O	<b>Target Date:</b>
<b>Proposal:</b> Site of farm dwelling & domestic garage	<b>Location:</b> 60m South of 88 Gulladuff Hill, Magherafelt
<b>Applicant Name and Address:</b> Mr Dan McCrystal 51 Hawthorne Road Maghera BT46 5FN	<b>Agent name and Address:</b>
<b>Summary of Issues:</b>	
<b>Summary of Consultee Responses:</b> No issues	
<b>Characteristics of the Site and Area:</b> The site is located in the open countryside, outside any defined settlement limits. The red line of the site comprises part of a larger agricultural field and the boundaries of the site are limited with the southern boundary the only defined boundary. The northern boundary is undefined but is in close proximity to the existing boundary of No 88 Gulladuff Hill. The surrounding area is mainly agricultural in nature, with two dwellings close to the northern boundary with associated outbuildings beyond this. There are no dwellings in close proximity to the southern boundary.	
<b>Description of Proposal</b>  This is an outline application for a farm dwelling and garage.	
<b>Deferred Consideration:</b>  This application was presented before the Planning Committee in October 2021 and was deferred for an office meeting by Members. The application was submitted on the basis of an infill dwelling. Following a discussion at the office meeting with the Planning Manager the application was subsequently amended on the basis of a farm dwelling and garage.	

The applicant submitted a P1c form and associated DAERA maps in the name of Patrick McCrystal, who is the applicant's grandfather.

DAERA have confirmed the Business ID has been in existence for more than 6 years, the farm business has claimed payments in each of the last 6 years and the application site is on land for which payments are currently being claimed by the farm business. A check of the planning history has not identified any development opportunities sold off from the farm holding within 10 years of this planning application.

To the immediate north of the application site sits a dwelling and garage which are on the farm holding. This has been accepted as a group of buildings on the farm and a new dwelling on the application will be sited to cluster and visually link with the farm dwelling and garage. I am therefore satisfied the proposal meets the policy tests of CTY 10 of PPS 21.



With regards to CTY 13 and CTY 14 I note from the site visit that other dwellings in the locale are single storey on sites that are not generally bounded by strong vegetation. It is my opinion that a single storey dwelling will not cause a detrimental change to, or further erode the rural character of the area.

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

**Conditions:**

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - 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. The proposed dwelling shall have a ridge height of less than 5.7 metres above finished floor level.

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

4. During the first available planting season after the occupation of the dwelling, a natural species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

Reason: To ensure the amenity afforded by existing hedges is maintained.

5. During the first available planting season after the occupation of the building for its permitted use, trees shall be planted along the boundaries of the site in accordance with a scheme submitted to and approved by the Department

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

6. No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwelling integrates into the landform.

7. No development shall take place until a plan indicating ground levels of the site have been submitted and showing a 5 metre maintenance strip along the undesignated watercourse along the southern boundary of the site.

Reason: To protect existing drainage infrastructure.

8. 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.

**Signature(s):**

**Date**



**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0822/O	<b>Target Date:</b>
<b>Proposal:</b> Infill site of dwelling & domestic garage	<b>Location:</b> 60m South of 88 Gulladuff Hill Magherafelt
<b>Referral Route:</b>  Contrary to policy	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Dan McCrystal 51 Hawthorne Road Maghera BT46 5FN	<b>Agent Name and Address:</b>
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

**Case Officer Report**

**Site Location Plan**



**Consultations:**

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

**Representations:**

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

**Summary of Issues**

Contrary to PPS 21.

**Characteristics of the Site and Area**

The site is located within the open countryside, outside any defined settlement limits or within any designated sites, as per the Magherafelt Area Plan. The red line of the application comprises of part of a larger agricultural field. The boundaries of the site are limited with the southern boundary the only one currently defined. The northern boundary is undefined but is in close



proximity to the existing boundary of the dwelling at No.88 Gulladuff hill. The surrounding area is mainly agricultural in nature, with two dwellings close to the northern boundary with associated outbuildings beyond this. There are no dwellings in close proximity to the southern boundary.

#### **Representations**

No third party representations have been received.

#### **Description of Proposal**

This is an outline planning application for an infill site of dwelling and domestic garage.

#### **Planning Assessment of Policy and Other Material Considerations**

Magherafelt Area Plan 2015  
Strategic Planning Policy Statement (SPPS)  
PPS 3- Movement, Access and Parking  
PPS 15 (Revised)- Planning and Flood Risk  
PPS 21- Development in the Countryside

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

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

Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided it respects the existing development patten along the frontage in terms of size, scale, sitting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built up frontage present. I note that Nos 90, 88a and 92 Gulladuff Hill are all located to the North of the site and form a substantial and continuously built up frontage. It is noted that all these dwellings are set back from the road but have a general uniform building line, all with agricultural fields in front of them. However, to the south of the application site, there are no other dwellings or outbuildings that represent a continuous or built up frontage. As a result, the application site does not represent a small gap site, within an otherwise substantial and continuously built up frontage.

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

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

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore, no design details has been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. The red line of the application site has limited established boundaries with the southern boundary defined by an existing hedgerow and part of the northern boundary defined a hedge. The roadside hedgerow and the fact the site sits at a level lower than the road would reduce any visual impact and allow for a building to integrate.

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

PPS 3- Access, Movement and Parking:

DfI Roads were consulted on the planning application and provided conditions to be applied to any approval and that as part of any reserved matters application should show access constructed in accordance with the form RS1.

PPS 15 (Revised)- Planning and flood risk

DfI Rivers were consulted as the site is located adjacent to an undesignated watercourse. DfI Rivers confirmed a 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. It should be marked up on a drawing and protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by the way of a planning condition.

**Other Material Considerations**

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

**Neighbour Notification Checked**

**Yes/No**

**Summary of Recommendation:**

Refusal

**Reasons for Refusal:**

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

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

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	25th May 2021
<b>Date First Advertised</b>	8th June 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 88 Gulladuff Hill Gulladuff Londonderry The Owner/Occupier, 90 Gulladuff Hill Gulladuff Londonderry	
<b>Date of Last Neighbour Notification</b>	22nd June 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/0822/O Proposal: Infill site of dwelling & domestic garage Address: 60m South of 88 Gulladuff Hill, Magherafelt, Decision: Decision Date:  Ref ID: H/1994/0152 Proposal: 33 KV O/H LINE Address: MAGHERA NORTH S/S TO BELLAGHY S/S Decision: Decision Date:  Ref ID: H/1990/0226 Proposal: SITE OF REPLACEMENT BUNGALOW AND GARAGE Address: 88 GULLADUFF HILL, GULLADUFF. Decision: Decision Date:  Ref ID: H/1987/0521 Proposal: SITE OF REPLACEMENT DWELLING AND GARAGE Address: GULLADUFF HILL MAGHERAFELT Decision: Decision Date:  Ref ID: H/1990/0477 Proposal: BUNGALOW AND GARAGE Address: GULLADUFF HILL GULLADUFF Decision: Decision Date:	

<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>
Drawing No. 01 Type: Site Location Plan Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/1313/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Dwelling and garage	<b>Location:</b> Between 55c and 59 Cadian Road Dungannon (site 1)
<b>Applicant Name and Address:</b> Mr R P Reid 142 Moy Road Dungannon	<b>Agent name and Address:</b> Shaw Design 34 Grange Road Dungannon BT71 7EQ
<b>Summary of Issues:</b>  None	
<b>Summary of Consultee Responses:</b>  DFI Roads – a safe access will require sight lines of 2.4m x 45.0m and forward sight lines of 45.0m	
<b>Characteristics of the Site and Area:</b>  The site lies in the open countryside a short distance to the south west of the settlement limits of Eglishe and outside all other areas of constraint as depicted by the DSTAP 2010.  The site is the northern portion of a larger agricultural field of which the southern half is also subject to a double infill planning application. The site is bounded along the north and west by a row of mature trees and hedging, the roadside boundary is defined by a native species hedgerow and the remaining southern boundary is undefined on the ground. The land is relatively flat with a slight rise from the east to west.	

The surrounding area is primarily open countryside with a scattering of single dwellings or farm holdings. In the immediate vicinity there is a new two storey dwelling to the North and a bungalow and garage to the immediate south.

There are also a few more dwellings along the road to the south.

### Description of Proposal

The proposal seeks outline planning permission for a dwelling and garage on an infill site.

### Deferred Consideration:

This application was before the committee members in November 2021 and was deferred for a meeting with the Planning Manager to discuss the merits if the infill as out forward.

At an office meeting on 18 November 2021 the policy requirements of CTY8 were discussed and the need to respect the character of the surrounding development in terms of size, scale, siting and plot size. It was noted the applicant owns the land to the rear and there is an access being retained to that land to the north of the field.

Members will be aware CTY8 allows for up to a maximum of 2 dwellings in a substantially built up frontage and the definition of a built up frontage is where there are 3 or more buildings along a road frontage without accompanying development to the rear. (Fig1 and 2)

To the north of the site is a detached dwelling with a site frontage of 44m, (Fig 3), this was approved as a dwelling and garage and the garage has not been built yet. To the south is a dwelling and garage with a frontage of 51m (Fig 4). To the rear of that dwelling, up a laneway, is a dog grooming business and farm buildings. I consider there are 3 buildings for the purposes of defining a built up frontage in Policy CTY8. I do not consider the buildings up the lane as accompanying development to the rear. These are clearly separated from the dwelling and garage with their own access and curtilages. (Fig 5)

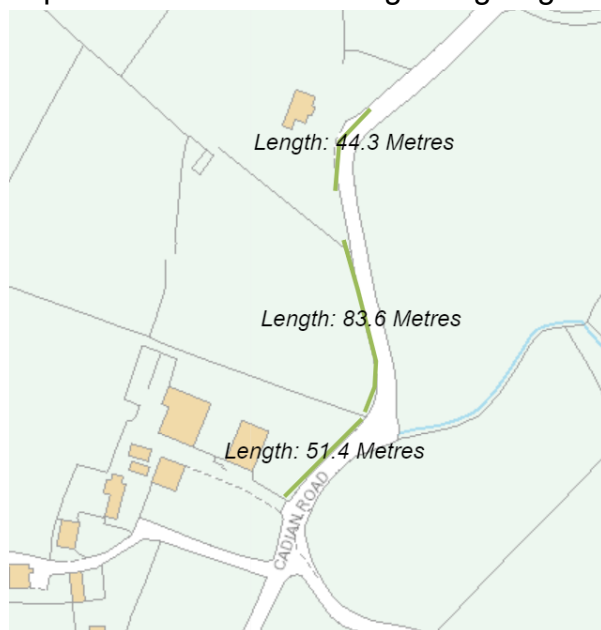


Fig 1 and 2 – development along Cadian Road – sites outlined in red





Fig 3 – dwelling to north



Fig 4 – dwelling and garage to south



Fig 5 – dwelling and garage and development off lane

This field has a frontage of 83m, this site has a frontage of 33m with the adjacent site 50m, I consider this is comparable with the frontages in the adjoining development and the overall plot sizes are also comparable. Taking account of the development pattern, frontage sizes and plot sizes as well as the indicative layout showing 2 dwellings and

garages, I am of the view that the gap where this development is proposed is only able to accommodate a maximum of 2 dwellings and as such meets the exception in CTY8 for infill development.

I recommend approval of this application with the conditions attached to ensure it respects the character of the area.

**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. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

4. The dwelling hereby approved shall have a ridge height not exceeding 6m above the level of the existing ground.

Reason: To respect the character of the surrounding area and aid integration.

5. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries shall be retained and augmented with trees and native species hedging. All new curtilage boundaries shall be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

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

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

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

7. 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 including sight lines of 2.4m by 45.0m in both directions and a forward sight distance of 45.0. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

#### Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

**Signature(s):**

**Date**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1313/O	<b>Target Date:</b>
<b>Proposal:</b> Two storey dwelling	<b>Location:</b> Between 55c and 59 Cadian Road Dungannon (site 1)
<b>Referral Route:</b> Contrary to policy	
<b>Recommendation:</b>	REFUSAL
<b>Applicant Name and Address:</b> Mr R P Reid 142 Moy Road Dungannon	<b>Agent Name and Address:</b> Shaw Design 34 Grange Road Dungannon BT71 7EQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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

#### Representations:

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

#### Summary of Issues

None

#### Characteristics of the Site and Area

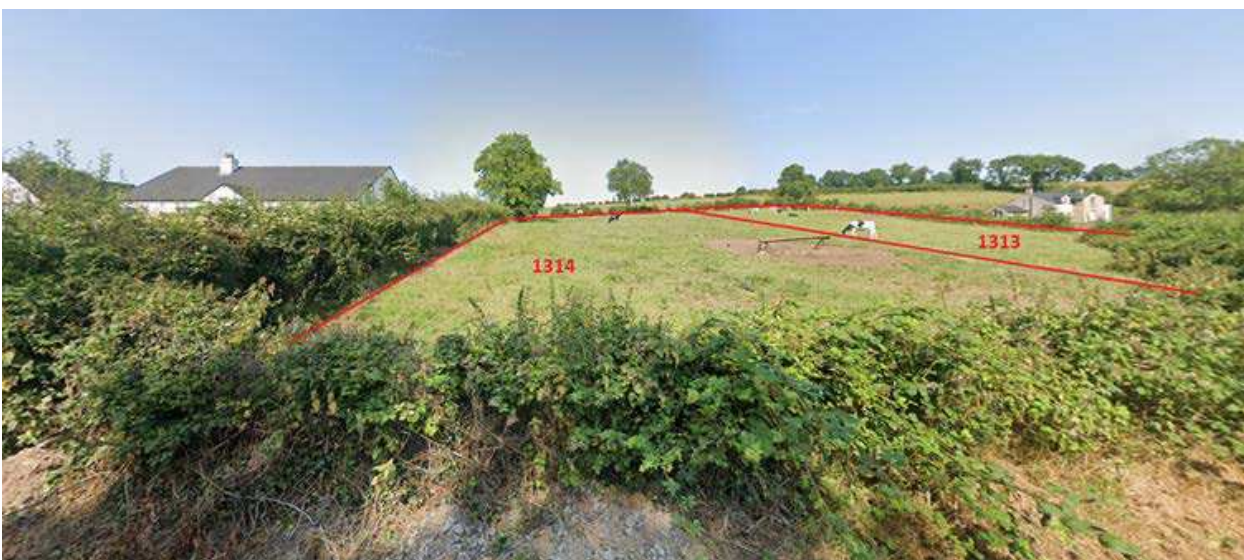
The site lies in the open countryside a short distance to the south west of the settlement limits of Eglish and outside all other areas of constraint as depicted by the DSTAP 2010.

The site is the northern portion of a larger agricultural field of which the southern half is also subject to a double infill planning application. The site is bounded along the north and west by a

row of mature trees and hedging, the roadside boundary is defined by a native species hedgerow and the remaining southern boundary is undefined on the ground. The land is relatively flat with a slight rise from the east to west.



The surrounding area is primarily open countryside with a scattering of single dwellings or farm holdings. In the immediate vicinity there is a new two storey dwelling to the North and a bungalow and farm holding to the immediate south. There are also a few more dwellings along the road to the south.



## Description of Proposal

The proposal seeks outline planning permission for an infill site.

## Planning Assessment of Policy and Other Material Considerations

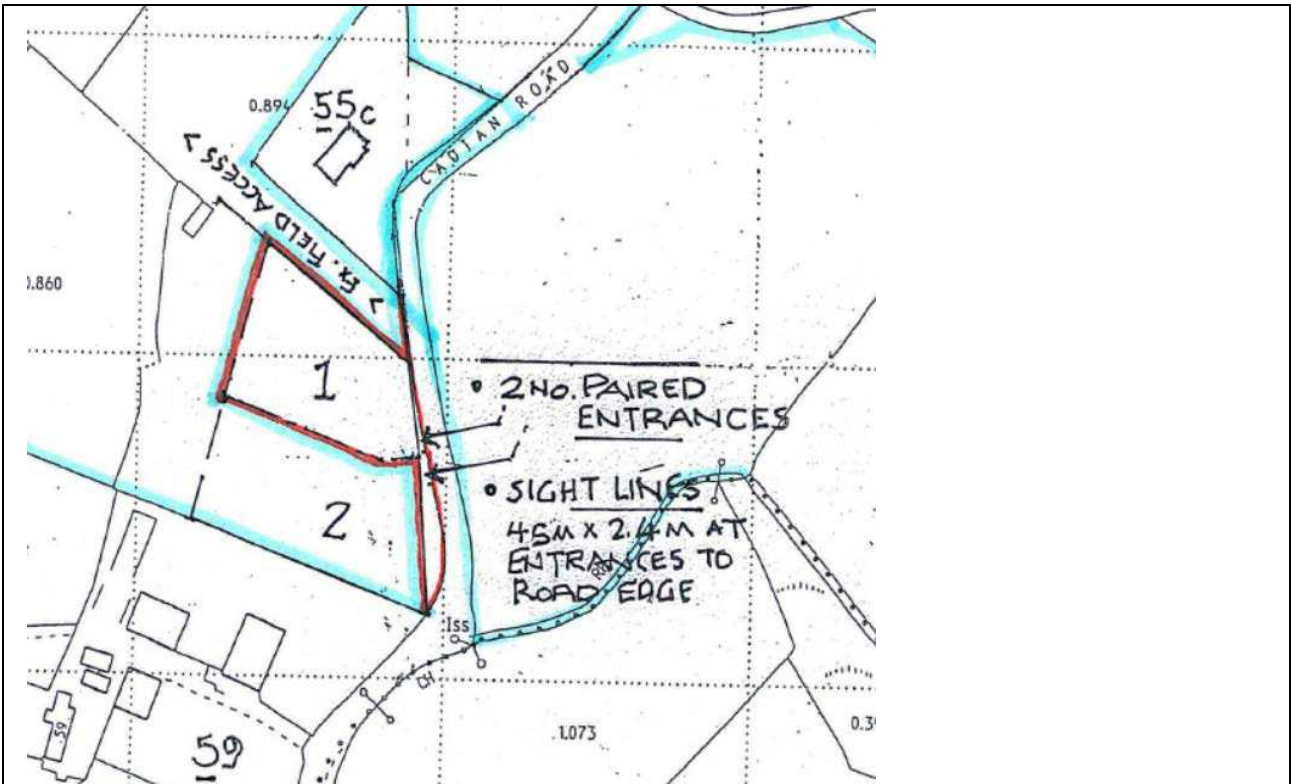
Regional Development Strategy  
Dungannon and South Tyrone Area Plan (DSTAP) 2010  
PPS3  
PPS21

- Policy CTY 1 - Development in the Countryside
  - Policy CTY 8 - Ribbon development
  - Policy CTY 13 - Integration and Design
  - Policy CTY 14 - Rural character
- Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement for Northern Ireland (SPPS) 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 retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

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

Objections / comment received from 3rd Parties;  
There have been no objections / comments received in relation to this proposal.



To the South of number 55C Cadian road, there is a gap of approx. 140 metres building to building or 100 metres plot frontage. The red line of the site for this application includes the North half of the gap. The site lies in the middle of a dwelling to the N, and two dwellings and numerous outbuildings to the South. It must also be noted that there is an additional gap to the North of the site. In my opinion this row constitutes the definition of a substantially built up frontage. However, the site comprises 100metres of the gap, however there is an additional 20 metre gat between the frontages of development and is therefore sufficient to accommodate 2 dwellings on the site and a further dwelling to the North when taking into account existing plots sizes of between 35m and 65m and the roadside frontage size of surrounding dwellings. It is my opinion that the site could potentially accommodate 3 dwellings and is therefore contrary to PPS 21 CTY 8.

The proposal therefore fails to comply with policy CTY8 of PPS21.





Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. Furthermore as the site has existing buildings on both sides and some boundary vegetation it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale were it acceptable to policy CTY 8. I have no concerns regarding integration albeit imposing a ridge height restriction of 7 metres.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it is not a prominent feature, does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale were it acceptable to policy CTY 8. I would recommend imposing a height of 7 metres and landscaping to the new site boundaries of the application site.

Recommendation Approval.

**Neighbour Notification Checked**

**Yes**

**Refusal Reasons**

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	27th August 2021
<b>Date First Advertised</b>	21st September 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 55c Cadian Road Dungannon The Owner/Occupier, 59 Cadian Road Dungannon Tyrone	
<b>Date of Last Neighbour Notification</b>	21st September 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/1313/O Proposal: Two storey dwelling Address: Between 55c and 59 Cadian Road, Dungannon (site 1), Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	
<p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>	

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/1314/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Dwelling and garage	<b>Location:</b> Between 55c and 59 Cadian Road Dungannon (site 2)
<b>Applicant Name and Address:</b> Mr R P Reid 142 Moy Road Dungannon	<b>Agent name and Address:</b> Shaw Design 34 Grange Road Dungannon BT71 7EQ
<b>Summary of Issues:</b>  None	
<b>Summary of Consultee Responses:</b>  DFI Roads – a safe access will require sight lines of 2.4m x 45.0m and forward sight lines of 45.0m	
<b>Characteristics of the Site and Area:</b>  The site lies in the open countryside a short distance to the south west of the settlement limits of Eglishe and outside all other areas of constraint as depicted by the DSTAP 2010.  The site is the northern portion of a larger agricultural field of which the southern half is also subject to a double infill planning application. The site is bounded along the north and west by a row of mature trees and hedging, the roadside boundary is defined by a native species hedgerow and the remaining southern boundary is undefined on the ground. The land is relatively flat with a slight rise from the east to west.	

The surrounding area is primarily open countryside with a scattering of single dwellings or farm holdings. In the immediate vicinity there is a new two storey dwelling to the North and a bungalow and garage to the immediate south.

There are also a few more dwellings along the road to the south.

### Description of Proposal

The proposal seeks outline planning permission for a dwelling and garage on an infill site.

### Deferred Consideration:

This application was before the committee members in November 2021 and was deferred for a meeting with the Planning Manager to discuss the merits if the infill as out forward.

At an office meeting on 18 November 2021 the policy requirements of CTY8 were discussed and the need to respect the character of the surrounding development in terms of size, scale, siting and plot size. It was noted the applicant owns the land to the rear and there is an access being retained to that land to the north of the field.

Members will be aware CTY8 allows for up to a maximum of 2 dwellings in a substantially built up frontage and the definition of a built up frontage is where there are 3 or more buildings along a road frontage without accompanying development to the rear. (Fig1 and 2)

To the north of the site is a detached dwelling with a site frontage of 44m, (Fig 3), this was approved as a dwelling and garage and the garage has not been built yet. To the south is a dwelling and garage with a frontage of 51m (Fig 4). To the rear of that dwelling, up a laneway, is a dog grooming business and farm buildings. I consider there are 3 buildings for the purposes of defining a built up frontage in Policy CTY8. I do not consider the buildings up the lane as accompanying development to the rear. These are clearly separated from the dwelling and garage with their own access and curtilages. (Fig 5)

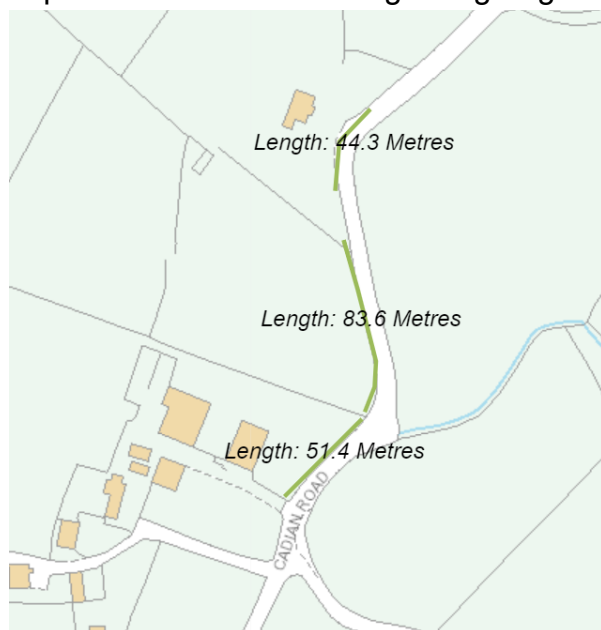


Fig 1 and 2 – development along Cadian Road, sites outlined in red



Fig 3 – dwelling to north



Fig 4 – dwelling and garage to south



Fig 5 – dwelling and garage and development off lane

This field has a frontage of 83m, this site has a frontage of 50m with the adjacent site 33m, I consider this is comparable with the frontages in the adjoining development and the overall plot sizes are also comparable. Taking account of the development pattern, frontage sizes and plot sizes as well as the indicative layout showing 2 dwellings and

garages, I am of the view that the gap where this development is proposed is only able to accommodate a maximum of 2 dwellings and as such meets the exception in CTY8 for infill development.

I recommend approval of this application with the conditions attached to ensure it respects the character of the area.

**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. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

4. The dwelling hereby approved shall have a ridge height not exceeding 6m above the level of the existing ground.

Reason: To respect the character of the surrounding area and aid integration.

5. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries shall be retained and augmented with trees and native species hedging. All new curtilage boundaries shall be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

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

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

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

7. 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 including sight lines of 2.4m by 45.0m in both directions and a forward sight distance of 45.0. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

#### Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

**Signature(s):**

**Date**





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1314/O	<b>Target Date:</b>
<b>Proposal:</b> Two storey Dwelling	<b>Location:</b> Between 55c and 59 Cadian Road Dungannon (site 2)
<b>Referral Route:</b> Contrary to policy	
<b>Recommendation:</b>	refuse
<b>Applicant Name and Address:</b> Mr R P Reid 142 Moy Road Dungannon	<b>Agent Name and Address:</b> Shaw Design 34 Grange Road Dungannon BT71 7EQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

None

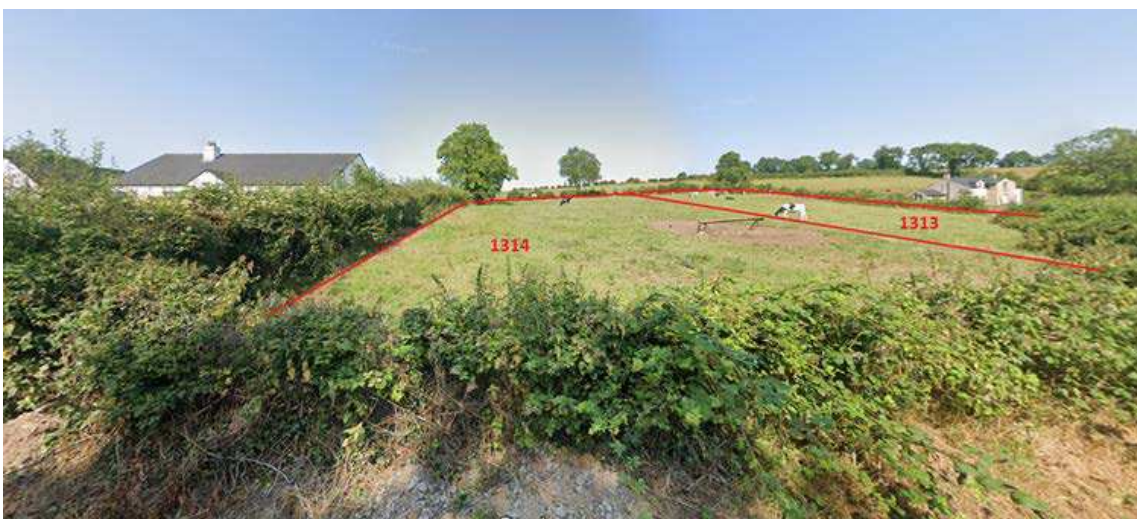
### Characteristics of the Site and Area

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

The site is the Southern portion of a larger agricultural field of which the Northern half is also subject to a double infill planning application. The site is bounded along the South and west by a row of mature trees and hedging, the roadside boundary is defined by a native species hedgerow and the remaining Northern boundary is undefined on the ground. The land is relatively flat with a slight rise from the east to west.



The surrounding area is primarily open countryside with a scattering of single dwellings or farm holdings. In the immediate vicinity there is a new two storey dwelling to the North and a bungalow and farm holding to the immediate south. There are also a few more dwellings along the road to the south.



### Description of Proposal

The proposal seeks outline planning permission for an infill site.

## Planning Assessment of Policy and Other Material Considerations

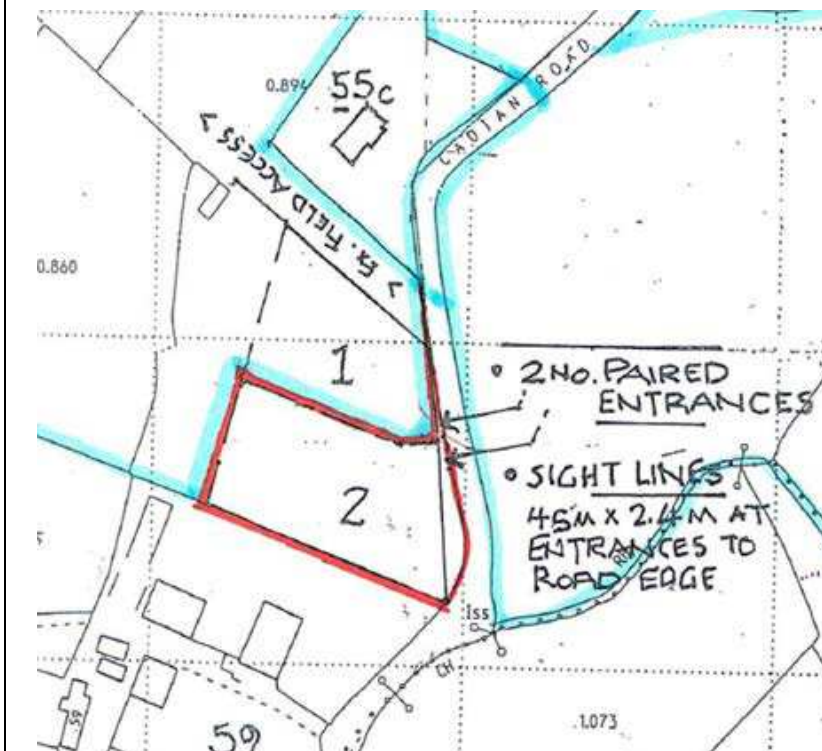
Regional Development Strategy  
Dungannon and South Tyrone Area Plan (DSTAP) 2010  
PPS3  
PPS21

- Policy CTY 1 - Development in the Countryside
  - Policy CTY 8 - Ribbon development
  - Policy CTY 13 - Integration and Design
  - Policy CTY 14 - Rural character
- Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement for Northern Ireland (SPPS) 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 retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

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

Objections / comment received from 3rd Parties;  
There have been no objections / comments received in relation to this proposal.



To the North of number 59 Cadian road, there is a gap of approx. 140 metres building to building or 100 metres plot frontage. The red line of the site for this application includes the South half of the gap. The site lies in the middle of a dwelling to the N, and two dwellings and numerous outbuildings to the South. It must also be noted that there is an additional gap to the North of the site. In my opinion this row constitutes the definition of a substantially built up frontage. However, the site comprises 100metres of the gap, however there is an additional 20 metre gat between the frontages of development and is therefore sufficient to accommodate 2 dwellings on the site and a further dwelling to the North when taking into account existing plots sizes of between 35m and 65m and the roadside frontage size of surrounding dwellings. It is my opinion that the site could potentially accommodate 3 dwellings and is therefore contrary to PPS 21 CTY 8.

The proposal therefore fails to comply with policy CTY8 of PPS21.



Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. Furthermore as the site has existing buildings on both sides and some boundary vegetation it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale were it acceptable to policy CTY 8. I have no concerns regarding integration albeit imposing a ridge height restriction of 7 metres.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it is not a prominent feature, does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale were it acceptable to policy CTY 8. I would recommend imposing a height of 7 metres and landscaping to the new site boundaries of the application site.

Recommendation Approval.

**Neighbour Notification Checked**

**Yes**

**Refusal Reasons**

1. 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 Cadian Road.

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	27th August 2021
<b>Date First Advertised</b>	21st September 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 55c Cadian Road Dungannon The Owner/Occupier, 55e ,Cadian Road,Dungannon,Tyrone,BT70 1LY The Owner/Occupier, 59 Cadian Road Dungannon Tyrone	
<b>Date of Last Neighbour Notification</b>	21st September 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2021/1314/O Proposal: Two storey Dwelling Address: Between 55c and 59 Cadian Road, Dungannon (site 2), Decision: Decision Date:  Ref ID: M/2013/0134/F Proposal: Private dwelling Address: Site located 60m East of 59 Cadian Road, Mullaghlonefield, Eglishe, Dungannon, Decision: PG Decision Date: 10.07.2013  Ref ID: M/1996/0198 Proposal: Dwelling Address: 60M EAST OF 59 CADIAN ROAD, MULLAGHLONGFIELD, EGLISH, DUNGANNON Decision: Decision Date:	
<b>Drawing Numbers and Title</b>	

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



<b>Report on</b>	Updated Planning Officer Authorisation list.
<b>Reporting Officer</b>	M.Bowman
<b>Contact Officer</b>	Dr Chris Boomer

<b>Is this report restricted for confidential business?</b> If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	x

<b>1.0</b>	<b>Purpose of Report</b>
1.1	The purpose of this report is to seek Members' approval for Mrs Karla McKinless to be authorised to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.
<b>2.0</b>	<b>Background</b>
2.1	Upon the transition of Planning Powers to the Council in April 2015 Member's previously agreed to authorise key officers, namely SPTO / Team leads, to sign decisions on the Council's behalf, in line with the agreed Schemes of Delegation.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>As of 15 Nov 2021 <b>Mrs Karla McKinless</b> has been temporary promoted to fill Mrs Emma McCullagh's role as Team lead for the Cookstown Development Management Team and is presently involved in the new IT system. As such she will require to be authorised as above.</p> <p>It should be noted that signing decisions is not the same as taking decision. All decisions will be undertaken either by:</p> <p>(i) Planning Committee Or (ii) Planning Manager under the scheme of delegation.</p> <p>Where a decision is made under the scheme of delegation it will be the Planning Managers responsibility to ensure decisions are made in accordance with the policies of the Council and that the right checks and balances are in place</p>
<b>4.0</b>	<b>Other Considerations n/a</b>
<b>4.1</b>	<b><u>Financial &amp; Human Resources Implications</u></b>
	<p>Financial: this will allow for efficient use of Officer time</p> <p>Human: internal team restructuring.</p>

<b>4.2</b>	<b><u>Equality and Good Relations Implications</u></b>  None
<b>4.3</b>	<b><u>Risk Management Implications</u></b>  None
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That Mrs Karla McKinless is nominated as an authorised officer.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	N/A

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 10 January 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means**

**Members Present**

Councillor S McPeake, Chair

Councillors Black\*, Bell\*, Brown, Clarke,\* Colvin\*, Corry\*, Cuthbertson, Glasgow\*, Mallaghan, McFlynn, McKinney, D McPeake, Quinn\*, Robinson

**Officers in Attendance**

Dr Boomer\*\*, Service Director of Planning  
Mr Bowman, Head of Development Management  
Ms Donnelly\*\*, Council Solicitor  
Ms Doyle, Senior Planning Officer  
Mr Marrion, Senior Planning Officer  
Mr Stewart, Planning Officer  
S McGinley, ICT Support  
Mrs Grogan, Democratic Services Officer

**Others in Attendance**

LA09/2019/1482/F - Hayley Wilson/Shane Carr  
LA09/2020/1286/F - Christopher Quinn  
LA09/2021/1106/O - Oonagh Given  
LA09/2021/1178/F - Trevor Hutton  
LA09/2021/1361/O - Ryan Dougan  
LA09/2021/1442/RM - Aidan O'Hagan

\* Denotes members and members of the public present in remote attendance

\*\* Denotes Officers present by remote means

\*\*\* Denotes others present by remote means

The meeting commenced at 7.00 pm

In the absence of the Chair, Councillor Black at tonight's meeting, the Vice-Chair, Councillor S McPeake took the Chair. The Chair advised that Councillor Black would be in attendance by remote means.

**P001/22 Apologies**

Cllr Martin.

**P002/22 Declarations of Interest**

The Chair reminded members of their responsibility with regard to declarations of interest.

**P003/22 Chair's Business**

The Chair also referred to addendum which had been circulated earlier in the day and asked if those joining remotely had seen this document and had time to read it.

Members joining remotely confirmed that they had seen the addendum and had time to read it.

The Strategic Director of Planning advised that he would be raising an issue under Chair's Business in confidential business.

The Head of Development Management referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred/withdrawn from tonight's meeting schedule for an office meeting –

LA09/2018/1702/F – Housing development (3 pairs of semi-detached and one detached dwelling) at Junction Shore Road/Ballynagrave Road, Ballyronan for Bridge Developments.

LA09/2019/1482/F – Retention of workshop of approx. 70m W of Unit 10 Station Road Industrial Estate, Station Road, Magherafelt for Four Dee (NI) Ltd

LA09/2020/0122/F – Housing development (34 dwellings) foul water treatment works and associated site works at lands located between Killymeal Grange & Dunlea Vale (former Oaks Park Stadium) for Landmark Homes (NI) Ltd

LA09/2021/0952/F – Extension to existing curtilage & domestic storage shed at 45m S of 211a Washingbay Road, Coalisland for Tony McCuskey

LA09/2021/1038/F – Change of use from domestic garage & store to living accommodation to the rear of 155 Moore Street, Aughnacloy for Bernie Corley

LA09/2021/1106/O – Single storey dwelling & garage at approx. 60m NW of 45 Lisnastraine Road, Coalisland for Niall O'Neill

LA09/2021/1272/F – Dwelling and single detached garage and surrounding landscaping S of 101a Cavankeeran Road, Pomeroy for Arlene Phelan

LA09/2021/1324/F – Class B2 Industrial Building adjacent to W of 21 Tobermesson Road, Dungannon for Syerla Enterprises Ltd

LA09/2021/1384/O – Site for 2 dwellings and garages at vacant lands adjacent to and W of 191 Battery Road, Moortown for Mr Maurice Devlin

LA09/2020/0804/O – Two storey dwelling & domestic garage at lands 350m S of 293 Pomeroy Road, Lurganeden, Pomeroy for Ben Sinnamon (withdrawn)

Proposed by Councillor McFlynn  
Seconded by Councillor S McPeake and

**Resolved** That the planning applications listed above be deferred for an office meeting/held for further information/withdrawn from agenda as outlined.

## **Matters for Decision**

### **P004/22 Planning Applications for Determination**

The Chair drew Members attention to the undernoted planning applications for determination.

#### **M/2010/0830/F Residential Development (25 dwellings) at lands SE of Church Hill Road, Caledon for Caledon Estates Company**

Members considered previously circulated report on planning application M/2010/0830/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Robinson and

**Resolved** That planning application M/2010/0830/F be approved subject to conditions as per the officer's report.

#### **LA09/2018/1702/F Housing Development (3 pairs of semi-detached and one detached dwelling) at Junction of Shore Road/Ballynagrave Road, Ballyronan for Bridge Developments**

Agreed earlier in the meeting that application be deferred for one month for the submission of additional information.

#### **LA09/2019/1482/F Retention of Workshop at approximately 70m W of Unit 10 Station Road Industrial Estate, Station Road, Magherafelt for Four Dee (NI) Ltd**

Agreed that application be deferred for an office meeting earlier in meeting.

#### **LA09/2020/0010/F Creche Building, Car Parking and all Associated Site Works at lands 75m NE of 100 Coleraine Road, Maghera for Specialist Joinery Group**

Members considered previously circulated report on planning application LA09/2020/0010/F which had a recommendation for approval.

The Head of Development Management advised that a late objection had been received late this afternoon.

Ms Doyle (SPO) advised members that a late objection had been received from a gentleman who lived in a neighbouring dwelling beside the application site. In his objection it was indicated if the crèche was built beside his bungalow it would block

out a major amount of light and he would be happy for the carpark to be constructed on the other side of the hedge at this property rather than the crèche building. He asked if this could be considered at tonight's planning meeting or be put back for one month for reconsideration. She advised that an objection had been received during the processing of the application which was considered within the report before members tonight and within that letter it raised issues in regards to the raising of ground levels causing flooding to the objector's property, loss of sunlight, health and wellbeing of the privacy of private amenities space, loss of quiet and intimate use of the conservatory and the provision of a boundary screen fence or a hedge will also cause the loss of light. She advised that the case officer had detailed that the land levels did seem to be raised from the original feed levels and although the levels do sit above the adjacent dwelling which had existed for some time and do not appear to be the subject of any previous complaint or subsequent enforcement action. Rivers Agency were consulted and were advised that the drainage assessment was acceptable and no reason to disagree with its conclusions. The objector's dwelling is set at a lower level than the proposed crèche, however the site has been re-sited so the crèche sits 3 metres from the boundary hedge and 7 metres from the objector's dwelling. The boundary hedge consists of a tall conifer hedge which completely screens the dwelling apart from the top part of the gable and roof when viewed from the proposed site. The proposed building is low set with a roof sloping away from the objector's roof dwelling and has an eaves height of 4.3 metres above ground level at the point closest to the dwelling and rises to a ridge height of 5.75 metres at a point which is 17.5 metres from the objector's dwelling. She advised that the case officer didn't think that this would have a detrimental effect on the objector's property and concerns which were raised by Mr Graham this afternoon. She said that concerns have been adequately considered during the processing of the application and within the case officer's report.

The Head of Development Management assured members that this application had been in front of officer's a number of times and one of the key considerations was the relationship between the objector's property and this development. He felt that the building has been designed in a clever way to avoid any direct overlooking at the shared boundary side as the roof angle slopes away from the objector's property towards the body of the site. He said that vegetation could be retained and in considering the objector's request today to have the building moved further away from his dwelling and parking along the boundary hedge, members can see from the relatively restricted size of the site, to introduce parking could be difficult and may give rise to its own issues around amenities with regards to vehicles coming and going to that boundary at various times of the day. He wanted to reassure members that careful consideration was always given to the relationship between No. 151 and the proposed site and officers were satisfied that the two could co-exist quite well.

Councillor Brown said that when all things were raised and although the Mr Graham has raised the objection, did officers go back to the applicant to see if there was any other way or any other means whereby this could be facilitated. He referred to trying to accommodate the space but it was also important not to have a neighbour being totally undermined and enquired if there was possibly any compromise where officers could go back to the applicant to see if there was any way they could move it ever so slightly to try and address the concerns the Mr Graham had raised. He

proposed to defer the meeting for one month to see if a favourable outcome could be reached between the two parties.

The Head of Development Management advised that officers hadn't an opportunity to liaise with the applicant yet as the letter of objection had only been received this afternoon.

Ms Doyle (SPO) confirmed that Mr Graham had stated in his letter that he would be happy to have the carparking on the other side of the hedge at his property, rather than the crèche building. She said that she was aware that the case officer during the process of the application had gone back to the applicant and got the building moved 3 metres away from the hedge based on concerns raised at the time by the objector.

The Head of Development Management said that it was his understanding that the Mr Graham wished to have the carparking between his building and the site which would have catastrophic consequences on the development of the site. He felt the reason why officers should not go back and look at it again was that there was enough mitigation built in on this proposal to ensure that there were no negative impacts on the objector's amenity in its current format.

Proposed by Councillor D McPeake to accept the recommendation.

Councillor S McPeake seconded the recommendation.

Councillor McKinney enquired about the legal distance from the applicant's dwelling to the building.

The Head of Development Management stated that he wasn't aware of any legal distance as planning had plenty of guidance on separation distances within housing developments and were not talking about dwelling to dwelling here either, it's a dwelling to a crèche building. He said that by moving the building by 3 metres it has been moved considering the boundary, design of building, level difference and the cross sections which all added up to make him comfortable.

Councillor Black referred to the letter of objection this afternoon and said that the objector did not seem to be adverse to the proposal going ahead in principle and wondered if this was a last attempt to try and strike a balance and to try and get both parties on board. He enquired if there would be any benefit in deferring it for one month to see if there was any further separation that could appropriately be accommodated to try and satisfy both parties. He said that he would be happy to second Councillor Brown's proposal to defer for one month.

The Strategic Director of Planning advised members that the starting point here was to remember that this was industrial land and the land could be developed for industrial purposes. When amenity is being considered, this premises is a crèche and was actually acting as a buffer to the rest of the site which could be further developed for industrial purposes and felt there were actual advantages for the Mr Graham in the proposal as it sits. He said that the building could be moved and carparking relocated which would mean that there would be all of the comings and

goings, with the busiest times being parents dropping of and lifting children and not the case of the carparking being used all day long and literally for just the dropping off and collection and having that next to the objector's house could result in it being more disruptive than the actual building. He said that his own view would be that this was actually a good compromise as it was providing a community facility of benefit to the wider community and will provide employment land in itself and seen no benefit in reverting back.

The Chair said that it was proposed and seconded to accept the recommendation of the case officer to approve the application. He advised that there was an alternative proposal brought forward by Councillors Brown and Black to defer for one month to see if a favourable outcome could be reached between the applicant and objector.

*Councillor McKinney left the meeting at 7.14 pm.*

Councillor Brown said that given the fact the Mr Graham had just submitted the objection today felt that if there was any leeway in going back to the applicant then this should be considered. He advised that other applications in the past had been deferred for one month and asked that the same applies here to see if an agreement can be reached between the applicant and Mr Graham.

*Councillor McKinney returned to the meeting at 7.16 pm.*

The Chair said that after listening to the Strategic Director of Planning's clarifications and given the fact it was industrial land and the building itself was a relatively soft building and not a factory bellying out smoke which could happen, this was a crèche. He said that by reading the report mitigation measures has been taken by the applicant to move it away from the boundary and would see no merit whatsoever in changing the opinion at this stage.

Councillor D McPeake's proposal to accept the office recommendation to approve the application was put to the vote -

For 8  
Against 6

Councillor D McPeake's proposal was carried.

Proposed by Councillor D McPeake  
Seconded by Councillor S McPeake and

**Resolved** That planning application LA09/2020/0010/F be approved subject to conditions as per the officer's report.

**LA09/2020/0122/F Housing Development (34 dwellings), Foul Water Treatment Works and Associated Site Works at Lands Located between Killymeal Grange and Dunlea Vale (former Oaks Park Stadium) Dungannon, for Landmark Homes (NI) Ltd**

Agreed that application be deferred for an office meeting earlier in meeting.



**LA09/2020/1286/F Change of house type from I/2007/0350/F at approx. 36m N of 127 Drum Road, Cookstown for KE Holdings**

Members considered previously circulated report on planning application LA09/2020/1286/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2020/1286/F be approved subject to conditions as per the officer's report.

**LA09/2020/1499/F Single Storey Multi-Use Building with a Footprint of approximately 818msq on the Site of the previous Forestry School in Pomeroy Forest. The development will provide a welcome area with casual seating, multi-purpose rooms, a large kitchen, a large double height adaptable multi use space with retractable audience seating for approx. 150 people, a kitchen area and toilet changing facilities which are accessible both internally and externally. Car parking will be created for approx. 38 cars with additional overflow car parking provided by the existing car park located north of the building site at 56 Pomeroy Road, Tandragee Road, Pomeroy, for Mid Ulster District Council**

*All members declared an interest in planning application LA09/2020/1499/F.*

Members considered previously circulated report on planning application LA09/2020/1499/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2020/1499/F be approved subject to conditions as per the officer's report.

**LA09/2020/1519/F Storage & distribution centre at 23 Ballymacombs Road Portglenone for Mechanical & Electrical Fixings Ltd**

Members considered previously circulated report on planning application LA09/2020/1519/F which had a recommendation for approval.

Proposed by Councillor Brown  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2020/1519/F be approved subject to conditions as per the officer's report.

**LA09/2021/0688/F Importing of clay and inert material for storage to facilitate forming of health and safety bunds and banking with gravel**

**pit site at ponds at the site at 58A Knockaleery Road,  
Magheraglass, Cookstown, for Maurice Hamilton**

Members considered previously circulated report on planning application LA09/2021/0688/F which had a recommendation for approval.

Proposed by Councillor Mallaghan  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/0688/F be approved subject to conditions as per the officer's report.

**LA09/2021/0748/O Site for dwelling and garage at 70m SW of 55 Drumenny Road, Coagh, for Cliona Hagan**

Members considered previously circulated report on planning application LA09/2021/0748/O which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/0748/O be approved subject to conditions as per the officer's report.

**LA09/2021/0856/O Two storey dwelling and garage (approved M/2008/0520/) with an onsite septic tank at Tunnel Lodge, 100m NW of 4 Park Lane, Dungannon for Nigel Fleming**

Members considered previously circulated report on planning application LA09/2021/0856/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2021/0856/O be approved subject to conditions as per the officer's report.

**LA09/2021/0952/F Extension to existing curtilage & domestic storage shed at 45m S of 211a Washingbay Road, Coalisland, for Mr Tony McCuskey**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/1038/F Change of use from domestic garage & store to living accommodation to the rear of 155 Moore Street Aughnacloy, for Bernie Corley**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/1106/O Single storey dwelling & garage at approx. 60m NW of 45 Lisnastrane Road, Coalisland, for Niall O’Neill**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/1144/F Change of use from part of agricultural shed to farm shop. (farm diversification scheme) at approx. 70m N of No 37 Tobermesson Road, Benburb, for Mr Alfie Shaw**

Chair advised that all members had received an email which he did not read when he realised what it was and felt that this avenue was not appropriate for applicants to engage with members of the committee.

Members considered previously circulated report on planning application LA09/2021/1144/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2021/1144/F be approved subject to conditions as per the officer’s report.

**LA09/2021/1178/F Change of use of 5 bedroom dwelling to 2 two bed apartments (continued unintensified use of Scotch Street (S) car park for the proposed parking) at 11 Victoria Road, Drumcoo, Dungannon for 2 Northland Ltd**

Members considered previously circulated report on planning application LA09/2021/1178/F which had a recommendation for approval.

Proposed by Councillor Brown  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2021/1178/F be approved subject to conditions as per the officer’s report.

**LA09/2021/1229/O Dwelling on a farm at site adjacent to 9 Draperstown Road, Desertmartin for Thomas Johnston**

Members considered previously circulated report on planning application LA09/2021/1229/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/1229/O be approved subject to conditions as per the officer’s report.

**LA09/2021/1272/F Dwelling with single detached garage and surrounding landscaping S of 101a Cavankeeran Road, Pomeroy, for Mrs Arlene Phelan**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/1324/F Class B2 light industrial building adjacent & W of 21 Tobermesson Road Dungannon, for Syerla Enterprise Ltd**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/1345/RM Farm dwelling and domestic garage adjacent to 33 Loughbracken Road, Pomeroy, for Eamon and Katrina Canavan**

Members considered previously circulated report on planning application LA09/2021/1345/RM which had a recommendation for approval.

Proposed by Councillor Mallaghan  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/1345/RM be approved subject to conditions as per the officer's report.

**LA09/2021/1361/O Dwelling and garage to rear of 8 Ballyheifer Road, Magherafelt for Sean and Emma Hatton**

Members considered previously circulated report on planning application LA09/2021/1361/O which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/1361/O be approved subject to conditions as per the officer's report.

**LA09/2021/1384/O Site for 2 dwellings and garages at vacant Lands adjacent to and W of 191 Battery Road, Moortown, for Mr Maurice Devlin**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/1442/RM Dwelling and domestic garage 40m NW of 19 Tullyheran Road, Maghera, for Diarmaid and Ciara Donnelly**

Members considered previously circulated report on planning application LA09/2021/1442/RM which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/1442/RM be approved subject to conditions as per the officer's report.

**LA09/2021/1473/F Single storey rear extension at 6 Carsonville Drive, Upperlands, Maghera, for Mr & Mrs H Porter**

Members considered previously circulated report on planning application LA09/2021/1473/F which had a recommendation for approval.

Proposed by Councillor Brown  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/1473/F be approved subject to conditions as per the officer's report.

**LA09/2021/1570/F Relocation of previously approved car park under LA09/2021/0749 to a new location at approx 90m from Iniscarn Road leading into the Iniscarn forest. Forest access road widened to 3.5m with construction to 2 number passing bays leading up to the car park. Other works approved under LA09/2021/0749 including upgrade of forest trails, ancillary signage, and construction of play park remain part of the development proposal) at Iniscarn Forest, Iniscarn Road, Iniscarn, Desertmartin, for Mid Ulster District Council**

*All members declared an interest in planning application LA09/2021/1570/F.*

Members considered previously circulated report on planning application LA09/2021/1570/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2021/1570/F be approved subject to conditions as per the officer's report.

**LA09/2019/1105/O Site for a farm dwelling and double domestic garage at 70 metres (approx.) W of 25a Corrycroar Road, Pomeroy, for Connor Carberry**

Ms Doyle (SPO) presented a report on planning application LA09/2019/1105/O advising that it was recommended for refusal.

Councillor Mallaghan said that there were a number of members which attended the site visit and that he knows the roads well as it wasn't too far from where he lives. He said that he was convinced when he saw the layout of the land that it would be quite

difficult to try and achieve a dwelling on the farm cluster at this location. He referred to the geography of field 8 as marked out on the drawing would be an engineering feat to try and be able to put a dwelling in there as well as taking an access out of it. Field one which was closest to the road would be right on top of the farm buildings itself. He said that this may not be so much of an issue if this was for a person who would run the farm but this was for a son-in-law and daughter who wished to build a house on a father's land. He felt that this was one which merited the exception that's given within the policy in terms of being able to locate the dwelling off the farm cluster because of the difficulties that this particular location poses. He said that having visited the site and reading through the case officer report that he would make a proposal to accept the application for approval.

The Head of Development Management asked members to bear in mind where there was exceptions to the visual linkages or groupage, that it surrounds two issues; health and safety and verifiable plans to extend the farm which was very clear in the policy.

He said that he did appreciate what Councillor Mallaghan alluded to regarding the road as coming in and out of the site was potentially difficult. He said that he had recalled pointing out a number of the fields during the site visit and in his view the 2<sup>nd</sup> and 3<sup>rd</sup> field met the policy test to a much more acceptable degree than the site chosen by the applicant along the road. He recalled on that day most of the fields were earmarked in some way for some kind of expansion and wanted to remind members that he did not have any evidence of any verification with any proposed expansion and wanted members to be mindful of that when considering this application for any kind of exception.

The Chair recalled the farmyard being very steep coming up towards the road and then a merging sweeping corner which rises also. He said that historically there had been accidents into the drop in the field at that point and could understand the danger of coming out there. He stated that it didn't lie well with him around the farm groupings. The other preferred site although not perfect, was roadside and very much accessible and could understand the applicant's reasoning opposed to off the road at the other location.

Councillor Clarke advised that he wasn't at the site meeting but enquired how wide field one was and what kind of road frontage was there as they seemed fairly narrow. The second issue he had was if there was a dwelling in that field or part of it back from the road, could it be accessed from the farm lane by whoever was running the farm. If the site was put further back with an entrance to the road and a separate entrance paired with what's there, would there be any way in which to access the farm without crossing a private entrance. He felt that there could be difficulties as an entrance could be put in which wouldn't belong to the farm

The Head of Development Management said that he would concede that field one could not be developed which was the one which had the dangerous access point and agreed that it was very narrow and very steep. He said that there were three or four other fields which he saw no obvious impediment subject to getting a safe access to lands through potentially a parallel laneway without having to use the farm lane to access some of the fields further down off the slope a little bit.

In response to the Chair's query, Ms Doyle (SPO) advised that she wasn't looking at alternative sites on the day of the site visit but would have to investigate if required.

The Service Director of Planning said that he could see members' arguments but suggested an alternative site to integrate with the landscape and also up an existing laneway.

He sought members' approval to defer the application for one month to assess an alternative site.

Councillor Brown said that he took on board Councillor Mallaghan's point and although he wasn't at the site meeting he felt that there was merit in what he was saying but after listening to Dr Boomer would be supportive of deferring the application for one month to allow time for officers to assess an alternative site.

Councillor Mallaghan said that he would be happy to go along with what the Dr Boomer suggested and give officers an opportunity to look at it again. He did say that on the day of the site visit of the proposed application site that under other circumstances it would be deemed a decent site for a house because of the geography and integration amongst other things. He advised that if a person has a suckler herd, they don't necessarily go out to get a contract in order to expand their farming business and tend to add on to existing buildings when wanting to add on an extra 10 to 20 animals onto a herd. He advised that this was not the same for poultry or pig farming where a person seeks a contract with Moy Park etc. and felt that this could be difficult to deal with for beef. In referring to the fields which sit behind where the farm buildings and felt that it would be very difficult to get access and driving through a farmyard as he was someone who lives in a house where he had to drive through a farmyard to get to his house which wasn't ideal particularly if you weren't the person which was farming. He felt that all things considered that this could prove a huge difficulty for all the people involved on the farm and land.

Councillor Robinson advised that he was at the site meeting and was great to see things from a different point of view and would concur with Councillor Mallaghan's comments. He said that to go down the side of where the farmyard was located was very difficult as it was steep all the way down to it. He said that he noticed that there were sheds there which he presumed were there for a very long time as they were constructed in corrugated iron which was totally different from today and a good alternative where the applicant wanted to build. He said that he was confused about statement from DfI about extra vehicles on the road as whether or not a dwelling is built there was going to be vehicles on the roads anyway. He said that he would be supportive of the recommendation as it was a good enough site and only issue was it was away from the farm buildings. He stated that as a farmer himself it would be hard to know what you would be doing two or three years down the road as things can change and a farming system has to change to stay in business.

Proposed by Councillor Brown  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2019/1105/O be deferred for one month for alternative site to be assessed.

**LA09/2020/0804/O Two storey dwelling & domestic garage at lands 350m S of 293 Pomeroy Road, Lurganeden, Pomeroy for Ben Sinnamon**

Agreed earlier in the meeting that application be withdrawn from tonight's schedule.

**LA09/2020/1051/O Site for dwelling and double domestic garage on a farm at 90m (approx.) SW of 99 Feegarron Road, Cookstown for John and Amy Wilson**

Members considered previously circulated report on planning application LA09/2020/1051/O which had a recommendation for approval.

Proposed by Councillor Brown  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2020/1051/O be approved subject to conditions as per the officer's report.

**LA09/2021/1498/F Retention of the Gym and Wellbeing Facility (currently under construction) of a portal framed and cladding building of 297sqm in floor space, tarmac car parking surface and associated drainage and septic tank at site adjacent to 99 Ardboe Road, Ardboe, for Mr Ryan Quinn**

Members considered previously circulated report on planning application LA09/2021/1498/F which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2021/1498/F be approved subject to conditions as per the officer's report.

**LA09/2021/0264/O Dwelling and garage at site adjacent to 60 Sixtowns Road, Draperstown for Peter Conway**

Members considered previously circulated report on planning application LA09/2021/0264/O which had a recommendation for approval.

Proposed by Councillor Corry  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2021/0264/O be approved subject to conditions as per the officer's report.

**LA09/2021/0635/O Dwelling & domestic garage in a gap site at land immediately N of 43 Tullyglush Road & between 43 & 51a Tullyglush Road, Ballygawley for Gerard Quinn**



Members considered previously circulated report on planning application LA09/2021/0635/O which had a recommendation for approval.

Proposed by Councillor Robinson  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2021/0635/O be approved subject to conditions as per the officer's report.

### **Matters for Information**

#### **P005/22 Minutes of Planning Committee held on 7 December 2021**

Members noted minutes of Planning Committee held on 7 December 2021.

#### **P006/22 Receive Report on Planning Performance**

The Service Director of Planning said that it was worth noting that there was a change in Standing Orders from the last council meeting. He advised members that a list of all decisions from tonight's meeting would be circulated to members tomorrow and no decisions would be issued until 5 days had passed.

The Service Director of Planning presented previously circulated report to inform members of Planning performance and progress against National Statistics and in comparison to other Councils.

He commended the Head of Development Management and his team on their excellent performance and staying focused during such very challenging times.

The Chair commended Dr Boomer, the Head of Development Management and their teams on their performance and said that all things considered it was a healthy report.

Councillor Glasgow referred to staff working from home or on a rota and enquired if the infrastructure was still in place to speak to an individual person even though they were working from home. He asked if the mechanism was there to make contact with them through a laptop or by other means as he had a situation of a member of the public receiving no response to an email until the person came back to work in the office as it wasn't a direct line of communication. He said that it was important that staff were able to fulfil their duties working from home.

The Service Director of Planning advised that the infrastructure was technically there with anyone with a laptop having a particular system which can pick up a call on the laptop. He said that everyone's internet connection differ at home so the ability to actually pick that up does vary in the rural areas due to speeds and bandwidths change. He said that people can phone the office and may not get directly speaking to the person they wish to speak to immediately but there was always someone in the office to take a message and pass it on to the named individual, same as if they were in the office as they could be doing other tasks. He assumed that them

member was asking was the ability there and his reply would be yes but sometimes bandwidth interferes with that.

Councillor Glasgow said that he could understand situation but he wasn't actually happy with the response. He said that he had raised this issue before and had been in that situation. The person which contacted him was trying to get urgent attention regarding an enforcement and was told to send an email which he felt was not appropriate. He said if staff were expected to work from home then adequate infrastructure was needed and understands that broadband was an issue, but felt that a report needed to be actually done to see what staff actually need as some staff were struggling to work from home. If people are being asked to work from home without the adequate infrastructure then staff should be at the place of work to carry out their duties as they are not fit to do it from home.

The Service Director of Planning advised that the member had hit the nail on the head when he started the conversation about enforcement. He said that often enforcement was considered very contentious and some people seem to have the view that if they phone in about an enforcement case, then it is assumed that a member of staff would be able to go out automatically tomorrow and it will all be stopped. Officers do not have long conversations with the public about ongoing enforcement cases on the phone and the reason for that is because officers will take on an investigation which will be investigated and once that is done, the person will know the outcome. The Service Director of Planning stated that the person will not get a blow by blow account and very much seemed to him that the member was describing a disgruntled customer as they have expectations which most probably cannot be met for a very good reason. When he referred to bandwidth, then this was a very different situation. He said that no-one should expect to have a full briefing on an enforcement case with an officer as this could potentially be a criminal investigation and protections for the person which was actually complained about in relation to protection of personal data.

The Chair advised that as part of the workshop later on in the month, enforcement was going to be focused on.

The Council Solicitor advised the member that there was an appropriate forum for a complaint as part of the complaints procedure, rather than through these open meetings. If someone has a complaint or wishes to express any concern, they can contact the Council or the Planning Department directly where it would be more appropriately and specifically addressed rather than this forum.

The Council Solicitor advised the member that there was an appropriate forum for a complaint as part of the complaints procedure. Rather than through these open meetings. If someone has a complaint or wishes to express any concern, they can contact the Council or the Planning Department directly where it would be more appropriately and specifically addressed rather than this forum.

Councillor Glasgow stated that he had used enforcement as an example and only asking that this matter be investigated. If staff cannot carry out their duties from home then they should be in the office to carry out their duties as the same applies to Councillors, if they have bandwidth issues then they have to go into the Council

Offices to do the meeting in another part of the room. He stated that he wasn't raising a complaint and only a concern and felt that it wasn't unreasonable for a person to get a reply back regardless what the issue was.

The Service Director of Planning felt that Councillor Glasgow's comments were a bit unfair. He said that there was never a situation where a person could phone in and speak to a specific officer, but the ability was there to speak to someone in the office who will take what their complaint was and pass on to an investigating officer who will get back to them, the same as a planning application. Other reasons why a person cannot speak to an individual officer could be that they are out on site and they are requested to send an email and that officer would get back to them. He said that he didn't recognise the comment about an ongoing problem which the member highlighted and from what he could see he just issued a report to show how well the Planning Department had been performing. He said that this wasn't an instruction from Mid Ulster District Council that people should work from home where possible, it was an instruction from the Assembly because we were facing a pandemic. He said that if a Councillor wishes to raise a complaint because someone has approached them in exchange to putting peoples' lives at risk because of it, then he would ask that Councillor to think carefully on what they were actually saying, as he said that if the infrastructure wasn't in place then all members of staff should be required to come into the office during a pandemic which was not an appropriate response. He said that he was confident that was not what the Councillor meant and only said to heighten the argument but felt if there was a specific complaint then this should be brought to his attention. He reassured members that if there were any particular circumstances where a complaint was being raised that himself and the Head of Development Management would intervene if there was an issue.

Councillor Glasgow wished to clarify that he did not say all staff and understood where Dr Boomer was coming from, but this was only a request to see that the mechanisms were there to support our staff to do their work and was not disputing anything. He said that it was important to accommodate people in a safe environment and disputed the word "all staff".

The Chair said that he got where Councillor Glasgow and Dr Boomer were coming from and asked that any issues be taken up outside of this meeting to get clarification.

*Live broadcast ended at 8.15 pm.*

## **Local Government (NI) Act 2014 – Confidential Business**

Proposed by Councillor Robinson  
Seconded by Councillor D McPeake and

**Resolved** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) Act 2014 that Members of the public be asked

to withdraw from the meeting whilst Members consider items P007/22 to P011/22.

**Matters for Decision**

P007/22 Receive Enforcement Report

**Matters for Information**

P008/22 Confidential Minutes of Planning Committee held on 7 December 2021

P009/22 Enforcement Live Case List

P010/22 Enforcement Cases Opened

P011/22 Enforcement Cases Closed

**P012/22 Duration of Meeting**

The meeting was called for 7pm and concluded at 8.30 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

## **Annex A – Introductory Remarks from the Chairperson**

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.
- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any

proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



## Malachy McCrystal

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**From:** Robert Graham <rjg151@hotmail.co.uk>  
**Sent:** 10 January 2022 15:05  
**To:** Malachy McCrystal  
**Subject:** Planning

Ref: LA09/2020/0010/F  
Robert Graham  
151 Moneysharvin Road  
Maghera  
BT46 5HZ

Afternoon Malachy,

I am contacting you reference the above application.

As to build this Creche beside my bungalow would block a major amount of light.

I would be happy if the Car Park could be on the other side of the hedge at my property rather than the Creche building.

Can this be considered at tonight's planning meeting Or put application back for a month to consider this please.

Many thanks.

Robert Graham