



22 December 2021

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 02 November 2021 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

AGENDA

OPEN BUSINESS

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

Matters for Decision

Development Management Decisions

4. Receive Planning Applications

7 - 336

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2019/0144/F	Housing development (16 units), at lands opposite 9 Strifehill Road, Cookstown for Mr Adrian Milliken.	APPROVE
4.2.	LA09/2019/0815/F	Retention of existing E car parking area at existing Clay Pigeon Shooting Range at Lands at 27 Tamney Martin Road	APPROVE

		Maghera for Mr Johnathan Crawford	
4.3.	LA09/2019/0816/F	Retention of change of use of field for Clay Pigeon Shooting Range at Lands at 27 Tamney Martin Road Maghera for Mr Johnathan Crawford	APPROVE
4.4.	LA09/2019/0819/F	Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range at Lands at 27 Tamney Martin Road Maghera for Mr Johnathan Crawford	APPROVE
4.5.	LA09/2019/0820/F	Retention of Safety Mound at Existing Clay Pigeon Shooting Range at Lands at 27 Tamney Martin Road Maghera for Mr Johnathan Crawford	APPROVE
4.6.	LA09/2019/0946/O	Replacement of disused Greenhouses and footings of approved dwellings with a Housing Development at lands S of 31 Brough Road, Castledawson, for D&D Loughran	REFUSE
4.7.	LA09/2019/1051/O	Site for a dwelling and garage at approx 80m S of 103 Mayogall Road, Magherafelt, for Mr Conor O'Neill.	REFUSE
4.8.	LA09/2020/0343/F	Residential development of 6 detached dwellings at 62 Glen Road, Maghera, for Danny Mc Master	REFUSE
4.9.	LA09/2020/0493/F	Conversion of garage to bedroom with en-suite and retention of shed and vehicular access at 17 Old Moy Road, Donnydeade, Dungannon for Mr & Mrs Stephen McDowell.	APPROVE
4.10.	LA09/2020/0763/F	Silo with agricultural access provided to fields at the rear at 29 Crancussy Road Cookstown for Mr Peter McNally.	APPROVE
4.11.	LA09/2020/0820/F	Grass silage clamp alteration (from LA09/2015/0240/F) to include roof enclosure / steel frame, plant storage shed and extension to curtilage associated with an operational Anaerobic digestion plant at land approx. 155m NE of 72	APPROVE

		Kilmascally Road Kinrush Dungannon for Ardboe Agri Energy Ltd.	
4.12.	LA09/2020/0880/F	Application to vary condition 19 of Planning Permission M/2007/1407/F to extend the operational lifetime of the wind farm from 25 to 30 years at Shantavny Scotch, Omagh Road, Ballygawley for Brookfield Renewable.	APPROVE
4.13.	LA09/2020/1323/F	Split level dwelling & attached garage between 65 & 85 Drumgrannon Road, Dungannon, for Lauren Wylie & Andrew Murry.	APPROVE
4.14.	LA09/2020/1444/O	Dwelling and garage on a farm adjacent to 76 Moghan Road, Castlecaulfield, Dungannon, for Brigid McElduff	REFUSE
4.15.	LA09/2021/0033/F	Public realm improvements comprising of new paving to pedestrian footpaths and Pomeroy Square at Main Street Pomeroy for Mid Ulster District Council.	APPROVE
4.16.	LA09/2021/0319/F	Change of house type (M/2004/0778/F) from a detached to a pair of semi-detached on site 2 Opposite 114 Killyliss Road Eglis, for TG Developers Ltd.	REFUSE
4.17.	LA09/2021/0380/F	Housing development (1 detached bungalow and 4 detached 2 storey houses) with foul water treatment plants and associated site works adjacent and E of 88 Roughan Road and 48 Drumreagh Crescent, Newmills, Dungannon, for Firtree Developments Ltd.	REFUSE
4.18.	LA09/2021/0686/O	Dwelling and garage immediately W of 210 Washingbay Road, Dungannon for Paul and Michelle O'Hagan.	APPROVE
4.19.	LA09/2021/0691/F	Change of house type (approved I/2011/0514/RM) and garage at Killycanavan Road 170m NE of Junction with Brookend Road Ardboe Dungannon for Hannah Quinn	APPROVE

4.20.	LA09/2021/0773/F	New vehicular Access to existing Quarry at 130m E of 120 Feegarran Road, Cookstown (opposite Corby Road Junction) for Wesley Hamilton.	APPROVE
4.21.	LA09/2021/0882/O	Two storey dwelling and garage at 50m SE of 115a Ruskey Road, Loup, for Nuala McVey and Enda McLaughlin.	APPROVE
4.22.	LA09/2021/0905/O	3 detached dwellings to the rear of 9-11 Killyveen Park, Granville, Dungannon, for Mr Jim Fay.	REFUSE
4.23.	LA09/2021/1036/F	New entrance in substitution to LA09/2020/0631/F at approx 60m SW of 137 Lurgylea Road Galbally Dungannon, for Mr Damian Corr.	REFUSE
4.24.	LA09/2021/1048/O	Site for off-site replacement dwelling and detached garage at 50m SE of 22 Tirgan Road, Tullynagee, Money more, for Malachy McCrystal.	APPROVE
4.25.	LA09/2021/1050/O	Site for dwelling & domestic garage/store at 60m E of 80 Drumaspil Road, Drumhorrik, for Ryan McKenna	APPROVE
4.26.	LA09/2021/1225/F	2 detached two storey dwellings with shared dual site entrance at lands directly adjacent to 31 Whitelough Road Aughnacloy, for Alan Campbell.	REFUSE
4.27.	LA09/2021/1265/O	Infill site for 2 dwellings (renewal of LA09/2018/0977/O) adjacent to and immediately SE of 26 Whitetown Road Newmills, Dungannon, for Mrs Muriel Magee.	APPROVE
4.28.	LA09/2021/1274/F	Dwelling with 6.5m Ridge height at site between 87 and 91 Kinrush Road Cookstown for Dwayne Mc Kenna.	REFUSE
4.29.	LA09/2021/1275/O	Dwelling on a farm at 75m W of 125 Bush Road, Dungannon, for Mr Paul Cranston.	REFUSE
4.30.	LA09/2021/1313/O	Two storey dwelling between 55c and 59 Cadian Road Dungannon (site 1), for Mr R P Reid.	REFUSE

4.31.	LA09/2021/1314/F	Two storey dwelling between 55c and 59 Cadian Road Dungannon (site 2), for Mr R P Reid.	REFUSE
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5. Receive Deferred Applications

337 - 506

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2018/1258/F	Storage building and infilling of land at approx. 110m NE of Portafill International Ltd, Dungannon Business Park, Killyliss road, Dungannon, for Acrow Formworks NI.	REFUSE
5.2.	LA09/2019/1105/O	Site for a farm dwelling and double domestic garage approx. 70m W of 25a Corrycroar Road, Pomeroy for Mr Connor Carberry	REFUSE
5.3.	LA09/2020/0024/F	3 lodges for short term accommodation to facilitate access to adjacent lough shore nature area at 210m SW of 35 Brookend Road, Ardboe for Donal Coney.	REFUSE
5.4.	LA09/2020/0804/O	Two storey dwelling & domestic garage at lands 350m S of 293 Pomeroy Road, Lurganeden for Mr Ben Sinnamon.	REFUSE
5.5.	LA09/2020/0864/F	Car parking and block of semi detached dwellings at lands approx 50m W of 39 Charlemont Street, Moy for Hemel Ltd.	APPROVE
5.6.	LA09/2020/0888/O	Site for dwelling & garage (re-advertised and neighbour notified due to amended address) at Drummurrer Lane 90m NE of 20 Annaghnaboe Road, Coalisland for Mr Paul Henry.	APPROVE
5.7.	LA09/2020/0890/O	Infill site for dwelling & garage (re-advertised and neighbour notified due to amended address) at Drummurrer Lane 60m N of 20 Annaghnaboe Road, Coalisland for Mr Paul Henry.	APPROVE
5.8.	LA09/2020/1140/O	Infill dwelling and detached garage between 104 Ballygawley Road and an agricultural building 100m NE of 104 Ballygawley Road Glenadush, for Bernard McAleer,	APPROVE

5.9.	LA09/2020/1157/O	Site for 2 storey dwelling and domestic garage 90m SE of 46 Airfield Road, Toomebridge for Centrum NI Farms Ltd.	APPROVE
5.10.	LA09/2020/1308/F	2 detached dwellings at lands between 8 and 12 Findrum Road, Ballygawley, for Jonathan Kirkland	APPROVE
5.11.	LA09/2020/1371/F	Replace cycle/footpath approved under M/2004/0778/F to a 2m wide footpath at Shanmoy Downs, Eglish, Dungannon for T G Developments Ltd.	APPROVE
5.12.	LA09/2021/0096/F	Retention of existing agricultural shed on lands to the E of 15 Tamlaghtmore Road, Cookstown for Mr and Mrs Hutchinson.	APPROVE

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| 6. | Minutes of Planning Committee held on 5 October 2021 | 507 - 542 |
| 7. | Receive Report on Planning Performance | 543 - 546 |

Matters for Information

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 5 October 2021
10. Confidential Minutes of Special Planning Committee held on 13 October 2021
11. Enforcement Cases opened
12. Enforcement Cases Closed



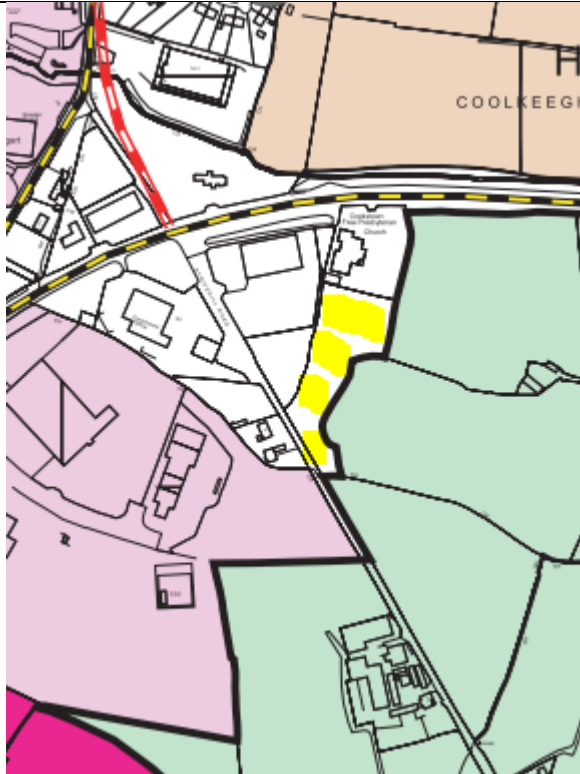
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0144/F	Target Date:
Proposal: Proposed housing development comprising of 2 no. detached dwellings and 14. no. Semi detached (total 16 units).	Location: Lands opposite No.9 Strifehill Road Cookstown.
Referral Route: Objections to proposal.	
Recommendation: Approval	
Applicant Name and Address: Mr Adrian Milliken 46 Bells Hill Derry BT49 ODQ	Agent Name and Address: C.McIlvar ITD Cookstown Enterprise Centre Unit 7 Sandholes Road Cookstown BT80 9LU
Executive Summary:	
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Proposed site highlighted in yellow is located on unzoned 'white lands' in the Cookstown Area Plan.

Consultations:

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

Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	Rivers Agency	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	7	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Local objections relating to drainage / flooding / amenity of Church		
Characteristics of the Site and Area		
<p>The site consists of an irregular shaped plot of land located at number 9 Strifehill Road, Cookstown as well as land across the road. The portion of the site on the East of the Strifehill Road is much narrower approx. 50 metres wide however, it is 120 metres deep and opens up to a wider area at the rear. The land is currently used as agricultural grazing and has mature boundaries on all sides, other land to the west currently contains a dwelling at number 9, which is a small bungalow as well as a small garage and a number of associated outbuildings. This site also has good boundary cover with mature vegetation and a number of trees.</p> <p>The site lies within the settlement limits of Cookstown towards the South of the town. The Strifehill road runs off the Sandholes road and links back onto the main Dungannon Cookstown Road. The Cookstown Free Presbyterian Church is to the northeast, there is also a builders yards directly North and the DVLNI is to the North West. To the South West and South there is a number of large factory units and associated parking. To the East there is open countryside.</p>		
Description of Proposal		
Proposed housing development comprising of 2 no. detached dwellings and 14. no. Semi detached (total 16 units).		
Planning Assessment of Policy and Other Material Considerations		
Cookstown Area Plan		

Draft Plan Strategy.

PPS7

PPS15

DES2.

PPS3

PPS2

History

The principle of development on these wider lands is not assured; indeed planning previously advised in response to A Pre application Enquiry (I/2011/0515/PREAPP) that the Department was of the opinion that the site would be unsuitable for residential development.

The reasons for that response related to the;

- Existing adjacent land uses,
- Lack of landscape buffer both at the edge of the limit of development and buffer between site and adjoining sites and
- Roads Service negative response in relation to the provision of suitable infrastructure within the site identified.

Application I/2013/0246/F included this site and a plot of land opposite. It was refused in July 2018 on the basis that the proposal was contrary to the Cookstown Area Plan, the SPPS and Policy PED8 of PPS4 in that it has not been adequately demonstrated that, if approved, it would be compatible with adjacent established land uses and would therefore not prejudice their future operation. This was primarily as a result of the part of the site (now excluded from this application) sharing a boundary with established commercial properties who had also objected to the application on the basis of the incompatibility of housing in such close proximity to business premises.

The current proposal has been amended from an originally unsatisfactory layout and design to the below:



PS7 QD1 requires that quality residential developments are measured against the following criteria:

New Residential Development Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances. 14 Planning Policy Statement 7: Quality Residential Environments All proposals for residential development will be expected to conform to all of the following criteria:

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

The location of this site on the periphery of the settlement of Cookstown and being in close proximity to community / commercial premises does give rise to consider the matter of context and compatibility. The benefit of the larger refused application on this site and lands opposite exposed a risk to residents and businesses from potential nuisance / complaints. it is my view that restricting the development to this side of the road significantly overcomes this concern. The density of the layout is acceptable here and the design and appearance of buildings is also acceptable.

- (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;

None of any impact on this proposal have been identified.

- 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;

This proposal falls below the 25 unit threshold for communal open space. The layout proposed shows good levels of private space within the development. We are also in close proximity to the rural edge of the town allowing easy access to the countryside and rural roads. This edge of settlement development provides a good buffer of trees with the rural interface softening its impact and protecting the settling of the town from this approach.

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

N/A

- (d) 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;

It is acknowledged that this site is somewhat remote from main serviced access by public transport apart from the Kilcronaghan route into the town. Traffic calming measures not required for this level of development.

- (e) adequate and appropriate provision is made for parking;
- No issues of concern have been raised by DFI in this regard.

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

being located on the urban fringe leaves little of any strong distinction to draw upon. The proposed house types are of good quality and will not be unusual in this mixed use location.

- (g) 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

No negative impacts in this regard are anticipated. Buffer area to rear of site and Church site is proposed. No obvious private amenity impacts.

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

The layout overlooks the main access road and provides incuttilage parking all offering adequate surveillance.

There have been a total of 7 objections received making the following points of concern:

1. that storm water piping into a watercourse exacerbates an already inadequate situation which has led to incidents of flooding / there is a more suitable discharge point at the Fairy Burn.
2. Rivers agency should not have allowed the amount of storm water from Ballyreagh Ind Estate to enter the Strifehill watercourse.
3. It is felt that the Drainage assessment submitted is flawed in that it states that no issues of flooding in this locality have been reported. Photographic evidence submitted and previously shows this
4. The run-off rate of 10 lts per sec should be less.
5. The houses / garages and entrance road to the development will flood is any more water is added to the watercourse
6. This flooding potential must raise H and S concerns for future families.
7. The Church Committee feel that a wall should be incorporated into the scheme along the shared boundary. A currently proposed wooden fence is felt not to be acceptable and doesn't offer the same degree of acoustic protection as a masonry wall. It is a concern that the amenity of the church and its activities will be adversely affected.

Consideration of objection/s relating to storm water discharge impacts:

Rivers Agency were asked to comment on the objections relating to drainage and flooding and replied as below:

DFI Rivers acknowledges the objection letter, dated 5th March and comments to address the 7 points are as follows:

1. Discharge consent lies within the remit of DFI Rivers Omagh area office. Planning Advisory and Modelling Unit is not in a position to object to a proposal to discharge runoff from a development if the rate and discharge point have been given consent.
2. Discharge consent lies within the remit of DFI Rivers Omagh area office. Planning Advisory and Modelling Unit is not in a position to object to a proposal to discharge runoff from a development if the rate and discharge point have been given consent.
3. DFI Rivers acknowledges the photographs showing flooding downstream of the proposed site. However, discharge has been consented for an attenuated greenfield runoff rate that replicates the current drainage regime.
4. DFI Rivers accepts a general greenfield runoff rate of 10 l/sec/ha for Northern Ireland. Discharge consent lies within the remit of DFI Rivers Omagh area office.
5. DFI Rivers stated in letter dated October 2014 that the Strifehill Drain was inadequate to accept any additional discharge. However, in more recent correspondence dated September 2020, schedule 6 consent was given at the attenuated rate of greenfield runoff.
6. The greenfield runoff rate is there to mimic the current drainage regime and not to increase runoff from the site.

7. The development has complied with the main points of Revised Planning Policy Statement 15 (PPS15) 'Planning and Flood Risk'. Unfortunately, flooding and the associated dangers cannot be completely eradicated. However, as it has been demonstrated, this development complies the PPS15 by not increasing flood risk elsewhere.

Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.

In relation to the Churches concerns, the Env Health Dept have provided comments:

Following comments made by this department on 17th June 2020 4 further objections have been received in relation to this proposal. Two of the objections raised concerns with the adequacy of the proposed acoustic barrier along the Northern boundary of the site between the proposed development and Cookstown Free Presbyterian Church.

Environmental Health Department are satisfied that the proposed barrier as outlined within the Acoustic Report from Grainger Acoustics, dated Sept 2019 and as annotated on drawing no. 3rev2, date stamped 20 JAN 2021 should provide adequate mitigation of noise.

Therefore, Environmental Health Department have no objections to the proposed development provided the below conditions be added to any planning permission granted:

Conditions

1. Prior to occupation of the proposed development, all windows to the proposed dwellings shall have a 6/12/6 thermal double glazing, shall be constructed and maintained at all times to provide a sound reduction Rw of at least 31dB.

Reason: The protect residential amenity from Noise

2. Prior to occupation of the proposed development, all windows to the proposed dwellings shall have a means of ventilation per Greenwood 2500 EAW.AC1 or similar and shall be maintained at all times.

Reason: The protect residential amenity from Noise

3. Prior to occupation of the proposed development, the 2.7m high closed boarded timber fence as annotated on drawing no. 3rev2, date stamped 20 JAN 2021 shall be constructed and maintained at all times

Reason: The protect residential amenity from Noise

4. Prior to occupation of the proposed development, all dwellings shall be connected to the mains sewerage system.

Reason: The protect residential amenity from foul sewage

I consider that on balance this proposed development is acceptable and that third party concerns have been adequately considered. Previous conflict with commercial operations on the SW side of the road in an earlier application does not arise now given the exclusion of those lands from this application. I consider that the mitigation required by EHD should protect the amenity of both future residents and adjoining Church property. Rivers Agency have commented on the objections and raise no objections.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Layout is subject to a Private Streets Determination
 The following conditions / informatives should be included in any planning application

Drawings to be referenced

SD Dwg No 2rev3 Date stamped 25 November 2020

ong Sections Dwg *No Agents reference no 13/065:2.0E (REV E) – to be allocated a planning reference number in any decision notice*

ite Location Dwg No 01rev1 Date stamped 24 November 2020

Conditions

Development shall be commenced within 5yrs from the date of this permission.

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 02 rev 3 bearing the date stamp 25 November 2020

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

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road including footway improvements along the Strifehill Road have been completed in accordance with the details outlined blue on Drawing No 02 rev 3 bearing the date stamp 25 November 2020. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

The visibility splays of 2.4 metres by 90 metres at the junction of the proposed residential access road with the Strifehill Road, shall be provided in accordance with Drawing No 02 rev 3 bearing the date stamp 25 November 2020, prior to the commencement of any other works or other

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

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

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

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

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

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

Prior to occupation of the proposed development, all windows to the proposed dwellings shall have a 6/12/6 thermal double glazing, shall be constructed and maintained at all times to provide a sound reduction Rw of at least 31dB.

Reason: The protect residential amenity from Noise

Prior to occupation of the proposed development, all windows to the proposed dwellings shall have a means of ventilation per Greenwood 2500 EAW.AC1 or similar and shall be maintained at all times.

Reason: The protect residential amenity from Noise

Prior to occupation of the proposed development, the 2.7m high closed boarded timber fence as annotated on drawing no. 3rev2, date stamped 20 JAN 2021 shall be constructed and maintained at all times

Reason: The protect residential amenity from Noise

Prior to occupation of the proposed development, all dwellings shall be connected to the mains sewerage system.

Reason: The protect residential amenity from foul sewage

All soft landscaping to be provided during the first available planting season following the commencement of the development.

Retention of all existing boundary vegetation at present heights.

No development shall take place until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Reason: In the interest of public health.

No dwelling hereby approved shall be occupied until a connection to the public sewer has been approved and an Article 161 agreement has been authorised by NI Water.

Signature(s)

Date:

ANNEX	
Date Valid	31st January 2019
Date First Advertised	14th February 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) Clarke Faulkner 54 The Dales, Cookstown, BT80 8TF Clarke Faulkner 54 The Dales, Cookstown, BT80 8TF Nigel Davidson 55 Tullyard Road Cookstown Tyrone The Owner/Occupier, 9 Sandholes Road Strifehill Road Cookstown The Owner/Occupier, Cookstown Free Presbyterian Church, Sandholes Road, Cookstown Alan Kane Gorey Lodge, Coolreaghs Road, Cookstown, Co. Tyrone, BT80 8QN The Owner/Occupier, Secretary Of Cookstown Free Presbyterian Church, Gorey Lodge, Coolreaghs Road, Cookstown, BT80 8QN A Kane Secretary, Gorey Lodge, Coolreaghs Road, Cookstown, BT80 8QN The Owner/Occupier, Simpsons Building Supplies, Sandholes Road, Cookstown	
Date of Last Neighbour Notification	22nd January 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/0144/F Proposal: Proposed housing development compromising of No1. detached , No2. Apartment blocks and No12. Semi detached (total 17 units). Address: Lands opposite No.9 Strifehill Road, Cookstown., Decision: Decision Date: Ref ID: I/2011/0515/PREAPP Proposal: Proposed housing development Address: Lands at 6 Strifehill Road, Cookstown,	

Decision: EOLI

Decision Date:

Ref ID: I/2013/0246/F

Proposal: Demolition of existing dwelling/out buildings and the construction of 10 no semi detached, 2 storey, 3 bedroom dwellings (20 no units) plus 2 detached, 2 storey, 2 bedroom apartments (4 units). 24 new starter units.

Address: Opposite and adjacent to 9 Strifehill Road Coolkeeghan Cookstown,

Decision: PR

Decision Date: 10.07.2018

Ref ID: I/2012/0378/F

Proposal: Proposed conversion of existing detached garage to church hall with extension to provide kitchen and storage and link extension to existing church building

Address: Cookstown Free Presbyterian Church, Sandholes Road, Cookstown, BT80 9AR,

Decision: PG

Decision Date: 04.12.2012

Ref ID: I/1982/008901

Proposal: FREE PRESBYTERIAN CHURCH

Address: SANDHOLES ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1982/0089

Proposal: CHURCH COMPLEX

Address: SANDHOLES ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1992/0077

Proposal: Store for Church buses

Address: SANDHOLES ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1995/0338

Proposal: Laying out of Lands for Industrial Plots, Construction of Service Road and Associated Services

Address: SANDHOLES ROAD BALLYREAGH COOKSTOWN

Decision:

Decision Date: 23.07.1996

Ref ID: LA08/2017/1016/DC

Proposal: Discharge of Conditions 20 (CEMP), 21 (HMP) and 22 (ECOW) of planning permission LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1352/DC

Proposal: Discharge of Condition 15 of planning permission LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2019/0022/DC

Proposal: Discharge of Condition 5 (works affecting A5WTC preferred route) of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0146/DC

Proposal: Discharge of Condition 21 (Habitat Management Plan) of Planning Permission LA08/2016/1328/F - Gas to the West (Traditional Orchard locations)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/1467/DC

Proposal: Discharge of Condition 29 (Construction Method Statement) of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2018/0965/DC

Proposal: Discharge of Condition 4 (Traffic Management Plan) of planning permission LA08/2016/1328/F - Gas to the West. (HP Line - RDX80: Ballagh Road section)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0145/DC

Proposal: Discharge of Condition 21 (Habitat Management Plan) of planning permission LA08/2016/1328/F - Gas to the West. (3 areas of Purple Moor Gass and Rush Pasture)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2016/1328/F

Proposal: Construction of an underground gas pipe line and associated infrastructure comprising: a new 85 bar High Pressure (HP) cross-country gas transmission pipeline, approximately 78km in length and varying between 300-400mm diameter; New Intermediate Pressure (IP) gas pipelines, (approximately 107km and varying between 250-315mm diameter) laid primarily in the public road, 7 Above Ground Installations (AGI) and 8 District Pressure Governors (DPG); temporary ancillary development comprising temporary construction compounds, temporary pipe storage areas and temporary construction accesses.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: PG

Decision Date:

Ref ID: LA08/2017/1619/DC

Proposal: Discharge of Condition 27 (Construction Method Statement) of planning permission LA08/2016/1328/F (G2W) - (Off road - IP Crossing - Colebrook River, Maguiresbridge)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2018/1422/DC

Proposal: Discharge of condition 5 (works affecting the A5 preferred route) of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1126/DC

Proposal: Discharge of Condition 2 (programme of archaeological work) of planning approval LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Pressu

Decision: AL

Decision Date:

Ref ID: LA08/2018/0155/DC

Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of the Seskinore River, Corkhill Road)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0156/DC

Proposal: Discharge of Condition No. 27 (Construction Management Statement) of Planning Permission LA08/2016/1328/F - Gas to the West. (Quiggery Stream, Corkill Road)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0157/DC

Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of Colebroke River, Maguiresbridge)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA09/2016/0468/PAN

Proposal: Proposed gas pipeline to supply natural gas to west of Northern Ireland

Address: High pressure (HP) gas transmission pipeline of approximately 80 kilometres in length between Portadown and Tullykenneye (just west of Fivemiletown). Intermediate pressure (IP) gas pipeline, approximately 100 kilometres in length from HP I

Decision:

Decision Date:

Ref ID: LA08/2018/1354/DC

Proposal: Ecological Monitoring Report relating to Condition 24 of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision:

Decision Date:

Ref ID: LA08/2018/1710/DC

Proposal: Discharge of Condition 29 (Construction Method Statement) of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision:

Decision Date:

Ref ID: LA08/2018/0964/DC

Proposal: Discharge of Condition 4 (Traffic Management Plan) of Planning Permission LA08/2016/1328/F - Gas to the West (HP Line - RDX19: Pedan's Road Section)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Summary of Consultee Responses
Drawing Numbers and Title

Drawing No.
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Status: Submitted

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

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

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

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

Drawing No. 07
Type: Proposed Plans
Status: Submitted

Drawing No. 08
Type: Proposed Plans
Status: Submitted

Drawing No. 09
Type: Proposed Plans
Status: Submitted

Drawing No. 06
Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0815/F	Target Date:
Proposal: Retention of existing east car parking area at existing Clay Pigeon Shooting Range.	Location: Lands at 27 Tamney Martin Road Maghera BT46 5ET.
Referral Route: This application is being presented to Committee as it is associated with three other applications which when considered together would constitute a major application. Two of the associated applications have each attracted one letter of objection.	
Recommendation:	APPROVE
Applicant Name and Address: Mr Johnathan Crawford Crawfords 18-22 Main Street Maghera BT46 5AE	Agent Name and Address: Inaltus Limited 15 Cleaver Park Belfast BT9 5HX
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	NIEA	Advice

Representations:

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

Summary of Issues

No objections were received in respect of this application.

Characteristics of the Site and Area

<p>The site is located within the rural area on a minor road and close to the applicant's farmyard complex and approximately 2.5Km east of Maghera. The site is currently laid out as a hardcored surface and used for the purposes of car parking in association with the shooting range. The car park is immediately adjacent to the roadside hedgerow and measures approximately 130m x 12m. The ground levels fall gently from the south west towards a grassed area at the north east and also dips slightly towards the south east. The car park is well screened from the public road by a mature hedgerow extending along the south western boundary. A large earth bund, subject of the associated application LA09/2019/0820/F is set a short distance to the east. A row of small deciduous whips have been planted along the north eastern boundary. An additional area of deciduous woodland defines the southern boundary.</p> <p>A structure known as the 'Bull Ring' which belongs to the applicant and is used in connection with the clay pigeon shooting range together with the adjoining fields and the aforementioned safety mound, subject of current applications LA09/2019/0816/F, LA09/2019/0819/F and LA09/2019/0820/F are all located to the immediate east of the proposed site. The applicant's farmyard is located immediately to the north of the site.</p> <p>Due to the winding road network, the mature vegetation surrounding the site including the roadside hedgerow and the ground levels falling away from the road and the presence of the safety mound, there are limited views of the site on approach from either the north west or the south east or the surrounding area.</p>
<p>Description of Proposal</p> <p>Retention of change of use of field for Clay Pigeon Shooting Range.</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Planning History</p> <p>LA09/2019/0348/F - Retrospective consent for retention of Ancillary Canteen Building - Approved 09.08.2019</p> <p>LA09/2019/0814/F - Retention of existing west car parking area at existing clay pigeon shooting range - Withdrawn 14.11.2019</p> <p>LA09/2019/0816/F - Retention of change of use of field for Clay Pigeon Shooting Range.- Currently under consideration</p> <p>LA09/2019/0819/F – Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range.</p> <p>LA09/2019/0820/F - Retention of Safety Mound at Existing Clay Pigeon Shooting Range - Currently under consideration</p> <p>LA09/2019/0010/CA - Unauthorised expansion of Clay Shooting range, including new stands, car parking, raising of ground levels, hardcore, and modular building - Held pending the outcome of the above planning applications.</p> <p>LA09/2019/0887/PAN – Retention of existing east car parking; Retention of change of use of 2 x fields for clay pigeon shooting; Retention of safety mound all provided at existing clay pigeon shooting range – PAN acceptable.</p>

The following policies will be under consideration in this assessment:

- Magherafelt Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS21 - Sustainable Development in the Countryside

Magherafelt Area Plan 2015

This site is outside any settlement defined in the Magherafelt Area Plan and is not subject to any Area Plan designations, therefore relevant existing planning policy must be adhered to.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This site is not located in an area that has any acknowledged importance (ie) an area of archaeological potential, nor is it adjacent or near to any listed building. Following consultation with Environmental Health, I am satisfied that this proposal, if approved will not have any adverse impact on neighbouring residential amenity subject to compliance with the suggested conditions.

The SPPS gives specific provision for Open Space, Sport and Outdoor Recreation subject to a number policy provisions. There has been no change in policy direction in the SPPS in respect of this type of development therefore PPS 8, Open Space, Sport and Outdoor Recreation remains my primary policy consideration in this assessment.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 permits certain types of non-residential development in the countryside subject to compliance with relevant planning policy. In this instance that policy is PPS 3.

PPS 3 - Access, Movement and Parking

The applicant has indicated that the proposal involves the use of an existing unaltered access to a public road. The existing access has been used in conjunction with the aforementioned 'Bull Ring' which has been in existence for at least 10 years.

Policy AMP 2 – Access to Public Roads states that permission will only be granted involving direct access or the intensification of use of an existing access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development
- the character of existing development;

The nature and scale of the proposed car park are acceptable in this rural location
The character of the proposal is acceptable as it will be well screened from public view.

- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;

The proposal will be a benefit to the rural area as it will provide an acceptable arrangement for parking vehicles off the public road in this rural location.

- the location and number of existing accesses; and

There are two existing accesses into and out of the proposed car park. One at each of the northern and southern ends.

- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

DFI Roads have been consulted on the associated application for the car park and advised that subject to the suggested conditions, they have no objections to the proposed development.

CTY 13 - Integration and design of buildings in the countryside

The integrational potential of the proposed site has been considered above and it is accepted that the proposed use will achieve a satisfactory degree of integration into the surrounding landscape as it involves a change of use of the land and is well screened from the public road and the surrounding area by the existing mature hedgerows, adjacent farmyard and the safety mound;

CTY 14 - Rural Character

As the proposal involves a change of use of the land and there are restricted critical views of the proposed site from the public road system, there will be little impact on rural character;

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.

Consideration - This application forms part of a larger overall development consisting of four applications including the three applications listed above under 'Planning History'. In its totality, the four applications amount to what would be considered a major application and therefore after giving due consideration to the overall proposal, it was considered necessary to request the applicant to submit a Pre-Application Notice and undertake the obligatory community consultation exercise. As a consequence, the applicant submitted the required community consultation report which detailed the legislative requirements to undertake the community consultation, the consultation process, the feedback received in response to the consultation process and any amendments made as a consequence of the public consultation exercise. The report concluded that no amendments were necessary as a result of the consultation exercise. As a result of due consideration being given to the community consultation report it was accepted that the legislative requirements have been met and therefore the applications can now be determined.

Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the following conditions:-

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions :

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.

Reason: This is a retrospective application.

2. The existing natural screenings along the southern and south eastern boundaries of this site, shall be permanently retained, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

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

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

4. The vehicular access including visibility splays 2.4 X 60 meters and any forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 13th June 2019 within 3 months of this development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s)

Date:

ANNEX	
Date Valid	13th June 2019
Date First Advertised	27th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/0348/F Proposal: Retrospective consent for retention of Ancillary Canteen Building. Address: 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date: Ref ID: LA09/2019/0815/F Proposal: Retention of existing east car parking area at existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date: Ref ID: LA09/2019/0816/F Proposal: Retention of change of use of field for Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:	
Summary of Consultee Responses All consultees responded positively.	
Drawing Numbers and Title	

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

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0816/F	Target Date:
Proposal: Retention of change of use of field for Clay Pigeon Shooting Range.	Location: Lands at 27 Tamney Martin Road Maghera BT46 5ET.
Referral Route: This application is being presented to Committee as one objection has been received in respect of the proposed development.	
Recommendation:	APPROVE
Applicant Name and Address: Mr Johnathan Crawford 18-22 Main Street Maghera BT46 5AE	Agent Name and Address: Inaltus Limited 15 Cleaver Park Belfast BT8 5HX
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	NIEA	Advice
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Non Statutory	Environmental Health Mid Ulster Council	
Statutory	NIEA	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<p>Summary of Issues</p> <p>One representations have been received in respect of this application and raises the following issues:-</p> <ul style="list-style-type: none"> - Negative impact on residential amenity due to the noise of gunshots, repetitive sounds of gunshots, duration of the shoots, the echo and reverberation of one shot sounds like multiple shots. <p>It is noted that the objectors dwelling is located approximately 1km north east of the site with a considerable number of other dwellings located closer to the site. Environmental Health Department considered the proposed development and the issues raised in the representation with respect to the days and hours of use for general and major shoots, in addition to duration and frequency of shoots as well as limiting the acceptable shooting noise level the proposed development and advised that any Noise Management Plan will be subject to review by Environmental Health Department on an annual basis and could impose stricter conditions if the Shooting Noise Levels were found to be excessive.</p>		
<p>Characteristics of the Site and Area</p> <p>The site is located within the rural area on a minor road and close to the applicant's farmyard complex and approximately 2.5Km east of Maghera. The site is a small field set close to the road and to the rear of a hard surfaced area used for car parking. The field is bounded to the rear by a band of mature trees with a recently constructed earth bund to the rear of the trees. A covered arc shaped enclosure known as the 'Bull Ring' which is used for either skeet or compact shooting sits immediately adjacent to the southern boundary of the site. There is also canteen facilities to the south, approved under LA09/2019/0348/F. The applicant's farmyard is located immediately to the north. The site which sits slightly below road level is generally flat but falls gently towards the southern boundary. Due to the winding road network, the mature vegetation surrounding the site including the roadside hedgerow and the ground levels falling away from the road, there are limited views of the site on approach from either the north west or the south east.</p>		
<p>Description of Proposal</p> <p>Retention of change of use of field for Clay Pigeon Shooting Range.</p>		
Planning Assessment of Policy and Other Material Considerations		

Planning History

LA09/2019/0348/F - Retrospective consent for retention of Ancillary Canteen Building - Approved 09.08.2019

LA09/2019/0814/F - Retention of existing west car parking area at existing clay pigeon shooting range - Withdrawn 14.11.2019

LA09/2019/0815/F - Retention of existing east car parking area at existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0819/F - Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0820/F - Retention of Safety Mound at Existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0010/CA - Unauthorised expansion of Clay Shooting range, including new stands, car parking, raising of ground levels, hardcore, and modular building - Held pending the outcome of the above planning applications.

LA09/2019/0887/PAN – Retention of existing east car parking; Retention of change of use of 2 x fields for clay pigeon shooting; Retention of safety mound all provided at existing clay pigeon shooting range – PAN acceptable.

The following policies will be under consideration in this assessment:

- Magherafelt Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS21 - Sustainable Development in the Countryside

Magherafelt Area Plan 2015

This site is outside any settlement defined in the Magherafelt Area Plan and is not subject to any Area Plan designations, therefore relevant existing planning policy must be adhered to.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This site is not located in an area that has any acknowledged importance (ie) an area of archaeological potential, nor is it adjacent or near to any listed building. Following consultation with Environmental Health, I am satisfied that this proposal, if

approved will not have any adverse impact on neighbouring residential amenity subject to compliance with the suggested conditions.

The SPPS gives specific provision for Open Space, Sport and Outdoor Recreation subject to a number policy provisions. There has been no change in policy direction in the SPPS in respect of this type of development therefore PPS 8, Open Space, Sport and Outdoor Recreation remains my primary policy consideration in this assessment.

PPS 3 - Access, Movement and Parking

The applicant has indicated that the proposal involves the use of an existing unaltered access to a public road. The existing access has been used in conjunction with the aforementioned 'Bull Ring' which has been in existence for at least 10 years. DFI Roads have been consulted on the associated application for the car park and advised that subject to the suggested conditions, they have no objections to the proposed development.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 permits certain types of non-residential development in the countryside subject to compliance with relevant planning policy. In this instance that policy is PPS 8.

PPS 8 - Open Space, Sport and Outdoor Recreation

Policy OS 3 of PPS 8 deals with Outdoor Recreation in the Countryside. It identifies 8 different criteria which must be adhered to.

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. This proposal does not impact on any features of archaeological importance or built heritage. Whilst the site is bounded by a band of mature trees, these are not protected by any Tree Preservation Order. There was no evidence of any protected species on site at the time of inspection.

The proposal does not result in the loss of any agricultural land as the site is still available to the applicant's farm business while not being used in connection with the proposed development and due to its location it will not have any impact on agricultural activities.

Due to the winding road network and the surrounding vegetation, there are limited views of the site and the associated activities from the public road. It therefore has limited adverse impact on the visual amenity or rural character of this area.

The nearest occupied dwelling is located 280m West of the site. Environmental Health were consulted regarding this application in respect of the potential impacts on residential amenity. Following the submission of an acoustic outward sound level impact assessment, Environmental Health advised that the hours of operation should be

conditioned as this will ensure that the shoots remain essentially within the terms of the CIEH guidance while not excessively penalising nearby residents.

Environmental Health have not raised any public safety concerns. The site is in an area that is not densely populated and given the limited use of the site, I would have no concerns in respect of public safety.

As the proposed development is for a change of use of an agricultural field to a clay pigeon shooting range, no new buildings are proposed. The only structures involved will be the automatic clay traps and shooting stands which are mobile and can be removed following the shoot.

The area subject of the proposal is immediately adjacent to the proposed car park associated with this development and therefore will be accessible to people with disabilities. As the site is located on a roadside site and in a rural area it will be accessible by a variety of means of transport. However, given the use proposed, the majority of users will most likely arrive by car.

DfI Roads have advised that the proposed development is acceptable in terms of access, movement and parking arrangements. As the site is an agricultural field, it drains naturally with run-off being discharged towards an open watercourse to the south west of the site. Water Management Unit raised concerns regarding the potential for run-off from the site to enter the watercourse. A Lead Management Plan was provided to address these concerns and to detail how the lead shot would be dealt with. This Lead Management Plan advises that a number of measures are undertaken to prevent both the dissolution of lead and the washing of lead particles into nearby watercourses. These proposed mitigation measures have been designed in line with Best Management Practices for lead at outdoor shooting ranges (June 2005, Report Ref: EPA-902-B-01-001, USA EPA) as outlined below:-

It is recommended that soil pH is tested annually and where required, is treated every 3-4 years to ensure soil pH is maintained in the range of 6.5-8.5. This is considered the ideal range for management of lead in soils. Calculation of required lime dosing will allow a measured approach to ensure that dissolution of lead is managed on site.

Controlling run-off within the site will be undertaken by retaining grass cover within the proposed development area. Grass cover binds soil providing an effective erosion control strategy. In addition to preventing erosion, grass can act as a filtering medium, reducing surface water run-off rates and movement of lead fragments.

It is recommended that a number of filter beds are constructed around the site to capture the fragments of pellets and to locally increase the pH of surface waters. Filter beds are engineering controls built into an outdoor range to collect and filter surface water run-off from the target range. The proposed filter beds screen out the larger lead particles and increase the pH of the water preventing further dissolution.

The Lead Management Plan proposes that a filter bed should be established at the base of the safety mound in order to strain small lead particles out of the rainwater.

A typical filter bed consists of two layers: a fine grained sand bed underlain by limestone gravel. By design, the safety mound will direct run-off so that it drains to the filters. The collected water then soaks through the top sand layer into the neutralisation material.

In addition to the placement of a filter bed at the western base of the safety mound, it is recommended that an additional filter bed is placed parallel to the stream along the site's western boundary. This should be stepped back 12m from the watercourse and constructed using a 1m (W) 0.4m (D) trench backfilled with crushed limestone (4 inch crusher run) to 0.1m below ground level, with the trench then further filled in to ground level using sand. Given the risk of creating a preferential pathway for surface water to drain to existing watercourses, it is recommended that no drainage pipes are placed within the trenches and that each section of dug trench is a maximum of 5m in length with a minimum of 2m break between each section.

However, to avoid any confusion in respect of the number and spacing of trenches It is my opinion that the actual length and spacing of trenches should be conditioned as 5m and 2m respectively.

I am satisfied that this proposal is compliant with all criteria contained in policy OS 3.

Policy OS 5 of PPS 8 deals with Noise Generating Sports and Outdoor Recreational Activities. It identifies the following 3 different criteria which must be adhered to:-

(i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;

The activity taking place on site can be determined as being a noise generating sport. As stated above, following consultation with Environmental Health, I am satisfied that the proposal will not give rise to an unacceptable level of disturbance to people living nearby providing all shoots are held within the suggested times and do not exceed the suggested noise levels.

(ii) there is no unacceptable level of disturbance to farm livestock and wildlife;

The site is immediately adjacent to the applicant's farmyard and although there is stock housed at the yard, the applicant can be expected to endure a higher level of disturbance than other third parties. Whilst there may be wildlife in the surrounding lands, the proposed activity is so infrequent that disturbance to wildlife will be minimal and not enough to merit refusal of this application; and

(iii) there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude;

The site is not in a sensitive or designated area valued for its silence or solitude.

As the proposal satisfies all the criteria of PPS 8 - Policy OS 3 and OS 5, it is also acceptable under Policy CTY 1 of PPS 21.

CTY 13 - Integration and design of buildings in the countryside

The integrational potential of the proposed site has been considered above and it is accepted that the proposed use will achieve a satisfactory degree of integration into the surrounding landscape as it involves a change of use of the land;

CTY 14 - Rural Character

As the proposal involves a change of use of the land and there are restricted critical views of the proposed site from the public road system, there will be little impact on rural character;

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.

Consideration – This application forms part of a larger overall development consisting of four applications including the three applications listed above under ‘Planning History’. In its totality, the four applications amount to what would be considered a major application and therefore after giving due consideration to the overall proposal, it was considered necessary to request the applicant to submit a Pre-Application Notice and undertake the obligatory community consultation exercise. As a consequence, the applicant submitted the required community consultation report which detailed the legislative requirements to undertake the community consultation, the consultation process, the feedback received in response to the consultation process and any amendments made as a consequence of the public consultation exercise. The report concluded that no amendments were necessary as a result of the consultation exercise. As a result of due consideration being given to the community consultation report it was accepted that the legislative requirements have been met and therefore the applications can now be determined.

Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development 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. This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The existing natural screenings along the road frontage adjacent to the car park shall be permanently retained at a minimum height of 1.2m above road level and the mature hedgerow along the north eastern boundary of this site shall be permanently retained at a mature height, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

3. Filter Beds, measuring 5m long by 1m wide by 0.4m deep with a 2m space between each section, shall be provided along the western base of the safety mound in addition to the north eastern and south eastern boundaries of the field to the north east of the safety mound. The filter beds shall be constructed in accordance with Figure 9 and the details contained in the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020.

Reason: To protect the water environment.

4. The effectiveness of the proposed mitigation measures shall be monitored on an annual basis by collecting water samples within the watercourse adjacent to the proposed site. The samples shall be taken upstream and downstream at points indicated in Figure 9 of the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020. Should lead be detected above the natural background levels, as found upstream from the site, the development site shall be reassessed with respect to lead migration in consultation with Mid Ulster District Council and NIEA: Water Management Unit.

Reason: To protect the water environment.

5. Shooting at the facility shall only take place during the following times:

- 1st May - 31st August	Tuesday & Wednesday	5pm to 9pm
- 1st May - 31st August	Friday	12 noon - 9pm
- 1st September - 30th April	Friday	12 noon to 5pm
- All year round	Saturday	9am-4pm.
- All year round	Friday prior to 'major shoot'	No shooting at any time

There shall be no shooting on Sundays or bank holidays.

6. 'Major shoots' are restricted to Saturdays only with no more than 6 'major shoots' within a 12 month period and a minimum of 28 days between 'major shoots'. On the Friday preceding a 'major shoot', there shall be no shooting at any time as per condition 5.

Reason: In the interest on residential amenity.

7. The mean Shooting Noise Level (SNL) (as calculated in accordance with CIEH Guidance on the Control of Noise for Clay Target Shooting January 2003) shall not exceed 65 dB when measured at any property which lawfully exists.

Reason: In the interest on residential amenity.

8. Within 3 months of the date of this decision a suitable Noise Management Plan shall be submitted to and agreed in writing to the satisfaction of Mid Ulster District Council. The Noise Management Plan shall then immediately be implemented and maintained on

an ongoing basis and shall be reviewed and agreed in writing by Mid Ulster District Council.

Reason: In the interest on residential amenity.

9. Within 4 weeks of a written request by Mid Ulster District Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels against Condition 7. Details of noise monitoring survey shall be submitted Mid Ulster District Council for written approval prior to any monitoring commencing. Mid Ulster District Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. Mid Ulster District Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Mid Ulster District Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing Mid Ulster District Council.

Reason: In the interest on residential amenity.

Signature(s)

Date:

ANNEX	
Date Valid	13th June 2019
Date First Advertised	27th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) SM Dempsey 18, Drummuck Road, Maghera, Londonderry, Northern Ireland, BT46 5ES	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	Yes
Planning History Ref ID: LA09/2019/0348/F Proposal: Retrospective consent for retention of Ancillary Canteen Building. Address: 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date: Ref ID: LA09/2019/0815/F Proposal: Retention of existing east car parking area at existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date: Ref ID: LA09/2019/0820/F Proposal: Retention of Safety Mound at Existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date: Ref ID: LA09/2019/0816/F Proposal: Retention of change of use of field for Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:	

Summary of Consultee Responses The consultees did not raise any issues which could not be satisfactorily addressed by way of condition.
Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 04 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 03 Type: Site Levels Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block 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

Development Management Officer Report
 Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0819/F	Target Date:
Proposal: Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range.	Location: Lands at 27 Tamney Martin Road Maghera BT46 5ET.
Referral Route: This application is being presented to Committee as one letter of objection has been received in respect of the proposed development.	
Recommendation:	APPROVE
Applicant Name and Address: Mr Johnathan Crawford Crawfords 18-22 Main Street Maghera BT46 5AE	Agent Name and Address: Inaltus Limited 15 Cleaver Park Belfast BT9 5HX
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received

Statutory	NIEA	Advice
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	NIEA	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues including Representations		
<p>One representations have been received in respect of this application and raises the following issues:-</p> <p>- Negative impact on residential amenity due to the noise of gunshots, repetitive sounds of gunshots, duration of the shoots, the echo and reverberation of one shot sounds like multiple shots.</p> <p>It is noted that the objectors dwelling is located approximately 1km north east of the site with a considerable number of other dwellings located closer to the site. Environmental Health Department considered the proposed development and the issues raised in the representation with respect to the days and hours of use for general and major shoots, in addition to duration and frequency of shoots as well as limiting the acceptable shooting noise level the proposed development and advised that any Noise Management Plan will be subject to review by Environmental Health Department on an annual basis and could impose stricter conditions if the Shooting Noise Levels were found to be excessive.</p>		
Characteristics of the Site and Area		
<p>The site is located within the rural area on a minor road and close to the applicant's farmyard complex and approximately 2.5Km east of Maghera. The site is a small field measuring approximately 1.8 acres and set back off the public road by 75m. The field is sell screened from the public road by a mature hedgerow extending along the south western boundary. A large earth bund, subject of the associated application LA09/2019/0820/F is set to the rear of the mature hedgerow and helps to screen the site from the Tamneymartin Road. A hardcored lane extends along the south western boundary between the earth bund and the site. This laneway is used in connection with the proposed site. The northern boundary is defined by a 4m high hedgerow with an area of mature trees and shrubbery along the north eastern boundary. An additional area of deciduous woodland defines the southern boundary.</p>		

A structure known as the 'Bull Ring' which belongs to the applicant and is used in connection with the clay pigeon shooting range together with the associated car park, adjoining field and the aforementioned safety mound, subject of current applications LA09/2019/0815/F, LA09/2019/0816/F and LA09/2019/0820/F are all located to the immediate south west of the proposed site. The applicant's farmyard is located immediately to the north west of the site.

Due to the winding road network, the mature vegetation surrounding the site including the roadside hedgerow and the ground levels falling away from the road and the presence of the safety mound, there are limited views of the site on approach from either the north west or the south east.

Description of Proposal

Retention of change of use of field for Clay Pigeon Shooting Range.

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2019/0348/F - Retrospective consent for retention of Ancillary Canteen Building - Approved 09.08.2019

LA09/2019/0814/F - Retention of existing west car parking area at existing clay pigeon shooting range - Withdrawn 14.11.2019

LA09/2019/0815/F - Retention of existing east car parking area at existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0816/F - Retention of change of use of field for Clay Pigeon Shooting Range.- Currently under consideration

LA09/2019/0820/F - Retention of Safety Mound at Existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0010/CA - Unauthorised expansion of Clay Shooting range, including new stands, car parking, raising of ground levels, hardcore, and modular building - Held pending the outcome of the above planning applications.

LA09/2019/0887/PAN – Retention of existing east car parking; Retention of change of use of 2 x fields for clay pigeon shooting; Retention of safety mound all provided at existing clay pigeon shooting range – PAN acceptable.

The following policies will be under consideration in this assessment:

- Magherafelt Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS21 - Sustainable Development in the Countryside

Magherafelt Area Plan 2015

This site is outside any settlement defined in the Magherafelt Area Plan and is not subject to any Area Plan designations, therefore relevant existing planning policy must be adhered to.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This site is not located in an area that has any acknowledged importance (ie) an area of archaeological potential, nor is it adjacent or near to any listed building. Following consultation with Environmental Health, I am satisfied that this proposal, if approved will not have any adverse impact on neighbouring residential amenity subject to compliance with the suggested conditions.

The SPPS gives specific provision for Open Space, Sport and Outdoor Recreation subject to a number policy provisions. There has been no change in policy direction in the SPPS in respect of this type of development therefore PPS 8, Open Space, Sport and Outdoor Recreation remains my primary policy consideration in this assessment.

PPS 3 - Access, Movement and Parking

The applicant has indicated that the proposal involves the use of an existing unaltered access to a public road. The existing access has been used in conjunction with the aforementioned -Bull Ring- which has been in existence for at least 10 years. DFI Roads have been consulted on the associated application for the car park and advised that subject to the suggested conditions, they have no objections to the proposed development.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 permits certain types of non-residential development in the countryside subject to compliance with relevant planning policy. In this instance that policy is PPS 8.

PPS 8 - Open Space, Sport and Outdoor Recreation

Policy OS 3 of PPS 8 deals with Outdoor Recreation in the Countryside. It identifies 8 different criteria which must be adhered to.

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. This proposal does not impact on any features of archaeological importance or built heritage. Whilst the site is bounded by a band of mature trees, these are not protected by any Tree Preservation Order. There was no evidence of any protected species on site at the time of inspection.

The proposal does not result in the loss of any agricultural land as the site is still available to the applicant's farm business while not being used in connection with the proposed development and due to its location it will not have any impact on agricultural activities.

Due to the winding road network, the surrounding vegetation and the existence of the safety mound, there are limited views of the site and the associated activities from the public road. It therefore has limited adverse impact on the visual amenity or rural character of this area.

The nearest occupied dwelling is located 220m north west of the site. Environmental Health were consulted regarding this application in respect of the potential impacts on residential amenity. Following the submission of an acoustic outward sound level impact assessment, Environmental Health advised that the hours of operation should be conditioned as this will ensure that the shoots remain essentially within the terms of the CIEH guidance while not excessively penalising nearby residents.

Environmental Health have not raised any public safety concerns. The site is in an area that is not densely populated and given the limited use of the site, I would have no concerns in respect of public safety.

As the proposed development is for a change of use of an agricultural field to a clay pigeon shooting range, no new buildings are proposed. The only structures involved will be the automatic clay traps and shooting stands which are mobile and can be removed following the shoot.

The area subject of the proposal is located close to the proposed car park associated with this development with good pathways to the site and therefore will be accessible to people with disabilities. As the site is located close to the proposed car park which is on a roadside site and in a rural area it will be accessible by a variety of means of transport. However, given the use proposed, the majority of users will most likely arrive by car.

As the proposal is for a change of use of a field for clay pigeon shooting, it was not necessary to consult DfI Roads. As the site is an agricultural field, it drains naturally with run-off being discharged towards an open watercourse to the south of the site. Water Management Unit raised concerns regarding the potential for run-off from the site to enter the watercourse. A Lead Management Plan was provided to address these concerns and to detail how the lead shot would be dealt with. This Lead Management Plan advises that a number of measures are undertaken to prevent both the dissolution of lead and the washing of lead particles into nearby watercourses. These proposed mitigation measures have been designed in line with Best Management Practices for lead at outdoor shooting ranges (June 2005, Report Ref: EPA-902-B-01-001, USA EPA) as outlined below:-

It is recommended that soil pH is tested annually and where required, is treated every 3-4 years to ensure soil pH is maintained in the range of 6.5-8.5. This is considered the ideal range for management of lead in soils. Calculation of required lime dosing will allow a measured approach to ensure that dissolution of lead is managed on site.

Controlling run-off within the site will be undertaken by retaining grass cover within the proposed development area. Grass cover binds soil providing an effective erosion control strategy. In addition to preventing erosion, grass can act as a filtering medium, reducing surface water run-off rates and movement of lead fragments.

It is recommended that a number of filter beds are constructed around the site to capture the fragments of pellets and to locally increase the pH of surface waters. Filter beds are engineering controls built into an outdoor range to collect and filter surface water run-off from the target range. The proposed filter beds screen out the larger lead particles and increase the pH of the water preventing further dissolution.

The Lead Management Plan proposes that a filter bed should be established at the base of the safety mound in order to strain small lead particles out of the rainwater.

A typical filter bed consists of two layers: a fine grained sand bed underlain by limestone gravel. By design, the safety mound will direct run-off so that it drains to the filters. The collected water then soaks through the top sand layer into the neutralisation material.

In addition to the placement of a filter bed at the western base of the safety mound, it is recommended that an additional filter bed is placed parallel to the stream along the site's western boundary. This should be stepped back 12m from the watercourse and constructed using a 1m (W) 0.4m (D) trench backfilled with crushed limestone (4 inch crusher run) to 0.1m below ground level, with the trench then further filled in to ground level using sand. Given the risk of creating a preferential pathway for surface water to drain to existing watercourses, it is recommended that no drainage pipes are placed within the trenches and that each section of dug trench is a maximum of 5m in length with a minimum of 2m break between each section.

However, to avoid any confusion in respect of the number and spacing of trenches It is my opinion that the actual length and spacing of trenches should be conditioned as 5m and 2m respectively.

I am satisfied that this proposal is compliant with all criteria contained in policy OS 3.

Policy OS 5 of PPS 8 deals with Noise Generating Sports and Outdoor Recreational Activities. It identifies the following 3 different criteria which must be adhered to:-

(i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;

The activity taking place on site can be determined as being a noise generating sport. As stated above, following consultation with Environmental Health, I am satisfied that the proposal will not give rise to an unacceptable level of disturbance to people living nearby providing all shoots are held within the suggested times and do not exceed the suggested noise levels.

(ii) there is no unacceptable level of disturbance to farm livestock and wildlife;

The site is located close to the applicant's farmyard and although there is stock housed at the yard, the applicant can be expected to endure a higher level of disturbance than other third parties. Whilst there may be wildlife in the surrounding lands, the proposed activity is so infrequent that disturbance to wildlife will be minimal and not enough to merit refusal of this application; and

(iii) there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude;

The site is not in a sensitive or designated area valued for its silence or solitude.

As the proposal satisfies all the criteria of PPS 8 - Policy OS 3 and OS 5, it is also acceptable under Policy CTY 1 of PPS 21.

CTY 13 - Integration and design of buildings in the countryside

The integrational potential of the proposed site has been considered above and it is accepted that the proposed use will achieve a satisfactory degree of integration into the surrounding landscape as it involves a change of use of the land and is well screened from the public road by the existing mature hedgerows and the safety mound;

CTY 14 - Rural Character

As the proposal involves a change of use of the land and there are restricted critical views of the proposed site from the public road system, there will be little impact on rural character;

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.

Consideration – This application forms part of a larger overall development consisting of four applications including the three applications listed above under 'Planning History'. In its totality, the four applications amount to what would be considered a major application and therefore after giving due consideration to the overall proposal, it was considered necessary to request the applicant to submit a Pre-Application Notice and undertake the obligatory community consultation exercise. As a consequence, the applicant submitted the required community consultation report which detailed the legislative requirements to undertake the community consultation, the consultation process, the feedback received in response to the consultation process and any amendments made as a consequence of the public consultation exercise. The report concluded that no amendments were necessary as a result of the consultation exercise. As a result of due consideration being given to the community consultation report it was accepted that the legislative requirements have been met and therefore the applications can now be determined.

Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the following conditions:-

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

Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions

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.

Reason: This is a retrospective application.

2. The existing natural screenings along the north-eastern, south-eastern and south-western boundaries of the site shall be permanently retained at a mature height, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

3. Filter Beds, measuring 5m long by 1m wide by 0.4m deep with a 2m space between each section, shall be provided along the north eastern and south eastern boundaries of the field in addition to the western base of the safety mound. The filter beds shall be constructed in accordance with Figure 9 and the details contained in the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020.

Reason: To protect the water environment.

4. The effectiveness of the proposed mitigation measures shall be monitored on an annual basis by collecting water samples within the watercourse adjacent to the proposed site. The samples shall be taken upstream and downstream at points indicated in Figure 9 of the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020. Should lead be detected above the natural background levels, as found upstream from the site, the development site shall be reassessed with respect to lead migration in consultation with Mid Ulster District Council and NIEA: Water Management Unit.

Reason: To protect the water environment.

5. Shooting at the facility shall only take place during the following times:

- 1st May - 31st August	Tuesday & Wednesday	5pm to 9pm
- 1st May - 31st August	Friday	12 noon - 9pm
- 1st September - 30th April	Friday	12 noon to 5pm
- All year round	Saturday	9am-4pm.
- All year round	Friday prior to 'major shoot'	No shooting at any time

There shall be no shooting on Sundays or bank holidays.

Reason: In the interest of residential amenity.

6. 'Major shoots' are restricted to Saturdays only with no more than 6 'major shoots' within a 12 month period and a minimum of 28 days between 'major shoots'. On the Friday preceding a 'major shoot', there shall be no shooting at any time as per condition 5.

Reason: In the interest of residential amenity.

7. The mean Shooting Noise Level (SNL) (as calculated in accordance with CIEH Guidance on the Control of Noise for Clay Target Shooting January 2003) shall not exceed 65 dB when measured at any property which lawfully exists.

Reason: In the interest of residential amenity.

8. Within 3 months of the date of this decision a suitable Noise Management Plan shall be submitted to and agreed in writing to the satisfaction of Mid Ulster District Council. The Noise Management Plan shall then immediately be implemented and maintained on an ongoing basis and shall be reviewed and agreed in writing by Mid Ulster District Council.

Reason: In the interest of residential amenity.

9. Within 4 weeks of a written request by Mid Ulster District Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels against condition 7. Details of noise monitoring survey shall be submitted Mid Ulster District Council for written approval prior to any monitoring commencing. Mid Ulster District Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. Mid Ulster District Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Mid Ulster District Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing Mid Ulster District Council.

Reason: In the interest of residential amenity.

Signature(s)

Date:

ANNEX	
Date Valid	13th June 2019
Date First Advertised	27th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) SM Dempsey 18, Drummuck Road, Maghera, Londonderry, Northern Ireland, BT46 5ES	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/0820/F Proposal: Retention of Safety Mound at Existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date: Ref ID: LA09/2019/0819/F Proposal: Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:	
Summary of Consultee Responses All consultees responded positively	
Drawing Numbers and Title	

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

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

Drawing No. 03
Type: Site Levels
Status: Approved

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0820/F	Target Date:
Proposal: Retention of Safety Mound at Existing Clay Pigeon Shooting Range.	Location: Lands at 27 Tamney Martin Road Maghera BT46 5ET.
Referral Route: This application is being presented to Committee as it is associated with three other applications which when considered together would constitute a major application. Two of the associated applications have each attracted one letter of objection.	
Recommendation:	APPROVE
Applicant Name and Address: Mr Johnathan Crawford Crawfords 18-22 Main Street Maghera BT46 5AE	Agent Name and Address: Inaltus Limited 15 Cleaver Park Belfast BT9 5HX
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	NIEA	Advice

Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
No representations have been received in respect of this application.		
Characteristics of the Site and Area		
<p>The site is located within the rural area on a narrow minor road and close to the applicant's farmyard complex and approximately 2.5Km east of Maghera. The site is a small linear area located between a small open grass field to the south west which is set back approximately 12m from the roadside hedgerow, and a larger similar type field set to the north east of the site. The site is largely bounded along the southern part of the north-eastern boundary in addition to the northern portion of the north-western boundary by mature hedgerows. The earth bund/safety mound already exists on site and rises approximately 6m above the lowest point.</p> <p>The site as a whole encompasses the clay shooting facility locally known as the 'Bull Ring'. This includes a semi-circular structure containing shooting stands, two fields for target shooting, a canteen, toilets and the associated car park.</p>		
Description of Proposal		
Retention of Safety Mound at Existing Clay Pigeon Shooting Range.		
Planning Assessment of Policy and Other Material Considerations		
Planning History		
LA09/2019/0348/F - Retrospective consent for retention of Ancillary Canteen Building - Approved 09.08.2019		
LA09/2019/0814/F - Retention of existing west car parking area at existing clay pigeon shooting range - Withdrawn 14.11.2019		
LA09/2019/0815/F - Retention of existing east car parking area at existing Clay Pigeon Shooting Range - Currently under consideration		
LA09/2019/0816/F – Retention of change of use of field for Clay Pigeon Shooting Range – Currently under consideration		

LA09/2019/0819/F - Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0010/CA - Unauthorised expansion of Clay Shooting range, including new stands, car parking, raising of ground levels, hardcore, and modular building - Held pending the outcome of the above planning applications.

LA09/2019/0887/PAN – Retention of existing east car parking; Retention of change of use of 2 x fields for clay pigeon shooting; Retention of safety mound all provided at existing clay pigeon shooting range – PAN acceptable.

The following policies will be under consideration in this assessment:

- Magherafelt Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS21 - Sustainable Development in the Countryside

Magherafelt Area Plan 2015

This site is outside any settlement defined in the Magherafelt Area Plan and is not subject to any Area Plan designations, therefore relevant existing planning policy must be adhered to.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This site is not located in an area that has any acknowledged importance (ie) an area of archaeological potential, nor is it adjacent or near to any listed building. Following consultation with Environmental Health, I am satisfied that this proposal, if approved will not have any adverse impact on neighbouring residential amenity subject to compliance with the suggested conditions.

The SPPS gives specific provision for Open Space, Sport and Outdoor Recreation subject to a number policy provisions. There has been no change in policy direction in the SPPS in respect of this type of development therefore PPS 8, Open Space, Sport and Outdoor Recreation remains my primary policy consideration in this assessment.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 permits certain types of non-residential development in the countryside subject to compliance with relevant planning policy. In this instance that policy is PPS 8.

PPS 8 - Open Space, Sport and Outdoor Recreation

Policy OS 3 of PPS 8 deals with Outdoor Recreation in the Countryside. It identifies 8 different criteria which must be adhered to.

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. This proposal does not impact on any features of archaeological importance or built heritage. Whilst the site is bounded by a band of mature trees, these are not protected by any Tree Preservation Order. There was no evidence of any protected species on site at the time of inspection.

Although the earth bund/safety mound will remove a small area from agricultural use, this area was not considered to be the best or most versatile agricultural land. The proposal will not result in an unacceptable impact on nearby agricultural activities.

Due to the winding road network and the surrounding vegetation, there are limited views of the earth bund/safety mound and the associated activities from the public road. Given the nature of the structure it will grass over through time and this will aid its integrational potential. It therefore has limited adverse impact on the visual amenity or rural character of this area.

The nearest third party occupied dwelling is located 280m West of the site. Environmental Health were consulted regarding this application in respect of the potential impacts on residential amenity. Environmental Health advised that the hours of operation should be conditioned as this will ensure that the shoots remain essentially within the terms of the CIEH guidance while not excessively penalising nearby residents.

Environmental Health have not raised any public safety concerns. The site is in an area that is not densely populated and given the limited use of the site, I would have no concerns in respect of public safety.

As the proposed development is for the retention of an earth bund/safety mound in connection with a clay pigeon shooting range, no new buildings are proposed. The only structures involved will be the automatic clay traps and shooting stands which are mobile and can be removed following the shoot.

The area subject of the proposal is set back approximately 35m from the proposed car park associated with this development and although it will be accessible to people with disabilities, it is not envisaged that visitors with disabilities will be requiring access to the safety mound. Therefore, this is not an issue.

As the proposal is for the retention of the earth bund/safety mound, it was not necessary to consult with DfI Roads nor will the proposal have any effect on the road traffic.

As the site is an agricultural field, it drains naturally with run-off being discharged towards an open watercourse to the south west of the site. Water Management Unit raised concerns regarding the potential for run-off from the site to enter the watercourse.

A Lead Management Plan was provided to address these concerns and to detail how the lead shot would be dealt with. This Lead Management Plan advises that a number of measures are undertaken to prevent both the dissolution of lead and the washing of lead particles into nearby watercourses. These proposed mitigation measures have been designed in line with Best Management Practices for lead at outdoor shooting ranges (June 2005, Report Ref: EPA-902-B-01-001, USA EPA) as outlined below:-

It is recommended that soil pH is tested annually and where required, is treated every 3-4 years to ensure soil pH is maintained in the range of 6.5-8.5. This is considered the ideal range for management of lead in soils. Calculation of required lime dosing will allow a measured approach to ensure that dissolution of lead is managed on site.

Controlling run-off within the site will be undertaken by retaining grass cover within the proposed development area. Grass cover binds soil providing an effective erosion control strategy. In addition to preventing erosion, grass can act as a filtering medium, reducing surface water run-off rates and movement of lead fragments.

It is recommended that a number of filter beds are constructed around the site to capture the fragments of pellets and to locally increase the pH of surface waters. Filter beds are engineering controls built into an outdoor range to collect and filter surface water run-off from the target range. The proposed filter beds screen out the larger lead particles and increase the pH of the water preventing further dissolution.

The Lead Management Plan proposes that a filter bed should be established at the base of the safety mound in order to strain small lead particles out of the rainwater.

A typical filter bed consists of two layers: a fine grained sand bed underlain by limestone gravel. By design, the safety mound will direct run-off so that it drains to the filters. The collected water then soaks through the top sand layer into the neutralisation material.

In addition to the placement of a filter bed at the western base of the safety mound, it is recommended that an additional filter bed is placed parallel to the stream along the site's western boundary. This should be stepped back 12m from the watercourse and constructed using a 1m (W) 0.4m (D) trench backfilled with crushed limestone (4 inch crusher run) to 0.1m below ground level, with the trench then further filled in to ground level using sand. Given the risk of creating a preferential pathway for surface water to drain to existing watercourses, it is recommended that no drainage pipes are placed within the trenches and that each section of dug trench is a maximum of 5m in length with a minimum of 2m break between each section.

However, to avoid any confusion in respect of the number and spacing of trenches It is my opinion that the actual length and spacing of trenches should be conditioned as 5m and 2m respectively.

I am satisfied that this proposal is compliant with all criteria contained in policy OS 3.

Policy OS 5 of PPS 8 deals with Noise Generating Sports and Outdoor Recreational Activities. It identifies the following 3 different criteria which must be adhered to:-

(i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;

The earth bund/safety mound is associated with an activity taking place on site which can be determined as being a noise generating sport. As stated above, following consultation with Environmental Health, I am satisfied that the proposal will not give rise to an unacceptable level of disturbance to people living nearby providing all shoots are held within the suggested times and do not exceed the suggested noise levels.

(ii) there is no unacceptable level of disturbance to farm livestock and wildlife;
The site is immediately adjacent to the applicant's farmyard and although there is stock housed at the yard, the applicant can be expected to endure a higher level of disturbance than other third parties. Whilst there may be wildlife in the surrounding lands, the proposed activity is so infrequent that disturbance to wildlife will be minimal and not enough to merit refusal of this application; and

(iii) there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude;
The site is not in a sensitive or designated area valued for its silence or solitude.

As the proposal satisfies all the criteria of PPS 8 - Policy OS 3 and OS 5, it is also acceptable under Policy CTY 1 of PPS 21.

CTY 13 - Integration and design of buildings in the countryside

Although the earth bund/safety mound is not a building per-se, it must still achieve an acceptable degree of integration as required by Policy CTY 1, which states that '*All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings*'. As the earth bund/safety mound is constructed using natural sub-soil and top soil, it will naturally grass over through time which will aid the integrational potential of the proposed development. It is therefore accepted that the proposed use will achieve a satisfactory degree of integration into the surrounding landscape;

CTY 14 - Rural Character

While the proposal involves the construction of a large earth bund/safety mound, as discussed above, it will grass over naturally through time which will help the structure to blend in with the surrounding trees, hedgerows and other vegetation thereby lessening any effects on rural character. As there are restricted critical views of the proposed site from the public road system, there will be little impact on rural character;

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.

Consideration – This application forms part of a larger overall development consisting of four applications including the three applications listed above under 'Planning History'. In its totality, the four applications amount to what would be considered a major application and therefore after giving due consideration to the overall proposal, it was considered necessary to request the applicant to submit a Pre-Application Notice and undertake the obligatory community consultation exercise. As a consequence, the applicant submitted the required community consultation report which detailed the legislative requirements to

undertake the community consultation, the consultation process, the feedback received in response to the consultation process and any amendments made as a consequence of the public consultation exercise. The report concluded that no amendments were necessary as a result of the consultation exercise. As a result of due consideration being given to the community consultation report it was accepted that the legislative requirements have been met and therefore the applications can now be determined.

Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development 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. This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The existing natural screenings along the road frontage adjacent to the car park shall be permanently retained at a minimum height of 1.2m above road level and the mature hedgerow and trees along the north eastern and southern boundaries of this site shall be permanently retained at a mature height, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

3. Filter Beds, measuring 5m long by 1m wide by 0.4m deep with a 2m space between each section, shall be provided along the western base of the safety mound in addition to the north eastern and south eastern boundaries of the field to the north east of the safety mound. The filter beds shall be constructed in accordance with Figure 9 and the details contained in the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020.

Reason: To protect the water environment.

4. Within 3 months of the date of this decision, updated site plans detailing planned mitigation measures to be put in place in line with the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020 shall

be submitted to Mid Ulster District Council in consultation with Water Management Unit.

Reason: To protect the water environment.

5. The effectiveness of the proposed mitigation measures shall be monitored on an annual basis by collecting water samples within the watercourse adjacent to the proposed site. The samples shall be taken upstream and downstream at points indicated in Figure 9 of the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020. Should lead be detected above the natural background levels, as found upstream from the site, the development site shall be reassessed with respect to lead migration in consultation with Mid Ulster District Council and NIEA: Water Management Unit.

Reason: To protect the water environment.

6. Shooting at the facility shall only take place during the following times:

- 1st May - 31st August	Tuesday & Wednesday	5pm to 9pm
- 1st May - 31st August	Friday	12 noon - 9pm
- 1st September - 30th April	Friday	12 noon to 5pm
- All year round	Saturday	9am-4pm.
- All year round	Friday prior to 'major shoot'	No shooting at any time

There shall be no shooting on Sundays or bank holidays.

Reason: In the interest on residential amenity.

6. 'Major shoots' are restricted to Saturdays only with no more than 6 'major shoots' within a 12 month period and a minimum of 28 days between 'major shoots'. On the Friday preceding a 'major shoot', there shall be no shooting at any time as per condition 5.

Reason: In the interest on residential amenity.

7. The mean Shooting Noise Level (SNL) (as calculated in accordance with CIEH Guidance on the Control of Noise for Clay Target Shooting January 2003) shall not exceed 65 dB when measured at any property which lawfully exists.

Reason: In the interest on residential amenity.

8. Within 3 months of the date of this decision a suitable Noise Management Plan shall be submitted to and agreed in writing to the satisfaction of Mid Ulster District Council. The Noise Management Plan shall then immediately be implemented and maintained on an ongoing basis and shall be reviewed and agreed in writing by Mid Ulster District Council.

Reason: In the interest on residential amenity.

9. Within 4 weeks of a written request by Mid Ulster District Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists,

the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels against Condition 7. Details of noise monitoring survey shall be submitted Mid Ulster District Council for written approval prior to any monitoring commencing. Mid Ulster District Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. Mid Ulster District Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Mid Ulster District Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing Mid Ulster District Council.

Reason: In the interest on residential amenity.

Signature(s)

Date:

ANNEX	
Date Valid	13th June 2019
Date First Advertised	27th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/0820/F Proposal: Retention of Safety Mound at Existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date: Ref ID: LA09/2019/0816/F Proposal: Retention of change of use of field for Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date: Ref ID: LA09/2019/0819/F Proposal: Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:	
Summary of Consultee Responses	

All consultees responded positively with suggested conditions or issues which can be addressed by way of negative condition.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 03

Type: Cross Sections

Status: Approved

Drawing No. 04

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0946/O	Target Date:
Proposal: The replacement of disused industrial greenhouses and the footings of approved dwellings with housing development.	Location: Lands South of 31 Brough Road Castledawson
Referral Route: Committee - Refusal	
Recommendation:	
Applicant Name and Address: D and D Loughran 31A Brough Road Castledawson	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Executive Summary:	
Signature(s):	

Case Officer Report**Site Location Plan****Consultations:**

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

Representations:

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
Summary of Issues Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, a large number of third party objections were received	
Characteristics of the Site and Area The site is located on lands south of 31 Brough Road, Castledawson and is located outside any designated settlement limits as defined in the Magherafelt Area Plan, 2015. On site there are old redundant commercial greenhouses. There are detached dwellings along this stretch of Brough road, mostly single storey or storey and a half dwellings. The application site is in close proximity to a number of existing businesses. Directly opposite the application site there is a breakers yard and a lot of old vehicles and containers and a large industrial type shed. The roadside boundary of the site is well screened with existing dense hedgerows and the remaining boundaries are fairly well screened with vegetation. The elevation of the site is relatively flat. The site also lies within a fluvial flood plain.	
Description of Proposal This application seeks outline planning permission for the replacement of disused industrial greenhouses and the footings of approved dwellings with a housing development	
Planning Assessment of Policy and Other Material Considerations The following policy documents provide the primary policy context for the determination of this application: <ol style="list-style-type: none"> 1. Strategic Planning Policy Statement (SPPS) 2. Magherafelt Area Plan, 2015 3. Planning Policy Statement (PPS) 21 - Sustainable Development in the Countryside 4. Planning Policy Statement (PPS) 3 - Access, Movement and Parking 5. Planning Policy Statement (PPS) 2 - Natural Heritage 6. Planning Policy statement (PPS) 15 - Planning and Flood Risk Supplementary planning guidance: Creating Places -Achieving Quality in Residential Developments Development Control Advice Note 8 (DCAN 8) Housing in Existing Urban Areas.	

Planning History

Reference	Location	Proposal/Complaint	Status	Date
H/2002/0418/A41	Brough Road, Castledawson.	Agricultural Store.	PERMITTED DEVELOPMENT	
H/2003/0999/O	Adjacent to 31 Brough Road, Castledawson	Site of dwelling and garage.	PERMISSION GRANTED	23.03.2004
H/2004/1250/RM	Adjacent To 31 Brough Road, Castledawson	Dwelling & Garage	PERMISSION GRANTED	18.03.2005
H/2000/0727/O	Rear of 35 Brough Road, Castledawson	Site of Dwelling and Garage	PERMISSION GRANTED	14.03.2001
H/2001/0386/RM	Rear of 35 Brough Road, Castledawson	Dwelling and garage	PERMISSION GRANTED	30.08.2001
H/1973/0068	BROAGH ROAD, TAMNIARAN	SEWAGE PUMPING STATION	PERMISSION GRANTED	
LA09/2019/0946/O	Lands South of 31 Brough Road, Castledawson	The replacement of disused industrial greenhouses and	VALID APPLICATION RECEIVED	

Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, 47 third party objections were received.

Assessment

Principle of Development

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.

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

The Magherafelt Area Plan, 2015 identifies the site as being rural and is located outside any designated settlement limits. The application is for a housing development, initially consisting of 14 units, and this was then reduced to 8 units. There is no policy or support in principle for a housing development such as this in a rural area under PPS 21 - Sustainable development in the countryside as the site is in a rural area. Therefore, the application is contrary to PPS 21, as it does not meet the criteria set out in Policy CTY 1 - Development in the Countryside and there are no overriding reasons why the development is essential or could not be located in a settlement.

The site is located on a fluvial flood plain, Rivers Agency were consulted on the application and responded to say that the proposal was contrary to PPS 15 - Planning and Flood Risk, FLD 1. Environmental Health were also, consulted on the application and had raised some concerns about noise levels as the site is in close proximity to a number of existing businesses e.g CAM Plant & Machinery Ltd and JA Autobody as well as the A6. These activities may have a resulting impact upon the amenity enjoyed by the proposal due to noise, odour etc and nuisance action cannot be used to address these prevailing conditions.

DFI Roads were consulted on the application and raised concerns. Access to the site is via Brough Road, which is of typical road width 3.5 metres with verge widths varying typically 0.5 to 1 metre. The Brough Road will be impacted on by the ongoing A6 Dualling scheme however road access upon completion of the A6 scheme will be of the same characteristics as existing. DFI recommends that development of this site which requires a layout design standard in accordance with Creating Places and a Private Streets Determination is not appropriate when the existing road network to access the site in terms of both vehicular and pedestrian is not to an acceptable road design standard and recommended refusal in their initial response. Even after a reduction from 14 units to 8 units DFI Roads stated that their initial comments were still applicable. The proposal is contrary to Planning policy Statement 3, Access, Movement and Parking, Policy AMP2, in that it would prejudice the safety and convenience of road users since:

- 1) The public road serving the site is an inadequate width
- 2) A suitable footway link is not available to the site

NIEA (Natural Environment Division) were consulted on this application and responded to say that the proposal would be contrary to the Habitats Regulations, Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that the development would be likely to harm protected and priority species and insufficient information has been provided to establish otherwise. Objection letters specifically reference the impact of the proposal on bats, however NED considers it unlikely that any significant impact is likely to arise on bats, given the lack of roosting potential within the structures on site. NED requested a Preliminary Ecological Appraisal to assist them with making a full assessment of the site, however this has not been received to date.

Other Considerations

A substantial number of objections have been received in relation to this proposal. The main issues raised in these objections include:

- 1) Lack of infrastructure -Roads and Sewage to cope with the intensification in the area
- 2) The site is located on a flood plain
- 3) The proposal is unsuitable for a rural area and contrary to PPS 21 Sustainable Development in the Countryside
- 4) The area will be adversely affected and detrimental to the rural integrity of the area
- 5) Safety concerns- particularly in regard to the potential increase in traffic and the safety of young children living in the area.
- 6) Concerns have been raised over the potential for bats in the disused greenhouses as these are a protected species.

The issues raised have been addressed in this report.

Conclusion

In conclusion the proposed development is considered to be contrary to the criteria of policy objectives of PPS21, PPS2, PPS 15 and PPS3, and accordingly is recommended for refusal

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse

Reasons for Refusal:

The proposal is contrary to several planning Policies:

- 1) Planning Policy Statement (PPS) 21 – Sustainable development in the countryside, the application is contrary to PPS 21, as it does not meet the criteria set out in Policy CTY 1 - Development in the Countryside and there are no overriding reasons why the development is essential or could not be located in a settlement.
- 2) PPS 2, Natural Heritage - contrary to the Habitats Regulations, Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that the development would be likely to harm protected and priority species and insufficient information has been provided to establish otherwise
- 3) PPS 15, Planning and flood Risk – the application is contrary to PPS 15 - Planning and Flood Risk, FLD 1 as the application site is located on a fluvial flood plain.
- 4) PPS 3, Access Movement and Parking - The proposal is contrary to Planning policy Statement 3, Access, Movement and Parking, Policy AMP2, in that it would prejudice the safety and convenience of road users since:

I)The public road serving the site is an inadequate width

II)A suitable footway link is not available to the site

- 5) The proposed development is contrary to CTY14, in that it does not respect the existing built form or pattern of settlement exhibited in the area and would cause detrimental change and further erode the rural character of the area.

Signature(s)

Date:

ANNEX	
Date Valid	8th July 2019
Date First Advertised	25th July 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) Gary McMullan .1 Grove Lane, Brough Road, Castledawsosn, BT45 8EN John McMullan 15 Brough Road, Castledawson,BT45 8ER John McMullan 15 Grove Lane, Brough Road,Castledawson,BT45 8ER The Owner/Occupier, 23 Brough Road Castledawson Londonderry Paul Gribbin 24d, Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER Paul Gribbin 24d, Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER The Owner/Occupier, 25 Brough Road Castledawson Londonderry Celine McCann 26 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER Celine McCann 26 Brough Road, Castledawson,BT45 8ER The Owner/Occupier, 27 Brough Road Castledawson Londonderry Paddy McIvor 27 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER The Owner/Occupier, 28 Brough Road Castledawson Londonderry The Owner/Occupier, 30 Brough Road Castledawson Londonderry James McMullan 30 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER James McMullan 30 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER The Owner/Occupier, 31 Brough Road Castledawson Londonderry The Owner/Occupier, 32 Brough Road Castledawson Londonderry The Owner/Occupier, 33 Brough Road Castledawson Londonderry Martin McMullan 33 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER Martin McMullan 33 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER	

The Owner/Occupier,
 34 Brough Road Castledawson Londonderry
 The Owner/Occupier,
 35 Brough Road Castledawson Londonderry
 Mairead Gribbin
 35 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Terence Gribbin
 35 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Terence and Patsy Gribbin
 35, Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Patsy and Terence Gribbin
 35, Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Mark McMullan
 35a Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Mark McMullan
 35a Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Mark McMullan
 35a Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 The Owner/Occupier,
 35a Brough Road, Castledawson, Londonderry, BT45 8ER
 Mairead Gribbin
 36 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Nicola and Ken McKernan
 36a Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 The Owner/Occupier,
 37 Brough Road Castledawson Londonderry
 Michael Gribbin
 37 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Michael Gribbin
 37 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Siobhan & Michael Gribbin
 37 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Michael Gribbin
 37 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Kevin and Angela Boorman
 38 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Angela & Kevin Boorman
 38 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Angela & Kevin Boorman
 38 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
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 41 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
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 41 Brough Road, Castledawson, BT45 8ER
 Aidan Gribbin
 41b Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Aidan Gribbin
 41b Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER

Aidan Gribbin
 41b Brough Road, Castledawson, BT45 8ER
 Sharon Keenan
 64 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER
 Christopher McMullan
 BROUGH ROAD, CASTLEDAWSON, LONDONDERRY, Northern Ireland, BT45 8ER
 Christopher McMullan
 Broagh Road, Castledawson, BT45 8ER
 Sarah Gribbin
 Broagh Road, Castledawson, Co Derry, BT45 8ER
 Gary McMullan
 Email
 Mary McMullan
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 Niall Gribbin
 Email Address
 Sarah Gribbin
 Email Address
 Gary McMullan
 Email Address
 Patsy & Terence Gribbin
 Email Address
 Conor Gribbin
 Email Address
 Mary McMullan

 Mary McMullan

Date of Last Neighbour Notification	
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Date of EIA Determination	
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ES Requested	Yes /No
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Planning History

Ref ID: H/2002/0418/A41
 Proposal: Agricultural Store.
 Address: Brough Road, Castledawson.
 Decision:
 Decision Date:

Ref ID: H/2003/0999/O
 Proposal: Site of dwelling and garage.
 Address: Adjacent to 31 Brough Road, Castledawson.
 Decision:
 Decision Date: 23.03.2004

Ref ID: H/2004/1250/RM
 Proposal: Dwelling & Garage
 Address: Adjacent To 31 Brough Road, Castledawson.
 Decision:
 Decision Date: 18.03.2005

Ref ID: H/2000/0727/O
 Proposal: Site of Dwelling and Garage
 Address: Rear of 35 Brough Road, Castledawson
 Decision:
 Decision Date: 14.03.2001

Ref ID: H/2001/0386/RM
 Proposal: Dwelling and garage
 Address: Rear of 35 Brough Road, Castledawson
 Decision:
 Decision Date: 30.08.2001

Ref ID: H/1973/0068
 Proposal: SEWAGE PUMPING STATION
 Address: BROAGH ROAD, TAMNIARAN
 Decision:
 Decision Date:

Ref ID: LA09/2019/0946/O
 Proposal: The replacement of disused industrial greenhouses and the footings of approved dwellings with housing development
 Address: Lands South of 31 Brough Road, Castledawson,
 Decision:
 Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

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Drawing No.
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Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 01
Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Housing Concept Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:


Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1051/O	Target Date:
Proposal: Proposed site for a dwelling and domestic garage. Based on policy CTY10 (dwelling on a Farm)	Location: Approx 80m South of 103 Moyagall Road Magherafelt
Referral Route: DFI Roads refusal contrary to PPS 3 Policies	
Applicant Name and Address: Mr Conor O'Neill 103 Moyagall Road Magherafelt	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s): Gerard Lynch	

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	NI Water - Single Units East - Planning Consultations	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
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		
Contrary to Planning Policy AMP 2 & AMP 3		

Characteristics of the Site and Area

The proposed site is identified as lands approximately 80m south of 103 Moyagall Road, Magherafelt, which is located in the open countryside, outside any settlement limits as per the Magherafelt Area Plan 2015. The site is accessed via an existing laneway from the Moyagall Road. Several farm buildings are situated 75m SE of 103, which is the principle farm dwelling. The topography is relatively flat and land that runs parallel with the Moyagall Road is approximately 0.5 of a meter below road level. This part of the field is water logged and appears to be boggy type soil.

The proposed site is set back approximately 75m from the public road and is accessed by an existing lane. The site forms a portion of an agricultural field that has established boundaries to the east and south consisting of thick vegetation and post and wire fencing. The other boundaries are undefined and open onto the field.

The surrounding area is characterised by undulating countryside where the predominant land uses are of an agricultural nature interspersed with residential dwellings. The A42 is classified as a protected road, which the farm and proposed site has direct access onto the road.

Description of Proposal

Outline planning permission is sought for a dwelling and domestic garage on an existing farm in accordance with Policy CTY 10 of PSS 21. The applicant has served P2A notice on a third party landowner in connection with lands concerning sight splays. DFI Roads have objected to this application.

Statutory consultees

1. DFI Roads were consulted on 16/08/2019 and responded on 05/09/2019 raised objections;
2. DAERA were consulted on 16/08/2019 and responded on 29/08/2019 providing advice;
3. Historic Environment Division - Historic Monuments (HM) and responded on 19/08/2019 indicating it was content with the proposal.

Planning History

Reference	Location	Proposal/Complaint	Status	Date
LA09/2019/1051/O	Approx 80m South of 103 Moyagall Road	Proposed site for a dwelling and domestic garage. Base	VALID APPLICATION RECEIVED	
H/2004/0472/O	220m South East of 102 Moyagall Road	Site of dwelling and garage.	PERMISSION REFUSED	24.11.2005

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 one (1) Statutory objection was received on 05/09/2019. The application was initially advertised on 26/08/2019 (Publication date 27/08/2019). Five (5) neighbouring properties were notified on 15/06/2020; 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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 3 Access, Movement and Parking,

PPS 15 Rivers;

PPS 21 Sustainable Development in the Countryside (CTY1, CTY10, CTY13, CTY14)

Supplementary Planning Guidance: Building on Tradition:- A Rural Design Guide for N Ireland.

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. There are no other designations on the site. Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside.

Policy CTY 1 of PPS 21 allows for a single dwelling on a farm subject to the policy tests laid down in policy CTY 10. This requires the applicant to provide evidence of an active farm business, established for at least 6 years.

The Department for Agriculture, Environment and Rural Affairs (DAERA) confirms that the Business ID number (627630) was issued to the applicant's father on 24/05/1995. From this I am content the applicant has an established farm business and has been in existence for over 6 years.

DAERA in its initial consultation response indicated the farm is located on land associated with another farm business. It is noted the farm business does not claim any agricultural grants such as Single Farm Payment, less favoured area compensatory allowance or Agri Environment scheme.

The agent has submitted several invoices that showed that the farm has been active and demonstrates an active farm business and is kept in a good environmental condition. I have documented these in the following table.

Conor O Neill			
LA09/2019/1051/O			
Date	Invoice No	Works	£
04/04/2014	18	Hedge cutting	150
08/04/2014	4	Fertilizer	187
04/11/2014	399252	Cattlefeed	196
02/03/2015	23	Hedge cutting	150
15/10/2021	399268	Cattlefeed	203
02/03/2016	31	Fertilizer	196
25/03/2016	31	Hedge cutting	160
10/10/2016	399280	Cattlefeed	209
06/03/2017	44	Hedge cutting	170
02/08/2017	874226	Post & fencing	213
24/11/2017	399284	Cattlefeed	223
22/01/2018	56	Hedge cutting	170
05/03/2018	44	Fertilizer	202
27/11/2018	399291	Cattlefeed	237
14/03/2019	64	Hedge cutting	170
04/03/2019	399299	Cattlefeed	263
10/02/2020	76	Hedge cutting	180

Fig. 1 Invoices relating to the applicant's farm business



Fig. 2 Existing farm lane and sight lines Moyagall Road

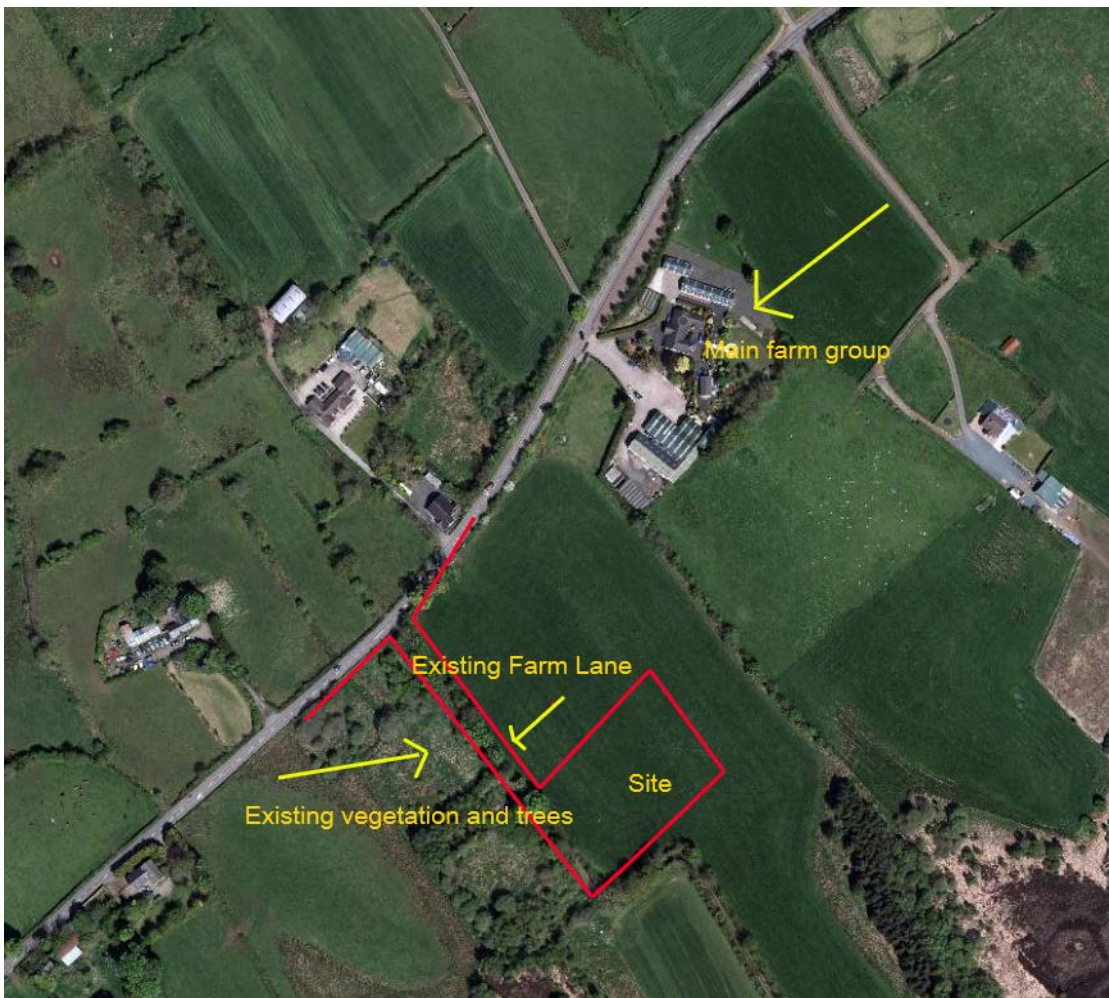


Fig. 3 Aerial overview map

I am fully satisfied from my site observations and assessing the evidence and comments received back from DAERA that the applicant is in control of an active farm business, which is associated with another farm business on this basis criteria (a) of Policy CTY 10 of PPS 21 has been met.

It appears that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application. With the exception of this planning application, no planning applications have been made in respect of land within the farm holding in the last 10 years and so criteria b has been met.

DAERA flood maps indicate surface water in some of the fields that partly surrounds the farmyard and also abuts the Mayogall Road. Rivers Agency were consulted on this application and confirmed the site does not lie within the 1 in 100 year fluvial or 1 in 200 coastal flood plain.

During my site visit I observed the fields that abut the public road were approx. 0.5m below road level.

Following group discussions and a second site visit by a senior planner it was considered the proposal was acceptable in terms of visual links with the main farm group also the proposed

dwelling would access of an existent lane. In terms of integration the level of existent vegetation would strengthen overall integration of the site enabling it to have the capacity to absorbed a modest dwelling.

The agent has a flood risk area hatched in yellow annotated on the site location plan as such Rivers Agency were consulted on this application and responded on 01/07/2020 and confirmed the site does not lie in Fluvial Flood Plains. Although i suspect that Rivers assessed only the site outlined in red and not the area hatched in yellow per site location plan.

The agent did not provide any alternative site suggestions however it is my considered opinion the site can accommodate development that would sympathetically visual with the established group of farm buildings, the access comes off an existing farm lane. Therefore the proposal complies with the key policy tests of CTY 10 in accordance with criteria a, b and c..

Policy CTY 13 provides guidance on the integration and design of buildings in the countryside and CTY 14 provides guidance on rural character. The new building blends sympathetically with the existing surroundings and will therefore, not be unduly prominent in the landscape. The site provides a suitable degree of enclosure for integration and the building blends with the existing features, such as the trees which provide an effective backdrop. Furthermore, the design of the building is appropriate for the site and locality. I am also content that the dwelling will not cause a detrimental change to the rural character of the area, as it respects the traditional pattern of settlement exhibited in the area and will not result in a suburban style build-up of development or create or add to a ribbon of development.

The proposal accords with the policy requirements of PPS 21, therefore I recommend approval for this development.

However, DFI Roads were consulted on 16/08/2019 and responded on 05/09/2019. They also highlighted that the sightline on the north east side of the lane indicates a blind spot within the sightline. The agent was made aware of this and advised to amend in accordance with DCAN 15.

In its initial response Roads indicate the access is unto a protected route A 42 Moyagall Road and as such PPS 3 AMP 2 and AMP 3. The agent addressed Road concerns requiring third party lands to provide sightline on the north east side of the lane.

Following discussions between the agent and Roads their refusal reasons are unchanged that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2, would, if permitted, prejudice the safety and convenience of road users.

In respect of the second reason that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP3 that would result in the intensification of use of an existing substandard access onto a Protected Route and would as a result prejudice the free flow of traffic and conditions of general safety.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

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 it proposes to intensify the use of an existing access at which visibility splays of (2.4 metres x 160 metres) 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 3, in that it would, if permitted, result in the intensification of use of an existing substandard access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Signature(s)

Date:

ANNEX	
Date Valid	2nd August 2019
Date First Advertised	27th August 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 102 Mayogall Road, Gulladuff, Londonderry, BT45 8PJ The Owner/Occupier, 102a ,Mayogall Road, Gulladuff, Londonderry, BT45 8PJ The Owner/Occupier, 104 Mayogall Road, Gulladuff, Londonderry, BT45 8PJ The Owner/Occupier, 106 Mayogall Road, Gulladuff, Londonderry, BT45 8PJ The Owner/Occupier, 82 Mayogall Road, Gulladuff, Londonderry, BT45 8PJ	
Date of Last Neighbour Notification	15th June 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/1051/O Proposal: Proposed site for a dwelling and domestic garage. Based on policy CTY10 (dwelling on a Farm) Address: Approx 80m South of 103 Moyagall Road, Magherafelt, Decision: Decision Date: Ref ID: H/2004/0472/O Proposal: Site of dwelling and garage. Address: 220m South East of 102 Mayogall Road, Knockloughrim. Decision: Decision Date: 24.11.2005	
Summary of Consultee Responses DFI Roads advised that the proposal be refused under Policy AMP2 & AMP3 of PPS 3	
Drawing Numbers and Title	

Drawing No. 01 (Rev-1)
Type: Site Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

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

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

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

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

Planning History

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

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

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

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

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

Representations

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

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

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

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

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

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

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

Consideration of concerns raised:

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

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

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

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

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

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

Key Policy Considerations/Assessment

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

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

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

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

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

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

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

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

Figure 1



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

Figure 2



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

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

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

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

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

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

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

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

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

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

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

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

Reasons for Refusal:

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

Signature(s)**Date:**

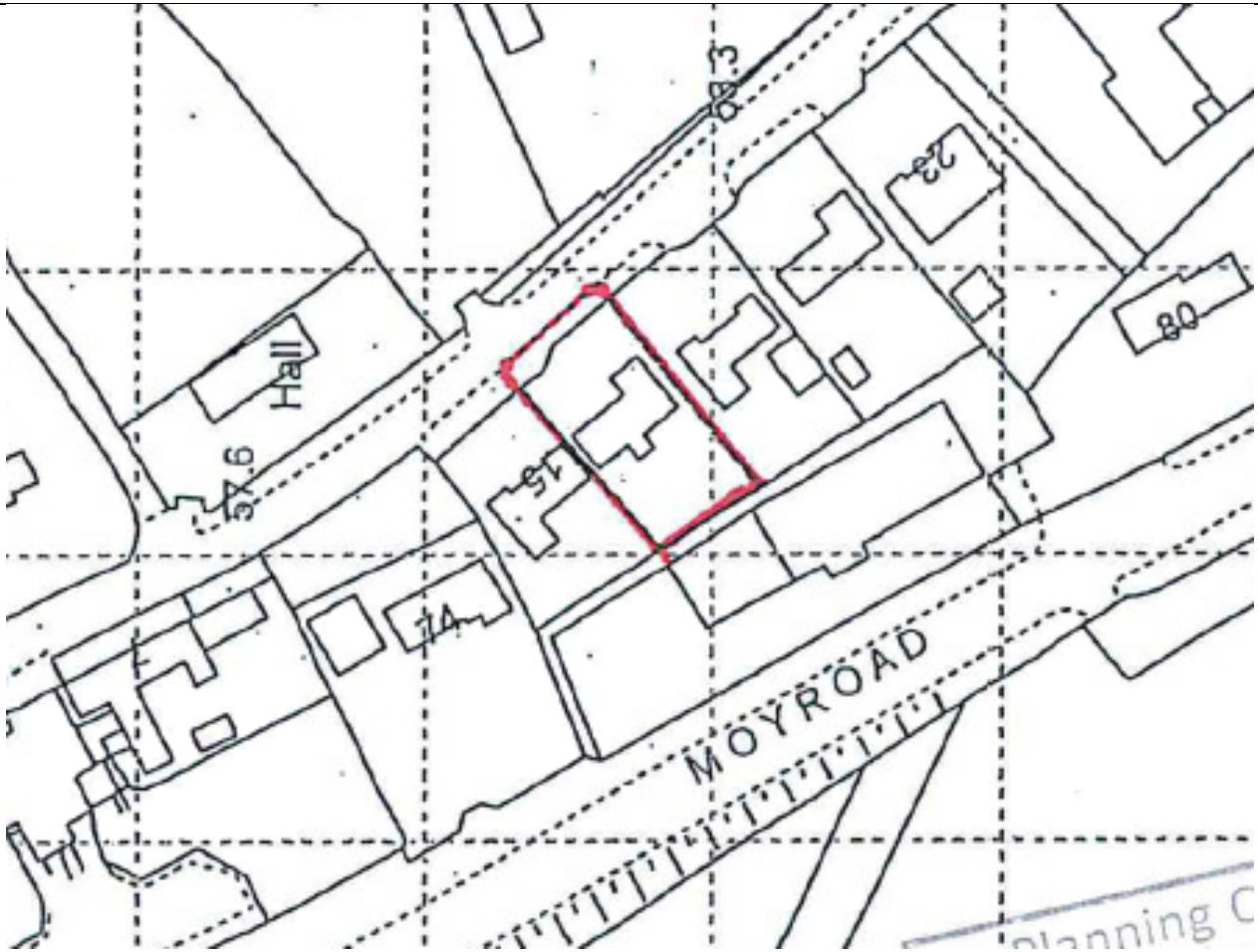


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0493/F	Target Date:
Proposal: Conversion of garage to bedroom with en-suite and retention of general household and garden storage shed and also retention of vehicular access.	Location: 17 Old Moy Road Donnydeade Dungannon
Referral Route: Approval – objections received.	
Recommendation:	Approval
Applicant Name and Address: Mr & Mrs Stephen McDowell 17 Old Moy Road Donnydeade Dungannon BT71 6PS	Agent Name and Address: Marcus Bingham 9 Tullyquilly Road Rathfriland BT34 5LR
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection

Representations:

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

Summary of Issues

There was one objection received in relation to the proposal which set out their concerns. These concerns will be discussed in detail later in the report, however mainly relate to:

- The Vehicular Access and the Construction of a Pet Shed

Characteristics of the Site and Area

The application site is located at 17 Old Moy Road, Dungannon. On site is an existing bungalow with a garden area to the rear and front of the property. There was existing hedging which surrounded the site on my first site visit, however during the latest site visit, 12/11/20 it appeared that some of this hedging had been removed along the Southern (objectors) boundary. The surrounding area is made up of residential buildings with some other businesses in the locality including a spa/beauty facility and parklands vets.

Description of Proposal

Full planning permission is sought for the conversion of garage to bedroom with en-suite and retention of general household and garden storage shed and also retention of vehicular access.

Planning Assessment of Policy and Other Material Considerations

Planning History

There is not considered to be any relevant planning history associated with this site however it is worth noting that this application has been received in response to an ongoing enforcement case.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 15, 16 and 19 Old Moy Road. At the time of writing, no third party representations have been received.

Assessment of Policy/Other material considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- Addendum to Planning Policy Statement 7: Residential Extensions and Alterations
- Local Development Plan 2030 - Draft Plan Strategy

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

The proposal is located outside any defined Settlement Limits as identified in the Dungannon and South Tyrone Area Plan.

CTY1 of PPS21 sets out a number of types of development that are acceptable in the countryside. One such type of development is for extensions/alterations to dwellings where they meet the policies in PPS7 Addendum.

It is considered that Policy EXT1 of PPS 7 Addendum is relevant to this proposal. This policy permits development where a range of criteria have been met.

The application is seeking planning consent for the conversion of an existing garage to a bedroom and for the retention of an existing garden storage shed to the rear of the property. The conversion proposed is considered to be acceptable as the external changes to the dwelling would be minimal. The changes proposed would include the removal of the garage door and replacing with sliding patio doors. The garden storage shed is larger than normal in terms of its ridge height; however, the footprint of it is still substantially smaller than that of the dwelling and is similar in relation to neighbouring outbuildings in their gardens. The materials of the shed include render on the walls and green corrugated iron sheeting. These are materials which typically may be seen in agricultural style sheds, however the agent has confirmed on several occasions that the purpose of the shed is for domestic use only. This will be conditioned to be the case on any forthcoming approval for this shed. I have no concerns relating to privacy, overlooking or loss of light given the separation distance with neighbouring properties, noting the shed is located to the rear of the garden and has no windows on the elevations. Adequate space will remain to the front of the property for parking and turning as this will not be impacted by the proposal.

There is also an access shown on the plans, however is noted clearly for pedestrian use only and therefore there was not considered to be any concerns in terms of access and parking. The existing access and parking within the site remains unaltered.

Representations

The objection raised concerns relating to the new vehicular access and construction of a pet shed as noted in the original description. This has since been clarified with the agent rectifying this on the plans. The access on the plans as being for pedestrian use only and the description has been amended to the retention of general household and garden storage shed rather than a pet shed. Re-neighbour notification has since been carried out with no further objections received. The agent has noted that the objectors have since moved from the neighbouring property and the correspondence from Royal Mail would suggest this also as their neighbour notification was returned stating "addressee gone away".

Environmental Health were consulted in relation to the proposal and raised no concerns.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:

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

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

2. The domestic garage hereby permitted shall be used only for domestic purposes ancillary to the residential use of the dwelling at No. 17 Old Moy Road, Dungannon.

Reason: To protect the amenity and privacy of the surrounding dwellings and any future dwellings which may be erected nearby this site.

Signature(s)

Date:

ANNEX	
Date Valid	6th April 2020
Date First Advertised	26th May 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 Old Moy Road Dungannon Tyrone The Owner/Occupier, 16 Old Moy Road, Dungannon, Tyrone, BT71 6PS The Owner/Occupier, 19 Old Moy Road Dungannon Tyrone David and Patricia Young 19, Old Moy Road, Dungannon, Tyrone, Northern Ireland, BT71 6PS	
Date of Last Neighbour Notification	5th February 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0493/F Proposal: Conversion of garage to bedroom with en-suite and erection of general household and garden storage and pet shed also new vehicular access Address: 17 Old Moy Road, Donnydeade, Dungannon, Decision: Decision Date: Ref ID: M/1995/0298 Proposal: Extension to garage to include new stores and showroom Address: ADJACENT TO 80 MOY ROAD DUNGANNON Decision: Decision Date: Ref ID: M/1995/0298B Proposal: Extension to Garage to include new stores and showroom Address: 8 MOY ROAD DUNGANNON Decision: Decision Date:	

Ref ID: M/1975/0319
Proposal: HOUSING DEVELOPMENT
Address: OLD MOY ROAD, DONNEYDEADE, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1985/0060
Proposal: DWELLING HOUSE
Address: MOY ROAD, DONNEYDEADE, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1979/0496
Proposal: ERECTION OF FARM RETIREMENT BUNGALOW
Address: MOY ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1978/0162
Proposal: RETIREMENT FARM BUNGALOW
Address: MOY ROAD, DONNEYDEADE, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1995/0281
Proposal: Site for dwelling
Address: ADJACENT TO 80 MOY ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: LA09/2016/0262/F
Proposal: Removal / variation of condition 8 of M/2011/0500/F
Address: 50km of overhead line from Omagh Main Substation to Tamnamore Grid Substation Dungannon in the general area of Laghey Corner Moygashel Greystone Ballyreagh Garvaghy Tattykeel. Proposed Gort Main Substation at Omagh Road Garvaghey Ballygawle
Decision: PG
Decision Date: 09.05.2016

Summary of Consultee Responses

Drawing Numbers and Title
Drawing No. 05a Type: Status: Submitted
Drawing No. 04a Type: Status: Submitted
Drawing No. 03a Type: Status: Submitted
Drawing No. 02a Type: Status: Submitted
Drawing No. 01a Type: Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 2nd Nov 2021	Item Number:
Application ID: LA09/2020/0763/F	Target Date:
Proposal: Proposed Silo with agricultural access provided to fields at the rear	Location: Farmyard at 29 Crancussy Road, Cookstown
Referral Route: 38 no. objections received to this application	
Recommendation: Approve	
Applicant Name and Address: Mr Peter McNally 29 Crancussy Road Cookstown BT80 9PW	Agent Name and Address: CQ Architects 23 Dunamore Road Cookstown BT80 9NR
<p>Executive Summary: This proposal has been assessed under all relevant policy, namely the SPPS, the Cookstown Area Plan 2010, PPS2, PPS3, PPS15 and PPS21. Consultations, including EIA consultations have been carried out with both statutory and non statutory consultees. The proposal has been screened out from needing an Environmental Statement. It is my opinion that the proposal complies with all relevant planning policy.</p> <p>38 no. objections have been received to date. Members are advised that all material planning issues raised in these objections have been fully considered and consultee advice sought if necessary. The objections do not merit the refusal of this application. Appropriate conditions and informatives are recommended.</p>	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	NIEA	Advice

Statutory	NIEA	Advice
Statutory	NIEA	Content
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	NIEA	
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	NIEA	
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	Rivers Agency	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	36	

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All relevant neighbouring properties have been notified. To date there have been 38 no. responses received, of which 36 of these are objections. The material planning issues raised in these objections are briefly summarised and addressed below:

- The need for proposed silo/lack of detail in this regard - Considered under Policy CTY 12 of PPS 21.
- Rodent infestation - EH consulted and have raised no concerns in this regard.
- Degrading impact on Loughdoo ASSI, its features and its biodiversity - Considered under PPS2.
- Increase in nitrates and ammonia - Proposal amended to remove dry cattle pen. Considered further under PPS2.
- Impact from noise - EH consulted and have raised no concerns in this regard.
- Environmental Disturbance - Considered further under PPS2.
- Increased waste/slurry production and the need for the submission of a waste management plan which takes in poultry litter also - Proposal amended to remove dry cattle pen. Any silage effluent will be piped into an existing tank. NIEA consulted and have not requested a waste management plan. There is no poultry element to this proposal.
- Unlawful ramping of slurry across the public road - DFI Roads consulted and have raised no concern re ramping across a public road.
- Unacceptable scale and impact on character of AONB - Considered under PPS2
- P1 form incorrectly completed (floorspace, water requirements and fee) - p1 amended to take account of floorspace and water requirements. I am satisfied correct fee has been submitted with application and that it is a valid planning application.
- Blocking of access to a turbine site (I/2012/0398/F) - Access is still available to fields at rear.
- Unnecessary creation of an agricultural laneway coming from an existing field gate - A agricultural access already exists at this location.
- Impact of the proposal on designated sites - Loughdoo ASSI, Ballinderry SAC - Considered further under PPS 2.
- Concern re: proposed boundary wall, its impact on rural character, road safety and the potential to cause flooding - DFI Roads and Rivers consulted and have raised no flooding issues or road safety concerns (subject to conditions)
- Cumulative impact with unauthorised hen house - No cumulative impacts to be considered. Hen House is immune from any enforcement action.
- Concern that consultees have not been consulted with accurate consultee letters - I am satisfied that consultees have been properly consulted.
- The application should be deemed refused due to ongoing revocation process re: adjacent quarry applications - The revocation re: adjacent quarry application holds no determining weight in the consideration of this planning application.

- Concern that none of the existing farm sheds benefit from planning - Noted. All are immune from any enforcement action.
- Impact on current road drainage and from the existing slurry tank - Drainage Plan requested and submitted. DFI Rivers and Roads consulted and have raised no concern in this regard.
- Impact on priority habitat - Considered further in this report under PPS 2
- Unlawful existing slurry tank is a concealed breach of planning - Noted. Immune from any enforcement action.
- Pollution risk to protected waterways - NIEA (WMU) consulted. Comments will be attached as informatives to applicant.
- Existing farm buildings do not benefit from planning approval - Noted. Immune from any enforcement action.
- Existing Slurry tank is not fit for purpose and will impact on human health - EH consulted and raised no concern.
- Impact on the ASSI/SAC from the spreading of slurry - Considered by NIEA/SES and further in this report under PPS2.
- Failure of applicant to have Discharge Consent - Outside the remit of the Planning Authority.
- Change of use of land from agricultural to industrial/security compound - I am satisfied that the proposal is agricultural
- Concern over the content of the HRA carried out by SES and its Author - SES Consulted on this matter and have not changed their comments.
- Failure to appropriately consult the local community - This is not a major planning application and there is no legislative requirement to carry out community consultation.
- Query over who owns the road verge - Roads are aware of the planning application and have not been prejudiced in any way.
- Request to carry out a risk assessment re: road safety - Roads have not requested any form of risk assessment.
- The impacts arising from having to potentially remove utility pole - This falls outside the remit of the Planning Department.
- Inadequate drainage information provided - Drainage Plan submitted and Rivers consulted.
- Breach of Water Order from spreading slurry on lands that feed directly into Loughdoo Stream - NIEA consulted and have no objections to the proposal subject to standard informatives.

Having considered all the material planning issues raised and consulting with statutory and non-statutory bodies when required, it is my opinion that the objections summarised above do not merit the refusal of this application. A lot of the objectors letters required specific FOI/EIR responses and these have been provided when deemed appropriate.

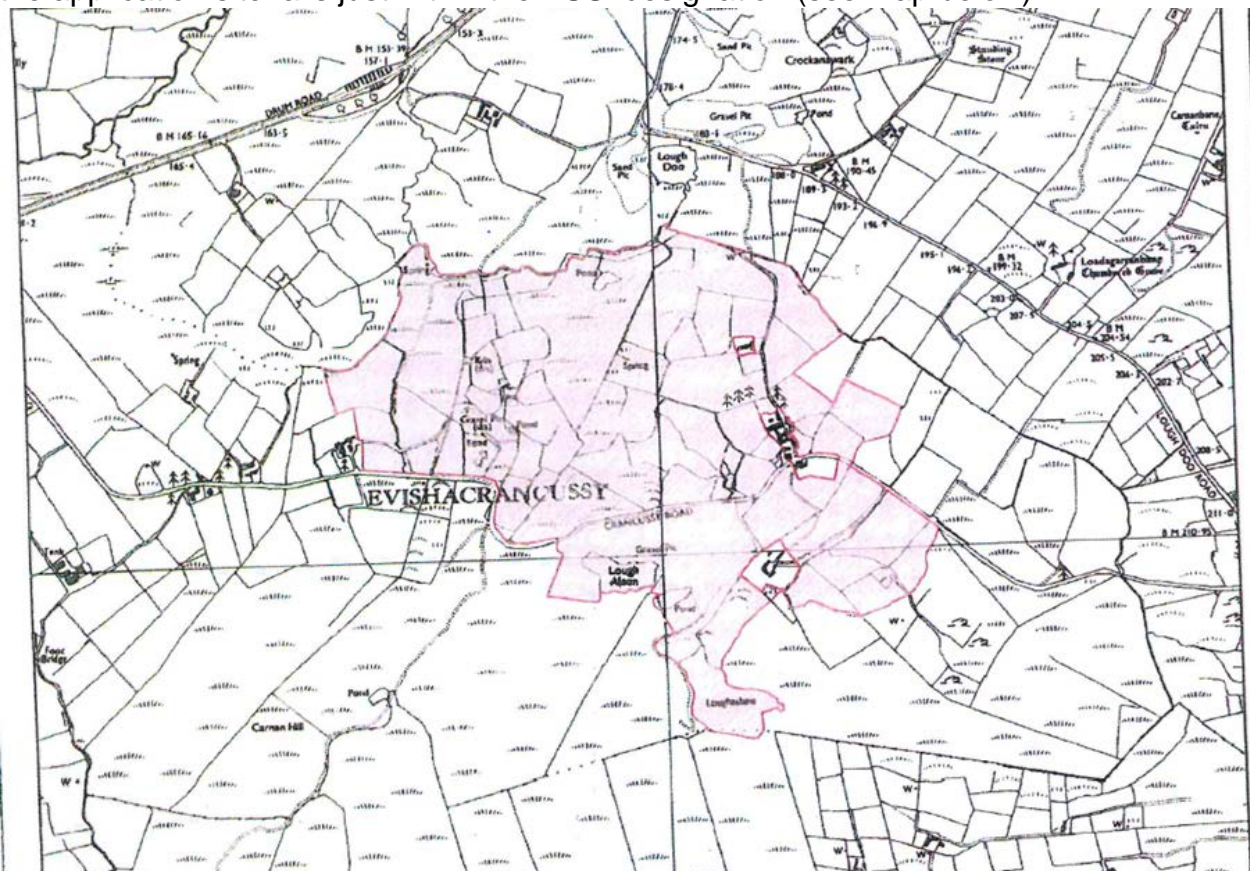
Characteristics of the Site and Area

The application site is a 0.35 hectare parcel of land and comprises a farmyard associated with and located to the immediate West of number 29 Crancussy Road, Cookstown. It is outside the development limits of any settlement designated in the Cookstown Area Plan 2010. The farmyard contains existing farm sheds, a meal silo, a slotted tank and a retaining wall. The access to the farmyard comes directly off the

Crancussy Road, just opposite the entrance to 2 third party dwellings. Here the roadside boundary is defined a wall, stone pillars and a metal gate.

This is an undulating area, rural in character and has a dispersed settlement pattern. To the immediate North of the site are two dwellings, numbers 26 and 28 Crancussy Road and ancillary agricultural buildings. To the SW of the site is an active quarry. Further to the East of the site is a Poultry House. Approximately 190m to the SW of the site, at number 31 Crancussy Road, is a third party dwelling and it is noted that the occupant of this property has objected to this application.

This area is designated as an Area of Outstanding Natural Beauty (AONB) and an Area of Constraint on Mineral Developments (ACMD) in the Cookstown Area Plan. It is also designated as an Area of Special Scientific Interest (Loughdoo ASSI) and it is noted that the application site falls just within the ASSI designation (see map below)



The application site is also within 7.5 km of the following National, European and International designated sites;

- Upper Ballinderry River SAC, Owenkillev River SAC & Black Bog SAC/Ramsar, which are designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora);
- Lough Doo ASSI, Upper Ballinderry River ASSI, Black Bog ASSI, Owenreagh River ASSI,
- Cashel Rock ASSI, Owenkillev River ASSI, Limehill Farm ASSI & Bardahessiagh ASSI, which are declared under the Environment Order (Northern Ireland) 2002.

Description of Proposal

This is a full application for a proposed Silo with agricultural access provided to fields at the rear of the silo. The silo will have a standard agricultural design. The walls will be finished with brown profile cladding and concrete and the roof with brown profile cladding. It does not contain an underground tank. Any effluent will be directed to an existing tank adjacent to the new silo. Access to the fields to the rear of the site is being left clear of any development. A new agricultural access lane is being created to come off the Crancussy road. The proposal initially included a dry bed cattle pen but this element of the development was omitted during the processing of the application.

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2019/0118/F - Farmyard at 29 Crancussy Road, Cookstown. Retrospective planning for meal storage bin for agricultural purposes on an existing farmyard. Approved 5-4-19

Environmental Impact Assessment

In the Planning (Environmental Impact Regulations) Northern Ireland 2017 under Schedule 2 Part 1 (a) Agriculture and Aquaculture, projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes require screening where they are located within a "Sensitive Area" or where they meet the thresholds identified under Column 2. This site is located within Lough Doo ASSI and the Sperrins AONB, both of which are Sensitive Areas as defined in the Regulations. In my opinion it is difficult to ascertain for 100% that the proposal fits neatly within Part 1 (a) as there is no definition in the Legislation for "intensive agricultural proposals" but in order to adopt a precautionary approach when considering Environmental Impacts, a screening was carried out in this particular instance. The proposal was screened out and an Environmental Statement was not requested.

Policy Consideration/Assessment

The following policies will be considered in this assessment:

- Cookstown Area Plan 2010
- Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS15 - Planning and Flood Risk
- PPS 21 - Sustainable Development in the Countryside

Cookstown Area Plan 2010

This site lies outside any settlement limit defined in the Cookstown Area Plan 2010 but is within a designated ACMD and an AONB. The proposal is not for the development of

mineral resources therefore Plan Policy MN 1 is not relevant. The Cookstown Area Plan 2010 does not contain any specific policy in relation to development within an AONB.

Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy

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

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS gives provision for Agriculture and Forestry Development subject to a number policy provisions. It does not present any change in policy direction with regards to this type of development in the Countryside. As such, existing rural policy will be applied (ie) CTY 12 of PPS 21

PPS 2 - Natural Heritage

PPS 2 sets out the Departments planning policies for the conservation, protection and enhancement of our natural heritage. For the purpose of this Planning Policy Statement, natural heritage is defined as “the diversity of our habitats, species, landscapes and earth science features”.

Policy NH 1 - European and Ramsar Sites - International

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or
- a listed or proposed Ramsar Site

The application site is located within 7.5 km of National, European and International designated sites. Given the agricultural nature of the proposal and the proximity of the application site to these designated sites consultation has been carried out with NIEA (Natural Heritage). NIEA advised that a number of these designated sites have reached their 10% additional loading capacity for nitrogen emissions and advised the applicant to consider the use of nitrogen abatement measures to reduce emissions. A revised proposal was subsequently submitted omitting the dry bed cattle aspect of the proposal. NIEA are now therefore satisfied that as there will be no slurry stored or livestock housed within the proposed silo structure and the appropriate pollution prevention measures are

implemented, the proposal is unlikely to have a significant impact on any designated site.

Under the provisions of the Habitats Regulations, plan-making authorities are required to undertake an Appropriate Assessment for any development plan (or development proposal) which either individually, or in combination with other plans or projects, is likely to significantly affect a European Site. Shared Environmental Service carry this out on behalf of Mid Ulster District Council and so were also consulted with this application. In their most recent response, dated 27th July 2021, they have advised the following:

This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Mid Ulster District Council which is the competent authority responsible for authorising the project. The assessment which informed this response is attached at Annex A (available to view on the planning portal). The assessment has been updated to reflect further consultee and third party representations. Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. Elimination Reason: There is no source of aerial emissions or hydrological pathway through which the proposal could have a conceivable effect on any European site.

Based on this expert consultee advice from both NIEA (Natural Heritage) and Shared Environmental Service, I am satisfied that the proposal is in compliance with the provisions of Policy NH 1 of PPS 2

Policy NH 2 - Species Protected by Law

This application was accompanied by a Biodiversity Checklist, completed by professionally qualified Ecologist. It concludes that the predicted impact of the proposed development on protected species was assessed as "low" and no further surveys were recommended to be submitted. On the basis of this ecologists advice I am satisfied that the proposed development is in compliance with Policy NH2 of PPS 2.

Policy NH 3 - Sites of Nature Conservation Importance - National

These type of sites include Areas of Special Scientific Interest (ASSI). The application site falls within Loughdoo ASSI. Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of the ASSI. As referenced above, NIEA (Natural Heritage) who are the Authority who designated Loughdoo ASSI, have been consulted with the proposal. They have not raised any concerns about the impact of the proposed development on the integrity or special interest of this ASSI.

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance

As referenced earlier in this report a Biodiversity Checklist, completed by an Ecologist, has been submitted. This notes that with the exception of hedgerow vegetation, no other NI Priority Habitats were identified within the redline boundary of the site. Given the minor scale of the proposal, its siting within an existing farm yard and the fact that no priority habitat will require removal to accommodate the development, I am satisfied that the proposal will comply with policy NH5 of PPS 2.

Policy NH 6 - Areas of Outstanding Natural Beauty

The application site is located with the Sperrins AONB. Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects local architectural styles and patterns, traditional boundary details, by retaining features such as hedges, walls, trees and gates; and local materials, design and colour.

The proposed development is an agricultural building. It has a standard agricultural design typical throughout the Sperrins AONB. It will be sited to cluster with existing farm buildings and is not excessive in scale or massing. I am therefore satisfied that the proposal is not at conflict with policy NH6 of PPS 2.

NIEA (Water Management Unit) also formed part of the consultation process and have considered the impacts of the proposal on the surface water environment. Following a revised proposal and the submission of a drainage plan WMU have advised that they are content with the development subject to the applicant noting advice in their explanatory note, adhering to Standing Advice and any relevant statutory permissions being obtained. It is my opinion that an informative can direct the applicant to all this relevant information and the onus is on him to adhere to it as it falls outside the remit of the Planning Authority.

PPS 3 - Access, Movement and Parking

Access to this building is shown to be coming through an existing agricultural gateway in the SW portion of the site. A new post and wire fence is shown to be erected along the laneway leading to the building. Access to the fields to the rear of the farmyard will remain (between the new building and retaining wall). DFI Roads have been consulted with the application and any relevant objection letters. They have not raised any road

safety concerns or traffic flow concerns and have recommended sight splay conditions be attached to any approval.

PPS15 - Planning and Flood Risk

DFI Rivers have been consulted with this application and the submitted Drainage Plan as a result of an objection relating to flooding and drainage matters. They have confirmed the following: that this site is not within a fluvial floodplain and the site is unaffected by a designated watercourse. A full Drainage Assessment is not required under Policy FLD 3 as the development does not fall within any of the FLD 3 thresholds. Policies FLD 4 and FLD 5 are not relevant in this assessment.

PPS 21 - Sustainable Development in the Countryside

As this proposal is for the erection of an agricultural building, policy CTY 12 of PPS21 is relevant. CTY 12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

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

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm there are no suitable existing buildings on the holding or enterprise that can be used; the design and materials to be used are sympathetic to the locality and adjacent buildings; and the proposal is sited beside existing farm or forestry buildings.

The applicant submitted a P1C form with this application which has been forwarded to DAERA. DAERA have confirmed that the applicant has had a farm business in excess of 6 years and that he has made claims in the last 6 years, so for the purposes of this assessment I am satisfied that the applicant has an active and established farm holding. The applicant has stated that the silo will be used for the storage of silage made in the summer months for winter fodder. Effluent will be collected in an existing adjacent underground tank. The existing silo will be used for the storage of machinery. In my opinion this is necessary for any type of active farm business. The silo is not excessive in scale or massing and its agricultural design will not detract from the rural character of this AONB. It will be sited to cluster with existing farm buildings and so will not be visually obtrusive in the local landscape. In my opinion, no new landscaping is necessary. The clustering helps integrate it into the landscape. There are no built heritage issues to be considered and all natural heritage issues have been considered earlier in this report under my PPS2 consideration. With regards to the impact of the proposal on residential amenity, I have sought advice from Environmental Health. They have advised that they have no objection to a proposed silo at an existing agricultural land use. Following my site inspection I am satisfied that the existing farm buildings are

being currently utilised for the purposes of agricultural. The proposed design and finishes are in keeping with the existing agricultural buildings in the area and the proposed building will be grouped with existing buildings on the farm.

On the basis of this assessment I am satisfied that the proposal is not at conflict with policy CTY12 of PPS21. It is also noted that I have no concerns with integration, design, build-up or general impact on rural character.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended subject to conditions

Conditions

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

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

2.The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 2 rev 5 bearing the date stamp 03 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.

3. All proposed drainage measures shall be implemented in accordance with drawing number 04 rev 1, bearing date stamp 20th Nov 2020

Reason: To ensure the satisfactory drainage of water and effluent from the proposed development.

Informatives

1.Notwithstanding the terms and conditions of the Councils approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

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

2. The applicants attention is drawn to informatives attached to following consultation responses, available to view on the planning portal www.planningni.gov.uk

1. DFI Rivers dated 23/07/2021
2. NIEA dated 25/06/2021, 11/2/2021, 26/11/2021

Signature(s)

Date:

ANNEX	
Date Valid	1st July 2020
Date First Advertised	14th July 2020
Date Last Advertised	15th December 2020
Details of Neighbour Notification (all addresses) Andrew Clapperton 19 Island View Road Greyabbey Down The Owner/Occupier, 26 Crancussy Road Pomeroy Tyrone The Owner/Occupier, 28 Crancussy Road Pomeroy Tyrone The Owner/Occupier, 29 Crancussy Road,Pomeroy,Tyrone,BT80 9PW Guy Glencross 31 Crancussy Road Evishacrancussy Pomeroy Guy Glencross 31 Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW Guy Glencross Email Guy Glencross Andrew Clapperton Email	
Date of Last Neighbour Notification	
Date of EIA Determination	14th October 2021
ES Requested	No
Planning History Ref ID: I/2012/0398/F Proposal: Retention of 'as constructed' 11kw Gaia wind turbine with a 18.4m hub height (To supersede previously approved 20kw C & F turbine on 20m tower). (Revised Noise report submitted) Address: Approx 103m SW of 29 Crancussy Road, Cookstown, Decision: PG Decision Date: Ref ID: I/2010/0038/F Proposal: variation of condition no 17 of planning approval I/1977/0072 -- relocation of settlement ponds Address: 400 metres west of 26 Crancussy Road, Cookstown	

Decision:
Decision Date: 11.06.2010

Ref ID: I/1977/0072
Proposal: SAND WASHING PLANT, GARAGE, OFFICE WEIGHBRIDGE ETC
Address: EVISHANCRANCUSSY, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2010/0266/F
Proposal: Erection of a 20KW Wind Turbine with a tower height of 20m.
Address: Approx. 110m. South West of 29 Crancussy Road, Dunamore, Cookstown
Decision:
Decision Date: 16.01.2012

Ref ID: I/1984/001601
Proposal: ERECTION OF BUNGALOW
Address: EVISHACRANCUSSY, CRANCUSSY ROAD, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1984/0016
Proposal: ERECTION OF BUNGALOW
Address: EVISHCRANCUSSA, DUNAMORE, COOKSTOWN
Decision:
Decision Date:

Ref ID: LA09/2020/0763/F
Proposal: Proposed Silo with agricultural access provided to fields at the rear
Address: Farmyard at 29 Crancussy Road, Cookstown,
Decision:
Decision Date:

Ref ID: LA09/2019/0118/F
Proposal: Retrospective planning for meal storage bin for agricultural purposes on an existing farm yard
Address: Farmyard at 29 Crancussy Road, Cookstown,
Decision: PG
Decision Date: 05.04.2019

Summary of Consultee Responses

EH, DFI Roads, NIEA, SES, Rivers Agency were all consulted. Their detailed responses can be viewed on the planning portal.

Drawing Numbers and Title

Drawing No. 04 rev 1

Type: Drainage Plan

Status: Submitted

Drawing No. 03 rev 2

Type: Proposed Elevations

Status: Submitted

Drawing No. 01 rev 3

Type: Site Location Plan

Status: Submitted

Drawing No. 02 rev 5

Type: Block/Site Survey Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0820/F	Target Date:
Proposal: Proposed grass silage clamp alteration (from that approved under LA09/2015/0240/F) to include roof enclosure / steel frame, plant storage shed and extension to curtilage associated with an operational Anaerobic digestion (AD) plant	Location: Land approx. 155m North East of 72 Kilmascally Road Kinrush Dungannon
Referral Route: Contrary to NIEA Advice	
Recommendation: Approve	
Applicant Name and Address: Ardboe Agri Energy Ltd 179 Ardboe Road Farsnagh Cookstown BT80 0HX	Agent Name and Address: Clyde Shanks 7 Exchange Place Belfast BT1 2NA
Executive Summary: NIEA Natural Environment Division (NED) requested 'Air Dispersion Modelling'. I consider NED to be asking for information outside of what this application relates. Planning cannot retrospectively ask for information that should have been considered in the determination of the previous application (LA09/2015/0240/F) for an AD plant, which can operate without this area covered. See 'Consultation Responses' within main body of report for further detail.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NI Water - Strategic Applications	Advice
Non Statutory	Shared Environmental Services	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	
Description of Proposal		
<p>This is a full application for a proposed grass silage clamp alteration (from that approved under LA09/2015/0240/F) to include roof enclosure / steel frame, plant storage shed and extension to curtilage associated an operational anaerobic digestion (AD) plant located on lands approx. 155m North East of 72 Kilmascally Road Kinrush Dungannon.</p> <p>With the exception of a 144m2 building for the storage of 2 telehandlers, this application seeks permission for a steel frame building to cover an approved feed stock storage area in order to better protect the silage, reduce spoilage, improve the quality of feedstock and remove the requirement to store effluent, thereby improving the overall efficiency and operational anaerobic digestion plant.</p> <p>The steel frame building, which has a rectangular floor plan and gentle M-shaped style roof (excluding attached building for telehandlers), measure 48m (width) x 54.9m (length) x 10m (height at highest points) and is 2635.2m2.</p>		
Characteristics of the Site and Area		
<p>The site is located within the rural countryside as defined by the Cookstown Area Plan 2010 approx. 700m northeast of Ardboe settlement limits and adjacent/south of Ardboe abandoned airfield.</p> <p>The site is a relatively flat concrete plot, which sits below the adjacent abandoned airfield road. It contains an existing operational anaerobic digester facility including 2 digester tanks, 1 end storage tank, 1 pumping facility inside a covered building and a hardcored feedstock area covered by plastic sheeting. The anaerobic digester and ancillary works are accessed off the airfield road via an existing concrete lane along the northeast side of the site which turns to gravel as it continues on to serve 2 no. of poultry units located just metres to the southeast of the site. The airfield road connects onto the Kilmascally Rd. A concrete wall bounds the frontage of the site onto the airfield road. A line of tall mature deciduous trees bound the site to the southwest. The remaining boundaries of</p>		

the site are undefined. The site is located on previous grazing land and overgrown heaps soil heaps dumped on site along its southeast boundary. A large loading area / yard which is part of Creagh Concrete business, whose offices / factory are located further along the airfield Rd to the southwest of the site, bounds the site immediately to the southwest and to the northwest to the opposite side of the airfield road.

The area surrounding the site is characterised by its flat topography and mix of agricultural lands, industrial businesses and detached dwellings all encompassed within or running alongside the former airfield. The nearest residential property is located approx. 170m northeast of the site.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 11: Planning & Waste Management

Planning Policy Statement 18: Renewable Energy

Best Practice Guidance to Planning Policy Statement 18: Renewable Energy

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

Representations

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

Planning History

On Site

- I/2011/0258/F – Proposed 500kw anaerobic digester and combined heat and power plant unit and construction of new feed stock area and agricultural store - 390m NE of 70 Kilmascully Rd Dungannon – Granted 1st March 2012
- I/2012/0134/F – Proposed 500kw anaerobic digester with combined heat and power plant and construction of new feed stock area – 390m NW of 70 Kilmascully Rd Dungannon – Granted 16th August 2012

- LA09/2015/0240/F – Proposed amendments to Anaerobic Digestion plant previously approved under I/2012/0134/F – 390m NE of 70 Kilmascally Rd Dungannon – Granted

Planning application I/2012/0134/F was in substitution for application I/2011/0258/F to modify some arrangements on site, including access. Then as detailed above LA09/2015/0240/F was for amendments to I/2012/0134/F. LA09/2015/0240/F proposed the same throughput and process however a change in technology provider resulted in hardware amendments as well as relocation of tanks within the site.

Adjacent

- I/2013/0002/F – In substitution for planning application ref no I/2012/0134/F, proposed 500kw anaerobic digester with combined heat and power plant and construction of a new feed stock area – 480m NE of 70 Kilmascally Road Dungannon – Granted

The above application relates to lands immediately northeast of the current site. The proposal was described as a substitution for the permission on the current site however; it was not considered necessary at the time to limit the no. of digesters and was approved with the knowledge of the AD plant granted on the current site.

Consultees

1. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. NIEA were consulted and responded as follows:
 - Regulation Unit - raised no objections stating only that the site is subject to a Waste Management Licence application.
 - Water Management Unit - upon receipt of a Drainage Plan were content with the proposal subject to the informatives.
 - Natural Environment Division (NED) - requested an 'Air Dispersion Modelling' specifically on the following activities, stating it should determine the potential impacts on all designated sites within 7.5 km of the proposal:
 - Landspreading of the digestate modelling must include emissions on all designated sites within 7.5 km of identified locations including third party land (land must be suitable for fertiliser application). All landspreading grid references must be submitted.
 - Digestate storage tanks.
 - Direct/direct effects of the proposal on wider AD site activities i.e. the increased capacity that will be supported if planning permission is granted.

Further to NED's request above the agent on this application submitted a supporting statement outlining why an Air Quality Impact Assessment is unnecessary, serving only to put his client to additional expense and delay the planning application. He advised:

- The purpose of the proposed building is solely to cover feedstock (currently stored on concrete hardstanding in a midden covered by plastic sheeting) permitted to be on site and no change is proposed to the existing, approved and regulated operations of the AD Plant.
- The development description states “roof enclosure / steel frame and plant storage shed” which is required to better protect the silage, reduce spoilage and improve the quality of the feedstock. While it is associated with an existing AD Plant, if approved, the development will not alter the existing AD plant or the associated impacts of same in any way, other than to improve its efficiency through the use of better quality silage.
- NED indicate there will be increased silage capacity if planning permission is granted. This is not the case “no change is proposed to the approved feedstock type or throughput.”
- Any change to the type of feedstock to be stored (Plant-tissue waste) would require the variation of Condition 3 of permission LA09/2015/0240/F, which is not proposed.

I have considered NED’s request for Air Dispersion Modelling however would agree with the agent that for the reasons outlined above given the minor nature of this development, this is unnecessary. I consider NED to be asking for information outside of what this application relates. Planning cannot retrospectively ask for information that should have been considered in the determination of the previous application (LA09/2015/0240/F) for an AD plant, which can and is, operating without this area covered. In addition this site operates and is regulated under NIEA licence.

3. Shared Environmental Services (SES) considered the application in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Having considered the nature, scale, timing, duration and location of the project, SES concluded the application be eliminated from further assessment because it could not have any conceivable effect on a European site. The elimination reason was that there is no hydrological pathway for pollutants and no new source of aerial emissions.
4. Environmental Health Mid Ulster Council were consulted and raised no objections to this proposal.
5. NI Water Strategic Applications were consulted and raised no objections to this proposal with this proposal, outlining the applicant proposes to discharge foul sewage to a private effluent tank and discharge surface water to site contained sustainable drainage system the raised no objections with this proposal.

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 Statements relevant to this proposal are retained.

Planning Policy Statement 21 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 and include renewable energy projects in accordance with Planning Policy Statement 18. PPS21 adds that there are a range of other types of non-residential development that may be acceptable in principle in the countryside. Proposals for such development will continue to be considered in accordance with existing published planning policies. In this instance, I consider Planning Policy Statement 11: Planning & Waste Management relevant.

Planning Policy Statement 18 Renewable Energy – Policy RE 1 of PPS18 Renewable Energy Development states development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- (a) public safety, human health, or residential amenity;
- (b) visual amenity and landscape character;
- (c) biodiversity, nature conservation or built heritage interests;
- (d) local natural resources, such as air quality or water quality; and
- (e) public access to the countryside.

Planning Policy Statement 11: Planning & Waste Management - Policy WM 2 of PPS 11 makes provision for the development of a waste collection or treatment facilities subject to a number of criteria.

I am content that the principle of this application has already been established on this site under planning applications LA09/2012/0134/F and LA09/2015/0240/F (see 'Planning History' above) and there is an approved operational anaerobic digester facility on site. Including 2 digester tanks, 1 end storage tank, 1 pumping facility inside a covered building and a hardcored feedstock area covered by plastic sheeting.

A detailed within a supporting statement accompanying this application, with the exception of a 144m² building for the storage of 2 telehandlers, this proposal seeks only to cover the previously approved open feedstock storage area with a framed building and divide the storage area into three separate silos. The proposed building will replicate the concrete walls of the approved silage clamp and add a steel frame above to cover the silos and protect the feedstock within. No change is proposed to the approved feedstock type or throughput.

As the purpose of the proposed building is solely to cover feedstock permitted to be on site and no change is proposed to the operation of the A.D. plant, all noise, order and pollution impacts have previously been assessed and deemed to be acceptable. The proposal should not therefore give rise to detrimental impact on public safety, human health or the amenity of nearby residential dwellings. The proposal is likely to result in betterment insofar as any odours emanating from the silage will be further contained within the proposed building.

The land surrounding the site are characterised by large industrial buildings and yard areas associated with the Creagh Concrete manufacturing plant and zoned industrial land beyond to the south-west. The proposed building is modest in size when compared

with these existing buildings. Furthermore, the proposed building will integrate with the existing buildings and domed tanks of the A.D. plant. The materials utilised (juniper green wall and roof cladding) are similar to the existing buildings on site. The proposal should not therefore result in an adverse impact on visual amenity and landscape character.

The proposal should not adversely impact upon biodiversity, nature conservation and built heritage interests. The proposal is to be sited on an existing concrete hardstanding within the curtilage of the wider A.D. site. There are no natural heritage features of significance or built heritage assets of interest on site or in close proximity and there will be no change to the previously assessed impacts on designated sites.

As detailed further above (see 'Consultees') I have considered NED's request for Air Dispersion Modelling however would agree with the agent this is unnecessary. I consider NED to be asking for information outside of what this application relates. Planning cannot retrospectively ask for information that should have been considered in the determination of the previous application (LA09/2015/0240/F) for an AD plant, which can and is, operating without this area covered.

No change is proposed to the food store composition and Water Management Unit upon receipt of a Drainage Plan were content with the proposal subject to the informatives. Therefore the proposal should not have a detrimental impact on local natural resources such as air quality and water quality.

All storage facilities for livestock manure, silage and silage effluent must be maintained free of structural defect and be of a standard as is necessary to prevent run off or seepage, directly or indirectly, into a waterway or water contained in an underground water body. At present, silage feedstock is stored on site in a midden covered by plastic sheeting. Run-off from middens is classified as slurry under the Nutrient Action Program (NAP) Regulations and must be stored accordingly.

By covering the existing midden arrangement with the proposed building this prevents rainwater ingress into the feedstock and removes acquirement to capture and store all run off. The requirement to spread this dirty water on land and the time and cost involved for the A.D. operator to do so is also removed.

This proposal will have no impact on public access to the countryside.

For the reasons outlined above, I am content this proposal adheres to requirements of PPS11: Planning & Waste Management and PPS 18: Renewable Energy and recommend approval.

Recommendation

Approve

Neighbour Notification Checked:

Yes

Summary of Recommendation:

Approve

Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The vehicular access, including visibility splays of 2.4m x 45m southwest and 2.4m x 70m northeast and any forward sight distance, shall be in place in accordance with Drawing No.03 bearing the date stamp received 3 JUL 2021, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced 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 access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

Informatives

1. This approval relates to and is an amendment to previous approvals I/2012/0134/F and LA09/2015/0240/F all previous conditions and informatives not repeated in this permission still apply.
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. DfI Roads advise:

This 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

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.

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.

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 TransportNI Section Engineer whose address is DfI Roads, Loughry Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

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

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 DFI Roads drainage system.

4. Please see NI Water consultation response received and scanned to the planning portal on the 17th August 2020 for information purposes.
5. Please see NIEA consultation response received and scanned to the planning portal on the 1st February 2021 and the 9th August 2021 for information purposes.
6. Please see SES consultation response dated 18th October 2021 and scanned to the planning portal on the 19th October 2021 for information purposes.

Signature(s)

Date:



Cornhairle Ceantair
Lár Uladh
Mid Ulster
District Council

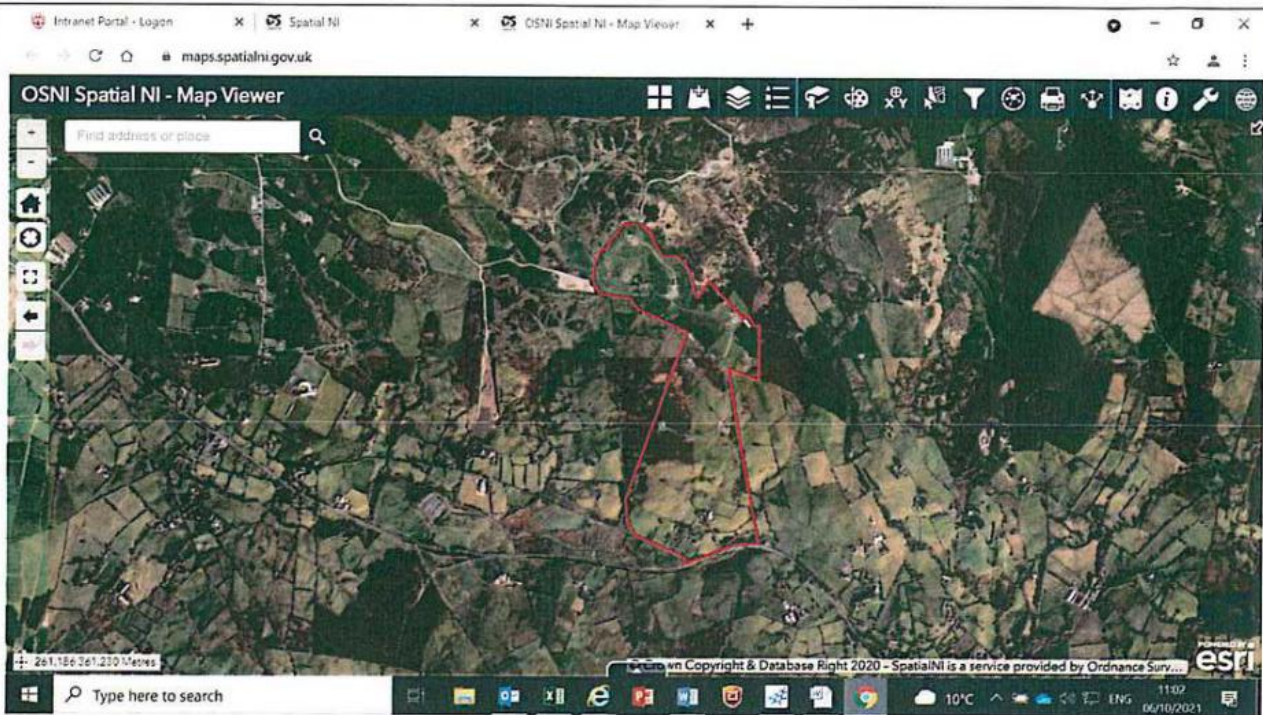
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0880/F	Target Date: 5/11/20
Proposal: An application under section 54 of the Planning Act (NI) 2011 to vary condition No. 19 of Planning Permission M/2007/1407/F to extend the operational lifetime of the wind farm from 25 years to 30 years	Location: Shantavny Scotch Omagh Road Ballygawley Co Tyrone
Referral Route: Application associated with previous major planning application.	
Recommendation: APPROVE	
Applicant Name and Address: Brookfield Renewable Floor 5 City Quarter Lapps Quay Cork	Agent Name and Address: Clyde Shanks 2nd Floor 7 Exchange Place Belfast BT1 2NA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Chief Exec Fermanagh And 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

Details of the proposal

This is an application under section 54 of the Planning Act (NI) 2011 to vary condition No. 19 of Planning Permission M/2007/1407/F to extend the operational lifetime of the wind farm from 25 years to 30 years at Shantavy Scotch, Omagh Road, Ballygawley.

Characteristics of the Site and Area

This is the site of Shantavny Scotch Windfarm on which 7 No. operational turbines are located, with hub height of 64metres, blade diameter of 71metres, blade to tip length of 35.5metres and overall height of 99.5metres with a power output of 2.0MW with associated access tracks, site

entrances, sub station, control room, electrical cabling, and met mast. The site is on a south facing slope of a Slievemore located just east of Garvaghy (which is located within Fermanagh and Omagh District Council) and north of the main A5 Omagh Road.

This landscape is mostly defined by poor upland agricultural land, peat land, wind farm development, dispersed single dwellings and farm holdings. Part of the site borders with the Fermanagh and Omagh District Council Area.

Relevant Site Histories:

The only relevant site histories relate to discharge of condition and vary of conditions applications relating to the main wind farm application.

Representations:

No representations received from press notice or neighbourhood notification. Consultation with Department for Agriculture Environment and Rural Affairs, Shared Environmental Services and Fermanagh and Omagh District Council has raised no concerns subject to conditions and informatives.

Planning Assessment of Policy and Other Material Considerations

Under Planning Act (Northern Ireland) 2011, Section 54 Council must only consider the question of the condition subject to which planning permission was granted.

Condition 19 of M/2007/1407/F is only being considered.

All above ground structures shall be dismantled and removed from the site 25 years from the date when the wind farm is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site for a period of 6 months (unless further consent has been granted). At least one year prior to the commencement of any decommissioning works a restoration scheme shall be submitted to and agreed in writing with the Department. This scheme shall include details of all works to be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: To restore the peatland habitat and maintain the landscape quality of the area.

The reason for the condition is to ensure the turbines are removed after a 25 year period to ensure that peatland habitat can be restored, and to maintain the landscape quality of the area.

The application form states that the 2007 proposal was accompanied by an Environmental Statement. To ensure that this extension in time will not result in significant environmental impacts I carried out consultation with both NIEA and Shared Environmental Services (SES) to allow for screening of this proposal, as the extended period of the windfarm may attract a new Statement and significant fee. Both NIEA and SES responded to this proposal and raised no objections with respect to any potential environmental impacts. I have completed a negative EIA screening of this proposal and am satisfied that a new Environmental Statement is not required.

The proposal also borders FODC and a consultation was sent to this adjoining Council for comment. FODC do not raise any objection to this proposed 5 year extension.

The agent has provided a supporting statement stating that the proposal will not involve the replacement of the turbines currently on site in any way and that the current site will not be

altered in any way. NIEA are content that this proposal for extension of 5 years will not have additional adverse impacts on the landscape character or biodiversity of the area. SES advise that having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site. It is not considered that a new Environmental Statement is required. 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.

This proposal represents an expansion of the lifetime of the windfarm of 20%. The benefits of the proposal will be extended periods of turbine operation will reduce the levelised cost of the wind farm development to the developer, it will enhance the overall sustainability of development and associated environmental benefits including emissions avoidance and the continued production of energy from an infinite and indigenous resource and will allow the wind farm to continue contributing to the local economy through an additional 5 years of business rates and community benefits.

Given that consultees have indicated that there will be no detrimental impacts on biodiversity or landscape character for this short time extension, it is my view that permission should be granted for this 5 year time extension in this instance.

I am satisfied for the condition to be amended to;

All above ground structures shall be dismantled and removed from the site 30 years from the date when the wind farm is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site for a period of 6 months (unless further consent has been granted). At least one year prior to the commencement of any decommissioning works a restoration scheme shall be submitted to and agreed in writing with the Department. This scheme shall include details of all works to be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: To restore the peatland habitat and maintain the landscape quality of the area.

Neighbour Notification Checked	Yes
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Recommendation:

I recommend that planning permission is granted subject to conditions

Conditions:

1. Mid Ulster Council hereby gives consent to vary the above mentioned condition 19 of planning permission M/2007/1407/F, which shall take effect from the date of this decision notice and which is granted under section 54 of the Planning Act (Northern Ireland) 2011. The condition shall now read.

All above ground structures shall be dismantled and removed from the site 30 years from the date when the wind farm is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site for a period of 6 months (unless further consent has been granted). At least one year prior to the commencement of any decommissioning works a restoration scheme shall be submitted to and agreed in writing with the Department. This

scheme shall include details of all works to be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: To restore the peatland habitat and maintain the landscape quality of the area.

2. The permission hereby granted permits a variation of Condition No.19 of previous approval M/2007/1407/F and shall be read in conjunction with that decision notice.

Reason: To ensure that all other conditions of the previous approval are adhered to.

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. The applicant should note that all other conditions and informatives attached to planning permission M/2007/1407/F remain valid and should be adhered to.

Signature(s)

Date:

ANNEX	
Date Valid	23rd July 2020
Date First Advertised	4th August 2020
Date Last Advertised	18th May 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 153 Omagh Road, Ballygawley, Tyrone, BT70 2AH The Owner/Occupier, 35 Shantavny Road, Garvaghy, Tyrone, BT70 2DL The Owner/Occupier, 50 Garvaghy Bridge Road, Seskilgreen, Tyrone, BT70 2DJ The Owner/Occupier, 50 Shantavny Road, Ballygawley, BT70 2DJ The Owner/Occupier, 52 Garvaghy Bridge Road Seskilgreen Tyrone The Owner/Occupier, 52a , Garvaghy Bridge Road, Seskilgreen, Tyrone, BT70 2DJ The Owner/Occupier, 54 Garvaghy Bridge Road, Seskilgreen, Tyrone, BT70 2DJ	
Date of Last Neighbour Notification	7th May 2021
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2018/0027/DC Proposal: Discharge of condition 6 of M/2007/1407/F Address: Shantavny Scotch Wind Farm, Omagh Road, Ballygawley, Decision: AL Decision Date: Ref ID: LA09/2018/0028/DC Proposal: Discharge of condition 4 of M/2007/1407/F Address: Shantavny Scotch Wind Farm, Omagh Road, Ballygawley, Decision: AL Decision Date: Ref ID: LA09/2018/0139/DC Proposal: Discharge of Conditions 13 & 14 of Planning Approval M/2007/1407/F	

Address: Shantavny Scotch, Omagh Road, Ballygawley,
Decision: AL
Decision Date:

Ref ID: LA09/2017/0038/DC

Proposal: Discharge of condition no. 14 on Planning Application M/2007/1407/F
Address: Shantavny Scotch, Omagh Road, Ballygawley Co. Tyrone,
Decision: AL
Decision Date:

Ref ID: LA09/2016/0814/DC

Proposal: Discharge of planning condition No.8 of Planning Ref. M/2007/1407/F
Address: Shantavny Scotch, Omagh Road, Ballygawley,
Decision: AL
Decision Date:

Ref ID: LA09/2017/0555/DC

Proposal: Discharge of condition No.12
Address: Wind Farm at Shantavny Scotch, Co. Tyrone,
Decision: AL
Decision Date:

Ref ID: LA09/2016/0354/F

Proposal: Vary condition No.18 of previous application M/2007/1407/F
Address: Shantavny Scotch Wind Farm, Omagh Road, Ballygawley,
Decision: PG
Decision Date: 18.05.2016

Ref ID: LA09/2016/1157/F

Proposal: Permission sought to vary condition No. 18 of M/2007/1407/F
Address: Shantavny Scotch, Omagh Road, Ballygawley,
Decision: PG
Decision Date: 07.11.2016

Ref ID: LA09/2017/0994/DC

Proposal: Discharge of condition No.3 of planning ref, LA09.2016.1437/F
Address: Shantavny Scotch Wind Farm, Shantavny Road, Ballygawley,
Decision: AL
Decision Date:

Ref ID: LA09/2016/1171/NMC

Proposal: Relocation of the permitted building approximately 8.8m to the West and the reorientation of the building on site
Address: Site located approximately 750m North West of 18 Shantavny Road,

Shantavny, Scotch,
Decision: WITHDR
Decision Date: 07.11.2016

Ref ID: LA09/2016/0557/DC
Proposal: Compliance with Condition No 21 of Planning Approval M/2007/1407/F
Address: Shantavny Scotch, Omagh Road, Ballygawley,
Decision: AL
Decision Date:

Ref ID: LA09/2016/1442/DC
Proposal: Discharge of Planning Condition No 18 of Planning Approval M/2007/1407/F
Address: Shantavny Scotch, Omagh Road, Ballygawley,
Decision: AL
Decision Date:

Ref ID: LA09/2017/0345/F
Proposal: Vary Condition No 13 of Planning Approval M/2007/1407/F (Noise Limits)
Address: Shantavny Scotch, Omagh Road, Ballygawley,
Decision: PG
Decision Date: 10.05.2017

Ref ID: LA09/2017/0183/DC
Proposal: Discharge of Planning Condition No 11 of Planning Approval M/2007/1407/F
Address: Shantavny Scotch, Omagh Road, Ballygawley,
Decision: AL
Decision Date:

Ref ID: M/2007/1407/F
Proposal: Proposed Wind Farm comprising of 7 No. turbines with hub height of 64metres, blade diameter of 71metres, blade to tip length of 35.5metres and overall height of 99.5metres with a power output of 2.0MW, new access tracks, site entrances, sub station, control room, electrical cabling, temporary site compound, permanent met mast.
Address: Shantavny Scotch, Omagh Road, Ballygawley Co. Tyrone
Decision:
Decision Date: 24.02.2012

Ref ID: LA09/2016/0279/DC
Proposal: Discharge of Conditions 3 and 11 of Planning Approval M/2007/1407/F
Address: Shantavny Scotch, Omagh Road, Ballygawley,
Decision: AL
Decision Date:

Ref ID: LA09/2016/0167/DC Proposal: Discharge of Condition No 20 of Planning Approval M/2007/1407/F Address: Shantavny Scotch, Omagh Road, Ballygawley, Decision: AL Decision Date:
Summary of Consultee Responses As above.
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Approved
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1323/F	Target Date:
Proposal: Split level dwelling consisting of 2 no single storey elements & a storey & a half element & attached garage	Location: Between No's 65 & 85 Drumgrannon Road Dungannon
Referral Route: Approval – objections received.	
Recommendation:	APPROVAL
Applicant Name and Address: Lauren Wylie & Andrew Murry 43 Gorestown Road Dungannon BT71 7EU	Agent Name and Address: Blackbird Architecture 4 Glenree Avenue Dungannon BT71 6XG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

There were two objections received in relation to the proposal (both from the same address). The issues raised within their objections included:

- Proposed ridge height of dwelling
- No shared access
- Incorrect information on the plans

Characteristics of the Site and Area

The site comprises the western roadside portion of a larger agricultural field. The land slopes gradually from the South to the North and is currently used for agricultural grazing. There are bungalows located on either side (North and South) with an open undefined boundary to the rear (east) and a low cropped native species hedgerow to the West.

The site is situated between numbers 65 and 85 Drumgrannon Road, Moy. The site lies in the open countryside outside all other areas of constraint. It is a short distance to the North West of the settlement limits of the Moy along the main route to Dungannon. The area is predominantly rural in nature, however this particular area has come under some development pressure recently.

Description of Proposal

Full planning permission is sought for a split level dwelling consisting of 2 no single storey elements & a storey & a half element & attached garage.

Planning Assessment of Policy and Other Material Considerations

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were a number of neighbours notified under this application including: 65 and 85 Drumgannon Road. At the time of writing, two objections have been received (both from same address – 65 Drumgannon Road). The issues raised in these objections will be discussed later in detail within this report.

Planning History

LA09/2018/1639/O - Between No's 65 and 85 Drumgrannon Road, Dungannon -2no 1.5 storey infill dwellings with 7m ridge height – PERMISSION GRANTED

LA09/2020/1426/F - 85 Drumgrannon Road, Moy - Garage and store (to replace previously approved M/2011/0619/F) and extension of site curtilage – PERMISSION GRANTED

Planning Assessment of Policy and Other Material Considerations

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

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being in the rural countryside and has no other zonings or designations within the Plan.

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

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

There were some concerns initially relating to this proposal as it was originally approved for one of two in a gap, as shown below in figure 1. This site has since been reduced in size which we felt has left the potential for another gap site. Planning permission was granted for a garage and curtilage extension to the dwelling on the lower side of the application site (shown in figure 2) and there is RM in for the approved site (shown in figure 3). The new boundary is marked by a fence and hedge but the curtilage has not been extended or garage built and the house to the upper side has not begun yet either.

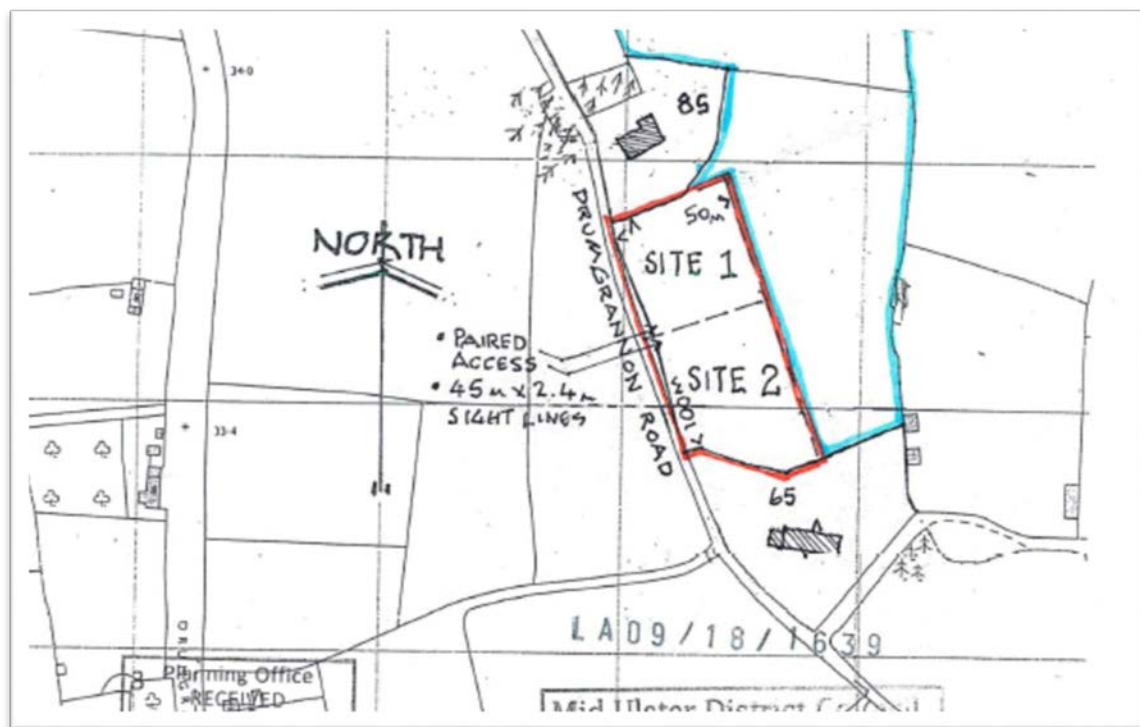


Figure 1 – Plans approved under LA09/2018/1639/O

An office meeting took place on 21st September 2021 with Phelim Marrion (Senior Planner MUDC), Eamonn Cushnahan (Agent – Blackbird Architecture) and Lord Morrow all in attendance. The agent advised that he had visited the site and the neighbouring property to the north has built a new building that straddles the established curtilage of

his property and the area which he has plans in to extend his curtilage (shown below in figure 3). Phelim noted that this could change the situation as there are no plans passed for any buildings but as it is inside area approved as the extended curtilage, it may not require planning permission as there are PD rights for domestic development. It was concluded that it is reasonable to assume that the Planning Permission for the curtilage extension has been acted upon. Lord Morrow added to the meeting that the applicant's jobs include a dentist and a vet and it would be a shame if they could not be accommodated and were moved away from the area.

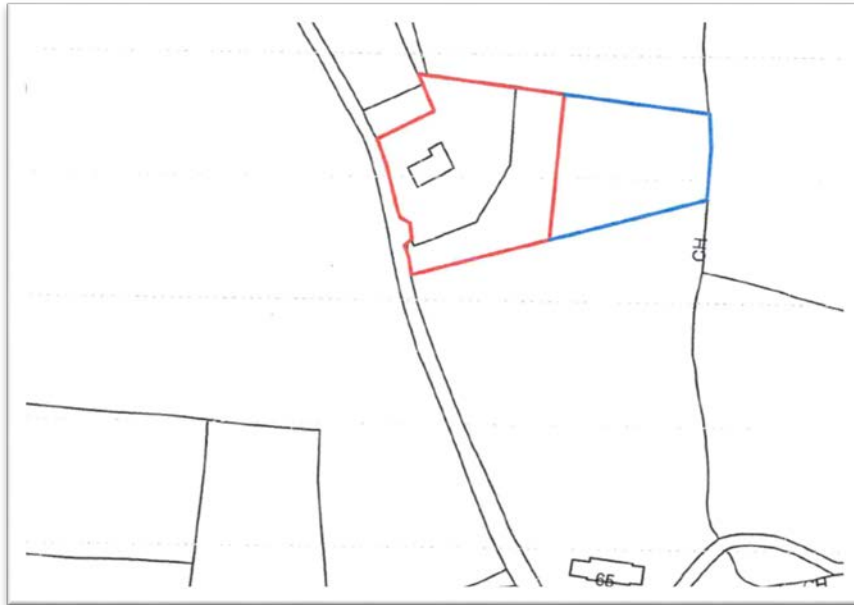


Figure 2 – Approved plans to extend curtilage and for domestic garage under LA09/2020/1426/F



Figure 3 – Approved Reserved Matters Plans for dwelling on "Site 2" under LA09/2021/0192/RM

Noting the discussions that took place at the office meeting, I am content that the application site can be considered an infill opportunity against CTY 8 of PPS given that the curtilage has been extended to the property located to the North. I am content that this application wouldn't allow for an additional infill opportunity along this Road given the approved plans for the site to the South.

The design of the dwelling is contemporary and the overall footprint is larger than the dwelling to the north and that of the dwelling approved directly to the South, however is not dissimilar to the properties located further south on this Road. I am content that the design is in keeping with the overall character of the surrounding area. The footprint is an irregular shape and the ridge heights vary in places throughout the design. The materials proposed include render on the walls with aluminium surround windows and natural slates on the roof. Other materials proposed include a single zinc dormer and western red wood cedar cladding, however public views of this will be somewhat limited.

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. I am content that the proposed dwelling would not be prominent given the scale and size of the proposal in comparison to some of the neighbouring properties. There is landscaping shown on the site layout plan which will be conditioned to be implemented alongside the permission.

There are no concerns with relation to the necessary services which would be needed for the proposal. The proposal intends to create a new access onto Drumgannon Road. DfI Roads were consulted and raised no objections subject to condition.

Representations

There were two representations received in relation to this proposal, both of which were from the same objector (65 Drumgannon Road). Both representations referred to the ridge height of the proposal, noting that there was a 7m ridge height condition put on the original outline application. I note that the proposal varies slightly from that, however I don't feel this would have any adverse impact on any of the neighbouring properties, nor would it appear out of keeping with the overall character of the area. The ridge height of the dwelling varies at different points but at its highest is approx. 7.8m; however, this is located towards the rear of the dwelling. As this is a full application, the applicant has does not have to comply with the conditions which were attached to the original outline application.

In terms of the access arrangement proposed, DfI Roads are the competent authority in dealing with any issues relating to access and parking. They have been consulted and have raised no concerns in relation to the proposal. Concerns were also raised in relation to where boundaries were drawn on the plans. The objectors believe that this was done in a sense to obtain a further site north of this application. This has already been discussed within the report where we do not feel this is a possibility given the extension of the curtilage to the dwelling north of the site.

Neighbour Notification Checked	Yes
Summary of Recommendation: Approval is recommended.	
Conditions/Reasons for Refusal: 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. Prior to commencement of the development hereby permitted, visibility splays of 2.4m x 45m in both directions shall be provided in accordance with the approved drawing No.01 bearing date stamped 23 rd October 2020, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 3. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user 4. 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 submitted to Mid Ulster District Council in writing, and agreed, prior to the commencement of any works. Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site. 5. The scheme of planting hereby approved shall be carried out in accordance with drawing No.01 date stamped 23 rd October 2020 during the first available planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Mid Ulster District Council gives written consent to any variation. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape in the interests of visual amenity.	

6. This permission is granted solely as a substitute for the permission for a dwelling previously granted on the site, referred to as "Site 1" under Ref: LA09/2018/1639/O on the 13th December 2018 only one dwelling shall be constructed on the site.

Reason: To ensure that only one dwelling is constructed on the site.

Informatives

1. Please refer to DfI Roads informatives.

Signature(s)

Date:

ANNEX

Date Valid	23rd October 2020
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Date First Advertised	3rd November 2020
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Date Last Advertised	
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Details of Neighbour Notification (all addresses)

The Owner/Occupier,
65 Drumgrannon Road Dungannon Tyrone
Manuel Salto-Tellez
65, Drumgrannon Road, Dungannon, Tyrone, Northern Ireland, BT71 7DY
Mary Anne Mackle
65, Drumgrannon Road, Dungannon, Tyrone, Northern Ireland, BT71 7DY
Mary Anne Mackle
65, Drumgrannon Road, Dungannon, Tyrone, Northern Ireland, BT71 7DY
Manuel Salto - Tellez
65, Drumgrannon Road, Dungannon, Tyrone, Northern Ireland, BT71 7DY
The Owner/Occupier,
85 Drumgrannon Road Dungannon Tyrone

Date of Last Neighbour Notification	29th April 2021
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Date of EIA Determination	
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ES Requested	No
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Planning History

Ref ID: LA09/2018/1639/O
Proposal: 2no 1.5 storey infill dwellings with 7m ridge height
Address: Between No's 65 and 85 Drumgrannon Road, Dungannon,
Decision: PG

Decision Date: 13.03.2019

Ref ID: LA09/2020/1323/F

Proposal: Split level dwelling consisting of 2 no single storey elements & a storey & a half element & attached garage

Address: Between No's 65 & 85 Drumgrannon Road, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2020/1426/F

Proposal: Garage and store (to replace previously approved M/2011/0619/F) and extension of site curtilage.

Address: 85 Drumgrannon Road, Moy,

Decision:

Decision Date:

Summary of Consultee Responses

DfI Roads: Content

Drawing Numbers and Title

Drawing No. 03

Type: Proposed Elevations

Status: Submitted

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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 02/11/2021	Item Number:
Application ID: LA09/2020/1444/O	Target Date:
Proposal: Proposed dwelling and garage on a farm	Location: Adjacent to 76 Moghan Road Castlecaulfield Dungannon BT70 3BZ
Referral Route: <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>	
Recommendation:	Refusal
Applicant Name and Address: Brigid McElduff 76 Moghan Road Castlecaulfield Dungannon BT70 3BZ	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF

Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

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 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Dungannon and South Tyrone Area Plan 2010

The site lies 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 17th 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 17th 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 17th 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 18th May 2016 and she transferred the site to Eilish Kelly and Christopher Mullin on the 17th 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:

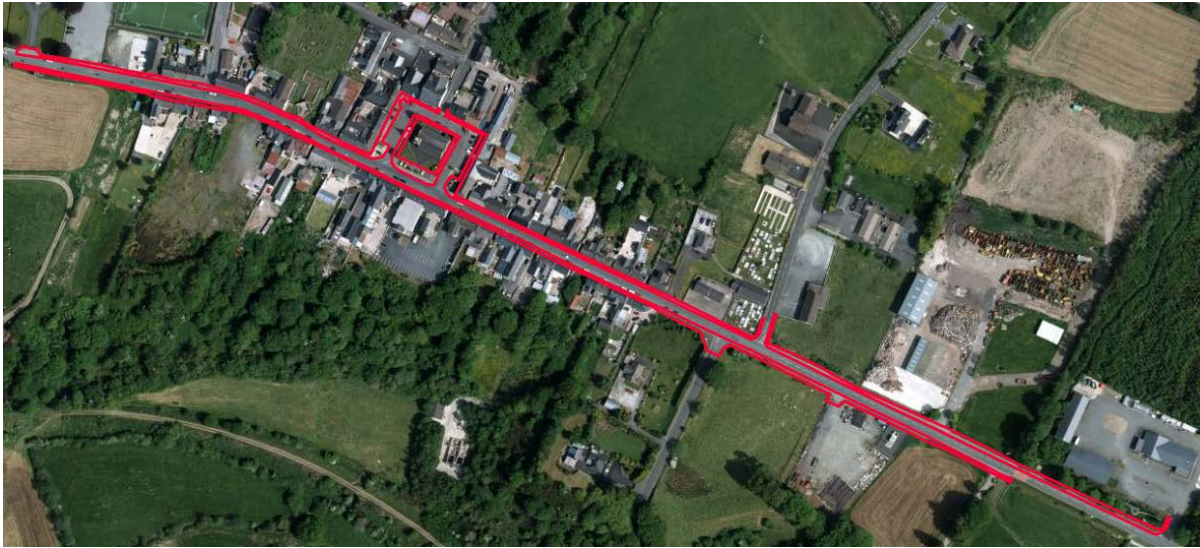


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0033/F	Target Date:
Proposal: Site development proposals include Public realm improvements comprising of new paving to pedestrian footpaths and Pomeroy Square	Location: Main Street Pomeroy
Referral Route: Applicant is MUDC	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council Burn Road Cookstown	Agent Name and Address: Mc Adam Design 1C Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Content
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

This application is being presented to the planning committee as the applicant is Mid Ulster District Council.

Characteristics of the Site and Area

The red line of this application encompasses main street Pomeroy, starting at St Marys Roman Catholic Church at 7 Cavanakeeran Road, extending east, including The Diamond and finishing at the footpath outside the Rowan Tree Centre approximately 0.8km. The red line includes existing pavements within the settlement limits of Pomeroy that are to be enhanced as part of this application.

Description of Proposal

This is a full planning application for site development proposals include public realm improvements comprising of new paving to pedestrian footpaths and Pomeroy Square.

Representations

Neighbour notification and advertisement within the local press was carried out. No third party representations were received in relation to this application.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010

SPPS- Strategic Planning Policy Statement for Northern Ireland

A Planning Strategy for Rural Northern Ireland (PSRNI)

PPS 3- Access, Movement and Parking

PPS 6- Planning, Archaeology and the Built Heritage

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

- Improving Health and Well-being;
- Creating and Enhancing Shared Space;
- Supporting Sustainable Economic Growth;
- Supporting Good Design and Positive Place Making; and
- Preserving and Improving the Built and Natural Environment.

A Planning Strategy for Rural Northern Ireland

Policy SP18- Design and Towns and Villages is still a relevant policy provision which has not been cancelled or superseded. Sp18 states that new development should be well designed and relate satisfactorily to the townscape setting. I am content the proposed works are well designed.

Policy DES 2- Townscape.

This policy requires development proposals to make a positive contribution to townscape and be sensitive to the character of the area in terms of design, scale and use of materials. The policy emphasises the importance of urban design within the built environment with an attractive and interesting townscape is essential to the well-being and residents and visitors. I am content the proposal will enhance the townscape of Pomeroy and provide benefits to both residents and visitors. As part of the site is located in an area of Townscape Character the policy states high standards of architectural design and detailing is necessary. I am satisfied the proposed public realm works will enhance the village.

Cookstown Area Plan

The red line of the application travels along the footpaths on both side of Pomeroy Main street from St Marys RC Church at the west of the town, travelling east towards The Rowan Tree

Centre on the Tandragee Road. Part of the application is located within an Area of Townscape Character Area as per the Cookstown Area Plan. I am content the proposal will not deter from the Area of Townscape Character.

PPS 3- Access, Movement and Parking

DfI Roads were consulted on the proposed application given works were taking place on public footpaths. DfI Roads offer no objection subject to a condition being applied regarding the new footway to be constructed at the junction of Edendoit Road with Main Street, which is subject to a Private Streets Determination. No road safety issues were identified.

PPS 6- Planning, Archaeology and the Built Heritage

Historic Environment Division (HED) were consulted given the proposals location and potential impact on listed buildings. HED considered the impact of the public realm proposed and advises that it is content with the proposal subject to conditions being applied. Given the location of the application the following historic buildings of special architectural and historic interest and are protected by Section 80 of the Planning Act (NI) 2011. The following buildings are listed:

- Altedesert Church of Ireland Parish Church, The Diamond, Pomeroy (Grade B1)
- St Mary's RC Church, 7 Cavanakeeran Road, Pomeroy (Grade B+)
- The Old Court House, 62 Main Street, Pomeroy (Grade B2)

HED considered the impact of the public realm proposals on the listed buildings and on the basis of the information provided, advises that it is content with the proposal with conditions. Given the works about the above listed buildings HED request assurance that adequate measures will be implemented to safeguard, through method statements, that the historic feature will be protected during the course of the works. As such, I am content the proposal complies with the archaeological criteria of PPS 6 and the SPPS.

Other Material Considerations

Environmental health were also consulted and offered no objection or comments on the proposed development.

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:

Approval subject to conditions.

Conditions

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

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

2. The proposals shall be carried out strictly in accordance with the information, as detailed on planning drawings 01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22 & 23.

Reason: To ensure that the detailed design respects and protects the character of the listed buildings

3. Light fitting manufacturers images shall be provided for agreement with Mid Ulster District Council Planning Department prior to procurement. Prior to implementation of works on site, a method statement shall be submitted to Mid Ulster District Council Planning Department for approval, clearly detailing the sequence of protection works to be undertaken in the vicinity of the front boundary wall (right hand side) to St Mary's Church, the Church of Ireland Church boundary walls in the Diamond and to the Old Court House.

Reason: To ensure the proposal does not have an adverse impact on historic buildings.

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 Department or other statutory authority.
4. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Dfi Roads Section Engineer whose address is DFI Roads Loughrey Campus Cookstown Co Tyrone A monetary deposit will be required to cover works on the public road.
4. It is a common misconception that only the exterior, the front or only a portion of a building is listed. The building is listed in its entirety, internally and externally (as are all listed buildings, irrespective of grade) and any alterations will require listed building consent, an application made through your local council. This includes any change to materials, details and arrangement (internal / external or setting).

Signature(s)

Date:

ANNEX	
Date Valid	11th January 2021
Date First Advertised	26th January 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 100 Main Street Pomeroy Tyrone The Owner/Occupier, 101 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 103 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 105-107 ,Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 106 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 112 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 113 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 114 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 115 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 116 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 118 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 119 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 11a ,The Diamond,Pomeroy,Tyrone,BT70 2QX The Owner/Occupier, 11a Flat 1 The Diamond Pomeroy The Owner/Occupier, 120a ,Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 121 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 125-127 ,Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 13 The Diamond,Pomeroy,Tyrone,BT70 2QX The Owner/Occupier, 13-15 ,Main Street,Pomeroy,Tyrone,BT70 2QH The Owner/Occupier, 14-16 ,The Diamond,Pomeroy,Tyrone,BT70 2QX The Owner/Occupier, 15 The Diamond,Pomeroy,Tyrone,BT70 2QX The Owner/Occupier, 16 Main Street,Pomeroy,Tyrone,BT70 2QH	

The Owner/Occupier,
 17 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 17 The Diamond,Pomeroy,Tyrone,BT70 2QX
 The Owner/Occupier,
 18 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 19 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 19 The Diamond,Pomeroy,Tyrone,BT70 2QX
 The Owner/Occupier,
 2-3 ,The Diamond,Pomeroy,Tyrone,BT70 2QX
 The Owner/Occupier,
 20 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 20 The Diamond,Pomeroy,Tyrone,BT70 2QX
 The Owner/Occupier,
 21 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 21 The Diamond,Pomeroy,Tyrone,BT70 2QX
 The Owner/Occupier,
 22 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 23 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 24 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 25 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 27 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 29 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 31-33 ,Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 32 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 33 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 35 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 37 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 37-39 ,Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 38 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 390 POMEROY ROAD DUNGANNON TYRONE BT70 3DR
 The Owner/Occupier,
 399 Pomeroy Road,Dungannon,Tyrone,BT70 3DT
 The Owner/Occupier,
 4 The Diamond,Pomeroy,Tyrone,BT70 2QX
 The Owner/Occupier,
 40 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,

41 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 43 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 45 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 46-48 ,Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 47 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 48 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 49-51 ,Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 50 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 52 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 53 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 54 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 58 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 5a ,The Diamond,Pomeroy,Tyrone,BT70 2QX
 The Owner/Occupier,
 62 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 62a ,Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 64 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 66 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 68 Main Street,Pomeroy,Tyrone,BT70 2QJ
 The Owner/Occupier,
 7 Cavanakeeran Road,Pomeroy,Tyrone,BT70 2RD
 The Owner/Occupier,
 7 The Diamond,Pomeroy,Tyrone,BT70 2QX
 The Owner/Occupier,
 70 Main Street,Pomeroy,Tyrone,BT70 2QJ
 The Owner/Occupier,
 72 Main Street Pomeroy Tyrone
 The Owner/Occupier,
 74 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 76 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 78-80 ,Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 8 The Diamond,Pomeroy,Tyrone,BT70 2QX
 The Owner/Occupier,
 81 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 82 Main Street,Pomeroy,Tyrone,BT70 2QP

The Owner/Occupier,
 83 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 84 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 85 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 87 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 89 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 90a ,Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 91 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 92 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 94 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 98 Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 Administration Office,The Rowan Tree Centre (Block A),385 Pomeroy
 Road,Pomeroy,Tyrone,BT70 3FD
 The Owner/Occupier,
 Altedesert Parish Church (C O I) Hall,9 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 Apartment 1,N28 ,Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 Apartment A,42 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 Apartment B,42 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 Apartment C,42 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 Apartment D,42 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 Apartment E,42 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 Apartment F,42 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 Ground Floor,108-110 ,Main Street,Pomeroy,Tyrone,BT70 2QP
 The Owner/Occupier,
 Manse,11 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 Pomeroy Presbyterian Church,2 Edendoit Road,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 Presbyterian Church Hall,1 Edendoit Road,Pomeroy,Tyrone,BT70 2RW
 The Owner/Occupier,
 St Marys Primary School,5 Cavanakeeran Road,Pomeroy,Tyrone,BT70 2RD
 The Owner/Occupier,
 Unit 2,42 Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 Unit 2,N28 ,Main Street,Pomeroy,Tyrone,BT70 2QH
 The Owner/Occupier,
 Unit A,125-127 ,Main Street,Pomeroy,Tyrone,BT70 2QP

Date of Last Neighbour Notification	19th January 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History <p>Ref ID: I/2007/0435/RM Proposal: Business/Industrial Park Address: 100m South East of junction of Tandragee Road and Dungannon Road, Pomeroy Decision: Decision Date: 29.02.2008</p> <p>Ref ID: I/2012/0076/LDE Proposal: The existing use is a call centre from which digital advertising NI. * Sells its services (advertising) by telephone and * Provides information to its customers by telephone Address: The Rowan Tree Centre, Pomeroy, Dungannon, Co Tyrone, Decision: Decision Date:</p> <p>Ref ID: I/2009/0475/F Proposal: Change of use of canteen, 1 No. Industrial Unit, Reception Area, 2 No. Meeting Rooms and 1 No. Training Room to 5 No. Units for Use Class D1 - (A, C, D, E, H) Community and Cultural Uses. Address: 100m South East of junction of Tandragee and Dungannon Road, Pomeroy Decision: Decision Date: 06.01.2012</p> <p>Ref ID: I/2012/0194/F Proposal: Retention of Class B1 (a) Office Address: Meeting Room, The Rowan Tree Centre, Tandragee Road, Pomeroy, Decision: PG Decision Date: 17.10.2012</p> <p>Ref ID: I/2005/0359/O Proposal: Business/industrial enterprise park. Address: 100m SE of junction of Tandragee Road & Dungannon Road, Pomeroy Decision: Decision Date: 06.02.2007</p> <p>Ref ID: I/2002/0166/A Proposal: 50MM (max) projecting steel police service identification crest Address: Pomeroy Police Station, 400 Pomeroy Road, Pomeroy Decision:</p>	

Decision Date: 20.05.2002

Ref ID: I/2009/0229/LDP

Proposal: Relocation of existing bus shelter

Address: 100m SE of junction of Tandragee Road and Dungannon Road, Pomeroy

Decision:

Decision Date:

Ref ID: I/1983/0237

Proposal: EXTENSIONS TO RUC STATION

Address: MAIN STREET, TANDRAGEE ROAD, POMEROY

Decision:

Decision Date:

Ref ID: I/1978/0256

Proposal: RASMUSSEN RADIO MAST

Address: POMEROY RUC STATION

Decision:

Decision Date:

Ref ID: I/1978/0078

Proposal: Q TYPE TELEPHONE EXCHANGE

Address: 390 POMEROY ROAD, POMEROY

Decision:

Decision Date:

Ref ID: I/2005/1196/F

Proposal: Housing development, site road and associated site works

Address: Lands to the rear of Queen Elizabeth Primary School and opposite PSNI Station, Tandragee Road, Pomeroy

Decision:

Decision Date: 24.07.2007

Ref ID: I/1981/0056

Proposal: HOUSING DEVELOPMENT

Address: CAVANKEERAN, POMEROY

Decision:

Decision Date:

Ref ID: I/1980/0073

Proposal: HOUSING DEVELOPMENT

Address: CAVANKEERAN, POMEROY, CO TYRONE

Decision:

Decision Date:

Ref ID: I/1985/0024

Proposal: FACTORY UNITS

Address: CAVANKEERAN, POMEROY

Decision:

Decision Date:

Ref ID: I/2010/0076/F

Proposal: Construction of secure enclosure and relocation of existing radio mast used by Northern Ireland Emergency Services

Address: Pomeroy PSNI Station, 400 Pomeroy Road, Pomeroy

Decision:
Decision Date: 19.05.2010

Ref ID: I/2015/0115/PREAPP
Proposal: Use existing road layout to serve new housing development
Address: Tanderagee Road, Pomeroy,
Decision: EOLI
Decision Date:

Ref ID: LA09/2016/0708/F
Proposal: Change of house design to 13 sites previously approved under applications I/2006/1070 and I/2011/0308/F (Drainage Assessment Info)
Address: Lands immediately south east of the boundary of 9,15 and 17 Edendoit Road, Pomeroy,
Decision: PG
Decision Date: 09.08.2018

Ref ID: LA09/2016/0364/F
Proposal: Proposed extension to existing workshop to accommodate wood saw and log splitter and the erection of store for wood chip.
Address: Unit 1, Forest Park Industrial Estate, Cavanakeeran Road, Pomeroy, Dungannon,
Decision: PG
Decision Date: 29.11.2016

Ref ID: I/2012/0382/F
Proposal: Change of access to commercial premises to link with proposed road in application I/2011/0308
Address: Existing commercial unit (formerly skip hire yard) Tandragee Road, Pomeroy,
Decision: PG
Decision Date: 19.06.2013

Ref ID: I/1987/0403
Proposal: ENGINEERING FACTORY
Address: POMEROY, ON DUNGANNON ROAD
Decision:
Decision Date:

Ref ID: LA09/2017/0410/O
Proposal: Provision of 3G sports pitch/MUGA 20m x30m
Address: Lands south of Queen Elizabeth II Primary School, 3 Edendoit Road, Pomeroy,
Decision: WITHDR
Decision Date: 13.10.2017

Ref ID: I/1996/0146
Proposal: Alterations and Extension to Church and Hall
Address: 7 MAIN STREET POMEROY
Decision:
Decision Date:

Ref ID: I/1998/0504
Proposal: Proposed Store room extension to Church Hall
Address: POMEROY PRESBYTERIAN CHURCH EDENDOIT ROAD POMEROY
Decision:
Decision Date:

Ref ID: I/2007/0561/F

Proposal: Extension to kitchen adjoining church hall and new ramped access

Address: 7 Edendoit Road, Pomeroy

Decision:

Decision Date: 19.10.2007

Ref ID: LA09/2020/1497/F

Proposal: Development of a 20 x 30m 3G multi use games area (MUGA) at the Presbyterian Church with ancillary including floodlighting infrastructure (no Lighting) and fencing. The works include for the upgrading of the existing carpark, new footpath, link with raised kerb to the school and the MUGA and new railings and gates along Edendoit Road frontage

Address: Land adjacent to 1 Edendoit Road, Pomeroy, Dungannon,

Decision:

Decision Date:

Ref ID: I/2004/0025/F

Proposal: Replacement temporary mobile classroom accommodation relocated from another site.

Address: Queen Elizabeth II Primary School, 3 Edendoit Road, Pomeroy, Dungannon.

Decision:

Decision Date: 19.02.2004

Ref ID: I/1976/0153

Proposal: ERECTION OF 2 TEACHER PRIMARY SCHOOL

Address: POMEROY

Decision:

Decision Date:

Ref ID: I/1980/0374

Proposal: DOCTORS SURGERY

Address: EDENDAIT ROAD, POMEROY

Decision:

Decision Date:

Ref ID: I/2006/1070/F

Proposal: Housing development, site road and associated works (57 Units).

Address: Lands immediately south east of the boundaries of 9, 15 & 17 Edendoit Road, Pomeroy

Decision:

Decision Date: 03.01.2008

Ref ID: I/1996/0314

Proposal: New Mobile Classroom

Address: QUEEN ELIZABETH II PRIMARY SCHOOL 3 EDENDOIT ROAD POMEROY

Decision:

Decision Date:

Ref ID: I/2009/0176/F

Proposal: Installation of photovoltaic panels

Address: Queen Elizabeth II Primary School, 3 Edendoit Road, Pomeroy, Dungannon, BT70 2EZ

Decision:

Decision Date: 28.04.2009

Ref ID: I/1992/0308

Proposal: Re-location of Mobile Classroom
Address: POMEROY PRIMARY SCHOOL POMEROY CO TYRONE
Decision:
Decision Date:

Ref ID: I/1984/0116
Proposal: ERECTION OF DWELLING
Address: 56 MAIN STREET, POMEROY
Decision:
Decision Date:

Ref ID: I/2008/0605/F
Proposal: Proposed replacement dwelling including demolition of existing dwelling within an Area of Townscape Character.
Address: 12 - 13 The Diamond, Pomeroy, Co Tyrone
Decision:
Decision Date: 21.09.2009

Ref ID: I/1994/0081
Proposal: Refurbishment and extension to existing shop and alterations to flat above
Address: 16 THE DIAMOND POMEROY
Decision:
Decision Date:

Ref ID: I/1989/4020
Proposal: Improvements to Dwelling
Address: 14-16 THE DIAMOND POMEROY
Decision:
Decision Date:

Ref ID: I/1988/0470
Proposal: Change of use from workshop and store to home bakery
Address: 15 LOWER MAIN STREET,POMEROY
Decision:
Decision Date:

Ref ID: LA09/2020/1502/F
Proposal: The proposed development comprises of a new single storey Parish Hall with a footprint of approx. 290m2 to service the requirements of Altedesert Parish Church congregation of approx. 40 families and local community. Parish Hall will include facilities for meetings, large open hall & facilities for catering & other relevant amenities. Car parking will be created for approx. 25 cars & all relevant security & fencing will be included
Address: Site on the corner of the intersection between the Tanderagee Road & Station Road, Pomeroy,
Decision:
Decision Date:

Ref ID: I/1978/0048
Proposal: MV O/H LINE
Address: COOKSTOWN ROAD, POMEROY
Decision:
Decision Date:

Ref ID: I/2001/0527/A

Proposal: Church Sign
Address: 13 Main Street, Pomeroy
Decision:
Decision Date: 02.01.2002

Ref ID: I/1999/0556
Proposal: 40 Main Street Pomeroy
Address: Repairs to dwelling
Decision:
Decision Date:

Ref ID: I/2006/0987/F
Proposal: Rear Extension for NIHE Disabled Grant
Address: 40 Main Street, Pomeroy, Co.Tyrone
Decision:
Decision Date: 20.12.2006

Ref ID: I/1998/0241
Proposal: Realignment of Roadways, Footways, Parking Bays etc. Resurfacing/Tree Planting/Street Furniture/New Lampheads
Address: The Diamond and Main Street Pomeroy
Decision:
Decision Date: 13.05.2003

Ref ID: I/1995/0411
Proposal: Proposed extension to shop and Post Office
Address: 5 AND 6 THE DIAMOND POMEROY
Decision:
Decision Date:

Ref ID: I/2005/0868/F
Proposal: Demolition of existing building and erection of new supermarket with associated store and office and 2no first floor apartments.
Address: 60-62 Main Street, Pomeroy
Decision:
Decision Date: 11.05.2006

Ref ID: LA09/2019/1557/F
Proposal: Retention of change of use from office to sit in and take away pizza restaurant
Address: 58 Main Street, Pomeroy,
Decision: PG
Decision Date: 24.06.2020

Ref ID: I/2002/0496/F
Proposal: Redevelopment of site to provide public and lounge bars, off sales and restaurant
Address: 64-66 Main Street, Pomeroy
Decision:
Decision Date: 04.11.2002

Ref ID: I/2001/0783/F
Proposal: Extension and internal alterations to Church.
Address: The Square, Pomeroy, Dungannon
Decision:
Decision Date: 13.02.2002

Ref ID: I/2001/0733/LB

Proposal: Remedial Works to the Fabric of the Church and extension to Church.

Address: The Square, Pomeroy

Decision:

Decision Date: 23.11.2001

Ref ID: I/1985/0217

Proposal: OFFICE

Address: THE DIAMOND, POMEROY

Decision:

Decision Date:

Ref ID: I/2003/0362/F

Proposal: Extension and refurbishment of existing office

Address: 8 The Diamond, Pomeroy

Decision:

Decision Date: 17.06.2003

Ref ID: I/1980/0119

Proposal: EXTENSION AND IMPROVEMENTS TO DWELLINGS

Address: 8 AND 9 THE DIAMOND, POMEROY

Decision:

Decision Date:

Ref ID: I/1986/0293

Proposal: IMPROVEMENTS AND EXTENSION TO DWELLING

Address: 54-56 MAIN STREET, POMEROY

Decision:

Decision Date:

Ref ID: LA09/2019/0289/F

Proposal: Change of use from part of ground floor bookmakers to 2 No. 1 bedroom apartments and ground floor stores to 1 No. 2 bedroom apartment (amended description)

Address: 11 The Diamond, Pomeroy,

Decision: PG

Decision Date: 12.11.2019

Ref ID: I/2001/0151/F

Proposal: Change of Use of Dwelling House to 2 Self Contained Flats and 1 Two Storey House including a Two Storey Side Extension

Address: 58 Main Street, Pomeroy

Decision:

Decision Date: 24.09.2001

Ref ID: I/1994/6090

Proposal: Social Club and 4 No. Houses Main Street Pomeroy

Address: Main Street Pomeroy

Decision:

Decision Date:

Ref ID: I/1994/6048

Proposal: Site Junction of the Diamond/North Street Pomeroy

Address: Junction of the Diamond/North Street Pomeroy

Decision:

Decision Date:

Ref ID: I/1994/0514
Proposal: Social Club
Address: 11 & 12 THE DIAMOND POMEROY
Decision:
Decision Date:

Ref ID: I/2001/0613/F
Proposal: Change of use from function rooms to 2 No Shop Units
Address: 11-12 The Diamond, Pomeroy
Decision:
Decision Date: 31.12.2001

Ref ID: I/1985/0271
Proposal: EXTENSION TO HARDWARD SHOP AND STORE
Address: 64 MAIN STREET, POMEROY
Decision:
Decision Date:

Ref ID: I/2013/0382/F
Proposal: Proposed extension to existing cemetery
Address: Church of the Assumption, Pomeroy,
Decision: PG
Decision Date: 03.05.2016

Ref ID: LA09/2018/1489/LDP
Proposal: Erection of double sided directional signage
Address: 5 Cavanakeeran Road, Pomeroy,
Decision: PG
Decision Date:

Ref ID: I/2003/0547/A41
Proposal: Playgroup
Address: Pomeroy
Decision:
Decision Date:

Ref ID: I/1995/0181
Proposal: Temporary classroom & extension to school
Address: ST MARY'S PRIMARY SCHOOL POMEROY
Decision:
Decision Date:

Ref ID: I/1985/0305
Proposal: CHANGE OF USE FROM SCHOOL TO PARISH HALL
Address: ST MARY'S SCHOOL, POMEROY (BESIDE CHAPEL)
Decision:
Decision Date:

Ref ID: I/1997/0542
Proposal: Extension to Playschool
Address: 5 CAVANAKEERAN ROAD POMEROY
Decision:
Decision Date:

Ref ID: I/2004/0526/F

Proposal: It is proposed to add 6x6m extension to existing mobile & fence in portion of existing garden as ext/play area with 1m high timber fence & remove existing flower bed to provide additional disabled car parking

Address: 5A Cavanakeeran, Pomeroy

Decision:

Decision Date: 27.09.2004

Ref ID: I/1990/0390

Proposal: Mobile Classroom

Address: SAINT MARY'S PRIMARY SCHOOL, MAIN STREET, POMEROY.

Decision:

Decision Date:

Ref ID: I/2007/0421/F

Proposal: Proposed development of 5 no. townhouses and three apartments

Address: 50m South of ST. Marys P.S. Pomeroy

Decision:

Decision Date: 27.05.2008

Ref ID: I/1978/0189

Proposal: FURNITURE SHOWROOM

Address: MAIN STREET, POMEROY

Decision:

Decision Date:

Ref ID: I/1996/0346

Proposal: Temporary Classroom

Address: MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1980/0171

Proposal: FURNITURE STORE

Address: MAIN STREET, POMEROY

Decision:

Decision Date:

Ref ID: I/2004/0828/F

Proposal: Application for approval of existing mobile, previously granted approval which has now expired

Address: 5a Cavanakeeran, Pomeroy

Decision:

Decision Date: 27.09.2004

Ref ID: I/1987/0316

Proposal: IMPROVEMENTS TO DWELLING

Address: 121 MAIN STREET, POMEROY

Decision:

Decision Date:

Ref ID: LA09/2017/0169/PAN

Proposal: Public realm improvements comprising street scape resurfacing and new paving to pedestrian footpaths and Pomeroy Square, upgrades to existing street lighting, safety/lighting

bollards, outdoor furniture/planting, painting to selected existing buildings and resurface to link from Queen Elizabeth II Primary School and existing Main Street footpath

Address: Main Street, Pomeroy, Dungannon,

Decision: PANACC

Decision Date:

Ref ID: LA09/2017/0658/PAD

Proposal: Public realm scheme

Address: Main Street, Pomeroy,

Decision:

Decision Date:

Ref ID: LA09/2021/0033/F

Proposal: Site development proposals include Public realm improvements comprising of new paving to pedestrian footpaths and Pomeroy Square

Address: Main Street, Pomeroy,

Decision:

Decision Date:

Ref ID: I/2001/0375/O

Proposal: Residential Development

Address: Site Between 100 & 104 Main Street, Pomeroy

Decision:

Decision Date: 21.12.2001

Ref ID: I/1990/4018

Proposal: Improvements to Dwelling

Address: 100 MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1994/0336

Proposal: Erection of Domestic store

Address: 92 MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1994/0332

Proposal: Proposed Improvements and extension to dwelling

Address: 96 MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1994/4064

Proposal: Improvements to dwelling

Address: 98 MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1993/0257

Proposal: Shop and 2 No Flats

Address: 88 MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1986/0196
 Proposal: REPLACEMENT DWELLING
 Address: MAIN STREET, POMEROY
 Decision:
 Decision Date:

Ref ID: I/1986/0041
 Proposal: CONVERSION OF DWELLING TO 2 NO SELF CONTAINED FLATS
 Address: 88 MAIN STREET, POMEROY
 Decision:
 Decision Date:

Ref ID: I/1993/0416
 Proposal: Conversion of dwelling to 2 flats
 Address: 90 MAIN STREET POMEROY
 Decision:
 Decision Date:

Ref ID: I/2004/0360/A
 Proposal: Shop sign
 Address: 76 Main Street, Pomeroy
 Decision:
 Decision Date: 18.05.2004

Ref ID: I/2008/0119/F
 Proposal: Proposed housing development consisting of 2 Apartments, 2 semi detached houses and 10 townhouses.
 Address: Between 108 & 100 Main Street, Pomeroy and to the rear of 98-114 Main Street, Pomeroy
 Decision:
 Decision Date: 20.10.2009

Ref ID: I/2002/0462/RM
 Proposal: Erection of 8 No. Townhouses
 Address: Site between 100 and 104 Main Street, Pomeroy,,
 Decision:
 Decision Date: 22.05.2003

Ref ID: LA09/2017/1743/F
 Proposal: Proposed rear extension to dwelling consisting of kitchen, utility and bedroom accomodation
 Address: 7 The Diamond, Pomeroy,
 Decision: PG
 Decision Date: 11.04.2018

Summary of Consultee Responses

Drawing Numbers and Title

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

Drawing No. 02
Type: Existing Plans
Status: Submitted

Drawing No. 03
Type: Existing Plans
Status: Submitted

Drawing No. 04
Type: Existing Plans
Status: Submitted

Drawing No. 05
Type: Existing Plans
Status: Submitted

Drawing No. 06
Type: Existing Plans
Status: Submitted

Drawing No. 07
Type: Landscaping Proposals
Status: Submitted

Drawing No. 08
Type: Landscaping Proposals
Status: Submitted

Drawing No. 09
Type: Landscaping Proposals
Status: Submitted

Drawing No. 10
Type: Landscaping Proposals
Status: Submitted

Drawing No. 11
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 12
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 13
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 14
Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 15

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 16

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 17

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 18

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 19

Type: Landscaping Proposals

Status: Submitted

Drawing No. 20

Type: Landscaping Proposals

Status: Submitted

Drawing No. 21

Type: Landscaping Proposals

Status: Submitted

Drawing No. 22

Type: Proposed Plans

Status: Submitted

Drawing No. 23

Type: Proposed Plans

Status: Submitted

Drawing No. 24

Type: Roads Details

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



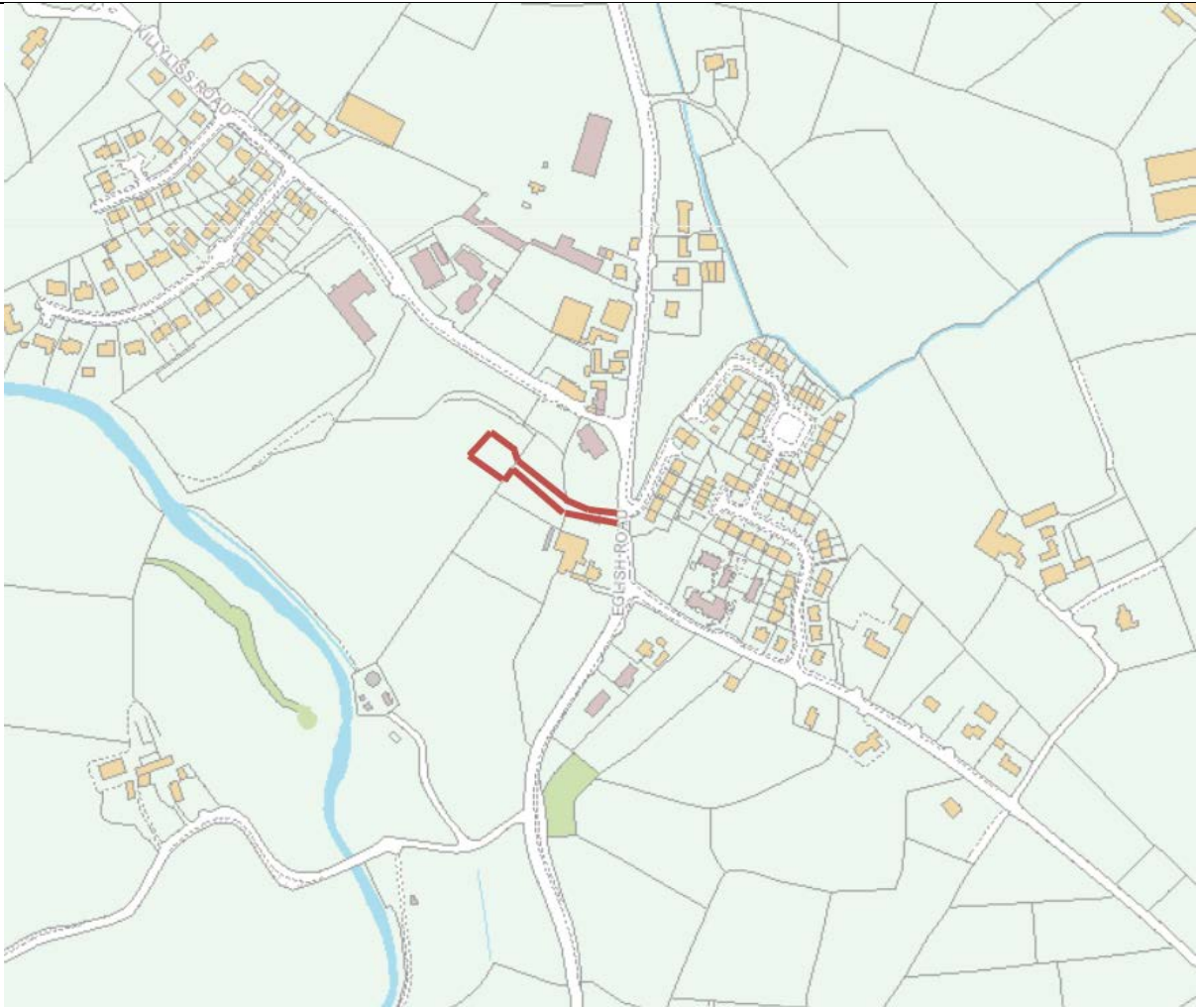
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0319/F	Target Date:
Proposal: Proposed change of house type as approved in M/2004/0778/F from a detached to a pair of semi-detached on site 2	Location: Opposite 114 Killyliss Road Eglish Dungannon
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: TG Developers Ltd TG Developers Ltd 4 Stiloga Road Eglish Dungannon BT71 7DW	Agent Name and Address: J Aiden Kelly Ltd 50 Tulycullion Road Dungannon BT70 3LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

The site lies within the settlement limits of Eglish, also within the new development of Shanmoy Downs but outside all other areas of constraint as depicted by the DSTAP 2010.

The red line of the site includes a plot of land at the beginning of the site which has planning approval for a detached dwelling as part of the overall scheme. The access is taken from the main Eglish road just between the chapel walls and the existing farm yard to the south. The access has been kerbed with a footpath in place and the first dwellings along the sides of the entrance have been built.



The land to the west has been cleared in preparation for the construction of the approved dwellings, the chapel and graveyard are situated to the north, there is also a mix of house types surrounding the site to the north and east and to the south there is the existing farm holding.

Description of Proposal

The proposal seeks full planning permission for the erection of a pair of semi-detached dwellings on the site for one detached dwelling within Shanmoy Downs which was previously approved for housing under planning application M/2004/0778/F.

M/2004/0778/F granted permission for a residential development comprising 47 dwellings on the 12.10.2010.

Planning Assessment of Policy and Other Material Considerations

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

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

?Dungannon and South Tyrone Area Plan 2010

?Strategic Planning Policy Statement for Northern Ireland

?Planning Policy Statement 7 - Quality Residential Environments

?Planning Policy Statement 7 (Addendum) - Safe Guarding the Character of Established Residential Areas

?Planning Policy Statement 3 - Access, Movement and Parking

?DCAN 8 - Housing in Existing Urban Areas

?Parking Standards

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

Representations

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

Planning History

M/2004/0778/F -- Proposed residential development of 47 dwellings - opposite 114 Killyliss Rd, Eglisish - Granted 12.10.2010.

M/2015/0085/F - Proposed 3no. of detached dwellings - 35m north of 141 Eglisish Road, Eglisish - Granted 13.10.2017.

The above application relates to three dwellings approved to either side of the access road to serve the dwellings approved under M/2004/0778/F.

Consultees

Transport NI were consulted and have asked for several amendments, the most recent response stated;

As previously advised on the 18 May 2021. - A 2 metre wide service strip should be provided adjacent to carriageway edge - Road No 2. Still to be addressed.

As previously advised on the 18 May 2021. - Road No 2 should be completely coloured not partially as currently depicted. Still to be addressed.

In light of my impending recommendation to refuse I have not pursued these amendments.

Assessment

Dungannon and South Tyrone Area Plan 2010 ? The site is located within the development limits of the village of Eglisish as defined in the Area Plan. Policy SETT 1 of the Plan permits development within Eglisish provided the scale, layout and detailed design are compatible with the scale and character of the settlement. Residential development in excess of 15 units will not normally be permitted. All residential proposals should be guided and informed by the traditional built forms in the locality. They should reflect the essentially rural character of the settlement and not lead either individually or cumulatively to large scale suburban estate layouts. The use of designs and materials unrelated to the surrounding rural locality will not be acceptable. The

proposal under consideration is to replace one detached property approved under planning application M/2004/0778/F with a pairs of semi-detached houses. As the site is not specifically zoned for housing there are no key site requirements to be adhered to.

Strategic Planning Policy Statement (SPPS) for Northern Ireland - The SPPS has superseded Planning Policy Statement 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 environment for the overall benefit of our society. Its guiding principles is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will causes demonstrable harm to interests of acknowledged importance. I am satisfied that this development will not negatively impact on the built or natural environment nor will it harm interests of acknowledged importance, however I have concerns that the proposal may cause harm to neighbouring amenity and I will assess that within the report.

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

Planning Policy Statement (PPS) 3 - Access, Movement and Parking - Policy Amp 1 of PPS 3 (Creating an Accessible Environment) aims to create a more accessible environment for everyone. And Policy Amp 2 of PPS 3 (Access to Public Roads) permits direct access onto a public road where road safety is not prejudiced, traffic flow is not inconvenienced and where the proposal does not conflict with a protected route.



Planning Policy Statement (PPS) 7 - Quality Residential Environments - PPS 7 is the relevant material planning policy for this type of development within a settlement. All proposals for residential development will be expected to conform to a number of criteria laid out in the PPS7. I am NOT content that this proposal conforms to these criteria.

The design of the two dwellings being sought are not dissimilar to that already approved within the overall site and therefor the design of the proposed will be in keeping with the approved development and surrounding area.

Footway links are provided to the front of the site. These will support walking or cycling into the village, which can be accessed further via a footpath at the opposite side of the entrance to the

site. This new foot path will provide a link between the development and the nearby Killyliss development.

I am content that the proposed changes should not create conflict with adjacent land uses.

I am concerned that the proposed properties may however, cause an unacceptable degree in terms of overlooking, loss of light or overshadowing. It is my opinion that the proposed pair of semis within this confined site, and the use of a high screen wall back by planting to provide amenity to the side of the dwelling is not acceptable. As there is no rear private amenity space, this enclosed area to the side will be a 'back garden' that is overlooked by the cul-de-sac and it also closes off what was an area of open space. My concerns are that this is effectively shoehorning in another house. Within this development there are still 48 dwellings to be built some of which have already been changed from detached to semi-detached where they were appropriate and also had their amenity space protected, due to the location of this one I would have serious concerns.

On the basis of the above assessment it is my opinion that the proposal fails the criteria set out in policy QD 1 of PPS 7.

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

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity 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 QD 1 of PPS 7, and a number of criteria are met. In this case I am NOT satisfied that this proposal complies with all of the criteria of Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the layout of the proposed pair of dwellings does not respect the pattern of development within the development and due to the lack of rear private amenity space for one of the proposed dwellings, in my opinion it is not in keeping with the overall character and environmental quality of the residential area.

Other Considerations

Some of the site is subject to flooding, however this location is nearer the front where development has already commenced in accordance with previous permissions. I do not consider his proposal will cause or be at greater risk of flooding. DfI Roads were consulted on this proposal and have asked for amendments which have not been forthcoming.

Recommendation Approval.

Neighbour Notification Checked

Yes/No

Refusal Reasons

1. The proposal is contrary to QD1 of Planning Policy Statement (PPS) 7 - Quality Residential Environments in that the development would, if permitted, adversely impact on the appearance of the development as the screen walls around the garden of the south westerly facing dwelling are in front of the building lines of the approved and built properties and ancillary development will detract from the character of the area.
2. The proposal is contrary to QD1 of Planning Policy Statement (PPS) 7 - Quality Residential Environments in that the development would, if permitted, result in the loss of amenity for the

residents of south westerly facing dwelling, as the private amenity space is not to the rear of the property and would be overlooked by other dwellings in the development.

Signature(s)

Date:

ANNEX	
Date Valid	1st March 2021
Date First Advertised	16th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Beech Mews Dungannon Tyrone The Owner/Occupier, 141 Eglish Road Dungannon Tyrone The Owner/Occupier, 144 Eglish Road Dungannon Tyrone The Owner/Occupier, 2 Beech Mews Dungannon Tyrone The Owner/Occupier, 3 Beech Mews Dungannon Tyrone The Owner/Occupier, 4 Beech Mews Dungannon Tyrone The Owner/Occupier, 5 Beech Mews Dungannon Tyrone The Owner/Occupier, 6 Beech Mews Dungannon Tyrone The Owner/Occupier, 7 Beech Mews Dungannon Tyrone The Owner/Occupier, St Patrick'S Rc Church Killyliss Road Dungannon	
Date of Last Neighbour Notification	23rd March 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1371/F Proposal: Replace cycle/footpath approved under M/2004/0778/F to a 2m wide footpath Address: Shanmoy Downs, Eglish, Dungannon, Decision: RL Decision Date: Ref ID: LA09/2020/1073/F Proposal: Amendment of site layout as previously approved under M/2015/0085/F & M/2004/0778/F to relocate two houses, amend part road layout and access pathway link to Killyliss Road.	

Address: Shanmoy Downs, Eglish, Dungannon,
Decision: PG
Decision Date: 10.03.2021

Ref ID: LA09/2021/0319/F
Proposal: Proposed change of house type as approved in M/2004/0778/F from a detached to a pair of semi-detached on site 2
Address: Opposite 114 Killyliss Road, Eglish, Dungannon,
Decision:
Decision Date:

Ref ID: M/2015/0085/F
Proposal: Proposed No. 3 Detached Dwellings
Address: 35m north of 141 Eglish Road, Eglish, Dungannon,
Decision: PG
Decision Date: 17.10.2017

Ref ID: LA09/2018/1559/F
Proposal: Proposed change of house types as approved in M/2004/0778/F, from 5 No. detached on sites 2, 7, 8, 25 and 26 to 4 pair of semi-detached houses and foul water treatment plant to service additional houses.
Address: 120m North West of 141 Eglish Road, Eglish, Dungannon,
Decision: PG
Decision Date: 17.12.2020

Ref ID: M/1980/0370
Proposal: IMPROVEMENTS TO DWELLING
Address: STILLAGO
Decision:
Decision Date:

Ref ID: M/1995/0017
Proposal: Extension and alterations to dwelling
Address: 141 EGLISH ROAD EGLISH DUNGANNON
Decision:
Decision Date:

Ref ID: M/2010/0708/F
Proposal: Proposed new disabled toilet facility
Address: Adjacent to St Patricks Church, Killylish Road, Eglish, Co Tyrone
Decision:
Decision Date: 13.05.2011

Ref ID: M/2004/0778/F
Proposal: Proposed residential development of 47 dwellings
Address: Opposite 114 Killyliss Rd, Eglish
Decision:
Decision Date: 12.10.2010

Ref ID: M/1981/0386
Proposal: PRIVATE HOUSING DEVELOPMENT

Address: EGLISH, DUNGANNON Decision: Decision Date:
Drawing Numbers and Title
Drawing No. 02 Type: Elevations and Floor Plans Status: Submitted Drawing No. 01 Type: Site & Detailed Drawings Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0380/F	Target Date:
Proposal: Proposed housing development consisting of 1 detached bungalow and 4 detached two storey houses, with foul water treatment plants and associated site works	Location: Adjacent/ East of 88 Roughan Road and 48 Drumreagh Crescent Newmills Dungannon
Referral Route: Recommendation to Refuse, and, 3rd Party Objections	
Recommendation:	Refuse
Applicant Name and Address: Firtree Developments Ltd 95 Derryloughan Road Coalisland Dungannon	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: The proposal aims to extend the limits of development without proper public consultation through the Area Plan making process and would set a poor precedent for development, there is no support for this type of development in the countryside, the proposal would involve significant culverting and no reasonable alternative has been considered, there is insufficient information to demonstrate that a safe and satisfactory access can be achieved, and, the application may be invalid as 3rd party land may be required for road improvement purposes.	
Signature(s):	

Case Officer Report

Site Location Plan



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

That 3rd party land may be required for road widening and that Certificate A signed.

Description of proposal

This is a full planning application for a proposed housing development consisting of 1 detached bungalow and 4 detached two storey houses, with foul water treatment plants and associated site works.

Characteristics of site and area

The site has a frontage onto Roughan Road, to the NE of the settlement of Newmills. Newmills is a small village located just north of Dungannon and not far from Coalisland. Part of the site is located within the development limits of Newmills while a portion to the east is located in the countryside. An existing mature treelined hedge and stream defines the limit of development, and this boundary dissects the site to the east. Land falls from the roadside into the site, and then rises steeply to the south. The southern boundary is not clearly defined, and further to the south you can see the new housing development of Newberry Lane, which are 2 storey detached and semi-detached dwellings. The western boundary is defined by hedgerow and in parts share a boundary with existing residential development to the west, including a detached dwelling along

Roughan Road and the housing development of Drumreagh Crescent which is defined by terraced and semi-detached dwellings. Currently the site is agricultural.

The heart of the village of Newmills lies to the SW, with open countryside to the north and east.

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

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.

Area Plan

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

Dungannon and South Tyrone Area Plan 2010- Part of the site is located within the development limits of Newmills as defined in the plan, part falls outside in the countryside. No part of the site is zoned.

Policy SETT1 allows for favourable consideration of development within the limits of development provided it meets a number of criteria, while development in the countryside for residential development is allowed only in a certain set of circumstances.

Relevant Policy

SPPS Strategic Planning Policy Statement
 PPS7 Quality Residential Environments
 PPS21 Sustainable Development in the Countryside
 PPS3 Access, Movement and Parking
 PPS 2 Natural Heritage
 PPS15 Planning and Flood Risk

Third Party Representations

An objection has been received by the occupant of No. 90 Roughan Road. The objector is of the view that his land is required to facilitate this development, including private land for road widening, and that the developer has not entered into any agreement with the landowner.

Relevant Planning History

There is no relevant planning history on this parcel of land.

Recommendation

This proposal is for 5 units of accommodation. The proposed dwellings are located within the development limits of Newmills, however, part of the proposed access, landscaping and septic tank development is located outside the limits of development. There is a clearly defined tree lined hedge and stream on the ground that identifies the limits of development to Newmills, and in my view is a clear boundary demarcating where the village ends and the countryside begins.

To the south west of the site is the new housing development of Blackberry Lane. There is a clear access position into the agricultural field where this proposed housing development is located. In my view there is a clear acceptable alternative for access to this particular field that would mean that the site can be developed and accessed without using land outside the development limits of Newmills. As the limits of development are clearly indicated on the ground, and that there is a clear suitable alternative to access this development land and no acceptable exceptional reason has been proffered by the developer, then I am of the view that this proposal should be refused. To allow this access position would undermine the area plan and would set a poor precedent for development in this particular case. To allow the expansion of development limits without proper public consultation through the process of the making of an area plan would be contrary to the aims and objectives of the SPPS and would be contrary to the aims and objectives of meaningful sustainable development and Plan Making.

There is no support in the Area Plan, SPPS or PPS21 to allow for an access in the countryside which would serve a housing development within the limits of a village. I advise Members that this is fundamentally unacceptable for the reasons stated later in my report.

Significant culverting of an existing watercourse would also have to take place to facilitate access to the site, and a mature row of mature hedgerow removed. Given that an alternative acceptable access can be achieved to the site I find the proposal contrary to policy FLD 4 of PPS15. It has not been demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

In terms of the layout of the dwellings, I find that they will not have a detrimental impact on adjacent residential amenity as they are of a sufficient distance from existing dwellings. There will be no issues of overlooking or overshadowing of neighbouring property. No natural or built heritage interests will be impacted by this proposal. There is sufficient rear amenity space, and there is no need for communal amenity space for a development of this size. The dwellings are not located within a flood plain and no land contamination has been indicated. A development of this size does not require its own local services, and the village of Newmillis has sufficient shops and services nearby to cater for this development.

There is no footpath provision provided for pedestrians which would link into an existing footpath network that would lead into the heart of the village and to public transport nodes. The proposal is contrary part (e) of policy QD1 of PPS7.

DfI Roads also highlight that this development is likely to represent piecemeal development, and that it is likely to link into the new development to the SW of the site. Should this development link into the new development at a future stage, then there

would likely be a requirement for further road improvements including a right hand turning where Newmills Road meets Drumreagh Road. Also, the agent has failed to demonstrate that a safe and satisfactory access can be achieved from Roughan Road into the proposed development site, and it seems that third party land is required for road widening improvement works and visibility splays which the developer has not acknowledged in the P1 Form, as Certificate A was completed and not certificate C. Members are advised that the proposal is currently contrary to policy AMP3 of PPS3 in that it has not been demonstrated that a safe and satisfactory access can be achieved.

Other considerations

Members may want to consider that the proper certificate of ownership has not been completed which would make the planning application invalid. The applicant has completed Certificate A on the P1 Form which means that they are in control or ownership of all land required to implement the development. Should it be demonstrated that third party land is required to facilitate road widening or visibility splays then notice should be served on the appropriate land owners by the developer, meaning the correct Certificate on the P1 is Cert C. This may need to be investigated further should Members decide to accept the principle of the access in this position.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission is refused for the following reasons.

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement and PPS21 Sustainable Development in the Countryside in that the proposed access does not meet any of the criteria where development in the Countryside is considered to be acceptable, and there is no exceptional circumstances presented where this development would be considered acceptable in the Countryside, and the limits of development of Newmills would be compromised without proper Public Consultation.
2. The proposal is contrary to the Dungannon and South Tyrone Area Plan 2010 in that to allow this proposal the limits of development of Newmills would be compromised and extended without proper public consultation and would set a poor precedent for development within Mid Ulster Council, and may lead to the further compromise of other settlement limits which is contrary to the aims and objectives of sustainable development.
3. The proposal is contrary to policy CTY 15 The Setting of Settlements of PPS21 in that the development would mar the distinction between a settlement and the surrounding countryside and would result in urban sprawl.
4. The proposal is contrary to policy CTY 14 Rural Character part (e) in that the proposed access would damage rural character as the access would not integrate into the landscape.
5. The proposal is contrary to policy QD1 Quality in New Residential Development part (e) in that there is no footpath link that would link into an existing footpath network which

would lead to the centre of Newmills and does not support a pattern of movement that would not support walking and cycling, meet the needs of people whose mobility is impaired, respect existing public rights of way, or provide adequate and convenient access to public transport. As such this would lead to a development that would lack in quality and put pedestrian safety at risk.

6. The proposal is contrary to policy AMP2 Access to Public Roads of PPS3 Access, Movement and Parking in that it has not been demonstrated that a safe and satisfactory access can be achieved to the public road and the proposed development is piecemeal.

7. The proposal is contrary to policy FLD 4 Artificial Modification of Watercourses of PPS15 Planning and Flood Risk (revised) in that it that a significant portion of watercourse will be culverted, above what would be considered reasonable by this policy, and there is insufficient information to demonstrate that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

Signature(s)

Date:

ANNEX	
Date Valid	9th March 2021
Date First Advertised	23rd March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 37 Drumreagh Crescent,Dungannon,Tyrone,BT71 4HJ The Owner/Occupier, 39 Drumreagh Crescent,Dungannon,Tyrone,BT71 4HJ The Owner/Occupier, 41 Drumreagh Crescent,Dungannon,Tyrone,BT71 4HJ The Owner/Occupier, 43 Drumreagh Crescent,Dungannon,Tyrone,BT71 4HJ The Owner/Occupier, 48 DRUMREAGH CRESCENT,DUNGANNON,TYRONE,BT71 4HJ The Owner/Occupier, 88 Roughan Road,Stewartstown,Tyrone,BT71 4EN The Owner/Occupier, 91 Roughan Road,Stewartstown,Tyrone,BT71 4EN Edmond Richardson Email Edmond Richardson Email	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No

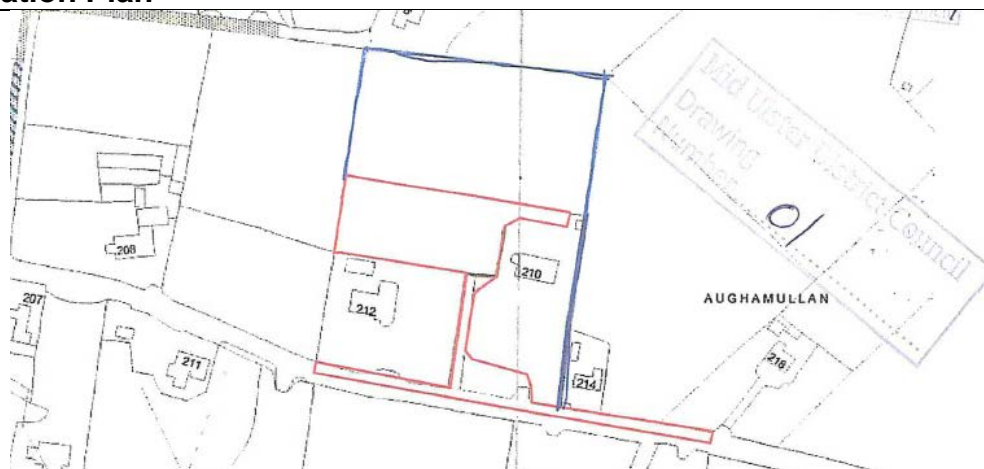


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0686/O	Target Date:
Proposal: Dwelling and garage	Location: Immediately West of 210 Washingbay Road Dungannon
Referral Route: Approval	
Recommendation:	APPROVAL
Applicant Name and Address: Paul and Michelle O'Hagan 210 Washingbay Road Dungannon	Agent Name and Address: Eamonn Moore Architect Ltd 10 Knockmoyle Cookstown BT80 8XS
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

No issues. No representations received.

Characteristics of the Site and Area

The site is located at lands located immediately west of 210 Washingbay Road, Dungannon. The red line of the site includes a portion of a larger agricultural field set back some distance from the roadside and to the rear of 212 Washingbay Road. The site is generally flat throughout and has existing hedging along the southern and western boundaries. The northern boundary is currently undefined and the eastern boundary includes the wooden fencing, which surrounds No.210. The lands adjoining the site of the north and east of the site are outlined in blue, which indicates ownership and include the dwelling 210 Washingbay Road. The surrounding area includes a number of roadside residential properties and there is a primary school to the east of the site. Beyond that lands are rural in nature scattered with single dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for a dwelling and garage

Planning Assessment of Policy and Other Material Considerations

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 210, 212, 213, 214, 215, 217 and 218 Washingbay Road. At the time of writing, no third party representations were received.

Planning History

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

Planning Assessment of Policy and Other Material Considerations

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

The Dungannon and South Tyrone 2010 identify the site as being outside any defined settlement limits and there are no other designations or zonings within the Plan.

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

This proposal is for a new dwelling and garage. The agent has submitted a supporting statement where they set out how they feel the proposal meets with the policy criterion held within CTY 2a and CTY 8 of PPS 21 and as such, both will be discussed in this report.

In line with planning policy held within CTY 2a of PPS 21 permission will only be granted for a dwelling at an existing cluster of development provided 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 dwelling. This proposal site lies outside of a farm and consists of more than 4 buildings thus adhering to this criteria. It is our view that the cluster does not appear as a visual entity in the local landscape at this location. Holy Family Primary School is located approx.. 130m East of the application site and it is not directly associated with the site. The identified site is bounded on two sides by development and it is my consideration that the proposed development could be absorbed into the existing cluster without significantly altering the existing character or adversely impacting on the residential amenity. There is sufficient vegetation along the southern boundary to avoid issues such as privacy or overlooking concerns. The agent has provided a concept plan which shows how a dwelling could be sited within the red line without having an adverse impact on neighbouring properties. As the proposal fails on two of the policy criterion of CTY 2a, refusal is recommended. The agent has provided a contextual site map, shown below in

figure 1, which helps identify the site in relation to surrounding properties and the Primary School at the crossroads, however we feel this demonstrates how far removed the application site is from the focal point and the visual entity.



Figure 1 – Proposed Site in relation to Primary School and Crossroads

CTY 8 of PPS 21 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. The agent has provided a concept plan to try demonstrate how the proposed dwelling meets with the policy requirements of CTY 8, shown below in Figure 2.



Figure 2 – Agent map to show how site could be developed in line with CTY 8

At present, there is one dwelling south of the red line of the site, and to the east is two dwellings. The concept plan shown in figure two shows how the agent proposes to develop the site which would allow the proposed application site to have a frontage to the roadside. The access proposed would cut into the current garden area to the front of No.210 and would create a frontage for the site. The positioning of the dwelling would also be located between, albeit to the rear of No. 212 and No. 210. Therefore, taking into consideration what is on the ground at present and with reference to the concept plan provided, it is my view that the proposed site is broadly within the policy requirements of CTY 8. If approval were to be forthcoming, I would be content that the gap outlined in red would be sufficient to accommodate no more than two dwellings, given the current plot sizes located along this stretch of the road.

It is also necessary for the proposal to be considered against the requirements of CTY 13 and CTY 14 of PPS 21, whereby it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This proposal is for an outline application thus no design has been stipulated at this time however given the character of the area and noting that the dwellings in the surrounding area are generally bungalows, I feel a proposed dwelling with a restricted ridge height of 6.5m would be most appropriate at this site. This will avoid the proposed dwelling appearing overly dominant and also will be in keeping with the surrounding development. The existing hedging will be conditioned to be retained where possible with full details of proposed landscaping along the remainder of the boundaries to also be included with the RM application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from 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 2.4m x 90m in both directions and a 90m forward sight line and other details as set out in the attached form RS1, 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 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: In the interests of visual and residential amenity.

5. 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 submitted to Mid Ulster District Council in writing, and agreed, prior to the commencement of any works.

Reason: In the interests of visual and residential amenity.

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

Reason: To ensure that the proposal integrates into the landscape and is in keeping with the character of the area.

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:

ANNEX	
Date Valid	5th May 2021
Date First Advertised	18th May 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 210 Washingbay Road, Coalisland, Tyrone, BT71 5EG The Owner/Occupier, 212 Washingbay Road Coalisland Tyrone The Owner/Occupier, 213 Washingbay Road, Coalisland, Tyrone, BT71 5EG The Owner/Occupier, 214 Washingbay Road Coalisland Tyrone The Owner/Occupier, 215 Washingbay Road Coalisland Tyrone The Owner/Occupier, 217 Washingbay Road, Coalisland, Tyrone, BT71 5EG The Owner/Occupier, 218 Washingbay Road, Coalisland, Tyrone, BT71 5EG	
Date of Last Neighbour Notification	21st May 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0686/O Proposal: Dwelling and garage Address: Immediately West of 210 Washingbay Road, Dungannon, Decision: Decision Date: Ref ID: M/2008/0028/F Proposal: Proposed kitchen, W.C & utility room extension to existing dwelling Address: 212 Washingbay Road, Coalisland Decision: Decision Date: 19.03.2008 Ref ID: M/1996/0801 Proposal: Site for Dwelling	

Address: APPROX. 50M SOUTH OF 2L4 WASHINGBAY ROAD AUGHAMULLAN COALISLAND

Decision:

Decision Date:

Ref ID: M/1998/0784

Proposal: Proposed dwelling

Address: 50M NORTH OF 214 WASHINGBAY ROAD AUGHAMULLAN COALISLAND

Decision:

Decision Date:

Ref ID: M/1986/0482

Proposal: DWELLING

Address: WASHING BAY ROAD, AUGHAMULLAN, COALISLAND

Decision:

Decision Date:

Ref ID: M/1996/6068

Proposal: Site for bungalow Aughamullan Coalisland

Address: Aughamullan Coalisland

Decision:

Decision Date:

Summary of Consultee Responses

DfI Roads:

DETI:

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

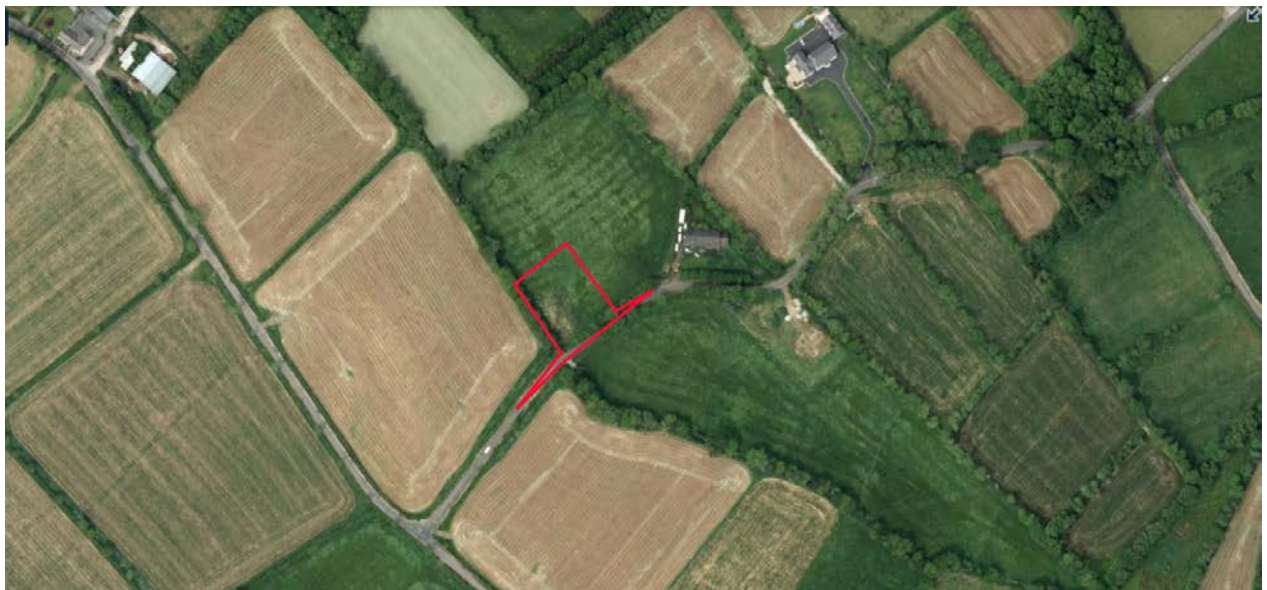
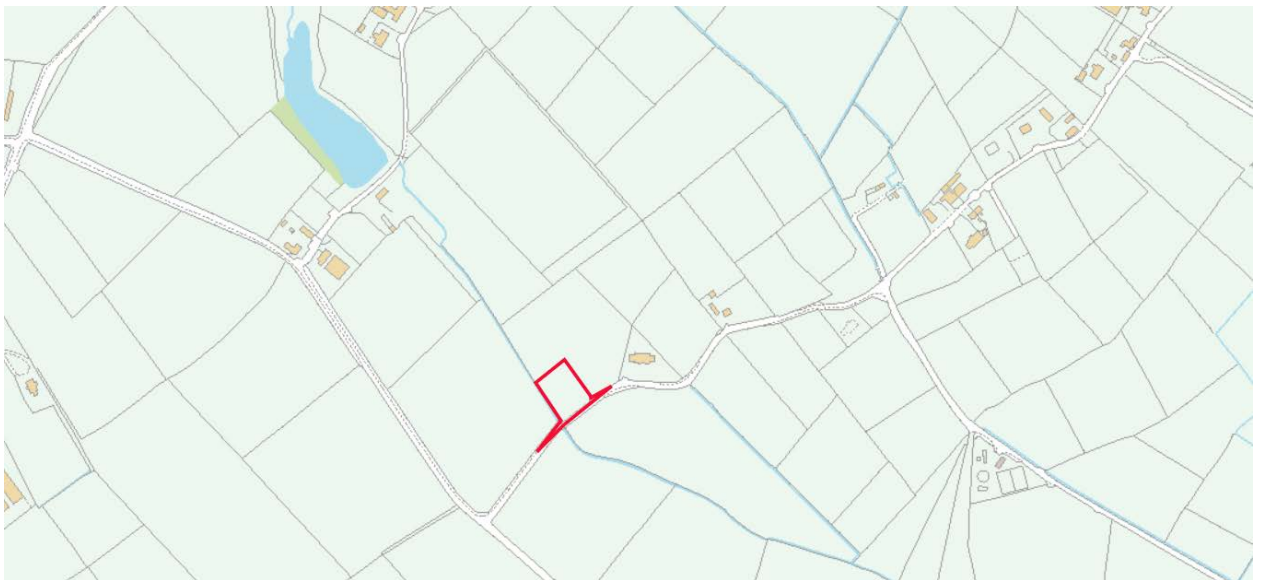
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0691/F	Target Date:
Proposal: Proposed change of house type design to that previously approved under I/2011/0514/RM and garage.	Location: Killycanavan Road 170m NE of Junction with Brookend Road Ardboe Dungannon BT71 5BP
Referral Route: Contrary to PPS 15: Planning and Flood Risk	
Recommendation: Approve	
Applicant Name and Address: Hannah Quinn 159b Battery Road Coagh Cookstown BT80 0HS	Agent Name and Address: Seamus Donnelly 80a Mountjoy Road Aughrimderg Coalisland BT71 5EF
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
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	
Description of Proposal		
<p>This is a full planning application for a change of dwelling house type and detached to that previously approved on lands at Killycanavan Rd 170m NE of Junction with Brookend Rd Ardboe Dungannon under planning application I/2011/0514/RM.</p> <p>Reserved matters permission I/2011/0514/RM for a dwelling and garage on this site was granted on the 15th February 2012 on the back of outline permission I/2006/0247/O.</p> <p>Outline permission I/2006/0247/O for a dwelling and garage on this site, was refused on the 14th December 2006 by the Department under ‘A Planning Strategy for Rural Northern Ireland’. This decision was appealed (reference: 2007/A0279), the appeal allowed and the dwelling and garage subsequently granted on the 2nd February 2009.</p> <p>In more recent times, full permission LA09/2018/0969/F granted a change of vehicular access and extension of site curtilage for the dwelling and detached garage approved under reserved matters planning ref I/2011/0514/RM on the 27th November 2018.</p> <p>Under application LA09/2018/0969/F, it was established that the principle of development had been established on this site under permissions I/2006/0247/O and I/2011/0514/RM. The applicant has until 27th November 2023 to implement this permission. I therefore regard this as a legitimate ‘fall back’ position.</p> <p>I note during the processing of this application an amended block plan was received to address issues raised by Rivers Agency. Amendments included the garage and septic tank being repositioned on site away from a watercourse and portion of site subject to pluvial and fluvial flooding; a 5m maintenance strip being provide along the aforementioned watercourse; and a few existing and proposed spot levels across the site show that water from the development should not affect other houses as directed to the lower levels to the southwest.</p>		
Characteristics of the Site and Area		
<p>There does not appear to be any significant changes on site or in the immediate vicinity from the most recent planning permission granted on site under LA09/2018/0969/F (see ‘Description of Proposal’).</p> <p>The site, which contains the foundations of a garage granted under applications I/2006/0247/O & I/2011/0514/RM, is a flat, square-shaped plot measuring approx. 2</p>		

hectares is located in the rural countryside approx. 2 miles south of Ardboe, adjacent the Killycanavan Road from which it proposes to take its access. Cut from the roadside frontage of a much larger agricultural field the boundaries of this site are undefined but for a dense row of tall trees and hedges that along its roadside frontage (southeast boundary). A stream runs along the southwest boundary of the site. The stream is bound to the outside / southwest by a dense row of tall trees and hedges as by enlarge are the boundaries of the host field.

Critical views of this site are limited to passing along the roadside frontage of the site. This is due to the vegetation bounding the aforementioned stream and host field and within the wider vicinity, which screen it from the Brookend Road located to the west and from views on the southwest and northeast approach travelling along Killycanavan Road. The bend in the Killycanavan Road on the northeast approach also aids in screening the site until passing the roadside frontage of the host field.

This area of countryside is predominantly rural in character. It comprises relatively flat agricultural land interspersed with single dwellings and farm groups. There is a bungalow dwelling, no.33 Killycanavan Road located on a triangular shaped roadside plot, approx. 70 metres to the north east of and at the same side of the road as the site.

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

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 15 - Planning and Flood Risk

Planning Policy Statement 21 - Sustainable Development in the Countryside

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

Representations

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

Planning History

- I/2006/0247/O – outline permission for a dwelling and garage - refused on the 14th December 2006 by the Department, under 'A Planning Strategy for Rural Northern Ireland'. This decision was appealed (reference: 2007/A0279), the appeal allowed and the dwelling and garage subsequently granted on the 2nd February 2009.
- I/2011/0514/RM – reserved matters permission for a dwelling and garage – Granted 15th February 2012.
- LA09/2018/0969/F – proposed change of vehicular access and extension of site curtilage for dwelling and detached garage previously approved under approval of reserved matters planning ref I/2011/0514/RM – Granted 27th November 2018

Consultees

1. DfI Roads were consulted in relation to access arrangements and raised no objections subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Rivers Agency (RA) were consulted in relation to flooding on site. Below is a summary of RA key issues raised under the following policies of PPS15 Planning and Flood Risk:
 - FLD1 Development in Fluvial (River) Plains - Development lies partially within the 1% AEP fluvial flood plain. The applicant should carry out a Flood Risk Assessment to verify the more accurate extent of the floodplain. Development will not be permitted within the 1% AEP fluvial flood plain unless applicant can demonstrate it constitutes an exception to the policy.
 - FLD2 Protection of Flood Defence and Drainage Infrastructure - Policy requires a working strip of minimum width 5m retained at all times along the designated watercourse to southwest of site for maintenance purposes.
 - I am content that this proposal will not hinder access to the stream to facilitate any future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners if required as a buffer of 5m has been provided and can be conditioned to be retained clear of impediments.
 - FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains - Development located partially within predicted flood area. Drainage Assessment not required by policy, however it is the developer's responsibility to assess flood risk and drainage impact and mitigate risk to development and any impacts beyond site.
 - FLD 5 Development in Proximity to Reservoirs - Site within potential area of inundation emanating from Brookend Pond. It has not been demonstrated the condition, management and maintenance regime of Brookend Pond is appropriate to provide sufficient assurance regarding reservoir safety to enable the development to proceed. RA carried out an

assessment of flood risk to people at this site for an uncontrolled release of water emanating from Brookend Pond. As a result of this analysis the overall hazard rating at this site is considered high. This is considered by RA to be an unacceptable combination of depth and velocity for this particular development. Policy FLD 5 states there will be a presumption against any development located in areas where it is indicated that there is the potential for an unacceptable combination of depth and velocity.

Further to RA response above the agent was contacted to provide the additional information / drawings required to address the issues raised. Subsequently a letter from Mr Pat Quinn, a Chartered Town Planning Consultant was received on the 3rd September 2021, from the applicant's agent.

In the letter Mr Quinn advises a material start has been made on implementing the existing permissions (I/2006/0247/O, I/2011/0514/RM) relating to a dwelling and garage. Meaning regardless of current application's outcome the applicant can erect a dwelling and garage on this site. Since the applicant wants to make use of this valuable site, she intends to complete the dwelling and garage already approved, if the current application is refused. This creates a 'fall back' position, which must be the determining consideration.

The fall back principle requires consideration of what an applicant can do without the need for a further planning permission. This site has a long planning history. Permission was granted on appeal for a dwelling and garage under reference I/2006/0247/O. Detailed approval was granted under reference I/2011/0514/RM. A material start was made on this permission before approval expired. Under reference LA09/2018/0969/F permission was granted to change the access and extend the curtilage. The approval of LA09/2018/0969/F confirms that the I/2011/0514/RM house had lawfully commenced. Since the applicant can lawfully continue to erect the dwelling and garage on the extended site, she has a fallback position.

Rivers Agency (RA) has commented on the current application and among other things point out the development lies partially within the 1% AEP fluvial floodplain and partially within a predicted flooded area. The site is also within the potential area of inundation emanating from Brookend Pond and as a result RA consider the overall hazard rating at this site to be high. RA has requested additional information including a Flood Risk Assessment and confirmation that the condition, management and maintenance regime for Brookend Pond is appropriate to provide sufficient assurance regarding reservoir safety.

When considering the issues raised by Rivers Agency and the additional information requested the Council must be mindful of the following.

1. The subject application involves a change of house type which seeks to replace a four-bedroom house which has lawfully commenced with a four-bedroom house,
2. The houses occupy similar positions within the same site,
3. If the current application is refused the applicant fully intends to erecting the dwelling and garage already approved and lawfully commenced, therefore

4. Refusing the current application will serve no useful purpose since it will not prevent a four-bedroom house with a detached garage from being built on the subject site.

Since there is certainty that the applicant will implement her fall back position in the event of a refusal, the above factors dictate the fall back position must be the determining consideration in this case. This current application should therefore be approved.

Having taken into account the contents of Mr Quinn's letter, I would concur that there is a fall back position here by virtue of the LA09/2018/0969/F permission and refusing this application cannot prevent a dwelling and garage being built in a similar position on site. Whilst it would be normal practice to request a Reservoir Management Plan it is clear a planning approval exists which could be implemented therefore it would strike Planning as reasonable to protect the future occupants or any investors in the property that assurance is sought before development is commenced. This can be done via condition.

Consideration

Cookstown Area Plan 2010 - is the statutory local development plan for the application site. The site is located outside any development limit and the development plan offers no specific policy or guidance in respect of the proposal.

The Strategic Planning Policy Statement for Northern Ireland - Retains the policy provisions of the Planning Policy Statements relevant to this proposal.

Planning Policy Statement 21: Sustainable Development in the Countryside - is the overarching policy for development in the countryside. It provides certain instances where the development of a dwelling is considered acceptable in the countryside subject to criteria. These instances are listed in Policy CTY1 of PPS21.

As detailed above in the 'Description of Proposal', under application LA09/2018/0969/F, it was established that the principle of development had been established on this site under permissions I/2006/0247/O and I/2011/0514/RM. The applicant has until 27th November 2023 to implement this permission. I therefore regard this as a legitimate 'fall back' position.

In light of the above I consider there is a legitimate fall back position that the dwelling approved by under permissions I/2006/0247/O and I/2011/0514/RM could be completed in accordance with the approved details. That said with respect to the design of the dwelling and garage it must still comply with 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.

I believe the site has the capacity to absorb the newly proposed dwelling and garage in accordance with Policy CTY13 and with minimal disruption to the rural character of the area in accordance with CTY14. I do not believe the proposed dwelling and garage

would have any significantly greater visual impact when viewed from surrounding vantage points than the previously approved bungalow (ridge height approx. 5.4m above FFL) and garage (ridge height approx. 4.1m above FFL) scheme.

The design (including finishes) of the proposed dwelling and garage are in my opinion generally simplistic and reflective of traditional rural design and in keeping with the rural design principles set out in 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside. The dwelling is sited, similar to the previous scheme, to front onto and run parallel to the Killycanavan Rd. It has a simple rectangular-shaped floor and pitched roof construction with a ridge height approx. 6m above FFL; 2 chimneys expressed along its ridgeline; a rear return; and small centrally located pitched roof front porch. Whilst it also 2 front projections, one to either side of the front porch, which is not considered consistent with simple rural form and normally accepted I am content that in this instance as views of the site will be limited to passing the roadside frontage of the site it is acceptable in this instance. The garage which is to be located to the rear / south west side of the dwelling also has a simple rectangular shaped floor plan and pitched roof construction with a ridge height approx. 5.3m above FFL. Finishes to the dwelling and garage include black roof tiles and k-rend walls with natural stone detailing as indicated on the drawings submitted.

I have no concerns regarding the proposed dwelling and garage adversely impacting the amenity of neighbouring properties to any unreasonable degree in terms of overlooking / overshadowing given none bound the site and the closest is no. 33 Killycanavan Road, a detached bungalow is located approx. 70m northeast of the site.

Other Policy/Considerations

NIEA Natural Environment Map Viewer identified this site is within an area known to breeding waders and herons which are priority species – the previous approval has commenced on site and I do not believe this proposal introduces any development that would have a significantly greater impact than the previous approval. And as such I am content subject to referring the applicant to DAERA's Standing Advice for Priority species that in accordance with Policy NH 2 of PPS2 Natural Heritage they are not likely to be harmed by this proposal.

Historic Environment Map Viewer identified no built heritage interests on site.

Epic identified site within SG - Defence Estates however consultation only required if height of development is over 15.2 metres, which is not the case here.

As a stream is located along the south western boundary of this site this proposal was considered in light of whether it would have a hydrological link to a European site. However based on the location, nature and scale of the proposal, and the distant link (approx. 1 ½ miles) to Lough Neagh and Beg it is not considered there should be a significant effect from this proposal.

Taking all of the above into consideration I would recommend the approval of this application.

Neighbour Notification:	Yes
Summary of Recommendation:	Approve
<p>Conditions</p> <ol style="list-style-type: none"> 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 existing mature trees and vegetation along the entire site boundaries as indicated on Drawing No. 01(Rev.02) bearing the date stamp received 29 SEP 2021, shall be retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Department, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Department in writing at the earliest possible moment. Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site. 3. There shall be no development, tree planting, hedges, permanent fencing, sheds, or land raising within the area hatched blue and identified as maintenance strip on Drawing No. 01(Rev.02) bearing the date stamp received 29 SEP 2021. Reason: To ensure access and egress for maintenance of the watercourse. 4. All proposed landscaping as detailed on Drawing No. 01(Rev.02) bearing the date stamp received 29 SEP 2021, except that within the maintenance strip, shall be carried out during the first available planting season following the occupation of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site. 5. The vehicular access including visibility splays of 2.4m x 45m in both directions and any forward sight distance, shall be provided in accordance with Drawing No. 01(Rev.02) bearing the date stamp received 29 SEP 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.

6. 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.

7. Prior to the commencement of any other development hereby permitted the developer will be required to provide for agreement by Mid Ulster Council a Reservoir Management Plan that confirms the condition, management and maintenance regime for Brookend Pond.

Reason: To ensure that future occupants are not at significant risk from flood inundation.

8. One dwelling only shall be constructed within the area of the site outlined in red on the approved Drawing No. 01(Rev.02) bearing the date stamp received 29 SEP 2021.

Reason: To control the number of dwellings on the site as this permission is in substitution for planning approvals I/2006/0247/O & I/2011/0514/RM respectively and is not for an additional dwelling on this site.

Informatives

1. This site is located within an area of potential flooding and any development hereby approved and undertaken on this site will be at the developers own risk.

Please see DfI Rivers consultation response received and scanned to the Planning Portal on the 28th June 2021 for details of above.

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 permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. This determination relates to planning control only and does not cover any consent or approval, which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

6. 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.

7. Please see attached DAERA Environmental Advice for Planning - Standing Advice - Priority Species published May 2015 and updated Nov 2017.

Signature(s)

Date:



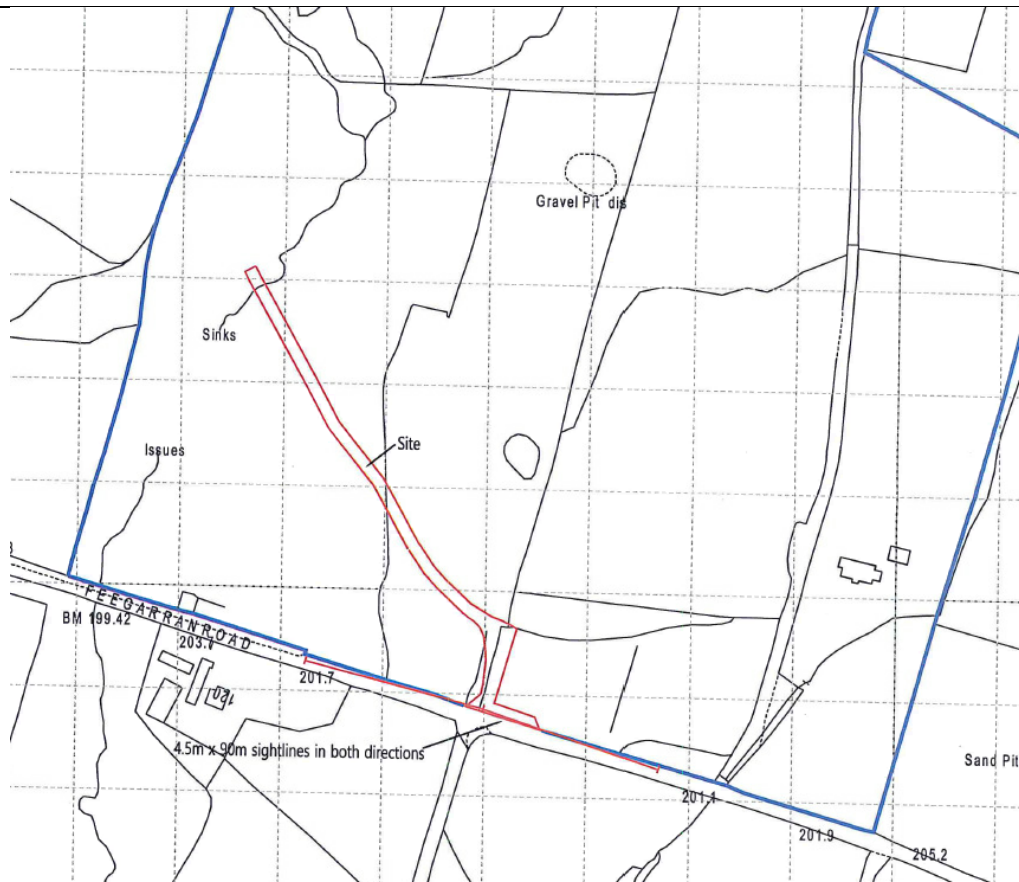
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0773/F	Target Date:
Proposal: Proposed New Vehicular Access to existing Quarry	Location: 130m East of 120 Feegarran Road Cookstown Opposite Corby Road Junction
Referral Route: 1no. Objection received	
Recommendation:	Approval
Applicant Name and Address: Wesley Hamilton 47 Shivey Road Cookstown BT80 9HB	Agent Name and Address: Collins Design 7 Dublin Road Omagh BT78 1ES
Executive Summary: Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen	Content
Statutory	NIEA	Advice
Statutory	NIEA	Advice
Statutory	NIEA	Content

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>Characteristics of the Site and Area</p> <p>The site is located in the open countryside outside any defined settlement limits identified within the Cookstown Area Plan 2010. The settlement of Cookstown is located 7.8km south east of the application site as the crow flies. The site is located along the Feegarran Road, opposite the junction with Corby Road. The site comprises a portion of a roadside agricultural field and existing agricultural access. The topography of the application site is relatively flat, however there is a slight incline northerly beyond the red line within the field. The boundaries of the field are defined by mature vegetation, however the boundaries of the site are relatively undefined given this is a cut out portion of a large field. An existing operating quarry is located in close proximity to the northwest and this proposal will create an additional access for this Quarry. The surrounding area is rural in character with a low development pressure and predominantly agricultural fields with a few dispersed detached dwellings.</p>	
<p>Description of Proposal</p> <p>This planning application seeks full planning permission for a new vehicular access associated with an existing quarry located 130m East of 120 Feegarran Road Cookstown.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <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>The following documents provide the primary policy context for the determination of this application:</p> <ul style="list-style-type: none"> • Regional Development Strategy 2030 • Strategic Planning Policy Statement for Northern Ireland • Cookstown Area Plan 2010 • Planning Policy Statement 3: Access, Movement and Parking • Planning Policy Statement 21 - Sustainable Development in the Countryside • A Planning Strategy for Rural Northern Ireland – Minerals • DCAN 15: Vehicular Access Standards <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 and Independent</p>	

Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1no. Objection letter was received. The details of the letter are summarised and considered below:

- The letter of objection received 25^h June 2021 from a Mr Wilfred Mitchell of 109 Feegarran Road requests assurance that the vehicle washing element of the proposal will not result in wastewater discharge into the adjacent river and that any related lane/road access and rights of way will not be impacted by the proposed application.

It is noted that this letter did not object to the principle of development. However, with respect rights of way over land, this is a civil matter and not under the remit of planning control. An informative will be attached to any forthcoming approval advising planning permission does not confer title, nor alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands. In response to the comments raised by the objector with respect wastewater discharge, NIEA were consulted as the relevant statutory body. NIEA Water Management Unit requested clarification regarding the nature of any discharge of water from the proposed wheel wash facility. The agent subsequently provided an amended block plan which provided greater detail on the wheel wash facility including the provision of a silt trap. NIEA provided further consultation response advising they are content with the proposal subject to the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice, and any relevant statutory permissions being obtained. Their detailed response states they are unclear whether there is an intention to culvert a section of watercourse/drainage ditch as part of the creation of the access and the construction of new culverts should be avoided unless no practicable alternative exists in compliance with PPS15 Policy FLD 4. The agent has confirmed the proposal avoids all but one small ditch which is a previously cut small land drain which links into further land drains cut to the south of the site. The open drain itself is 800mm wide therefore the applicant intends to span 2no. 2m wide precast slabs over it to allow the drain to flow freely without the need for any form of pipe. Therefore, I am content that the objectors concerns with respect wastewater discharge have been adequately addressed/considered and the proposal accords with PPS15.

History on Site

I/2013/0307/F - Variation of Condition Numbers 3 and 16 attached to planning approval I/2004/1062/F to extend the time period (by approximately 10 years) for restoration of the north-east corner of the existing quarry, which involves the removal of rock by blasting. (Additional Information Received) - Lands at the existing S Bell and Sons quarry, 28 Ballynagilly Road, Cookstown, - Permission Granted 03/08/15

I/2004/1062/F - Extension of existing quarry for the extraction of sand & gravel. Removal of rock by blasting from north east corner of the existing quarry as part of site restoration - Lands to the south of existing sand & gravel quarry, Ballynagilly Road, Cookstown – Permission Granted 06/03/08

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 - The site is located outside any defined settlement limits and outside of any area of constraint against mineral development defined within the extant area plan. The Plan contains no specific policies relating the proposed development, therefore the proposal is in conformity with the plan provided it complies with the relevant regional planning policies.

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. The SPPS identifies that growing a sustainable economy is a key priority, it also stresses the importance of achieving this in an environmentally sensitive manner and sustaining a vibrant rural area by respecting neighbouring amenities and being of an appropriate scale and nature to the area.

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is minerals development in accordance with the MIN policies of A Planning Strategy for Rural Northern Ireland. The application is for a new access on Feegarran Road to provide an additional vehicular access to an existing operating quarry.

Policy MIN 1 Environmental Protection.

The proposal is not located within any environmentally designated area. As stated previously in the report, NIEA were consulted and have not raised any objections. The site is existing farmland and is of low biodiversity value and the proposal relates to an access. I am content that the proposal will not cause harm to the natural or built environment.

Policy MIN2 Visual Implications

The site is low lying in the landscape when viewed from surrounding public road network. The proposed works relate to a new access to an existing quarry. I do not consider the proposal will have a visual impact significantly greater than that which exists on the landscape character of this area.

Policy MIN 3 Areas of Constraint

The site is not located within an Area of constraint on Mineral Development as defined in the Cookstown Area Plan 2010.

Policy MIN4 Valuable Minerals

The proposal does not involve the mining of valuable minerals (as defined by policy, eg. oil, gas, lignite).

Policy MIN5 Mineral Reserves

It is not considered the proposal would prejudice future exploitation of valuable mineral reserves.

Policy MIN6 Safety and Amenity

The proposal relates to a new access with an ancillary associated wheel washing facility. DFI Roads have been consulted and have raised no concerns with respect road safety. The closest third party dwelling is located approximately 116m SW of the proposed access. It is considered this is adequate separation distance to avoid detrimental impact to residential amenity to warrant refusal.

Policy MIN7 Traffic

DFI Roads were consulted on this application as the competent authority in assessing the application from a road safety perspective and have no objections to road safety and convenience of road users subject to conditions. On this basis I am satisfied that the proposal meets can provide a satisfactory means of access and that it complies with the prevailing policy provision including that contained within PPS 3 - Access, Movement and Parking and DCAN15.

Consideration

Minerals are an important natural resource and the minerals industry makes an essential contribution to the economy. The proposal site will provide an additional access to an established approved quarrying site. The submitted TAF and P1 form have not advised of an expected increase of vehicles/visitors/ those attending the site. No significant impacts on residential amenity to any nearby properties have been identified. In terms of compatibility and surrounding land uses, I am not content that the proposal is compliant. DFI Roads have no objections. NIEA were consulted have not identified any detrimental disturbance to the surrounding environment. Having considered all of the above, I feel the proposal would have a minimal impact and is therefore deemed acceptable.

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

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the date stamp 20/05/2021, 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.

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's attention is drawn to NIEA consultation response dated 2nd September 2021.
5. Due to the close proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the construction and operational phases of this development. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Pollution Prevention Guidelines.
6. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice on Culverting.
7. Care should be taken to ensure that only clean surface water is discharged to the nearby water environment. Water Management Unit recommends the applicant refers and (where applicable) adheres to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems in order to minimise the polluting effects of storm water on waterways.
8. Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges of potentially contaminated water to the aquatic environment and may be required for site drainage during the construction phase of the development.
9. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment. All DAERA Standing Advice is available at: <https://www.daerani.gov.uk/publications/standing-advice-development-may-have-effect-water-environmentincluding-groundwater-and-fisheries>
10. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any

underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

11. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

12. The applicant is advised that under Article 11 of the Roads Order (Northern Ireland) Order 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 as a result of extraordinary traffic generated by the proposed development.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0882/O	Target Date:
Proposal: Proposed two storey dwelling & garage.	Location: 50m SE of 115a Ruskey Road Loup BT45 7TS.
Referral Route: Approval - To Committee - One Objection received.	
Recommendation:	
Applicant Name and Address: Nuala McVey & Enda McLaughlin 117 Ballyneill Road Loup Magherafelt BT45 7TE	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt BT45 5DA
Executive Summary: Approve	
Signature(s): Peter Henry	

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

Summary of Issues

Approval - To Committee - One Objection received.

Characteristics of the Site and Area

The site is located within the development limits of The Loup within undesignated white land outside any designations as identified in the Cookstown Area Plan 2010. I note that the site sits elevated from the public road with a large two storey dwelling adjacent to the site located within the same agricultural field. I note that the site is located within a mixed use area inclusive of residential, commercial, a school and agricultural all in close proximity.

Representations

There were eleven neighbour notification letters sent out however one objection was received. Summary of objection was that they wanted to confirm that the visibility splays indicated to the north of the site, passes the front of and within their property. In that no consent has been given for these sight lines.

Description of Proposal

This is a proposed an outline for the proposed two storey dwelling & garage, the site is located 50m SE of 115a Ruskey Road, Loup.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 7: Quality Residential Environment

PPS 3: Access, Movement and Parking

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

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

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

Given the dwelling approved and built beside the site I would be content that a dwelling within this site would be able to respect the surrounding context. I note that this is only an outline application as such only an appropriately designed dwelling will be accepted at reserved matters stage to ensure that it would be acceptable in terms of scale, massing, proportions and appearance of the dwelling and it is well landscaped.

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

From review of the site there does not appear to be any features of the archaeological and built heritage, and landscape in the close vicinity, as such I am content that this is acceptable.

c) adequate provision is made for public and private open space and landscaped areas

as an integral part of the development. Where appropriate, plated 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:-

Given the size of development I am content that the proposal does not require to provide public open space and given the size of site that there should be adequate private amenity space.

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

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

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

I am content the site will be able to provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system.

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

I am content that the site is of sufficient size that would allow for adequate parking provision.

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

I note that this is only an outline application, the design will be a matter for the reserved matters application, only an appropriately designed dwelling will be accepted.

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:-

Again only an appropriately designed dwelling at reserved matters will be accepted to ensure that there is no conflict with adjacent land uses.

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

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

A Planning Strategy for Rural Northern Ireland

Policy DES 2 Townscape requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The proposed development will have little impact on the character of the area due to the level of existing vegetation around the site to ensure the site would integrate into the landscape.

PPS 3: Access, Movement and Parking

DFI Roads were consulted in relation to the application and responded to confirm that they were content subject to conditions and informatives.

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

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

I note that during the application process that one objection, in response to the comments made, I note that the applicant submitted a response to the comments which stated the intention is to use the same access as approved under I/2012/0154/F. In addition to this included a letter from I/2012/0154/F which stated that splays are available without encroaching on lands not controlled by Roads Service and/or the applicant. I note that upon review of the submitted plans that the splays do not appear to run over the objectors land and appear to run along the existing roadside verge. From this I hold the opinion that the applicant has shown sufficient control over the access. However I note that planning does not confer title and any ownership issues is a civil matter.

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
i. the expiration of 5 years from the date of this permission; or
ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. The proposed dwelling shall have a ridge height of less than 8 metres above the

finished floor level of the site and a low angle of roof pitch not exceeding 40 degrees.

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

4. 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.

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 the Council.

Reason: To ensure the dwelling integrates into the landform.

6. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity and to protect the character of the area.

7. The existing natural screenings of the site 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: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

8. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

9. 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.

Informatives

- 1.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- 2.This permission authorises only private domestic use of the [proposed garage/premises] and does not confer approval on the carrying out of trade or business there from.
- 3.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
- 4.This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. The applicant's attention is drawn to form RS1 and the statement regarding an accurate, maximum 1:500 scale survey which must be submitted as part of the Reserved Matters application.

Signature(s)

Date:

ANNEX	
Date Valid	10th June 2021
Date First Advertised	22nd June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Eglishe Close, Moneymore, Londonderry, BT45 7SQ The Owner/Occupier, 109a, Ruskey Road, Coagh, Londonderry, BT45 7TS The Owner/Occupier, 110 Ruskey Road, Coagh, Londonderry, BT45 7TS The Owner/Occupier, 111 Ruskey Road Coagh Londonderry The Owner/Occupier, 113 Ruskey Road Coagh Londonderry The Owner/Occupier, 114 Ruskey Road, Coagh, Londonderry, BT45 7TS The Owner/Occupier, 115 Ruskey Road Coagh Londonderry The Owner/Occupier, 115a Ruskey Road Coagh M Devlin 117 RUSKEY ROAD, COAGH, BT45 7TS The Owner/Occupier, 117 Ruskey Road, Coagh, Londonderry, BT45 7TS The Owner/Occupier, 2 Eglishe Close, Moneymore, Londonderry, BT45 7SQ The Owner/Occupier, St Patricks Primary School, 119 Ruskey Road, Coagh, Londonderry, BT45 7TS	
Date of Last Neighbour Notification	30th June 2021
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: LA09/2021/0882/O

Proposal: Proposed two storey dwelling & garage.

Address: 50m SE of 115a Ruskey Road, Loup BT45 7TS.,

Decision:

Decision Date:

Ref ID: I/2006/0747/F

Proposal: Application for a new access

Address: Site 10m west and opposite of 115 Ruskey Road, The Loup

Decision:

Decision Date: 27.03.2007

Ref ID: I/2006/1047/F

Proposal: 3 No. town houses

Address: Adjacent to and immediately north of 111 Ruskey Road, Loup, Moneymore

Decision:

Decision Date: 25.04.2007

Ref ID: I/1979/0385

Proposal: BUNGALOW

Address: BALLYROGULLY, LOUP, MAGHERAFELT

Decision:

Decision Date:

Ref ID: I/2008/0134/F

Proposal: 1 No. Pair of two storey, semi-detached dwellings

Address: Adjacent to and immediately north of 111 Ruskey Road, Loup, Moneymore

Decision:

Decision Date: 19.08.2008

Ref ID: I/1997/0300

Proposal: Erection of dwelling

Address: ADJACENT TO 111 RUSKEY ROAD, LOUP, MONEYMORE

Decision:

Decision Date:

Ref ID: I/2012/0154/F

Proposal: Proposed change of access from that previously approved under planning application ref no: I/2011/0428/F

Address: Land 60meters South East Of St Patricks P.S Loup, Moneymore, Magherafelt,

Decision: PG

Decision Date: 16.07.2013

Ref ID: I/2010/0236/Q

Proposal: Proposed Housing Development

Address: Lands to Rear of 115 Ruskey Road, The Loup, Moneymore

Decision:

Decision Date:

Ref ID: I/1998/0456
 Proposal: Proposed dwelling
 Address: RUSKEY ROAD LOUP MONEYMORE
 Decision:
 Decision Date:

Ref ID: I/2011/0428/F
 Proposal: Proposed New Dwelling & Garage
 Address: Land 60 metres South East of St Patricks P.S Loup, Moneymore, Magherafelt, BT45 7TS,
 Decision:
 Decision Date: 08.02.2012

Ref ID: I/2009/0524/F
 Proposal: Housing development consisting of 40 dwellings - 13 pairs of semi detached (26 units) 1 no. terrace (8 units), 1 no. apartment building (6 units)
 Address: Land 50m to the east of 119 Ruskey Road, The Loup, Cookstown.
 Decision:
 Decision Date: 26.04.2010

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 02/11/2021	Item Number:
Application ID: LA09/2021/0905/O	Target Date:
Proposal: Proposed 3 No Detached Dwellings	Location: To rear of houses 9-11 Killyveen Park Granville Dungannon Co.Tyrone
Referral Route: <ol style="list-style-type: none">1. The proposal is contrary to CTY 1 in that there is no overriding reason why the development cannot be located within a settlement.2. The proposal is contrary to CTY 15 – The Setting of Settlements in PPS 21 in that the proposal will mar the distinction between the settlement limit of Granville and the countryside and result in urban sprawl.3. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would result in urban sprawl.	
Recommendation:	Refusal
Applicant Name and Address: Mr Jim Fay 16a Killybracken Road Granville Dungannon BT70 1NU	Agent Name and Address: Peter McCaughey 31 Gortnasaor Dungannon BT71 6DA
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The site is on the boundary of the settlement of Granville as defined in the Dungannon and South Tyrone Area Plan 2010. To the west and within the settlement limit is urban in character with mainly residential with a mix of semi-detached and detached dwellings. Across the road from the proposed access is the rear of Granville Primary School. To the east of the site and outside the settlement limit is rural with agricultural fields and detached dwellings on single plots.

The application site is a portion of land to the rear of a cul-de-sac of semi-detached dwellings at Killyveen Park. The site is currently overgrown with trees and other vegetation. The site is accessed off the Killybracken Road along an agricultural lane.

Description of Proposal

This is an outline application for proposed 3 No Detached dwellings at land to rear of houses 9-11 Killyveen Park, Granville, 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

Adjacent site beside the proposed access

M/2014/0188/O - Proposed two storey dwelling and garage - Adjacent to 1 Killyveen Park, Killybracken Road, Granville, Dungannon, - Permission Granted 31.03.2015

LA09/2015/1147/RM - Proposed two storey dwelling and garage - Adjacent to 1 Killyveen Park, Killybracken Road, Granville, Dungannon, - Permission Refused 17.05.2016

LA09/2016/0762/RM - Proposed two storey dwelling and garage - Adjacent to 1 Killyveen Park, Killybracken Road, Granville, Dungannon, - Permission Granted 09.09.2016

The above planning approvals are relevant as the site is also outside the settlement limit and was approved on the principle that a dwelling on this site would not have an unacceptable impact on the visual amenity of the area.

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.

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPSS.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in

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

Dungannon and South Tyrone Area Plan 2010

The site is outside and on the boundary of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The site is in the countryside so SETT 1 does not apply. The site is not within any other designations or zonings.

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 stated in the Preamble in PPS 21 the countryside is defined as land lying outside of settlements as defined in development plans. The application site is located on the south east boundary of the settlement limit of Granville and as such, any development to the west of the site inside Granville cannot be considered in the assessment as shown in figure 1 below. As noted the application site is outside the settlement limit.

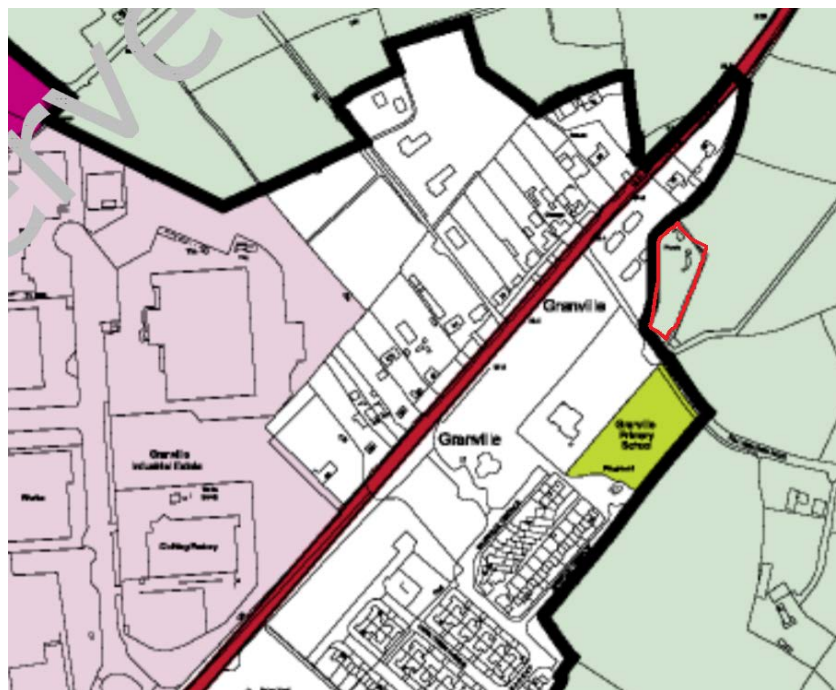


Figure 1 – Snapshot from the DSTA Plan 2010 and the red line is the application site

CTY 15 – The Setting of Settlements

The application site is on the southeast boundary of the settlement limit of Granville and the proposal is for 3no. dwellings at the site. The cul-de-sac of Killyveen Park is on the north west boundary and the site is a field which is currently overgrown with trees as

shown in figure 2 below. I consider if the proposal will result in urban sprawl which is contrary to policy and lead to the further development of the settlement limit of Granville.

CTY 13 – Integration and Design of Buildings in the Countryside

The site is currently overgrown with trees so at the time of my site visit it was difficult to ascertain existing ground levels as shown in figure 2 below. However there are minimal critical views from along the Killybracken Road and the Granville Road, so I am content the proposed dwelling will not be a prominent feature in the landscape.



Figure 2 – Photograph of the site at the site visit

Along all boundaries of the site there is a post and wire fence. But as shown above in figure 2 there is existing vegetation so as much of this along the boundaries should be retained as possible. As the site sits behind existing dwellings I am consider this will assist in the integration of the proposed dwellings into the landscape.

As this is an outline application no details about the design of the dwelling have been submitted and any design would be consider at the Reserved Matters Stage.

Overall, I am of the opinion the proposed dwellings would integrate into the landscape.

CTY 14 – Rural Character

As stated previously I am content the dwellings will not be unduly prominent in the landscape. The application site is on the boundary of the settlement limit of Granville and as such would result in the further development of existing housing into the countryside. This will result in urban sprawl which is to be discouraged and consequently will have an unacceptable impact on rural character.

PPS 3 – Access, Movement and Parking

DFI roads were consulted as a new vehicular access is being created and responded with no concerns subject to visibility splays of 2.4m x 60m in both directions.

Other Considerations

There are no NED or HED issues at the site. There is a watercourse which runs along the eastern boundary of the application site and Rivers Agency were content with the proposal subject to a 5m maintenance strip along the boundary. There is a drain along the south east boundary of the dwelling approved under LA09/2016/0762/RM and this was culverted as part of this approval.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it does not meet the criteria in CTY 1, CTY 14 and CTY 15 in PPS 21 – Sustainable Development in the Countryside.

Reasons for Refusal:

1. The proposal is contrary to CTY 1 in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary to CTY 15 – The Setting of Settlements in PPS 21 in that the proposal will mar the distinction between the settlement limit of Granville and the countryside and result in urban sprawl.
3. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would result in urban sprawl.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

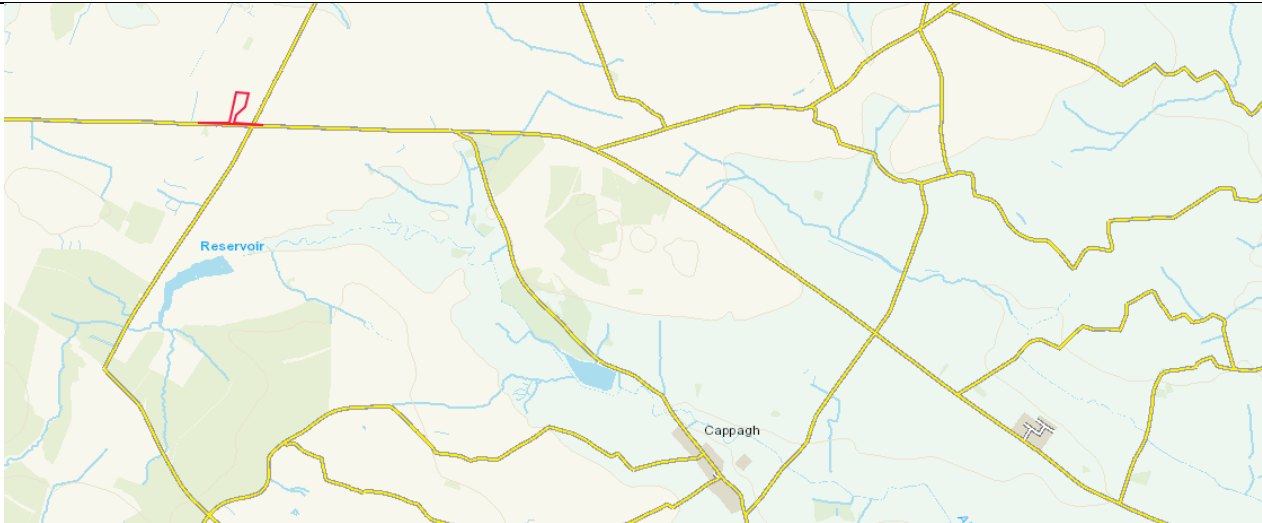
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

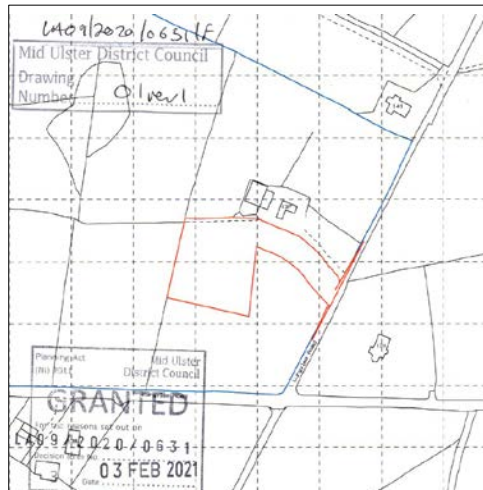
Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1036/F	Target Date:
Proposal: New entrance in substitution to previously approved entrance approved under LA09/2020/0631/F	Location: Approx 60m SW of 137 Lurgylea Road Galbally Dungannon
Referral Route:	
Recommendation:	REFUSE
Applicant Name and Address: Mr Damian Corr 137 Lurgylea Road Galbally Dungannon BT70 2NZ	Agent Name and Address: Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
Executive Summary:	
Signature(s):	


Case Officer Report

Site Location Plan




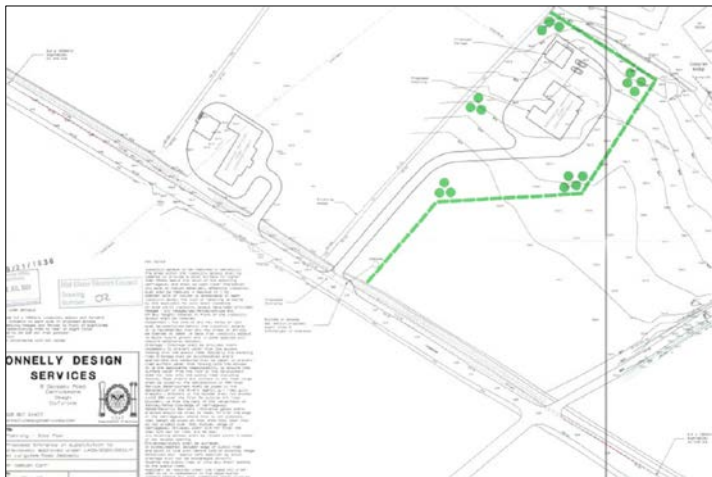
Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Description of Proposal		
This is a full application for an amended access to previously approved application LA09/2020/0631/F.		
LA09/2020/0631/F granted permission for a new dwelling and detached domestic garage on lands approx. 60m SW of 137 Lurgylea Rd Galbally Dungannon BT70 2NY on the Granted 3 rd February 2021 under Policy CTY 10 of Planning Policy Statement 21 - Dwellings on Farms.		





Figs 1 & 2: Site plan and layout granted under previous application LA09/2020/0631/F





Figs 3 & 4: Site plan and layout sought under current application

Characteristics of the Site and Area

The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010. The area surrounding the site is rural in nature defined by single dwellings and farm groups.

The site, which comprises a dwelling approved under LA09/2020/0631/F in the latter stages of construction, is located adjacent and southwest of No. 137 Lurgylea Road the applicant's dwelling and approx. 80m northwest of a crossroads located along Lurgylea Road with the village of Cappagh approx. 1 mile to the southeast. The site, which is a relatively rectangular shape, is located in the northeast corner of an existing agricultural field set back approx. 70m from the public Lurgylea Road to the east and south of the site. The dwelling on site was approved to be accessed via a new access lane from the Lurgylea Road to the east along the south side of the lane serving No. 137 Lurgylea Road. The current application seeks the dwelling instead be accessed via a new access lane from the Lurgylea Road to the south. The site is elevated from no. 137 and slopes gently uphill to the south towards the cross-roads. Part of the northern boundary is defined by mature hedgerow and some trees, beyond which is the access lane to No. 137, which is within the same ownership as the applicant and is blue land. A post and wire fence marks the western boundary, post and wire fence interspersed with mixed vegetation / trees marks the north / party boundary with No. 137 and the remaining boundaries are open to the larger field.

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.

Key Policy Context

Regional Development Strategy

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

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

Representations

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

Planning History

On Site

- LA09/2020/0631/F - Proposed dwelling & detached domestic garage – Approx. 60m SW of 137 Lurgylea Rd Galbally Dungannon BT70 2NY - Granted 3rd February 2021 under Policy CTY 10 of Planning Policy Statement 21 - Dwellings on Farms.

Adjacent Site

- M/2009/0069/F - Proposed dwelling and garage - Opposite 138 Lurgylea Rd Galbally, Dungannon - Granted 10th March 2009
- LA09/2021/0395/F - Proposed dwelling and detached domestic garage in substation of M/2009/0069/F - 133 Lurgylea Road Galbally Dungannon - Granted 9th June 2021

The above applications relate to lands west of the current site adjacent the Lurgylea Rd (see Fig 5, below).



Fig 5: Site layout granted under application LA09/2021/0395/F, as can be seen the boundary the current site proposes to follow lined in red above is further east of the recently approved dwellings curtilage.

Dungannon and South Tyrone Area Plan 2010 - The site is located within the rural countryside outside any settlement designated by the Plan.

Strategic Planning Policy Statement for Northern Ireland (SPPS) - The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Planning Policy Statement 3 Access, Movement and Parking (PPS3) - Policy AMP 2 (Access to Public Roads) of PPS3 is the relevant policy test in this instance. AMP 2 states that planning permission will only be granted for a development involving direct access onto a public road where it will not prejudice road safety or significantly inconvenience the flow of traffic. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21) - 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. Policy CTY 14 deals with rural character with particular reference to criterion (e) which states the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

I am not content the new access lane will integrate with its surroundings and as a result it will damage the rural character of the area. 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.

The access lane under this application will run through open landscape along a double row of post and wire fencing approx. 1.2m high (see Fig 6, below). Whilst the proposed block plan submitted indicates an existing hedge along this boundary, what exists is not long established and in my opinion is insufficient to integrate the proposed access arrangements thus damaging the rural character of this very open area of countryside. Owing to the lack of vegetation on site this proposal will rely heavily on new planting, which would take years to establish. Accordingly, I am not content the revised access arrangements would integrate into the landscape without damage to rural character in accordance with Policies CTY13 and CTY14.



Fig 6: Google map shows open landscape access will cross & fencing referred to above



Fig 7: Google map shows approx. line of fencing and vegetation the access lane approved under previous application will follow, along the side of No. 137 Lurgylea Rd, the applicant's current address.

I note concerns with the currently proposed access lane were raised under the previous application on site LA09/2020/0631/F. At the outset of LA09/2020/0631/F the applicant/agent proposed the current access lane however as Planning considered it would not integrate the applicant/agent was given the opportunity to amend the access, alongside other design issues raised, to aid integration. Subsequently, the access lane was amended to run along the north boundary of the site adjacent and parallel to No. 137's access lane (Fig 7) whereby it benefited from post and wire fencing interspersed with mixed vegetation / trees to assist its integration into the landscape. Accordingly, Planning was content the revised access arrangements, alongside other design issues addressed, would now integrate into the landscape in accordance with Policies CTY13 and CTY14 thus the overall scheme was granted.

I do not believe there have been any significant changes on site since the previous application whereby the access lane currently proposed was considered not to be in accordance with Policies CTY13 and CTY 14 therefore I would recommend this proposal be refused. In making this recommendation, I have taken into account supporting information submitted by the agent justifying the proposed access arrangements. However, as detailed above I do not consider this proposal integrates; and there are no sufficient reason why the previously approved access arrangements cannot be provided, legal issues raised are with DFI and NIE, DFI will have to grant road opening permit.

Additional Considerations

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

Checks of the Planning portal and Flood Maps NI indicate the site is not subject to flooding

Recommendation

Refuse lack of integration resulting in a detrimental change to the rural character of the countryside

Neighbour Notification Checked	Yes
Summary of Recommendation:	Refuse
Reasons for Refusal:	
<ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the access arrangements do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape. 2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of the access arrangements would result in a detrimental change to the rural character of the countryside. 	
Signature(s)	
Date:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1048/O	Target Date:
Proposal: Site for off-site replacement dwelling (max.ridge height 8.0m) and detached garage	Location: 50m South East of 22 Tirgan Road Tullynagee Moneymore BT45 7RZ
Referral Route: The applicant is a current employee of Mid Ulster Council's Planning Department.	
Recommendation:	Approval
Applicant Name and Address: Malachy McCrystal 22 Tirgan Road Tullynagee Moneymore BT45 7RZ	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
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

Characteristics of the Site and Area

This application site is located on land south east of No 22 Tirgan Road, Tullynagee, Moneymore. It sits approximately 6 kilometres south west of Magherafelt and 4 kilometres north west of Moneymore in the countryside, as defined in the Magherafelt Area Plan. It sits within the Sperrins Area of Natural Beauty (AONB) and the surrounding area is elevated with Carndaisy Forest to the west and an undulating minor road network traversing the upland topography. The site includes 2 separate parcels of land situated either side of Tirgan Road. The portion south of the road only includes a derelict 2 storey dwelling which approximately 2 metres below the road. This building lies parallel to and alongside the road and is included within a larger farmyard area which extends to the south.

The main bulk of this application site as submitted occupies a plot of land between the Tirgan Road and the applicant's dwelling at No 22.

This rectangular portion of the site includes part of the tarmaced access to No 22. This access also forms the north eastern boundary of the site and is defined by a low stone wall with a well-established hedgerow, interspersed with trees. The north western boundary of the site is a 2 metre high hedgerow which defines the front lawn and curtilage of the applicant's dwelling. The south western boundary of the site is undefined on the ground as the site is part of a larger agricultural field, which continues around the rear of No 22. The south eastern roadside boundary is a stone wall with hedgerow at the access and along the lay-by, with a grass verge and hedgerow for the most. The site rises from the roadside in a north westerly direction to where it peaks at the north western boundary and gently slopes to the south west.

Planning History

In April 2014, permission was granted for the offsite replacement of the dwelling subject of this application at 19 Tirgan Road under application H/2014/0007/O.

Description of Proposal

This application seeks outline planning permission for an off-site replacement dwelling (maximum ridge height 8 metres) and detached garage on land 50 metres South East of No 22 Tirgan Road, Tullynagee, Moneymore.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations.

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

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

The applicant submitted a Design and Access Statement, as is required by Sections 40(3) and 86(2) of the 2011 Act, The Planning (General Development Procedure) Order (Northern Ireland) 2015, which in this instance is because this site is located within the designated Sperrins Area Of Natural Beauty.

The Strategic Planning Policy Statement (SPPS) published in September 2015 outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The SPPS advises that the policy provision of PPS 21: Sustainable Development in the Countryside are retained and it is this policy which this application will be assessed under.

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. CTY1 - Development in the Countryside in PPS 21 states planning permission will be granted for an individual dwelling house in the countryside if it meets all the criteria set out with policy CTY3, for a replacement dwelling in addition to policies CTY13 and CTY14.

All proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either

- (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or

- (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.

The dwelling subject of this application to be replaced is a two storey with a small lean-to porch projection to the rear. There are 3 window openings each at ground and first floor levels, with those at ground floor level blocked up. Less than half of the roof is still intact however the part that is that closest to the north eastern gable has a red brick chimney positioned on the ridge. The south western gable of the building is partially exposed revealing the original brickwork, with the remainder covered in ivy.

The principle of a dwelling to be replaced has already been established through the granting of permission for application H/2014/0007/O as stated above, and thus satisfies the initial part of Policy CTY 3 Replacement dwellings in that the proposed building to be replaced exhibits the essential characteristics of a dwelling and is substantially intact.

Although that permission has expired, it was also for an off-site replacement but was proposed to be sited to the south of the dwelling. This application will assess the suitability of the site as proposed in this application on the opposite side of the road to accommodate a dwelling and garage.

The dwelling to be replaced is located along the roadside in the northern corner of a larger farm yard. This yard contains a number of agricultural buildings of various sizes and has two accesses. An access sits just north of the dwelling to be replaced and the other is approximately 30 metres to the south. The applicant in the Design and Access Statement has stated reasons why the replacement dwelling is proposed to be off site. The proximity of the access and in particular that to the north of the existing dwelling would create an undesirable siting for a dwelling, as well as the proximity of the existing agricultural buildings and absence of any established domestic curtilage. I am satisfied that on the basis of road safety and in order to construct a dwelling with adequate useable amenity space, a location outside of the existing footprint is necessary as it also will not hinder any further expansion of agricultural development within the farmyard.

There are a number of other criteria CTY 3 sets out that proposals must meet,

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;

- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;

- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Although this proposal is to utilise an existing access as stated in the P1 form, as this is not for the dwelling to be replaced, it is necessary to consult DfI Roads. They responded saying they have no objections to this proposal subject to the provision of 2.4 metres by 45 metres in both directions and a forward sight distance of 45 metres also. With the inclusion of these requirements as a condition to any approval I am satisfied that road safety would not be compromised. Further details of the design of any dwelling and garage and finishes will be

assessed through the processing of any subsequent application pending approval of this 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. Following discussion with the Principal Planner, it was decided that some conditions may be deemed necessary so as to allow development on this site to successfully integrate. As the site rises and is highest in the north western section, a condition to site the dwelling in the portion closest to the road would be the least prominent. It was also agreed a ridge height restriction would lessen the impact of any development on this site and it was decided a ridge height of no more than 6.5 metres FFL would be acceptable.

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. I am content that the proposed dwelling will not be a prominent feature in the landscape. Any views of this site are limited and would only be fleeting due to the winding nature of the minor road network. Subject to the implementation of the restrictions mentioned above as conditions of any planning approval, this would ensure the rural character of the site is preserved.

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

In line with the statutory consultation duties as part of the Planning General Development Procedure) Order 2015, an advert was placed in the local newspapers and there were no neighbouring properties to be notified by letter. There were no objections received about this proposal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the criterion set out in Policy CTY 3 of PPS 21 along with CTY 13 and 14, I am content this proposal satisfies all requirements and therefore should be recommended for approval, subject to conditions.

The applicant for this proposed development is a current employee of Mid Ulster Council's Planning Department and thus this application cannot be determined under the Council's present Scheme of Delegation. Therefore it must be presented to Planning Committee to agree a decision, with my recommendation to approve.

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3.A scale plan and accurate site survey at 1:500 shall be submitted as part of the reserved matters application showing the access via the existing access to No 22 Tirgan Road and visibility splays of 2.4 metres by 45 metres in both directions, and a forward sight distance of 45 metres 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.

4.The dwelling shall be sited within the area shaded orange on Drawing No 01 date stamped 9th July 2021 and a post and wire fence with a native species hedgerow planted along this south western boundary.

Reason: In order to integrate into the countryside.

5.The proposed dwelling shall have a ridge height of no more than 6.5 metres FFL with an underbuild not exceeding 0.45 metres at any point.

Reason: In the interest of visual amenity.

6.Upon occupation of the new dwelling, the dwelling to be replaced, coloured green on the approved Drawing No 01, date stamped 9th July 2021, shall no longer be used or adapted for purposes of human habitation and may only be used for storage purposes.

Reason: To ensure that the proposed development does not result in the creation of an additional dwelling in this rural area.

7.All existing trees and hedges along the boundaries of the site shall be permanently retained, hedges to their existing height and the trees to a minimum height of 3 metres, unless removal is necessary for the provision of visibility splays.

Reason: In the interests of visual amenity and to ensure the maintenance of screening to the site.

8.A detailed landscaping scheme incorporating proposed planting of locally occurring native species vegetation, proposals for retention of existing vegetation on site boundaries, and any proposals for removal of vegetation to facilitate the development, shall be submitted to the Council for approval simultaneously of dwelling design and its siting at reserved matters stage. The plan will include details of the site preparation planting methods, medium and additives together with the species, size and time of planting, presentation, location, spacing and numbers of all trees and shrubs to be planted and the proposed time of planting.

Reason: To enable the proposed development to integrate into the countryside.

Informatives

This notice relates to Drawing No 01 which was received on 9th July 2021.

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.

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.

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 and surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.

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.

Signature(s)**Date:**

ANNEX	
Date Valid	9th July 2021
Date First Advertised	20th July 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1048/O Proposal: Site for off-site replacement dwelling (max. ridge height 8.0m) and detached garage Address: 50m South East of 22 Tirgan Road, Tullynagee, Moneymore, BT45 7RZ, Decision: Decision Date: Ref ID: H/1992/0620 Proposal: 11 KV O/H LINE BM0693'92 Address: TIRGAN RD MONEYMORE Decision: Decision Date: Ref ID: H/1993/0116 Proposal: BUNGALOW AND GARAGE Address: OPP 21 TIRGAN ROAD MONEYMORE Decision: Decision Date: Ref ID: H/2005/0336/F Proposal: Proposed alterations and change of use from domestic garage to granny flat Address: 22 Tirgan Road, Moneymore Decision: Decision Date: 10.03.2006	

Ref ID: H/1990/0467 Proposal: SITE OF FARM DWELLING Address: OPP 21 TIRGAN ROAD MONEYMORE Decision: Decision Date:
Summary of Consultee Responses DfI Roads - No objection
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



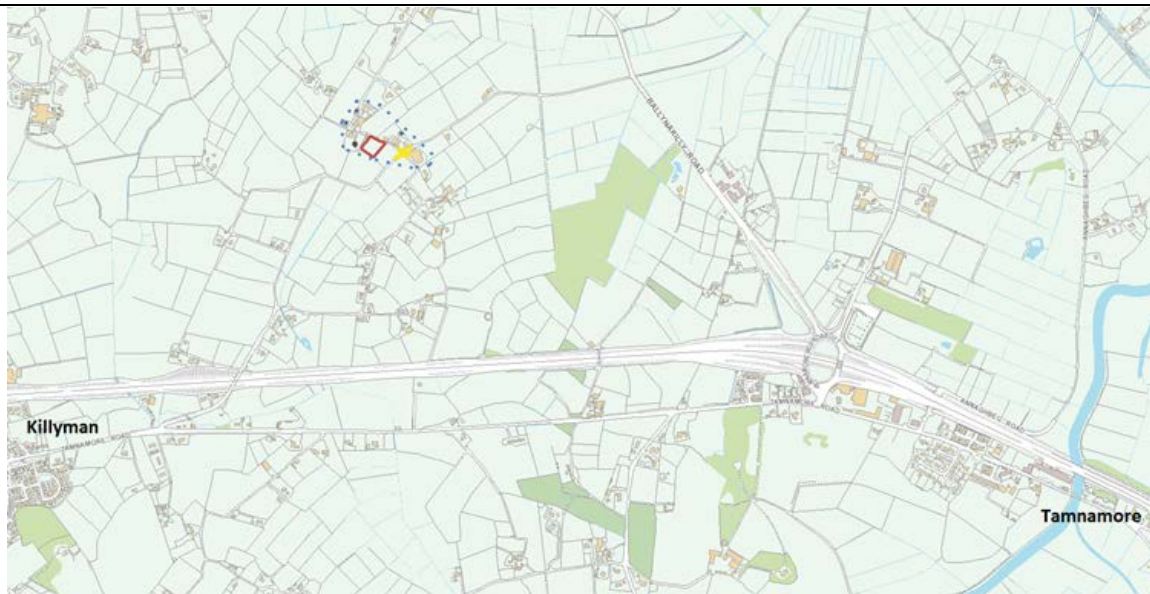
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1050/O	Target Date:
Proposal: Proposed site for dwelling & domestic garage / store (based on policy CTY 2a - dwellings in existing clusters).	Location: Approx. 60m East of 80 Drumaspil Road Drumhorrik Dungannon BT71 6HZ
Referral Route: Exception to policy	
Recommendation:	Approval
Applicant Name and Address: Ryan McKenna 27 Killymeal Grange Mullaghduin Dungannon BT71 6WQ	Agent Name and Address: CMI Planners LTD 38a Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

None

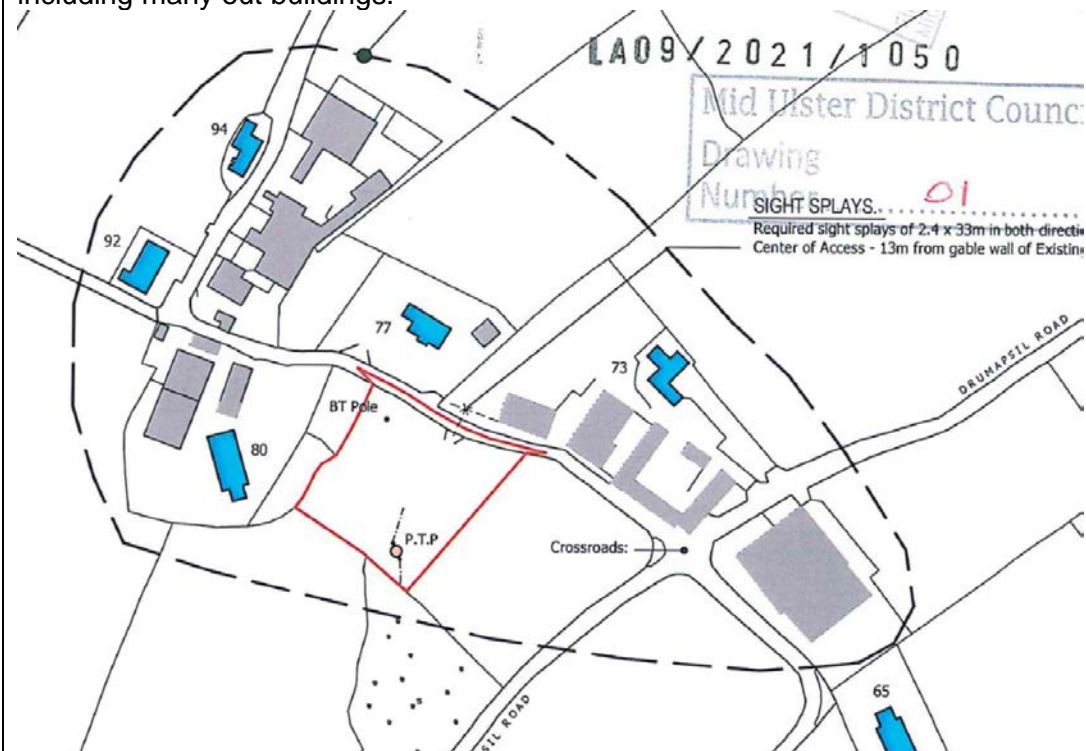
Characteristics of the Site and Area

The site lies within the open countryside just north of the M1 motorway. The settlement limits of Tamnamore and Killyman are to the South east and south west respectively. The site lies outside all other areas of constraint as depicted by the DSTAP 2010. The area is predominantly rural in nature with agricultural land on two sides and a number of farm holdings on the remaining sides.

The site includes the northern half of a large field. The site slopes gradually toward the North West. The NW boundary is defined by a row of mature trees, the north east by a low cropped native species along the roadside and the remaining boundaries are undefined on the ground.



There is a cross roads a short distance to the south east which has two farm holdings on either side. There is also a large farm holding to the west and the north, in addition there has been a new dwelling completed directly across the road from the site. The agent has circled the below cluster which includes a crossroads, 5 dwellings, and a number of separate farm holdings including many out buildings.



Description of Proposal

The proposal seeks outline planning permission for a dwelling in a cluster.



Planning Assessment of Policy and Other Material Considerations

SPPS

PPS 1 General Principles

PPS 3 Access, Movement and Parking

PPS 21 Sustainable Development in the Countryside

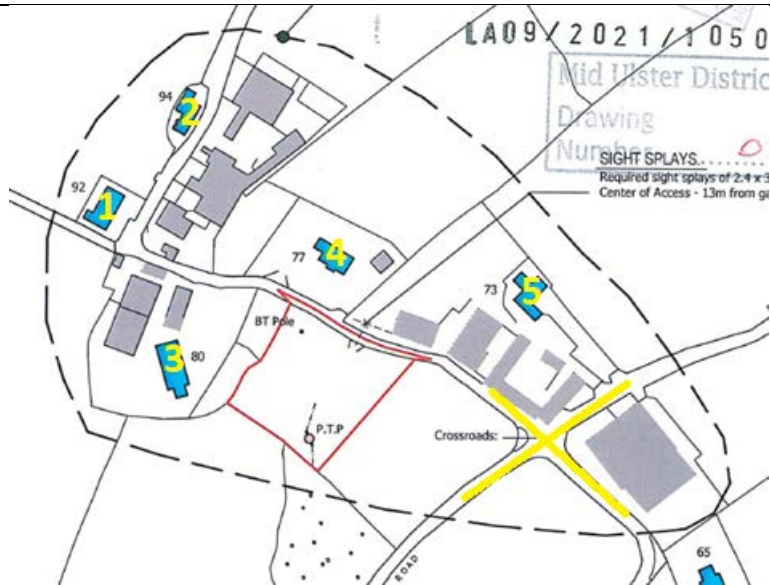
CTY 1 - Development in the Countryside

CTY2a - New dwellings in existing clusters.

CTY 13 - Integration and Design of Buildings in the Countryside

CTY 14 - Rural Character

The proposal has been described as a dwelling in an existing cluster with a focal point the cross roads to the south, therefore, consideration under CTY 2a - new dwellings in a cluster is necessary.



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

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

The site does lie outside a farm and consists of well over 10 buildings of which 5 are dwellings. (marked in yellow above)

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

It is clear from site inspection and the overhead photography that the site appears as visual entity.

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

The cluster does not associate at a focal point, however the agent makes the case that it is located at a crossroads however, it is approx. 60 metres from the crossroads, therefore it is my opinion that it should be presented to the members as an exception to policy. The ministerial review of PPS21 (July 2013) provides a detailed examination into the existing policy criteria, with specific reference to criteria cty2a the minister highlights the need for appropriate flexibility.

- 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 a square parcel of land with a dense hedgerow enclosing it on three sides with only the south eastern boundary open for viewing. There are dwellings and sheds to the immediate east and to the North West, there is a further dwelling to the North, and there are further farm buildings and a dwelling to the East. It is my opinion that the site clearly has development on three sides.

- 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;

It can be seen from any of the overheard photos that the site can easily be absorbed into the cluster with no issues regarding integration. The proposal does not step outside the confines of the existing cluster nor add to or create a ribbon of development in this area. It must also be noted that the site has the benefit of a considerable backdrop of development. The topography of the site along with the existing vegetation are key here as they restrict any long range views of the site.

- Development would not adversely impact on residential amenity.

In terms of residential amenity, the proposal is sited a sufficient distance from the nearest dwelling. The dwelling size and siting can be conditions to eliminate any potential detrimental impact on this property. Ridge height 8 metres. Siting to the north portion of the site.

In conclusion, in consideration of all of the above it is my opinion that the criteria is met with the exception that the site does not lie within the exact confines of the corner of the crossroads, it must be noted that it is still within the same field however positioned at the furthest point. As the proposal does not fully meet all of the above criteria however, is in general compliance with CTY2a it must be presented to the members for consideration.



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 three sides and decent boundary vegetation it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale. I have no concerns regarding integration. 8m ridge.

GOOGLE STREET VIEW



In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale. I would recommend imposing a height (8m) to the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Recommendation Approval.

Neighbour Notification Checked

Yes

Conditions

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

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

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

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

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

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

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

4.The proposed dwelling shall have a ridge height of less than 8 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.

5.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.

6.During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the site. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Informatives

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

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

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

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	14th July 2021
Date First Advertised	27th July 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 73 Drumaspil Road Drumaspil Dungannon The Owner/Occupier, 77 Drumaspil Road Dungannon Tyrone The Owner/Occupier, 80 Drumaspil Road Dungannon Tyrone The Owner/Occupier, 92 Drumaspil Road, Dungannon, BT71 6HZ The Owner/Occupier, 94 Drumaspil Road Drumaspil Dungannon	
Date of Last Neighbour Notification	30th July 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1050/O Proposal: Proposed site for dwelling & domestic garage / store (based on policy CTY 2a - dwellings in existing clusters). Address: Approx. 60m East of 80 Drumaspil Road, Drumhorrik, Dungannon, BT71 6HZ, Decision: Decision Date:	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



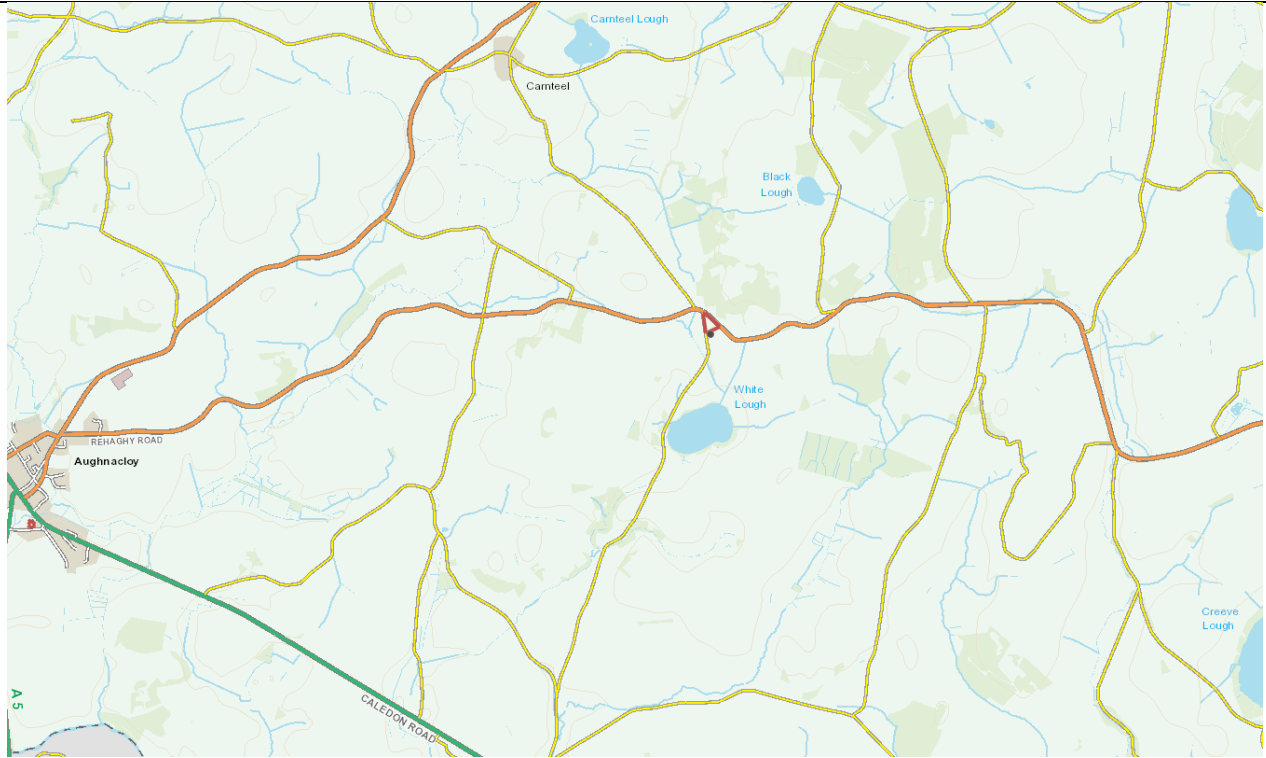
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1225/F	Target Date:
Proposal: 2 Proposed detached two storey dwelling houses with shared duel site entrance	Location: Lands directly adjacent to 31 Whitelough Road Aughnacloy
Referral Route: Contrary to policy	
Recommendation:	REFUSAL
Applicant Name and Address: Alan Campbell 48 Rehaghey Road Aughnacloy	Agent Name and Address: Concept 44 Architecture 44 Rehaghey Road Aughnacloy BT69 6EU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the East of the settlement limits of Aughnacloy, just north of the White Lough and outside all other areas of constraint as depicted by the DSTAP 2010.

The site is triangular in shape and nestles into the corner of two roads, the main Rehaghy road to the North East and the Whitelough Road to the West. There is a heavy wooded area to the

north across the Rehaghy road and to the west although an access has been created for two new dwellings at this site across the road. The site itself falls from the Rehaghy road to the Whitelough road with a steep slope from east to west.



The highest point in the south east corner to the lowest point in the south west corner is a drop of 17 metres. The site itself had been thick with trees and shrubs however this has recently been cleared to open up the site.



The wider area is predominately rural in nature with the site surrounded on three sides by agricultural or forestry ground with the remaining southern side bounded by a dwelling and garage.

Description of Proposal

The proposal seeks full planning permission for a pair of dwellings.

Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy

Dungannon Area Plan 2010

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

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside.

-CTY2A - Clusters

-CTY8 - Ribbon Development

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

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

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.

Key Policy Consideration:

Strategic Planning Policy Statement- SPPS advises that the policy provisions of PPS21 Sustainable Development in the Countryside are retained.

PPS21- sustainable development in the countryside

The overarching policy for development in the countryside is PPS21. There are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 Development in the Countryside.

In this particular case the applicant has not provided any clear justification for the siting of this proposal. A supporting statement was submitted with a brief summary detailing in their opinion the site would be an infill on a vacant plot of land which is currently of no agricultural value, has good boundary screening and the dwellings will integrate within the cluster. I will therefore assess this application under PPS 21 - CTY 2a and CTY 8.

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

The first thing to be pointed out here is that this policy allows a single dwelling in some cases never a pair of dwellings. However, I will carry out a full assessment for reference should this have been for one dwelling.

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

The site does lie outside a farm and there are two dwellings to the south, there are also two dwellings approved to the west, however, these would not contribute to the 4 dwellings needed.

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

It is not clear from site inspection and the overhead photography that the site appears as visual entity.

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

The cluster does not associate at a focal point, however the agent suggests that the staggered cross roads should act as a focal point.

- 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 a triangular parcel of land with a minimal hedgerow enclosing it on two sides with the remaining boundary that of the neighbouring dwelling to the south east. There are two approvals to the west which have not been built and therefore do not count as development. It is my opinion that the site does not have development on three sides.

- 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;

It can be seen from any of the overheard photos that the site that there is no real cluster for the site be absorbed by, there are also issues regarding integration. The proposal would in my opinion create a ribbon of development in this area.

- Development would not adversely impact on residential amenity.

In terms of residential amenity, the proposal is sited 25 metres building to building from the nearest dwelling, number 31. It is also located on higher ground and the dwelling size with a 8 metre ridge height may have a potential detrimental impact on this property.

In conclusion, in consideration of all of the above it is my opinion that the criteria is not met, the site is not located within a cluster of over 4 dwellings, does not have development on 2 sides,

does not appear as a visual entity, is not suitable enclosed, would be visually intrusive and also would have a detrimental impact on neighbouring amenity.

It is my opinion therefore that the proposal is not in compliance with CTY2a it must be presented to the members for consideration.

In considering Policy CTY8- Ribbon Development it 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 and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site falls between a dwelling to the South east and the main road to the North. This does not represent a substantially built up frontage as there is only buildings on one side along this particular piece of road frontage and therefore would not be characterised as a gap site.



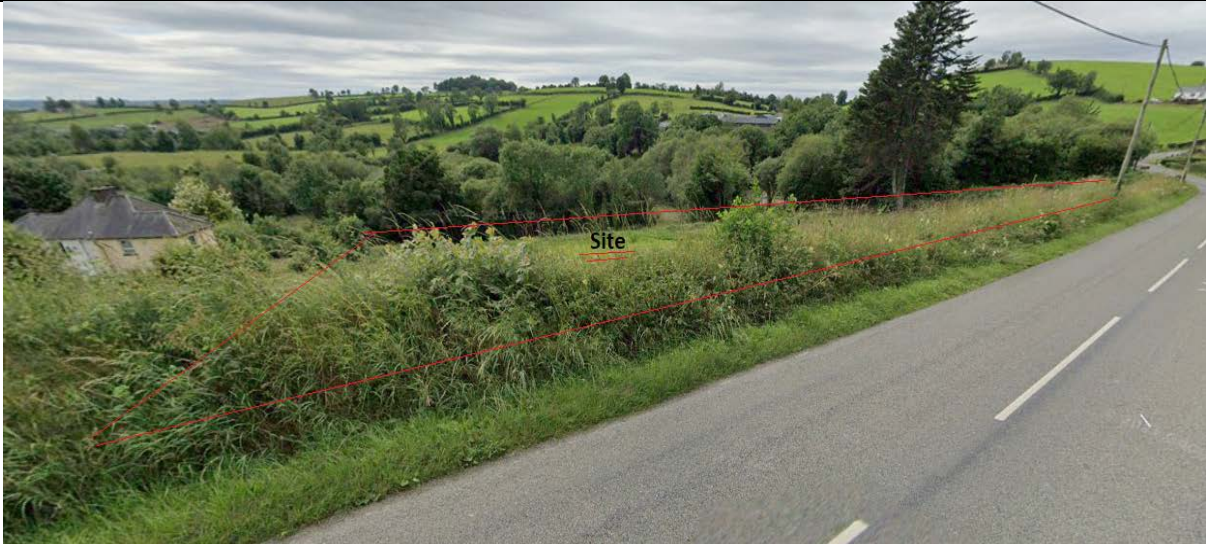
Policy CTY8 is not met.

Development in the countryside is also required to integrate under the provisions of planning policy CTY13. The proposed site has recently been cleared and has a low level of vegetation

cover along the boundaries. The proposal seeks permission for two dwellings with a ridge of 8 metres. Upon site inspection it was evident that there were buildings of a similar height within the surrounding area, however, if a siting were to be approved it would be necessary to accompany any permission with conditions for landscaping.



The addition of two more dwelling, located on this particular plot, in my view will have a detrimental impact on the rural character as it will be extending the existing ribbon of development along a site which I consider to represent a significant visual break in the landscape.



In my view CTY 14 of PPS21 is not met.

Other Policy and Material Considerations

Transport NI have no objections to this proposal subject conditions.

Recommendation refuse.

Neighbour Notification Checked

Yes

Refusal Reasons

1. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling, the cluster does not appear as a visual entity in the local landscape and the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in a ribbon development along the Whitelough Road and would, if permitted, adversely impact on the amenities of neighbouring residents.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape and the proposed dwellings would rely primarily on the use of new landscaping for integration.

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

Signature(s)

Date:

ANNEX	
Date Valid	24th August 2021
Date First Advertised	7th September 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 29 Whitelough Road Aughnacloy Tyrone The Owner/Occupier, 31 Whitelough Road Aughnacloy Tyrone The Owner/Occupier, 46 Whitelough Road Aughnacloy Tyrone The Owner/Occupier, 48 Whitelough Road Aughnacloy Tyrone The Owner/Occupier, 50 Whitelough Road Aughnacloy Tyrone	
Date of Last Neighbour Notification	8th September 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1225/F Proposal: 2 Proposed detached two storey dwelling houses with shared dual site entrance Address: Lands directly adjacent to 31 Whitelough Road, Aughnacloy, Decision: Decision Date: Ref ID: M/2006/0516/O Proposal: Proposed Dwelling & Garage Address: Adjacent to 31 Whitelough Road, Aughnacloy Decision: Decision Date: Ref ID: M/1979/0774 Proposal: IMPROVEMENTS TO NIHE COTTAGES Address: GLENDAVAGH, BOHARD, CRONGHILL, REHAGHY, DUNGANNON Decision: Decision Date:	

Drawing Numbers and Title
Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Drawing No. 03 Type: Proposed Floor Plans Status: Submitted
Drawing No. 04 Type: Proposed Elevations Status: Submitted
Drawing No. 05 Type: Proposed Plans 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

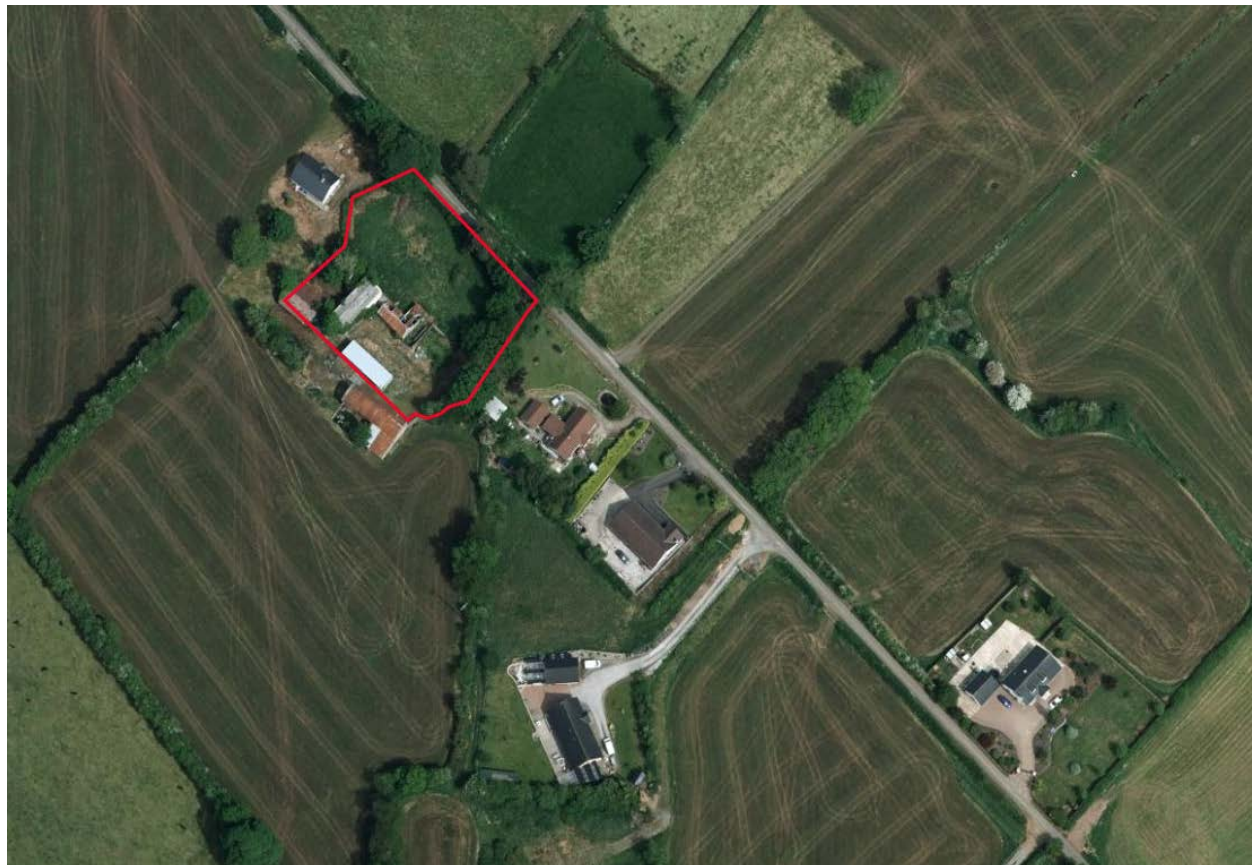
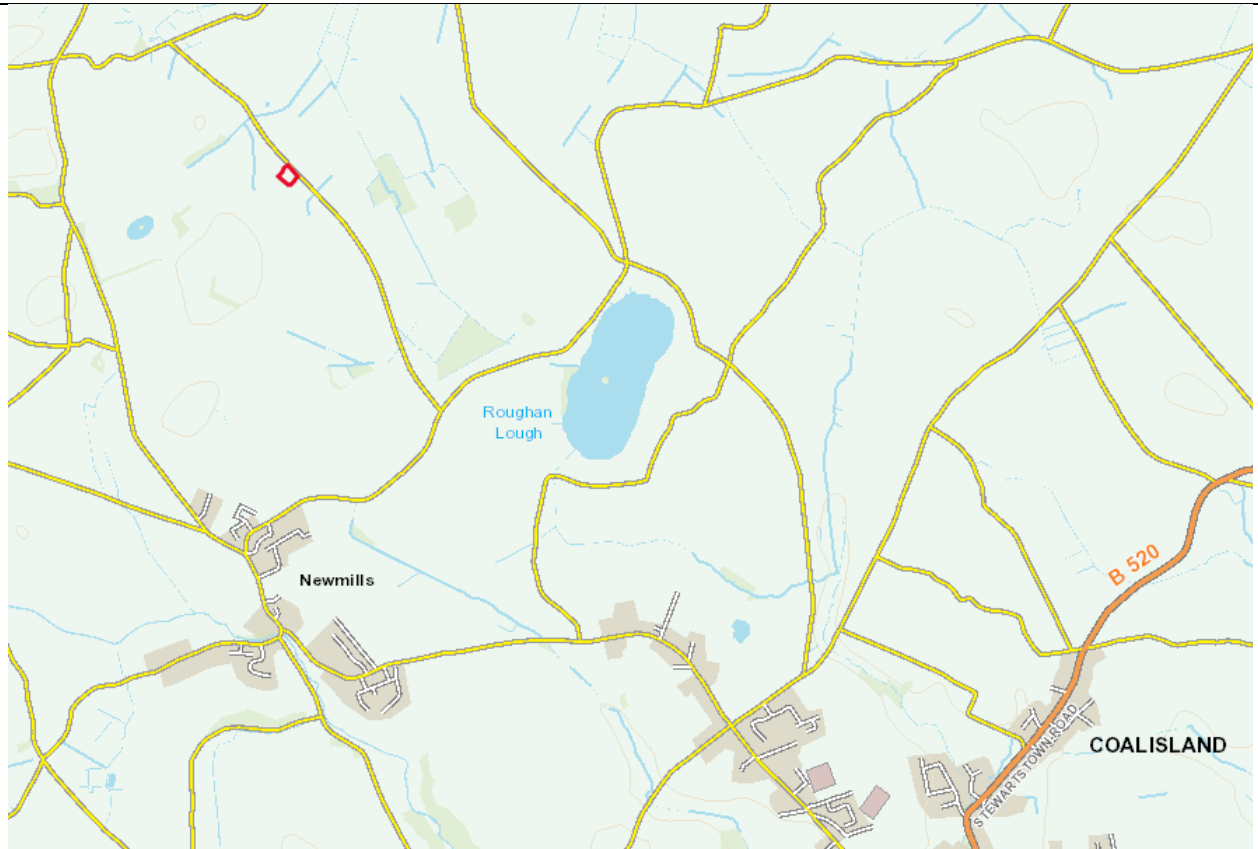
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1265/O	Target Date:
Proposal: Proposed infill site for 2 Dwellings (renewal of permission LA09/2018/0977/O)	Location: Adjacent to and immediately South East of 26 Whitetown Road Newmills Dungannon
Referral Route: Objection	
Recommendation: Approve	
Applicant Name and Address: Mrs Muriel Magee 19 Kilcorig Road Lisburn	Agent Name and Address: Kee Architecture Ltd 9a Clare Lane Cookstown BT80 8RJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
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
Description of Proposal		
<p>This is an outline application for 2 dwellings on an infill site. The site is located Adjacent to and immediately South East of 26 Whitetown Road Newmills Dungannon.</p> <p>The proposal is for the renewal of Planning permission LA09/2018/0977/O granted on the Granted 3rd October 2018. This application was received on the 31st August 2021 before the expiry LA09/2018/0977/O.</p> <p>The application has been made and accepted under Article 3 (5) of the Planning (General Development Procedure) Order (NI) 2015 to renew planning permission where existing approval has not yet expired [Schedule 1, Part 1 General Provisions, Paragraph 3].</p>		
Characteristics of the Site and Area		
<p>With the exception, that the site has been cleared of scrub and number of agricultural outbuildings and sheds, there does not appear to be any significant changes on site or in the immediate vicinity from the previous outline application on site. As such the characteristics of the original site and area remain largely as per LA09/2018/0977/O.</p> <p>The site, which lies outside any settlement defined under the Dungannon and South Tyrone Area Plan 2010, is located in the rural countryside adjacent the Whitetown Road, approx. 1 mile north of Newmills.</p> <p>It is a relatively square shaped, agricultural plot. It had previously, when visited under LA09/2018/0977/O, been overgrown and contained a number of large agricultural buildings and sheds set back on the site and accessed of the adjacent Whitetown Road via an existing short lane along the southeast boundary of the site. This lane is bound to both sides by thick mature vegetation. As detailed further above, the scrub and number of agricultural buildings and sheds have been removed from site since the previous site inspection.</p> <p>The site is located within an existing line of roadside development comprising 3 roadside dwellings. It nestles between no. 26 Whitetown Road to its northwest and nos. 28 and 30 Whitetown Road to its southeast. No. 26 is a modest single storey dwelling fronting unto the adjacent Whitetown Road. No. 28, also a single storey dwelling is sited gable end fronting unto the Whitetown Road. No. 28 has a garage located immediately to its rear/north west side and another outbuilding to the north west of this again adjacent the southeast boundary of the site. No 30 is single storey and fronts onto the adjacent Whitetown Rd.</p> <p>A post and wire fence defines the northwest boundary of the site / party boundary with no. 26. A mature hedgerow approx. 1m high with higher vegetation scattered through defines the roadside boundary of the site. The southeast boundary of the site along the</p>		

party boundary with no. 28, is defined by mature tree and vegetation ranging approx. 4-9 metres in height. The rear boundary is defined only in part by the rubble of the buildings removed / remaining.

Critical views of this site will be limited until passing along its roadside frontage due to its location on straight stretch of road within a line of existing dwellings, which alongside the mature vegetation on the sites boundaries and within the wider vicinity screen it on both the northwest and southeast approach along the Whitetown Road.

This area of countryside is typically rural, characterised primarily by undulating agricultural land with dwellings and farm groups dispersed along the roadside.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Development Control Advice Note 15

Planning Policy Statement 2: Natural Heritage

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

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Relevant Planning History

- LA09/2018/0977/O - Infill site for 2 no dwellings with demolition and removal of redundant agricultural buildings - Adjacent to and immediately SE of 26 Whitetown Rd Newmills Dungannon - Granted 3rd October 2018

Consultees

1. DfI Roads were consulted under the previous application on site LA09/2018/0977/O in relation to access, movement and parking arrangements and have no objection subject to standard conditions and informatives, subject to which I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

As there have been no changes to the proposal or significant changes on site or in the immediate vicinity since the previous application on site re-consultation with DfI Roads outlined was not deemed, necessary.

Key Policy Considerations/Assessment

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – 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. These are listed in Policy CTY1 of PPS21.

The principle of this development has already been established on site under outline planning application LA09/2018/0977/O. This approval, which the applicant seeks to renew, granted permission for 2 dwellings on site under the provisions of Policy CTY 8 of PPS 21 - Ribbon Development.

Policy CTY8 – Ribbon Development states permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size and meets other planning and environmental requirements. 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.

Bearing in mind the above, there have been no changes to the previous proposal, no significant changes on site or in the immediate vicinity since the previous approval, and no changes in policy from the previous approval, LA09/2018/0977/O,

Under application LA09/2018/0977/O, as detailed in my previous case officer report, I considered the proposal in principle acceptable under Policy CTY8. It was and remains my opinion that the site constitutes a small gap site within an otherwise substantial and continuously built up frontage as it is located within a line of 3 buildings running along the Whitetown Road as detailed further above in the 'Characteristics of the Site and Area'.

In accordance with policies CTY12 and CTY13 of PPS 21, I believe 2 dwellings of an appropriate size, scale and design with ridge height's limited to 5.5m should respect the existing development pattern along the Whitetown Road and integrate onto this gap site with minimal disruption to the rural character of the area. Particularly as views of the dwellings will be limited to passing the roadside frontage of the site due to its location on a straight stretch of road within an existing line of dwellings. The existing dwellings,

alongside the mature vegetation on the site boundaries and within the wider vicinity, will screen the proposed dwellings on both the northwest and southeast approach along the Whitetown Road.

As this is an outline application, details of the size, scale and design of the dwellings will be reserved for further consideration under any subsequent reserved matters application. Based on a block plan submitted under the previous application on site and again under the current application, I am however satisfied subject to an appropriate scheme coming forward two dwellings could be positioned on this site without any unreasonable degree of harm to the neighbouring properties amenity.

Additional Considerations

In additional to checks on the planning portal Natural Environment Map Viewer (NED) and Historic Environment Map (NED) map viewers available online have been checked and identified no natural heritage features of significance or built heritage assets of interest on site.

Flood Maps NI indicate no flooding on site.

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 Mrs Helen O'Neil the owner/occupier of no. 28 Whitetown Road, the neighbouring property to the southeast of the site. This was a P2 Certificate of land ownership challenge. Mrs O'Neill claims to own up the middle of the lane between her property and the site. That this land was clearly shown, on Land Registry maps in 2002, as within the boundary of her property at the time of purchase. That earlier this year Land Registry amended the map to exclude half the lane from her boundary following consultation with the purchaser of the current site. Mrs O'Neil states this was done in error, has not yet been rectified and is currently being dealt with by her Solicitor's.

Accordingly, the agent was contacted to confirm that the correct Certificate was completed or on the back of the objection if they wished to amend the Certificate. The agent advised the applicant was content that the correct Certificate had been completed, that she was in ownership of all the lands outlined in red. With regards ownership / legalities surrounding the development of this site I am content as any planning permission granted will not confer title, it will be the responsibility of the developer to ensure that he controls all the lands necessary to carry out and access the proposed development. I would note, fundamentally this site could be developed without the need to use the lane.

Recommendation: Approve as before

Neighbour Notification Checked	Yes
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Summary of Recommendation	Approve
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Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

Reason: To ensure the dwelling integrates into the landform and to ensure resident's privacy is not adversely affected.

4. The proposed dwellings shall have a ridge height of less than 5.5 metres above existing ground level.

Reason: To ensure that the development satisfactorily integrated into the landscape, with the adjacent residential dwellings.

5. The existing natural screenings of the site, as indicated in green, on approved drawing No. 01 bearing the date stamped received 31 AUG 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: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

6. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the visibility splays. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme

dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscape.

7. Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.4mx 60m and any forward sight distance, shall be provided in accordance with a 1:500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

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

Signature(s)

Date:



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District Council

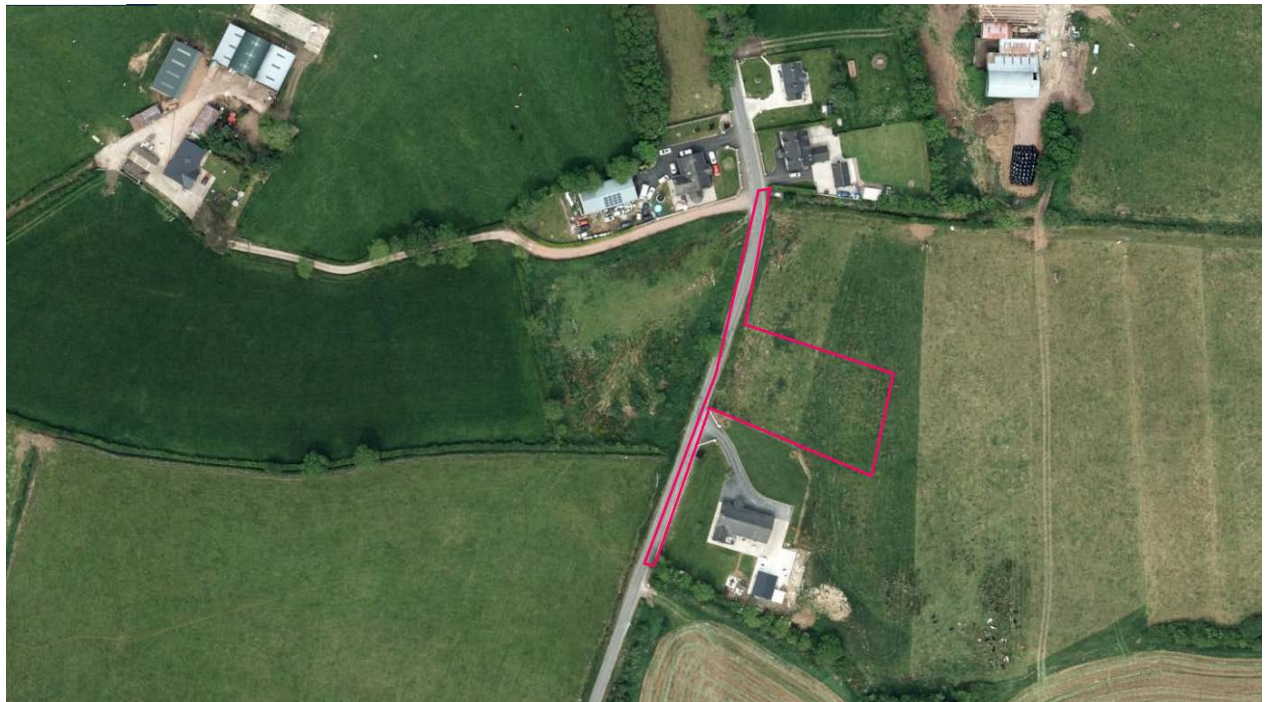
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1274/F	Target Date:
Proposal: Proposed dwelling with 6.5m Ridge height	Location: Site between 87 and 91 Kinrush Road Cookstown
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Dwayne Mc Kenna 87 Kinrush Road Cookstown	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT8 9ET
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Outstanding
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		
<p>The site which sits adjacent the Kinrush Rd is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 0.8km and 1.3km west of Ardboe and Lough Neagh respectively.</p> <p>The site is a relatively flat rectangular shaped plot cut from the roadside frontage of a much larger agricultural field. The host field's frontage is located within a line of existing roadside development consisting of 3 dwellings with ancillary outbuildings / garages extending along the east side of Kinrush Rd, a minor rural road. The properties in the aforementioned line, all accessed directly off the Kinrush Rd, include: no. 87 Kinrush Rd, a bungalow dwelling and applicant's home; no. 91 Kinrush Rd, a 1 ½ storey dormer (extending from wall plate into roof) dwelling; and no. 93 Kinrush Rd, another bungalow dwelling. The host field's frontage is located within the line of development between no. 87 Kinrush Rd, located immediately to its south and nos. 91 and 93 Kinrush Rd located in that order to its north. No. 87 Kinrush Rd is orientated gable end onto Kinrush Rd fronting north onto the site. Nos. 91 and 93 Kinrush Rd front onto Kinrush Rd. Post and wire fencing primarily bounds the site with a mature hedge along the roadside.</p> <p>Critical views of this site are limited until passing along the roadside frontage of the host field due to its location to the outside of a slight bend in the road and within an existing line of development, which alongside existing vegetation within the wider vicinity, helps screen it.</p> <p>The immediate area surrounding the site is rural in nature. It is characterised primarily by flat agricultural land interspersed with single detached dwellings and farm holdings.</p>		
Description of Proposal		
<p>This is a full application for a proposed dwelling with 6.5m ridge height on lands located between 87 & 91 Kinrush Road Coagh Cookstown. This application has been submitted following an outline application on part of this site, LA09/2021/0057/O.</p> <p>On the 22nd June 2021, LA09/2021/0057/O granted permission for a dwelling and garage on part of this site under the provisions of Policy CTY8 of PPS 21 - the development of a small gap site, subject to a number of conditions.</p> <p>In addition to the red line of the current site being larger and located further south than the previously approved site (See Fig 1, below) creating a considerably wider gap between no. 87 and 91 Kinrush Rd that could accommodate in excess of 2 dwellings, it does not adhere to a:</p> <ul style="list-style-type: none"> • 6m ridge height condition; or 		

- condition that no development or raising of existing ground levels shall take place within the area identified at risk of surface water flooding (See Figs 2 & 3, below).



Fig 1: Site location plan showing current site outlined in red and site previously approved under outline planning application LA09/2021/0057/O hatched grey.

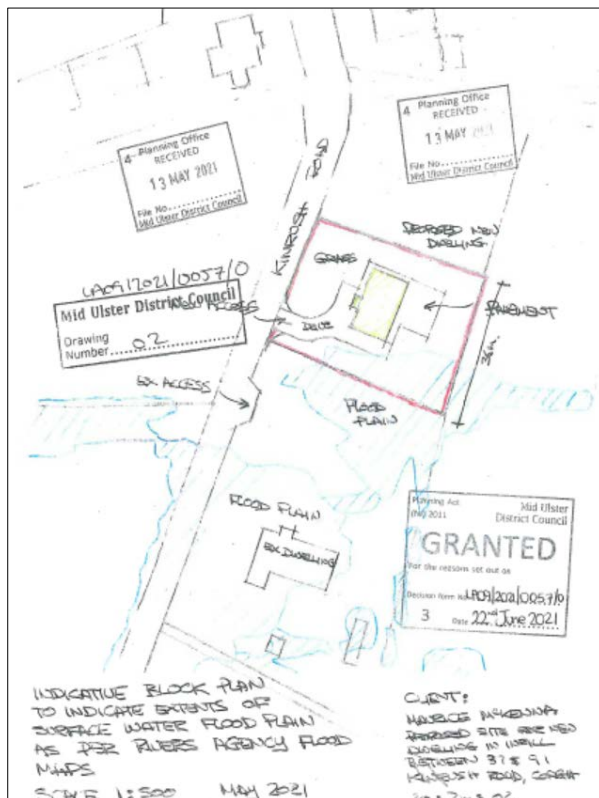


Fig 2: Indicative block plan submitted under LA09/2021/0057/O

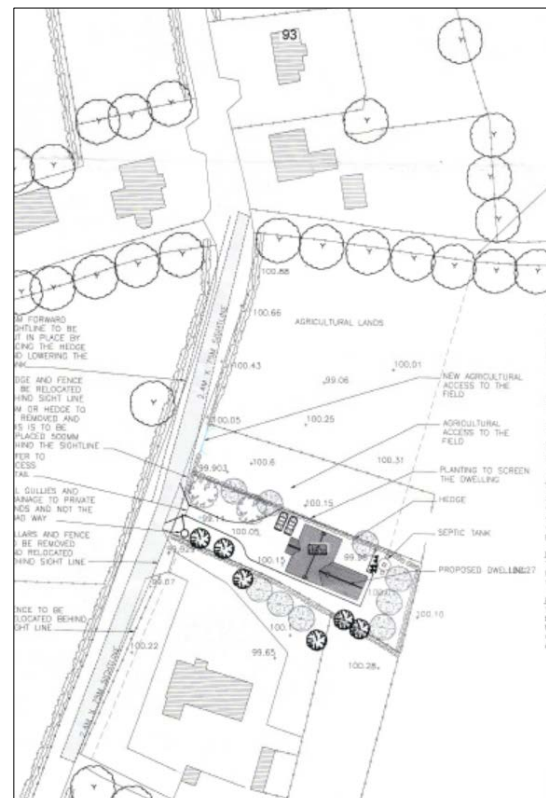


Fig3: Currently proposed block plan

As seen in Figs 1, 2 & 3 above, in addition to the site itself being located further south than the previously approved site the dwelling proposed is to be sited in its south side further increasing the gap between nos. 87 and 91 Kinrush Rd; and locating within the area identified at risk of surface water flooding.

Based on the plot size and location within of the dwelling currently proposed 4 / 5 dwellings could be squeezed between nos. 87 and 91 Kinush Rd.

Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

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

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Relevant Planning History

On site

LA09/2021/0057/O - Infill site for dwelling & garage - Site between 87 & 91 Kinrush Rd Coagh Cookstown - Granted 22nd June 2021

Adjacent Site

- I/2005/0858/O - Proposed dwelling house & garage - 130m S of 93 Kinrush Rd Cookstown – Granted 16th February 2006
- I/2006/0682/RM - Proposed dwelling house & garage - 130m S of 93 Kinrush Rd Cookstown - Granted 15th December 2006

The above applications relate to lands immediately south of the current site containing no. 87 Kinrush Rd, a bungalow dwelling and applicant's home.

Consultees

1. DFI Roads were consulted in relation to access arrangements, movement and parking and are yet to respond.
2. Rivers Agency were consulted on the previous application on site as NI Flood Maps indicated surface water flooding within the site. River's Agency responded under PPS15 (Revised): Planning and Flood Risk, Policy FLD3 Development and

Surface Water – that a Drainage Assessment (D.A) is not required by the policy but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

Whilst Rivers had not requested a D.A the agent was advised Policy requires one for any development proposal, except minor development, where: The proposed development is located in an area where there is evidence of a history of surface water flooding; or surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage. Such development will be permitted where it is demonstrated through the D.A that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

The agent subsequently submitted an indicative 1:500 scale block plan of the site (see Fig 2, further above in 'Description of Proposal') to show that the site could adequately contain a modest sized dwelling including hard standing areas, access driveway and gardens without unduly affecting the Flood Plain as per Rivers Agency Flood Maps. He outlined the block plan accurately shows the extent of the Surface Water Flood Plain encroaches unto a minimal portion of the proposed site. He also advised the applicant who has lived in the adjacent dwelling for the past 14 years has never encountered any flooding in the area.

Given the additional information received; and that all development close to the site was within the applicants control as such no third parties would be impacted I was content that in this instance a D.A was not required. However attached a condition to the subsequent approval that there be no development or changing in levels in the area of identified flooding, hatched blue, on the indicative block plan submitted; and an informative advising the applicant that any development is at own risk as no modelling has been carried out to define the flood risk area.

Re-consultation with Rivers Agency was not considered necessary as it is clear from NI Flood Maps that the current scheme (see Fig 3, further above in 'Description of Proposal') sits within the area of identified surface water flooding, hatched blue, on the previously submitted indicative block plan (see Fig 2, further above in 'Description of Proposal'). Accordingly, a D.A would be required.

Consideration

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

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

Planning Policy Statement 21 (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 are listed in Policy CTY1 of PPS21 -

Development in the Countryside and include the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

As detailed earlier in the 'Description of Proposal' this is a full application for a proposed dwelling with 6.5m ridge height on lands located between 87 & 91 Kinrush Road Coagh Cookstown. This application has been submitted following an outline application on site, LA09/2021/0057/O.

On the 22nd June 2021 outline application LA09/2021/0057/O granted permission for a dwelling and garage on part of this site under the provisions of Policy CTY8 of PPS 21 - the development of a small gap site (see Fig 1, further above) subject to a number of conditions.

In addition to the red line of the current site being larger and located further south than the previously approved site creating a considerably wider gap between no. 87 and 91 Kinrush Rd that could accommodate in excess of 2 dwellings, it does not adhere to a:

- 6m ridge height condition; or
- condition that no development or raising of existing ground levels shall take place within the area identified at risk of surface water flooding (See Figs 2 & 3, further above).

As seen in Figs 1, 2 & 3 above, in addition to the site itself being located further south than the previously approved site the dwelling proposed is to be sited in its south side further increasing the gap between nos. 87 and 91 Kinrush Rd; and locating within the area identified at risk of surface water flooding.

Policy CTY8 of PPS21 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.

The previous application LA09/2021/0057/O was granted permission as it was considered in principle acceptable under CTY8 in that the gap between nos. 87 & 91 Kinrush Rd could only accommodate up to a maximum of 2 houses respecting the existing development pattern I do not consider the current application does.

Based on the plot size and location within of the dwelling currently proposed 4 / 5 dwellings could be squeezed between nos. 87 and 91 Kinush Rd (see Fig 3, further above). Even if the dwelling was centrally located within the current site, including it, 3 dwellings could potentially be located between nos. 87 and 91 Kinush Rd.

I consider the proposal is contrary to Policy CTY8 of PPS 21 in that it would result in the creation of ribbon development along Kinrush Road. Contrary to Policy CTY 14 of PPS 21 in that it would result in a suburban style build-up of development when viewed with existing buildings result in a detrimental change to the rural character of the countryside. And, contrary to Policy FLD 3 of PPS 15 in that insufficient information has been submitted to demonstrate the proposal will not cause flood risk to the proposed development and from the development elsewhere.

I note whilst a Drainage Assessment is required to demonstrate the proposal will not cause flood risk to the proposed development and from the development elsewhere it is not been sought as the principle of this development has not been established.

Additional considerations

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

The proposal will be conditioned to be under the 10.7m height threshold in the area requiring consultation to Defence Estates relating to Met Office – Radar. Additionally, whilst the site is located within an area of constraint on wind turbines, this proposal is for a dwelling and garage.

Recommendation: Refuse

Neighbour Notification Checked:	Yes
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Summary of Recommendation:	Refuse
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Reasons for Refusal:

1. The proposal is contrary to Policy CTY 1 and 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 Kinrush Road.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.
3. The proposal is contrary to Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate the proposal will not cause flood risk to the proposed development and from the development elsewhere.

Signature(s)

Date:



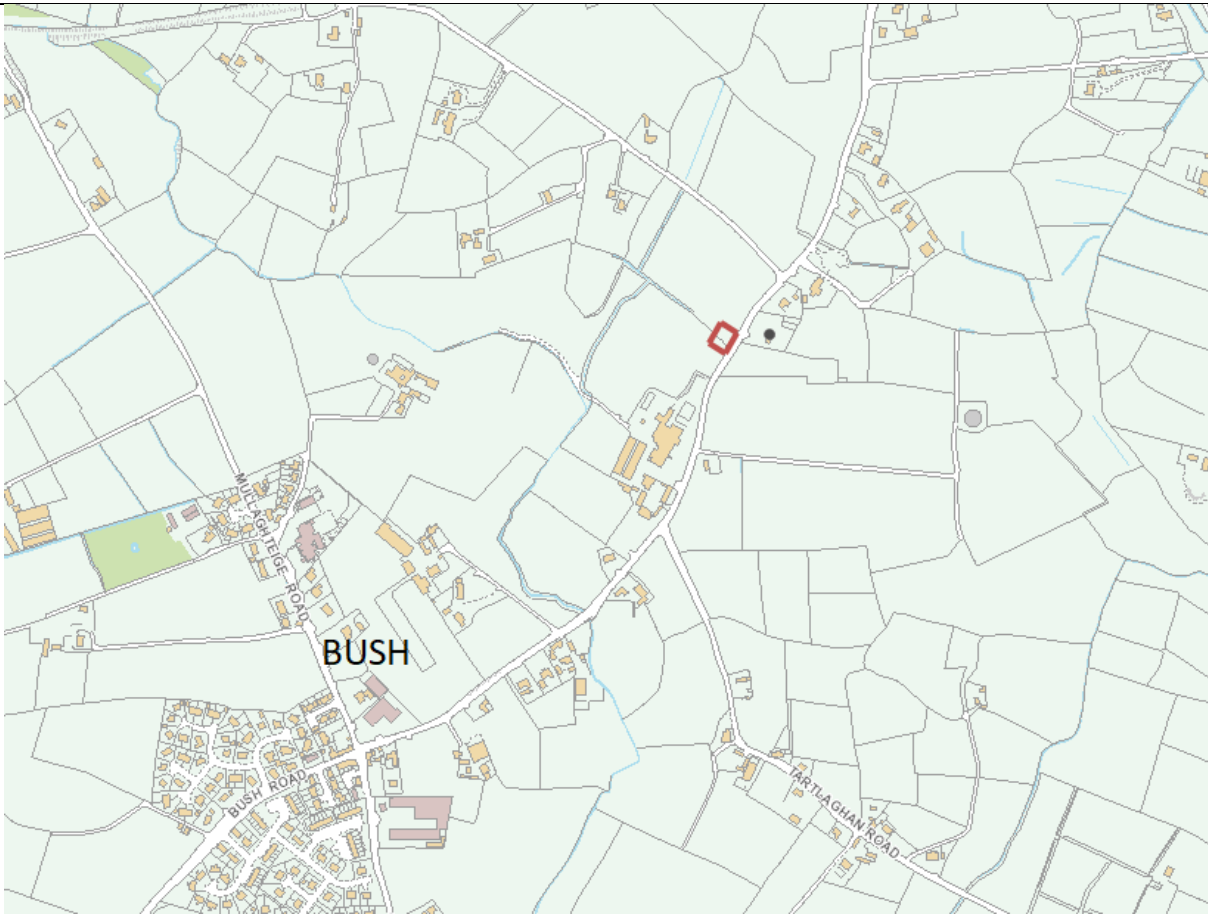
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1275/O	Target Date:
Proposal: Proposed dwelling on a farm	Location: 75m West of 125 Bush Road Dungannon
Referral Route: Contrary to policy	
Recommendation:	REFUSAL
Applicant Name and Address: Mr Paul Cranston 120 Bush Road Dungannon	Agent Name and Address: JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the North East of the settlement limits of Bush and outside all other areas of constraint as depicted by the DSTAP 2010. It lies on the main Bush road heading toward Dungannon and is surrounded by agricultural land on all sides.

The red line of the site includes a small cut out of a larger agricultural field approx. 75 metres West of number 125 Bush Road. The site is undefined on three sides, the north, south and West with a timber post and wire fence along the roadside east. Cranston fuels depot is a short distance to the south and there are a scattering of single dwellings on the roadside to the north. The land is relatively flat with a slight fall from the west to east. The site is very open on the ground and visible from long distances when travelling in each direction along the Bush Road.



Description of Proposal

The proposal seeks outline planning permission for a farm dwelling.

Planning Assessment of Policy and Other Material Considerations

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

Dungannon and South Tyrone Area Plan 2010
Strategic Planning Policy Statement (SPPS)
Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside
 CTY 10 ? Farm Dwellings
 CTY 13 - Integration and Design of Buildings in the Countryside; and
 CTY14 - Rural Character
 PPS 3 - Access, Movement and Parking;

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

Planning History

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

Policy

Given the rural location of application site the nature of the proposal the application shall be assessed under Planning Policy Statement 21- Sustainable Development in the Countryside and in particular with the following;

Policy CTY1 provides clarification on which types of development are acceptable in the countryside, such as a dwelling on a farm, a dwelling to meet the needs of a non agri-business, a dwelling based on personal and domestic circumstances, a replacement dwelling or if the site could be considered a small gap site within a substantial and built up frontage. In this instance the application is for a farm dwelling and therefore must be considered against Policy CTY10 of PPS21.

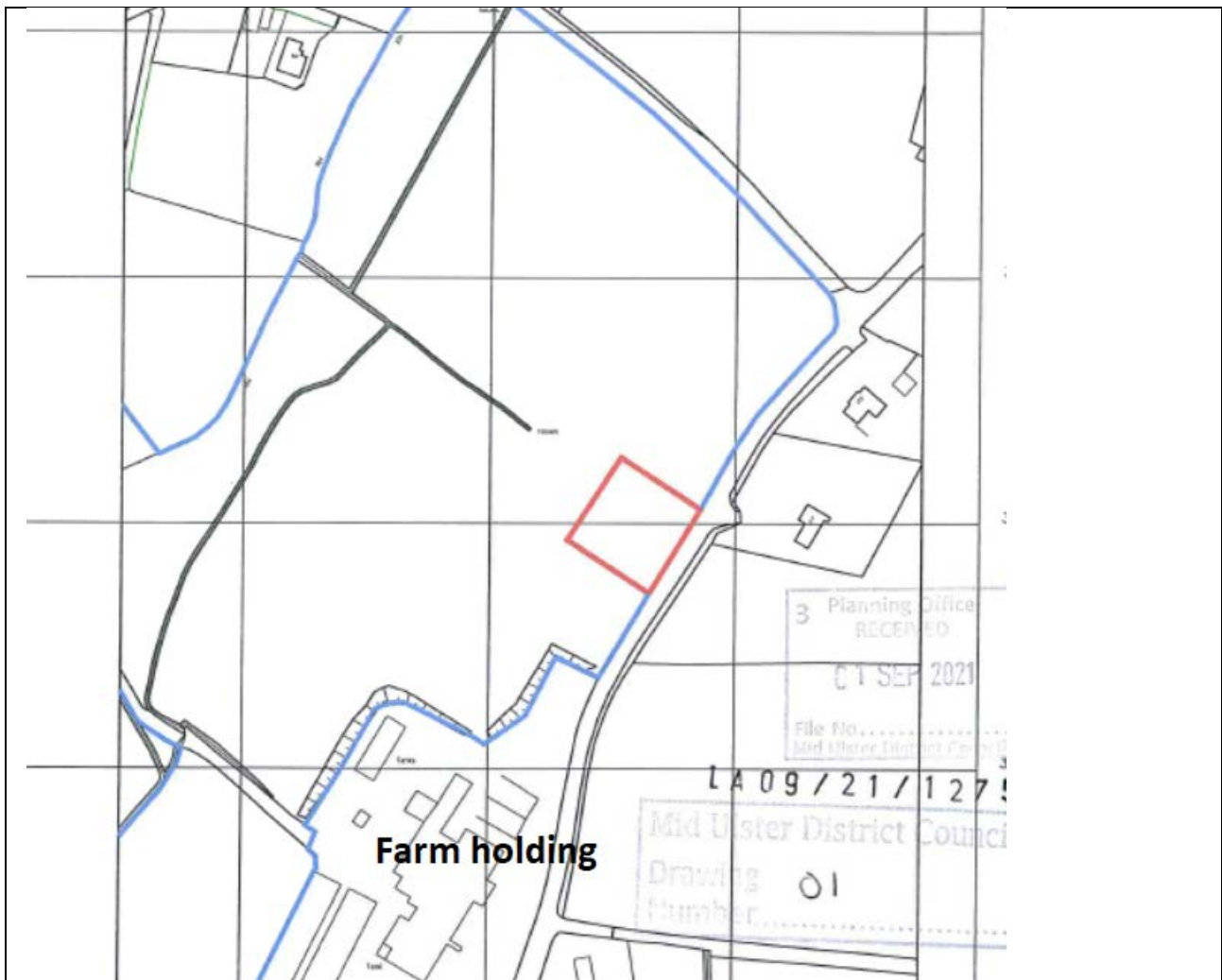
Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (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

With respect to (a) it is considered that this policy criteria has been met as the applicant has provided an Agricultural Business Identification number and is in receipt of Single Farm Payments, and DAERA have confirmed that the applicant has had a Business ID for over 6 years.

With respect to (b) there are no records indicating that any dwellings or development opportunities out with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

With respect to (c) it is noted that the application site is located 90 metres to the east of the nearest farm building. There is a significant gap or break between the site and the farm holding. It is my opinion that this gap represents a substantial visual break between the farm holding and the site.



It is therefore considered that the proposal is not in compliance with all of the criteria of Policy CTY10.

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 as the site has no boundaries on three sides and only a post and wire fence along the roadside boundary, it is my opinion that a dwelling would not be able to blend in successfully with its immediate and wider surroundings. The site sit on very slightly open site, on the roadside and some distance from the farm holding, it would rely solely on a landscaping plan to provide any screening, and therefore any dwelling would be unable to fit in unobtrusively.

Therefore the proposal is contrary to PPS 21 CTY 13.



In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are not suitable for absorbing a dwelling of any size and scale

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.

Mid Ulster Development Plan 2030 - Draft Plan Strategy

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

Recommendation Refusal.

Neighbour Notification Checked

Yes

Refusal Reasons

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

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building would also rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a 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:

ANNEX	
Date Valid	1st September 2021
Date First Advertised	14th September 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 125 Bush Road Dungannon Tyrone The Owner/Occupier, 127 Bush Road Dungannon Tyrone	
Date of Last Neighbour Notification	22nd September 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1275/O Proposal: Proposed dwelling on a farm Address: 75m West of 125 Bush Road, Dungannon, Decision: Decision Date:	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



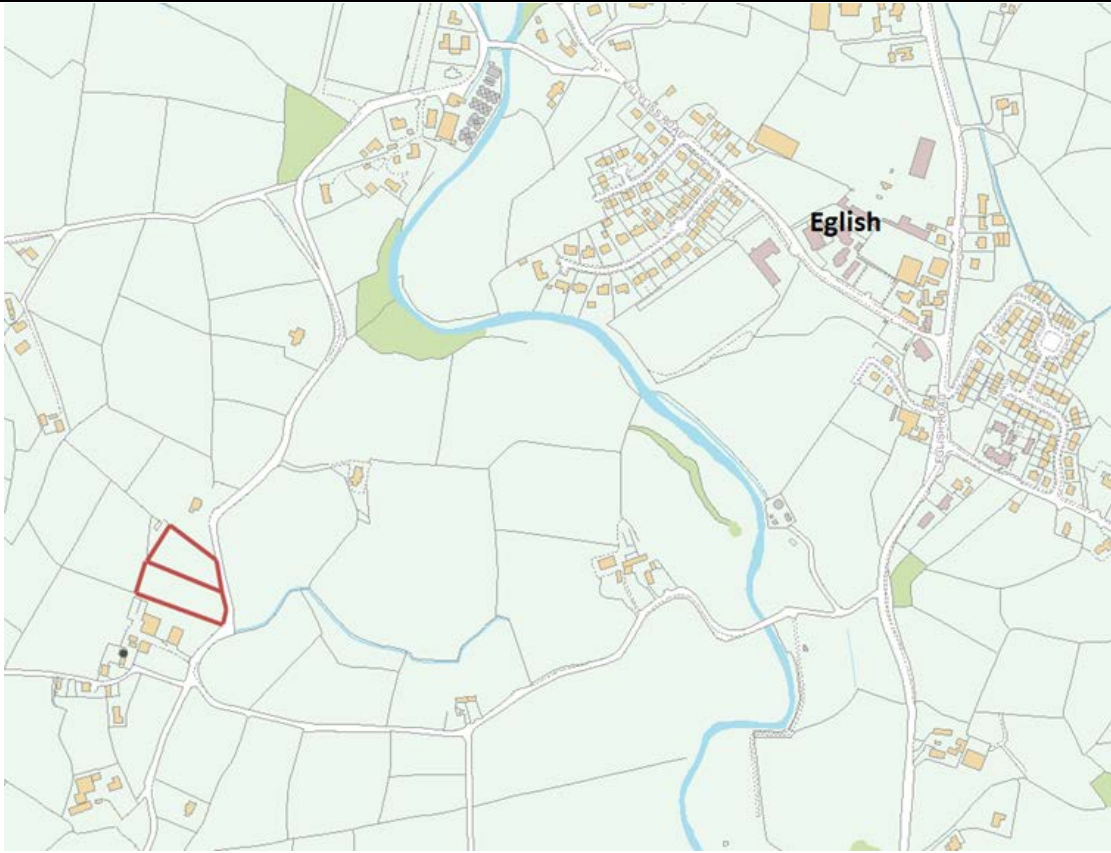
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1313/O	Target Date:
Proposal: Two storey dwelling	Location: Between 55c and 59 Cadian Road Dungannon (site 1)
Referral Route: Contrary to policy	
Recommendation:	REFUSAL
Applicant Name and Address: Mr R P Reid 142 Moy Road Dungannon	Agent Name and Address: Shaw Design 34 Grange Road Dungannon BT71 7EQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

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

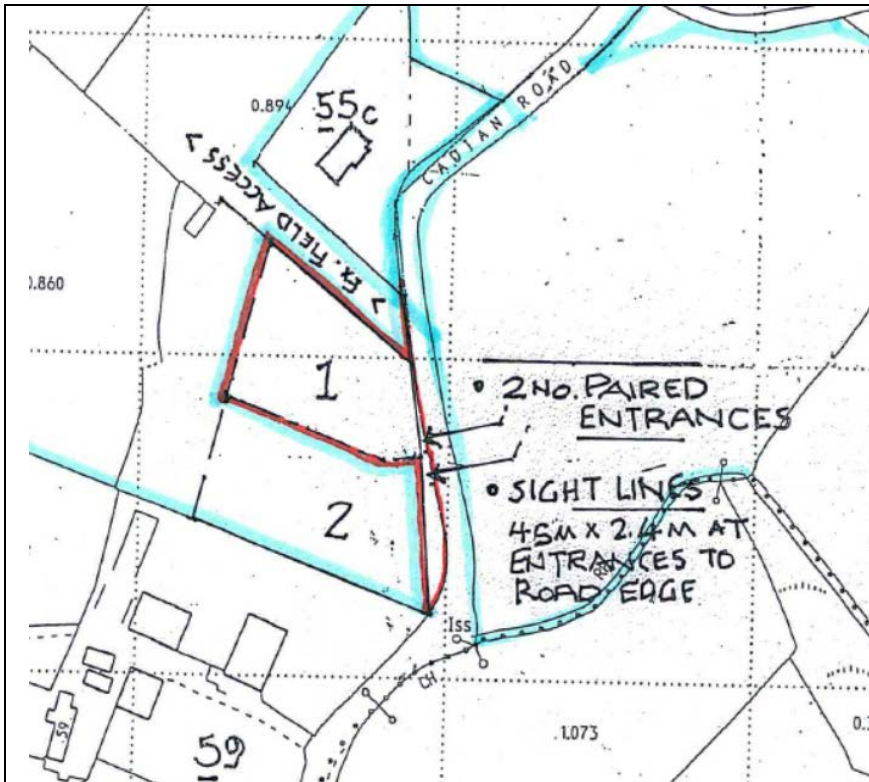
- Policy CTY 1 - Development in the Countryside
- Policy CTY 8 - Ribbon development
- Policy CTY 13 - Integration and Design
- Policy CTY 14 - Rural character

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:

ANNEX	
Date Valid	27th August 2021
Date First Advertised	21st September 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 55c Cadian Road Dungannon The Owner/Occupier, 59 Cadian Road Dungannon Tyrone	
Date of Last Neighbour Notification	21st September 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/1313/O Proposal: Two storey dwelling Address: Between 55c and 59 Cadian Road, Dungannon (site 1), Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. Type: Status: Submitted Drawing No. Type: Status: Submitted Drawing No. 01 Type: Site Location Plan Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1314/O	Target Date:
Proposal: Two storey Dwelling	Location: Between 55c and 59 Cadian Road Dungannon (site 2)
Referral Route: Contrary to policy	
Recommendation:	refuse
Applicant Name and Address: Mr R P Reid 142 Moy Road Dungannon	Agent Name and Address: Shaw Design 34 Grange Road Dungannon BT71 7EQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

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 Eglis 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

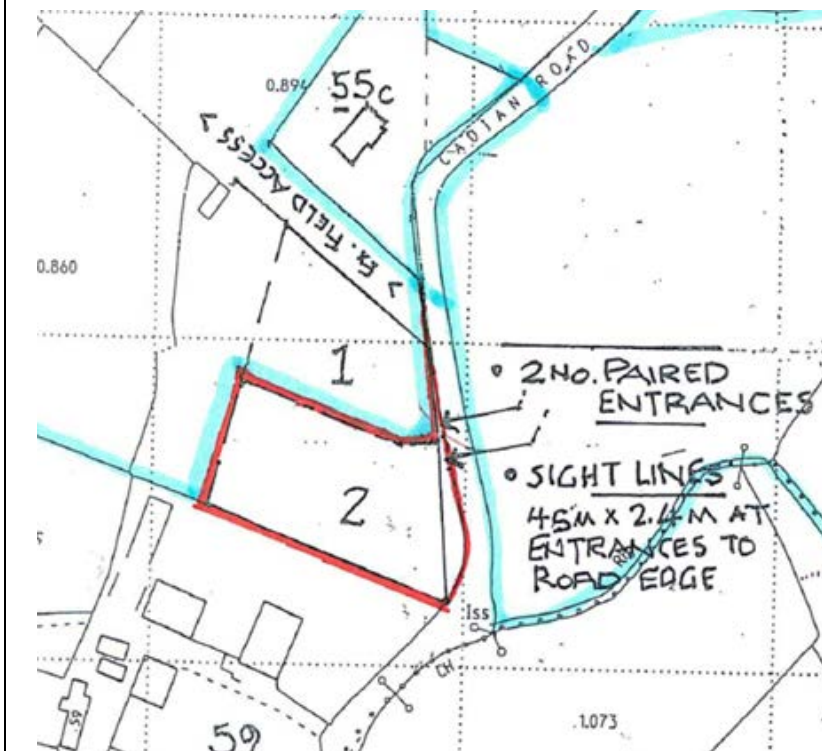
Regional Development Strategy
Dungannon and South Tyrone Area Plan (DSTAP) 2010
PPS3
PPS21

- 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:

ANNEX	
Date Valid	27th August 2021
Date First Advertised	21st September 2021
Date Last Advertised	
Details of Neighbour Notification (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	
Date of Last Neighbour Notification	21st September 2021
Date of EIA Determination	
ES Requested	No
Planning History 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, MULLAGHLONEFIELD, EGLISHE, DUNGANNON Decision: Decision Date:	
Drawing Numbers and Title	

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Case Officer: Phelim Marrion	
Application ID: LA09/2018/1258/F	Target Date: 09/01/2019
Proposal: Proposed storage building and infilling of lands with inert material for the purposes of improvement to drainage and land	Location: Approx 110m N.E. of Portafill International Ltd Dungannon Business Park Killyliss Road Dungannon
Applicant Name and Address: Acrow Formworks N.I. Industrial Estate Granville Road Dungannon	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Summary of Issues: The proposed site is outside the settlement limits for Granville and is within a Site of Local Nature Conservation Importance (SLNCI). The proposed development will have a negative impact on the SLNCI and there is no overriding reason for the development outside the settlement limits or loss of the habitat.	
Summary of Consultee Responses: NIEA – recommend refusal as the proposed developed will have adverse impacts on priority habitats DFI Roads – recommend approval subject to conditions DFI Rivers – Drainage Assessment submitted, lacks some detail NI Water – standard response	

Characteristics of the Site and Area:

The site is located just outside and at the edge of the settlement limits of Granville, designated a village under the Dungannon and South Tyrone Area Plan.

Granville is located approximately 3 km southwest of Dungannon, close to the A4 Belfast to Enniskillen Road. Whilst the land within Granville to the west side of Granville Road comprises some housing it is characteristically industrial in nature comprising Granville Industrial Estate which the Area Plan identified as existing industry and business, zoning all the additional land to its west, up to the edge of the settlement for Industry and Business.

A new Invest NI industrial estate, 'Dungannon Business Park' has in recent years developed in the most western part of the land zoned for Industry and Business. This new business Park is located off the Killyliss Road just to the north of the new dual carriageway. Whilst located next to the carriageway its location at the edge of the settlement gives it a rural feel.

Dungannon Business Park comprises a number of existing businesses housed in large detached buildings on considerable sized plots. These buildings include Portafill, located immediately to the south of the site, Terex which sits almost directly opposite at the other side of the estate road, Axon just south of Terex, and Westland Horticultural located at the very end of Park to the north east of the site.

The site itself which sits immediately to the north east side of Portafill's curtilage is a relatively large rectangular shaped plot located on low lying ground. It sits just at the edge of Granville's settlement limits and the new business park which it is proposed to be accessed from. The access to the site which sits approx. 45 metres back from the road serving the industrial estate will run through an existing area of trees bounding the business park. The southern boundary of the site is bound by perimeter fencing. The western and northern boundaries of the site are undefined.

There is a lough located just to the north of the site, 'Blacklough (Cornmullagh)' designated with lands surrounding it in the Area Plan as a Site of Local Nature Conservation Importance (SLNCI). The site in its entirety sits within this SLNCI designated for its species rich swamps and fen of local importance.

Description of Proposal

This is a full planning application for a proposed storage building and infilling of lands with inert material for the purposes of improvement to drainage and land at lands approx 110m N.E. of Portafill International Ltd, Dungannon Business Park, Killyliss Road, Dungannon.

The proposal is for the provision of a 30m x 18m storage shed on a site of approx. 5,500sqm. It is proposed to provide a yard of approx. 3000sqm in area raised by approx.

6m above the surrounding area, with a landscaping buffer along the new sides to the north and west and a new access road through existing vegetation between the site and the Dungannon Business Park.

Deferred Consideration:

This application was before the Committee Members in January 2019 with a recommendation to refuse planning permission, it was deferred as the agent advised they were not given enough time to provide the necessary reports and that these would be submitted within 6 weeks for consideration. Additional information was submitted and considered and this did not address the concerns raised by NIEA and as such the application was presented back to Committee in October 2019 with a recommendation to refuse. The application as deferred for submission of additional reports to address the NIEA concerns in regards to the impacts on the priority habitat.

A Habitat Creation and Management Plan (HCMP) and drawing were submitted and forwarded to NIEA for their comments. NIEA assessed these additional proposals and have concerns that infilling with a substantial amount of inert material and planting of new trees will affect the hydrological characteristics of the habitat. NIEA have advised that Black Lough SLNCI is a lowland fen priority habitat and the proposals will result in the loss of this protected habitat:

- there are no details to substantiate the claim that the substantial amount of inert infilling will not affect the hydrology of the site
- the planting of trees will accelerate the draining of the wetland resulting in its transition into a wet woodland
- the HCMP does not propose to offset the loss of exiting priority habitat by creating additional habitat, retention of the existing is not compensatory measures and the 5 year programme lacks any essential details of specific habitat management measures

The agent has been advised about these concerns and has indicated they wish to pursue the application and would be submitting additional information to address the concerns raised by NIEA. Despite assurances and reminders requesting this information, no new or additional information has been submitted.

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.

In view of the above concerns, those raised in the previous reports to this committee and the lack of information, I recommend this application is refused for the reasons stated.

Conditions/Reasons for Refusal:

Refusal Reasons

1. This proposal is contrary to CTY1 of PPS21 and Dungannon and South Tyrone Area Plan given the proposals location outside the settlement limits of Granville.
2. This proposal is contrary to SPPS / PPS21 and PPS4 in that the proposed development fails to accord with any of the exceptions to development in PPS4 and promotes a stand alone storage building in the countryside.
3. This proposal is contrary to the SPPS, CON1 of the Dungannon and South Tyrone Area Plan and NH4 & NH5 of PPS2 in that the site is located within Black Lough Site of Local Nature Conservation Importance and the proposal will result in the loss of lowland fen priority habitat and it has not been demonstrated that the proposal will have significant benefits that outweigh the value of the existing priority habitat.

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

Case Officer: Phelim Marrion	
Application ID: LA09/2018/1258/F	Target Date: 09/01/2019
Proposal: Proposed storage building and infilling of lands with inert material for the purposes of improvement to drainage and land	Location: Approx 110m N.E. of Portafill International Ltd Dungannon Business Park Killyliss Road Dungannon
Applicant Name and Address: Acrow Formworks N.I. Industrial Estate Granville Road Dungannon	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Summary of Issues: The proposed site is outside the settlement limits for Granville and is within a Site of Local Nature Conservation Importance (SLNCI). The proposed development will have a negative impact on the SLNCI and there is no overriding reason for the development outside the settlement limits or loss of the habitat.	
Summary of Consultee Responses: NIEA – recommend refusal as the proposed developed will have adverse impacts on priority habitats DFI Roads – recommend approval subject to conditions DFI Rivers – Drainage Assessment submitted, lacks some detail NI Water – standard response	

Characteristics of the Site and Area:

The site is located just outside and at the edge of the settlement limits of Granville, designated a village under the Dungannon and South Tyrone Area Plan.

Granville is located approximately 3 km southwest of Dungannon, close to the A4 Belfast to Enniskillen Road. Whilst the land within Granville to the west side of Granville Road comprises some housing it is characteristically industrial in nature comprising Granville Industrial Estate which the Area Plan identified as existing industry and business, zoning all the additional land to its west, up to the edge of the settlement for Industry and Business.

A new Invest NI industrial estate, 'Dungannon Business Park' has in recent years developed in the most western part of the land zoned for Industry and Business. This new business Park is located off the Killyliss Road just to the north of the new dual carriageway. Whilst located next to the carriageway its location at the edge of the settlement gives it a rural feel.

Dungannon Business Park comprises a number of existing businesses housed in large detached buildings on considerable sized plots. These buildings include Portafill, located immediately to the south of the site, Terex which sits almost directly opposite at the other side of the estate road, Axon just south of Terex, and Westland Horticultural located at the very end of Park to the north east of the site.

The site itself which sits immediately to the north east side of Portafill's curtilage is a relatively large rectangular shaped plot located on low lying ground. It sits just at the edge of Granville's settlement limits and the new business park which it is proposed to be accessed from. The access to the site which sits approx. 45 metres back from the road serving the industrial estate will run through an existing area of trees bounding the business park. The southern boundary of the site is bound by perimeter fencing. The western and northern boundaries of the site are undefined.

There is a lough located just to the north of the site, 'Blacklough (Cornmullagh)' designated with lands surrounding it in the Area Plan as a Site of Local Nature Conservation Importance (SLNCI). The site in its entirety sits within this SLNCI designated for its species rich swamps and fen of local importance.

Description of Proposal

This is a full planning application for a proposed storage building and infilling of lands with inert material for the purposes of improvement to drainage and land at lands approx 110m N.E. of Portafill International Ltd, Dungannon Business Park, Killyliss Road, Dungannon.

The proposal is for the provision of a 30m x 18m storage shed on a site of approx. 5,500sqm. It is proposed to provide a yard of approx. 3000sqm in area raised by approx.

6m above the surrounding area, with a landscaping buffer along the new sides to the north and west and a new access road through existing vegetation between the site and the Dungannon Business Park.

Deferred Consideration:

This application was before the Committee Members in January 2019 with a recommendation to refuse planning permission, it was deferred as the agent advised they were not given enough time to provide the necessary reports and that these would be submitted within 6 weeks for consideration.

The agent advised they would be submitting additional information for consideration. The overall site area has now been reduced to approx. 5,5000 sqm with landscaping along west and north boundaries of the site. A transport assessment form, drainage assessment, ecological appraisal and supporting statement have been submitted for consideration.

Roads engineers have assessed the TAF and are content with the proposed development, they have advised access in accordance with the proposed plans should be provided prior to the commencement of the development.

DFI Rivers have considered the Drainage Assessment and have advised they require additional information to show where storm water will be discharged to and measures for the attenuation of the storm water. These are technical issues that can be addressed or dealt with by an appropriately worded condition requiring the submission of the details prior to the commencement of the development.

The supporting statement sets out the reasons why Acrow Formworks requires additional space and having visited the existing site in Granville Industrial Estate I do not doubt the need for the additional storage space. However the storage space and any new works should be in an appropriate location and not harm other features of recognised importance. Members will be aware there is a need for additional land for industrial purposes in the Dungannon Area and indeed the members have allowed new development on the outskirts of Granville. Planning Permission LA09/2018/0457/F was for a light industrial unit containing animal tag production for CSL, that site was also outside the settlement limits but did not have any natural heritage concerns.

NIEA have considered the reduction in the site area and the revised ecological surveys that have been provided. They have advised previous requests for information to consider the impacts on breeding birds and newts has not been received for their consideration. This site lies within the Black Lough Site of Local Nature Conservation Importance and it contains lowland fen habitat which is classed as a Northern Ireland Priority Habitat. The report identifies that the fen is in pristine condition and has not suffered from excessive nutrient run off. Despite the lack of any management or grazing the fen and swamp communities are in a high degree of naturalness. The report further highlights that areas to the west of the fen have been affected by disturbance probably caused by the

construction of the industrial units further west (Portafill). NIEA have assessed the information provided and they are of the opinion that the significant change of the levels (the proposal involves raising this site by 6m above its existing levels) will result in significant change to the ground composition and will have a detrimental impact on the priority fen habitat. The policies contained in the SPPS, NH4 of PPS21 and CON1 of the Dungannon & South Tyrone Area Plan all place significant importance on the protection of priority habitats and areas of nature conservation interests. The policies do allow development proposal which are likely to result in unacceptably adverse impact where the benefits of the proposed development outweigh the value of the habitat. The supporting statement has indicated there are 40 jobs with the existing site and that it would be a substantial cost to put all under one roof. This proposal does not result in the entire business being under one roof, it still results in the business operating on 2 sites. Members are advised there is a current undetermined application ref LA09/2019/0947/F, for a replacement storage building for Acrow Formworks which, if approved, will provide a similar sized building to the one proposed here.

I do not consider it has been demonstrated there are no other alternatives to this site and that the benefits outweigh the loss of habitat. There are also no proposals to mitigate against or compensate for the loss of the habitat.

In view of the above concerns and lack of information I recommend this application is refused for the reasons stated.

Conditions/Reasons for Refusal:

Refusal Reasons

1. This proposal is contrary to Dungannon and South Tyrone Area Plan given the proposals location outside the settlement limits of Granville.
2. This proposal is contrary to SPPS / PPS21 and PPS4 in that the proposed development fails to accord with any of the exceptions to development in PPS4 and promotes a stand alone storage building in the countryside.
3. This proposal is contrary to the SPPS, CON1 of the Dungannon and South Tyrone Area Plan and NH4 of PPS2 in that the site is located within Black Lough Site of Local Nature Conservation Importance and it has not been demonstrated that the proposal will have significant benefits that outweigh the value of the existing priority habitat.

Signature(s):

Date



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1258/F	Target Date:
Proposal: Proposed storage building and infilling of lands with inert material for the purposes of improvement to drainage and land	Location: Approx 110m N.E. of Portafill International Ltd Dungannon Business Park Killyliss Road Dungannon
Referral Route: Recommendation to refuse	
Recommendation: Refusal	
Applicant Name and Address: Acrow Formworks N.I. Industrial Estate Granville Road Dungannon	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

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

Characteristics of the Site and Area

The site is located just outside and at the edge of the settlement limits of Granville, designated a village under the Dunganon and South Tyrone Area Plan.

Granville is located approximately 3 km southwest of Dungannon, close to the A4 Belfast to Enniskillen Road. Whilst the land within Granville to the west side of Granville Road comprises some housing it is characteristically industrial in nature comprising Granville Industrial Estate which the Area Plan identified as existing industry and business, zoning all the additional land to its west, up to the edge of the settlement for Industry and Business.

A new Invest NI industrial estate, 'Dungannon Business Park' has in recent years developed in the most western part of the land zoned for Industry and Business. This new business Park is located off the Killyliss Road just to the north of the new dual carriageway. Whilst located next to the carriageway its location at the edge of the settlement gives it a rural feel.

Dungannon Business Park comprises a number of existing businesses housed in large detached buildings on considerable sized plots. These buildings include Portafill, located immediately to the south of the site, Terex which sits almost directly opposite at the other side of the estate road, Axon just south of Terex, and Westland Horticultural located at the very end of Park to the north east of the site.

The site itself which sits immediately to the north east side of Portafill's curtilage is a relatively large rectangular shaped plot located on low lying ground. It sits just at the edge of Granville's settlement limits and the new business park which it is proposed to be accessed from. The access to the site which sits approx. 45 metres back from the road serving the industrial estate will run through an existing area of trees bounding the business park. The southern boundary of the site is bound by perimeter fencing. The western and northern boundaries of the site are undefined.

There is a lough located just to the north of the site, 'Blacklough (Cornmullagh)' designated with lands surrounding it in the Area Plan as a Site of Local Nature Conservation Importance (SLNCI). The site in its entirety sits within this SLNCI designated for its species rich swamps and fen of local importance.

Description of Proposal

This is a full planning application for a proposed storage building and infilling of lands with inert material for the purposes of improvement to drainage and land at lands approx 110m N.E. of Portafill International Ltd, Dungannon Business Park, Killyliss Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

Policy

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Dungannon and South Tyrone Area Plan 2010
Planning Policy Statement 21 - Sustainable Development in the Countryside
Planning Policy Statement 2 - Natural Heritage
Planning Policy Statement 3 - Access, Movement and Parking
Planning Policy Statement 3 (Clarification): Access, Movement and Parking
Planning Policy Statement 4 - Planning and Economic Development
Planning Policy Statement 15 - (Revised) Planning and Flood Risk

History on Site

LA09/2016/0755/PAD - Pre Application Discussion for land to be included within existing Granville 2 Industrial land and to be developed for industrial use

Consultations

Northern Ireland Water were consulted and raised **no objections**.

Transport NI were consulted and have requested **Transport Assessment Form (TAF)**.

NIEA were consulted their Water Management Unit and Regulation Unit (RU) (Land and Groundwater Team) raised no objections. **Natural Environment Division (NED) advised that a Preliminary Ecological Appraisal should be completed for this site in order to assess any potential impact upon protected or priority species and habitats.** Noting that this is desk based response NED stated that from aerial photographs the application site and surrounding area has the potential to contain natural heritage features worthy of protection. Further information should be submitted to identify any of these features that are likely to be impacted by the proposed development. **NED note that this proposal is subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).** Natural Environment Division (NED) has concerns with this proposal and considers that, in the absence of further information, the proposal would be contrary to the Habitats Regulations and Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that: The development would have an unacceptable adverse impact on priority habitats & natural heritage features worthy of protection and insufficient information has not been submitted to establish otherwise.

DfI Rivers were consulted on this application as Strategic Flood Map (NI) indicated surface water flooding on the northern portion of the site. Rivers responded that the Strategic Flood Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial flood plain. **That an undesignated watercourse flows along the north western boundary of the site as such under Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure of PPS15 a 5m maintenance strip is required.** It should be 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. **Under PPS15 Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains, DfI Rivers also recommend that a Drainage Assessment be carried out for this proposal for their consideration, due to the size and nature of the development.**

Through informal consultation with Shared Environmental Service it was not considered necessary to consult with them formally on this proposal despite there being a stream along the north western boundary of the site. There are no European site issues here. The site is a significant distance upstream from Lough Neagh so there could be no conceivable effects to the SPA/Ramsar from this proposal.

Assessment

Dungannon and South Tyrone Area Plan – the site is located in the open countryside as defined in the Plan. It sits just at the edge of Granville settlement limits, outside lands within Granville zoned under the Plan for Industry and Business (zoning DI 01).

The Plan identifies existing industry and business use areas and zoned additional land for such purposes and Plan Policy IND 1 Industry and Business states that within both existing and additional areas, planning permission will normally be granted for industry, storage and distribution, and other appropriate business uses where the development meets the key site requirements contained in Part 3 of the Plan. The Plan considers the range of existing sites and new zonings provides flexibility in choice of site for developers. And highlights there may also be potential for industrial business use development of an appropriate scale within the villages. That proposals for such uses on unzoned land will be assessed on their merits, having regard to published guidance and policy, particularly PPS 4: Industrial Development.

This proposal is located in the open countryside outside any settlement designated by the Plan and outside any existing or additional areas of Industry and Business identified or zoned respectively by the Plan, as such by reason of its location this proposal is in conflict with the Plan.

The site is also located in its entirety within Blacklough (Cornmullagh) Site of Local Nature Conservation Importance (SLNCI) designated for its species rich swamps and fen of local importance. Plan Policy CON 1, states special consideration will be given to the protection of nature conservation interests on or adjacent to these sites when determining planning applications. Planning permission will not normally be granted to development proposals that would have a significant detrimental effect on the intrinsic nature conservation interests of the site. Where a development is permitted which would adversely affect such interests, the Council will endeavour to ensure that effects are kept to a minimum and/or appropriate mitigation measures are agreed. The Plan states SLNCI's are identified based on their flora, fauna or earth science interest, and are designated in the Plan, in accordance with PPS 2. In assessing development proposals on or adjacent to these sites, priority will normally be given to the protection of their nature conservation interests.

This proposals location within Blacklough SLNCI places it in conflict with the Plan as I fail to see how it won't have an impact on its nature conservation interests nor has it been demonstrated that it won't.

The SPPS – states the planning system has a key role in achieving a vibrant economy. In this regard, the aim of this SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.

The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS. Farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside. Such proposals may occasionally involve the construction of new buildings, where they can be integrated in a satisfactory manner.

In the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted. Exceptions to this general principle may be justified in the following circumstances:

- A small scale new build economic development project may be permissible outside a village or small settlement where there is no suitable site within the settlement. An edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations.
- A proposal for major or regionally significant economic development, where a countryside location is necessary because of size or site specific requirements. Such proposals should be able to demonstrate a significant contribution to the regional economy and be otherwise acceptable, particularly in terms of their environmental and transport impacts. An edge of town location should normally be favoured over a location elsewhere in the rural area.

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.

This proposal is contrary to the SPPS in that the proposal fails to accord with any of the exceptions to development.

The SPPS retains the policy provisions of PPS21, PPS4, PPS3 and PPS2..

PPS21, Policy CTY 1 - Development in the Countryside, outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

One type of development outlined in PPS21 which in principle is considered acceptable in the countryside and that will contribute to the aims of sustainable development: is industry and business uses in accordance with PPS 4.

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

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

Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 'Sustainable Development in the Countryside'.

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

I do not based on the information submitted regard the proposal as satisfying any of these types of development.

In order to fully assess this proposal against the provisions of PPS 4 as detailed above the agent was contacted and given 21 days to provide the following information on a without prejudice basis 1) A case/ justification for the proposed development as it is located outside off and will extend the settlement limits of Granville. This was to include what the building is for. If it is to serve a new or existing business. And what will it store. 2) Details of how the proposed development will improve drainage and land. 3) More detailed drawings to show the extent of the proposed infill and landscaping including what happens at the edges of the infill.

As the information requested from the agent has not been received within the specified timeframe it is considered there is insufficient information on file to determine this application.

Additional consideration

Transport NI were consulted and have requested Transport Assessment Form (TAF).

Natural Environment Division advised that a Preliminary Ecological Appraisal should be completed for this site in order to assess any potential impact upon protected or priority species and habitats.

Under PPS15 Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains, DfI Rivers also recommend that a Drainage Assessment be carried out for this proposal for their consideration, due to the size and nature of the development.

The above information has not been requested as the principle of this development has not been established.

Recommendation: Refuse

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse

Reasons for Refusal:

1. This proposal is contrary to Dungannon and South Tyrone Area Plan given the proposals location outside the settlement limits of Granville.
2. This proposal is contrary to SPPS / PPS21 and PPS4 in that the proposed development fails to accord with any of the exceptions to development in PPS4 and promotes a stand alone storage building in the countryside.
3. This proposal is contrary to Dungannon and South Tyrone Area Plan and PPS2 in that the site is located within Black Lough Site of Local Nature Conservation Importance and it has not been demonstrated that the proposal will not have a detrimental impact on its nature conservation interests.
4. This proposal is contrary to PPS3 in that it has not been demonstrated the proposed development will not prejudice road safety or the convenience of road users.
5. This proposal is contrary to PPS15 FLD3 in that it has not been demonstrated that the site can appropriately deal with surface water and drainage.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/1105/O	Target Date:
Proposal: Proposed site for a farm dwelling and double domestic garage	Location: 70 metres (Approx.) West of 25a Corrycroar Road Pomeroy
Applicant Name and Address: Mr Connor Carberry 22 Shanroy Park Pomeroy BT70 2RP	Agent name and Address: R. Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
Characteristics of the Site and Area: <p>The application site is located approximately 70m west of No 25a Corrycroar Road, Pomeroy in County Tyrone, which is in the countryside as designated within the Cookstown Area Plan 2010. The proposed site lies within a fairly enclosed area of the countryside consisting of steep elevations with a high degree of vegetation and mature trees bounding the site, which forms the frontage of an existing field.</p> <p>In terms of surrounding topography there is a gradual rise from the site towards the north and west with similar elevations to the east, which contributes to the enclosed nature of the site. The surrounding land raises substantially and is generally best described as hilly landscape with steep elevations especially the south-western and south eastern boundaries. Views of this site are limited until passing its frontage onto Corrycroar Road. This is due to its location between two bends in Corrycroar road; the topography of the area; and existing vegetation along its boundaries and within the wider vicinity.</p> <p>The main farm complex comprising of several farm buildings which include the main farm dwelling is located approximately 180m south east of the proposed site. The site is adjacent to two small farm sheds used for wintering livestock and keeping feedstuff.</p>	

The closest neighbouring property to the proposal is noted as being No. 25a Corrycroar Road, which is a single-storey dwelling situated approx. 70m to the west of the proposed site.

Description of Proposal

The applicant is seeking outline planning permission for a farm dwelling and double garage 70m west of No 25a Corrycroar Road.

Deferred Consideration:

The application was presented as a refusal to Planning Committee in Feb 2021 and was subsequently deferred for a virtual office meeting with the Area Planning Manager held on 11th Feb 2021.

It was agreed the senior planner would carry out a site visit and consider all supporting information submitted by the agent in the re-assessment.

In terms of policy CTY10, criteria (a) and (b) have been met, there is no issue this is an active and established farm business and has been for at least 6 years and DEARA have confirmed this and no development opportunities have been sold off, the issue with CTY10 relates only to criteria part (c).

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

The main farm grouping is located on the opposite side of the road from the proposed site, to the SE so they are not sited to cluster together and there is a lack of visual linkage with the site and the farm holding.

The agents supporting statements put forward the case for the application site that is adjacent to two small farm sheds (see image1). While I acknowledge the presence of the two small structures adjacent to the application site there is no planning related approved for them or any CLUD to determine the lawfulness of them as sheds. The structures do not represent permanent buildings on the farm and therefore cannot be taken for the purposes of CTY10 to justify the site.



Image 1 – structures on site

The proposal involves alterations to an existing lane and so meets policy in this regard.

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

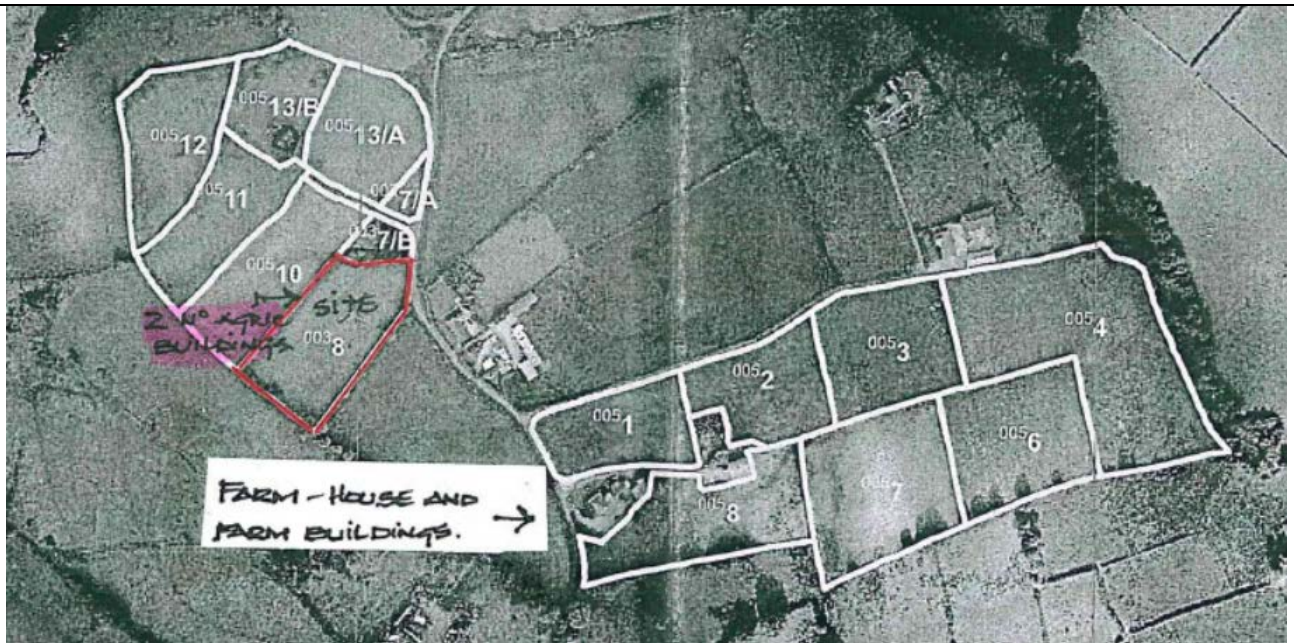
- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group(s).

While acknowledging that field Nos 1 and 8 that are located close to the main farm group at No 19 Corrycroar Road, they were asked to be considered as alternative sites by the applicant by the original case officer. However, the applicant felt the two fields would be needed for future expansion of the farm business and would pose problems if he had to build farm sheds off farm away from the existing services as electricity, water supply and tanks to hold slurry.

There have been plans submitted in terms of future expansion so no significant weight can be given to this argument.

Also they put forward the issue of a young family living close to an active farm yard.

This however is not showing demonstrable health and safety reasons and is not sufficient in itself justifying the need for the dwelling to be located across the road from the farm holding, when other land would be suitable which is closer, and would meet the policy requirements of CTY10.



Following my site visit, where I met the agent on site, in addition to fields 1 and 8 (005), I suggested the fields 2, 3 or 7 as alternatives also. The applicant advised the agent felt these were not suitable for a dwelling due to the close proximity to the farm buildings in terms of health and safety as stated previously. Also adding that No.8 is used as a cattle isolation shed as confirmed by Parkland Vets.

Following the offer of all the alternative sites, the agent has advised that the applicant wishes to take this application to the Planning Committee for a decision.

The proposed site must also meet the requirements of CTY 13(a-f) and CTY 14. I am of the opinion that a dwelling and garage of an appropriate size, scale and design could integrate on this site and into the surrounding landscape without causing a detrimental change to, or further eroding the rural character of the area in accordance with the requirements of policies CTY13 and 14.

Whilst it is considered the proposal site is well integrated and could accommodate a dwelling without detrimentally impacting rural character, the proposal fails to meet with the requirements of criterion c and therefore is contrary to CTY 10. No demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building groups have been presented. In this instance, I do not consider there are any overriding reasons or material considerations which outweigh the policy criteria of CTY10.

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

Refusal Reason;

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

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1105/O	Target Date:
Proposal: Proposed site for a farm dwelling and double domestic garage	Location: 70 metres (Approx.) West of 25a Corrycroar Road Pomeroy
Referral Route: Proposal fails to comply with criteria c contained within Policy CTY 10 of PPS 21, no third party representations received and all other material considerations have been taken into consideration.	
Recommendation:	Refusal
Applicant Name and Address: Mr Connor Carberry 22 Shanroy Park Pomeroy BT70 2RP	Agent Name and Address: R. Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
Executive Summary:	
Signature(s):	

For committee decision.

However a need to make
ref to case law and appeal ~



/

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is located approximately 70m west of No 25a Corrycroar Road, Pomeroy in County Tyrone, which is in the countryside as designated within the Cookstown Area Plan 2010. The proposed site lies within a fairly enclosed area of the countryside consisting of steep elevations with a high degree of vegetation and mature trees bounding the site.

In terms of surrounding topography there is a gradual rise from the road towards the north, west and east, which contributes to the enclosed nature of the site. The surrounding land raises quite substantially and is generally best described as hilly landscape with steep elevations especially the south-western and south eastern boundaries. Views of this site are limited until passing its frontage onto Corrycroar Road. This is due to its location between two bends in Corrycroar road; the topography of the area; and existing vegetation along its boundaries and within the wider vicinity.

The main farm complex comprising several farm buildings and includes the main farm dwelling is located approximately 180m south east of the proposed site. The site is adjacent to two small farm sheds used for wintering livestock and keeping feedstuff.

The closest neighbouring property to the proposal is noted as being No. 25a Corrycroar Road, which is a single-storey dwelling situated approx. 70m to the west of the proposed site.

Description of Proposal

The applicant is seeking outline planning permission for a farm dwelling and double garage 70m west of No 25a Corrycroar Road.

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 alterations to an existing lane that accesses.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

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 02/09/2019 (publication date 03/09/2019). Two (2) neighbouring properties were notified on 30/08/2019; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

Relevant Planning Histories

Reference	Location	Proposal/Complaint	Status	Date
LA09/2019/1105/O	70 metres (Approx.) West of 25a Corrycroar Road	Proposed site for a farm dwelling and double domestic garage	VALID APPLICATION RECEIVED	
I/2004/0903/O	Approx 30m N.W. of 25a Corrycroar Road	Erection of dwelling & domestic garage	PERMISSION REFUSED	16.12.2004
I/1990/0367	60M NW OF 25 CORRYCROAR ROAD	Dwelling	PERMISSION GRANTED	
I/1974/0307	CORRYCROAR, POMEROY	ERECTION OF SUBSIDY BUNGALOW	PERMISSION GRANTED	

Consultations.

DAERA: Ni issues confirmation of active farming activities;
DFI Roads no objection subject to standard condition
NIW: No objections standard Informatives.

Planning Assessment of Policy and Other Material Considerations

1. Strategic Planning Policy Statement (SPPS).
2. Cookstown Area Plan 2010.
3. PPS 21 Sustainable Development in the Countryside.
4. PPS 3 Access, Movement and Parking.

Supplementary Planning Guidance: Building on Tradition: A Rural Design Guide for NI.

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 Cookstown Area Plan 2010 (CAP) operates as the statutory local plan for the area the site lies in furthermore, the CAP does not contain any specific policies relevant to the application. The principal planning policies are therefore provided by PPS 21 and the SPPS.

As outlined above the site lies outside any designated settlement development limit identified in the Cookstown Area Plan 2010; therefore the relevant planning policy context is provided in Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). PPS 21 is identified by the Strategic Planning Policy Statement for Northern Ireland (SPPS) as retained policy documents.

The SPPS points out that provision should be made for a dwelling house on an active and established farm business. Furthermore, the farm business must be currently active and have been established for a minimum of 6 years. Policy CTY of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. This includes a dwelling house on a farm in accordance with Policy CTY10. This policy states that planning permission will be granted where the following criteria are met.

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed the business ID has been in existence for more than 6 years and claims have been made on the lands. I am content the farm holding has been established for at least 6 years and is currently active.

With respect to (b) there are no records indicating that any dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c), the proposal is not located in proximity to established farm buildings. The agent has confirmed that the two sheds adjacent to the application site are used for out wintering livestock and sometimes used as an isolation sheds.

The agent submitted two letters (23/03/2020 and 16/11/2020) in support of the applicant's preferred choice of site also sets out reasons why fields close to the main farm group not considered suitable for a dwelling. Fields Nos 1 and 8 according to the applicant's father-in-law raised concerns that a dwelling would be close to the busy farm yard with continuous movement of machinery and livestock and the inevitable dangerous would constitute a health and safety concerns. The agent also highlighted the topography of the site would limit the sitting of a new dwelling would impact on current expansion of the farm business which is ongoing around the main existing farm grouping.

Policy CTY 10 states exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building groups. Evidence to warrant an exceptional case was therefore requested from the agent and the Technical Note dated 29/06/20 has been considered. The Technical Report contends that the proposal "meets the actual policy in part and the intent of policy in part and it is an exception to policy in terms of health and safety reasons".

As stated on Page 2 of the Technical Note, it is accepted that the provisions of policy will prevail unless there are other overriding reasons or material considerations that outweigh them and justify a contrary decision. Therefore, I am do not consider that the Technical Report has presented overriding reasons or material considerations which would outweigh the policy criteria of CTY10.

I note the English Courts found that the issue of permanence should be construed in 'planning terms' rather than merely being permanently secured to the ground. I note that in a recent Planning Appeals Commission decision Reference 2019/A0105 sanctioned a similar view with regards to Permanence.

I am not persuaded by the argument that field Nos 1 and 8 are unsuitable for a dwelling and whilst I acknowledge the topography is challengeable nonetheless I feel that field No 1 has capacity for a dwelling sited to the front of the field facing onto the public Road.

In terms of the application site the agent has relied that the presence of two farm sheds adjacent to the site that they should be considered as an existing farm building. I accept these structures do appear to be associated with livestock and from my observations on site I noted one the buildings contained hay. However, as explained in my report the two structures in themselves do not satisfy the policy test for a new dwelling to visually linked with or be sited to cluster with an established group of farm buildings. That said, the applicant was advised that he submit a CLUD to determine their lawfulness, which if successful would be assessed as a material consideration in this application.



Fig. 1 Small structures adjacent to the application site

The above structures are constructed from corrugated metal sheeting with mono pitch roof. It has been fabricated from timber posts and corrugated metal sheeting. It appears to have been used for housing animals and storing animal feed. There is no hardstanding surrounding them and the floor consists of clay / earth.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I considered the site is well integrated to accommodate a dwelling given the topography and existing, established vegetation along all boundaries. However, CTY13 states a new building will be unacceptable in the case of a proposed dwelling on a farm where it is not visually linked or sited to cluster with an established group of buildings on a farm. Therefore, I consider the proposal is contrary to Policy CTY 13.

In terms of policy CTY14, planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and the surrounding environment is suitable for absorbing a dwelling without significantly impacting on rural character and therefore complies with Policy CTY14.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan. The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation is due to close at 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

Other Material Considerations.

I am content that this proposal will not cause any detrimental impact on neighbouring 3rd party amenity. DfI Roads were consulted and have objected to this proposal, stating that the result in the alteration of an existing access onto a public road thereby prejudicing the free flow of traffic and conditions of general safety.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Reasons for Refusal:

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

Signature(s)

Date:

ANNEX	
Date Valid	20th August 2019
Date First Advertised	3rd September 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Corrycroar Road Pomeroy Tyrone The Owner/Occupier, 25a Corrycroar Road Pomeroy	
Date of Last Neighbour Notification	30th August 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/1105/O Proposal: Proposed site for a farm dwelling and double domestic garage Address: 70 metres (Approx.) West of 25a Corrycroar Road, Pomeroy, Decision: Decision Date: Ref ID: I/2004/0909/O Proposal: Erection of dwelling & domestic garage Address: Approx 30m N.W. of 25a Corrycroar Road, Pomeroy Decision: Decision Date: 16.12.2004 Ref ID: I/1990/0367 Proposal: Dwelling Address: 60M NW OF 25 CORRYCROAR ROAD POMEROY Decision: Decision Date: Ref ID: I/1974/0307 Proposal: ERECTION OF SUBSIDY BUNGALOW Address: CORRYCROAR, POMEROY Decision: Decision Date:	

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



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0024/F	Target Date: <add date>
Proposal: Proposed 3No. lodges for short term accommodation to facilitate access to adjacent lough shore nature area	Location: 210m South West of 35 Brookend Road Ardboe
Applicant Name and Address: Donal Coney 35 Brookend Road Ardboe BT71 5BR	Agent Name and Address: Donal Coney 35 Brookend Road Ardboe BT71 5BR
Summary of Issues: Design and appearance of development, it has the appearance of a small housing development, no existing tourism development or farm diversification to associate with.	
Summary of Consultee Responses: DFI Roads - safe access will require sight lines of 2.4m x 60.0m at the public road, these are achievable SES – additional information required to consider impacts on SPA/RAMSAR NIEA - additional information required to consider impacts on SPA/RAMSAR	
Characteristics of the Site and Area: This site is located in the open countryside approximately 3km SW of Ardboe as the crow flies, with the shores of Lough Neagh located approximately 750m to the east of the site. SE of the site there is woodland between the site and the shores of Lough Neagh. The proposed site is located within a rural area characterised by agricultural fields and dispersed dwellings, however in the immediate locality there is a medium degree of development pressure. The site is located along a private laneway, set back approximately 260m in the corner of an existing agricultural field. Adjacent to the access laneway is 2 single storey dwellings, No. 37 and 39 Brookend Road. To the rear of these dwellings there is an area of	

hardstanding and a large shed which spears industrial in design and was granted planning permission for the storage and repair of boats. The access laneway, which also serves the large shed, is bounded at both sides by mature hawthorn hedgerows. Planning permission (LA09/2020/0347/O) was recently granted for a dwelling and garage to the rear of the storage shed which proposes to also use the existing access.

The south west boundary of the site is defined by mature trees with the remaining boundaries not clearly defined.

Description of Proposal

This is a full planning application for 3 no. lodges for short-term accommodation to facilitate access to adjacent Lough Shore Nature Area.

Deferred Consideration:

This application was before the Planning Committee in September 2020 and it was agreed to defer for a meeting with the Planning Manager. A meeting was held virtually on 10 September and the agent was asked to provide additional information to establish the principle of this development prior to any further discussions about the layout and design.

The agent advised the site is associated with Brookend Nature Reserve, they referred to a precedent in application LA09/2019/0806/F and asked that the same considerations be given to this application and advised the applicant would be willing to amend the design and condition the use of the buildings.

Planning application *LA09/2017/0806/F* was approved for 5 self catering cottages at Mill Road Cookstown, that application was considered as a farm diversification scheme and was accepted as within the spirit of policy CTY11 as the proposal is for multiple buildings whereas the policy refers to a new building. Members will be aware that farm diversification must be on an active and established farm. The applicant has indicated they own this 2ha field and when I visited the site there were cattle in the field. On this basis additional information was requested on 24 June 2021 to allow consideration of the farming case. To date no information has been submitted for consideration.

The applicant has identified Brookend Nature Reserve as being close by and one of a number of local amenities. They have been asked to provide some information in relation to or explain their involvement with the nature reserve but have not provided any further information to date. DEARA website sets out 37 Nature Reserves in Northern Ireland, it identifies Brookend Nature Reserve as being open all year round and being remote with little to no facilities. There is no designated parking facilities and car parking is at the end of a rough lane. No information has been presented to show how these properties are associated with the Nature Reserve or any information to illustrate the Nature Reserve is an existing tourist amenity which is or will be a significant visitor attraction in its own right. From the information that has been present and the written description of the Nature Reserve, it appears the site is designated for its habitat and the wide array of ecology it harbors. The site is wetland habitat fen and flood plain grazing, NIEA and SES have both requested additional information to allow further consideration of the impacts of this development on recognised features of importance within the SPA and RAMSAR site. The proposed development could therefore have an adverse impact on the Nature Reserve.

The applicant has been afforded the opportunity to submit additional information in support of this case and has failed to do so. In light of this and I recommend this application is refused for the reasons stated.

Conditions/Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy TSM5 of Planning Policy Statement 16 Tourism in that it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right.
3. The proposal is contrary to Policy TSM5 of Planning Policy Statement 16 Tourism in that the design and layout could provide permanent residential accommodation in the countryside and as such would have a detrimental impact on the rural character of the area and represent an unsustainable form of development in the countryside.
4. The proposal is contrary to Policy TSM 7 of PPS16 Tourism and PPS2 Planning and Nature Conservation in that insufficient information has been provided to demonstrate that the proposal will not have a detrimental impact on natural heritage features of importance, including Lough Neagh SPA/Ramsar/ASSI.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0024/F	Target Date: 22/04/20
Proposal: Proposed 3No. lodges for short term accommodation to facilitate access to adjacent lough shore nature area	Location: 210m South West of 35 Brookend Road Ardboe
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Donal Coney 35 Brookend Road Ardboe BT71 5BR	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice
Non-Statutory	SES	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

This site is located in the open countryside approximately 3km SW of Ardboe as the crow flies, with the shores of Lough Neagh located approximately 750m to the east of the site. SE of the site there is woodland between the site and the shores of Lough Neagh. The proposed site is located within a rural area characterised by agricultural fields and dispersed dwellings, however in the immediate locality there is a medium degree of development pressure.

The site is located along a private laneway, set back approximately 260m in the corner of an existing agricultural field. Adjacent to the access laneway is 2 single storey dwellings, No. 37 and 39 Brookend Road. To the rear of these dwellings there is an area of hardstanding and a large shed which spears industrial in design and was granted planning permission for the storage and repair of boats. The access laneway, which also serves the large shed, is bounded at both sides by mature hawthorn hedgerows. Planning permission (LA09/2020/0347/O) was recently granted for a dwelling and garage to the rear of the storage shed which proposes to also use the existing access. The south west boundary of the site is defined by mature trees with the remaining boundaries not clearly defined.

Description of Proposal

This is a full planning application for 3 no. lodges for short-term accommodation to facilitate access to adjacent Lough Shore Nature Area.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 16: Tourism

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd Feb 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

Representations

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

History on Site

LA09/2019/0573/F - Proposed 2 No lodges for short term accommodation to facilitate access to adjacent Lough Shore Nature Area - 210m South West of No 35 Brookend Road, Ardboe – Withdrawn

LA09/2020/0347/O - Proposed dwelling and garage - 120m South West of 39 Brookend Road, Ardboe – Permission Granted 19/08/20

I/2013/0142/F - Proposed building to accommodate Lough Neagh Fishing Boat General Domestic Store (Amended description - P1 and plans) - Lands to the rear of Nos 37 and 39 Brookend Road, Ardboe – Granted 24.01.2014

LA09/2016/0386/F - Single storey side extension to existing dwelling to provide bedroom and en-suite - 37 Brookend Road, Ardboe, Dungannon – Granted 23.05.2016

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site is located outside any settlement limits in proximity to the shores of Lough Neagh. There are designated nature reserves located to the SW and SE of the site. There are no specific plan policies pertaining to this proposal, the

regional planning policy statements will apply until such times as a Local Development Plan is adopted.

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 – 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. These are listed in Policy CTY1 of PPS21 including tourism development in accordance with the TOU policies contained within PSRNI. These TOU policies have since been superseded by PPS16 - Tourism therefore this proposal will be considered under the relevant policy within PPS16. SPPS does not make any changes to these policy considerations.

Tourism makes a vital contribution to the Northern Ireland economy, it can play an important role in helping to support the viability of many local suppliers, services and facilities. However, tourism accommodation located in the countryside needs to be located at appropriate locations and managed in a sustainable manner in order to protect the rural landscape and environment in line with the area plan and other material considerations. This proposal is for self-catering accommodation in the countryside therefore the provisions of PPS16 TSM5 apply.

TSM5 states that permission will be granted for self-catering units of tourist accommodation should the proposal meet any one of three circumstances. In my view the proposal does not meet any of the circumstances set out in policy as;

- a) it is not located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;
- b) although the proposal is a cluster of 3 units, it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity with a significant visitor attraction requiring these units;
- c) it is not for the restoration of an existing clachan or close.

Paragraph 7.25 of Policy TSM5 J&A states *"Where units are proposed in association with a tourist amenity, Policy requires that the tourist amenity must be a significant visitor attraction in its own right."* The applicant has failed to specify the tourism facility in which the proposal will cater or provide evidence of visitor numbers or the provision of existing facilities linked to and enabling usage of the attraction. It is acknowledged that Lough Neagh is located in close proximity to the application site, however there is insufficient information to demonstrate the numbers of tourists that these cottages would attract or the existing facilities in place that would attract or accommodate them. At present there is no designated walks around the Lough at this location, nor is there any indication that there is existing facilities and/or equipment such as jetties, boats etc in place to cater for tourism. Policy TSM5 J&A states *"Policy provides for sustainable opportunities for self-catering tourist accommodation in the countryside particularly in areas where tourism amenities and accommodation have become established or likely to be provided as a result of tourism initiatives such as the Signature Projects"*. No such signature project exists close to this site and the area does not benefit from established tourism amenities and accommodation.

Paragraph 7.28 of Policy TSM5 J&A states “Permanent residential use of self-catering units will also be deterred through design. Such units will be required to demonstrate an informal site layout with communal open space only. Informal road layout without designated car parking will also be required.” In my view the proposed self-catering units are contrary to Policy TSM5 in that the design and layout could easily be used for permanent residential accommodation. Each has its own defined curtilage, individual parking, own kitchen, living room, bathroom and 3 bedrooms. I have relayed these concerns to the applicant and I received an indicative plan via email with slight amendments to the proposed layout. The amendments do not extend to the floor plans or elevations of the self-catering units rather encompass minor changes to the layout, removing the designated parking and slightly amending the orientation of the units. I do not consider these indicative amendments would deter permanent residential use as designated parking could still be achieved within the curtilage of each unit. Nevertheless, these amended plans to date have not been received in hard copy and to scale.

Policy TSM7 of PPS 16 applies to all types of tourism development and is considered as follows;

- a) I am satisfied that a movement pattern is provided which would support walking, cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way. While access to public transport is not convenient, the settlement of Ardboe is within 2 miles of the site where access to public transport is available.
- b) The design of the buildings appear as dwellings rather than holiday/short term accommodation. However, the site is located adjacent to Lough Neagh which is an ASSI/SAC/RAMSAR site. Shared Environmental Services (SES) require a Preliminary Ecological Appraisal, as well as additional information on the disposal of surface water and sewage, during construction and operation. SES also advise that a Habitat Regulation Assessment is required and that NIEA should be re-consulted once all information is received as there may be impacts on natural heritage interests which are not related to SPA/Ramsar. I requested amendments to the site plan to show the location of the septic tank and soakaways to address the surface water and sewage concerns on 22/07/20 however to date these have not been received. At present it is not possible to full assess impacts on sustainability and biodiversity. The applicant has advised that they have been waiting on an environmental consultant to undertake the requested appraisal which has been delayed given the ongoing COVID 19 pandemic. As I do not consider the proposed development is acceptable in principle and therefore recommending refusal, I do not consider it appropriate that the applicant goes to this expense, however should be permission be granted this will need to be addressed.
- c) The proposed boundary treatment includes a mix of post and wire fencing and natural landscaping. Drawing No.01 date stamped 7th January 2020 includes a detailed planting schedule which is considered acceptable. The proposal is set back significantly from the public road with a backdrop of mature woodland therefore I consider there is adequate enclosure and screening. However, given

the proposal is for self-catering units, it is considered communal shared space would have been more appropriate than separated curtilages.

- d) The P1 form states that surface water will be directed to a soakaway. SES require the site layout plan to include the location of the soakaways which was requested 22/07/20 however to date these have not been received. This will need to be addressed should permission be granted.
- e) In my view the proposal is designed to deter crime and promote personal safety, the site is accessed via a private laneway, set back from the public road behind the applicants dwelling.
- f) This proposal does not involve public art therefore this criterion is not applicable.
- g) The immediate surrounding land use is predominantly agricultural land and woodland. The proposed tourism units are set back from the Brookend Road with limited public views. The scale, size and massing of the units are considered modest and will not detract from the landscape quality. However the granting of 3no. residential units, albeit for short term self-catering use, could result in a build-up of development detrimental to the rural character of that area.
- h) It is considered there is sufficient separation distance from neighbouring properties to ensure no detrimental impact on residential amenity.
- i) I do not considered the proposal will have a detrimental impact on features of built heritage. However, further additional information is required by the applicant to demonstrate that features of natural heritage will not be impacted by the proposal.
- j) Additional information is required to demonstrate that sufficient measures are put in place to deal with sewage effluent from the proposal. As mains sewage connection is not available in this location, the sewage will have to be dealt with by septic tank. I requested amendments to the site plan to show the location of the septic tank on 22/07/20 however to date this has not been received.
- k) Access arrangements are in accordance with PPS3 Access, Movement and Parking and DfI Roads have no objections to this proposal subject to splays of 2.4m by 60m in both directions along with other conditions.
- l) It is considered the proposed access to the public road, subject to conditions suggested by DfI Roads, will not prejudice road safety.
- m) DfI Roads raise no objection over extra traffic onto the public road and it is my view the existing road network can accommodate any additional traffic associated with the proposed development.
- n) There is no access to a protected route proposed.
- o) The proposal will not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset.

In terms of policy CTY13 of PPS21, it is my view that the proposal will integrate into the landscape as it is set back from the public road with limited public views and is of a size, scale and location that will not significantly impact the visual character or landscape quality of the area. I consider the proposal will not have a detrimental impact on the rural character of the area and therefore complies with Policy CTY14.

Policy NH1 of PPS2 Planning and Nature Conservation sets out planning permission will only be granted for a development proposal which either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on a European Site or Ramsar Site. NIEA were consulted on this application and responded with standing advice given no accompanying ecological information had been submitted. As mentioned above, insufficient information has been provided to demonstrate that there will be no detrimental impact to the conservation objectives of nearby Lough Neagh which is a European Protected Site/Natura 2000.

It should be noted that a previous application (LA09/2019/0573/F) for 2No lodges for short-term accommodation to facilitate access to adjacent Lough Shore Nature Area was withdrawn on 11/03/20. The case officer for this Planning Application also considered that the proposal was contrary to Policy TSM5 and TSM7 of PPS16 and recommended refusal. Planning Application LA09/2019/0573/F was presented to the Planning Committee on 1st September 2019 with a recommendation to refuse however was subsequently deferred on the basis additional information would be submitted in support of the application and to address SES Natural Environment concerns. No additional information was received and the application was withdrawn 6 months later following the submission of this Planning Application – LA09/2020/0024/F.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal is recommended for refusal for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy TSM5 of Planning Policy Statement 16 Tourism in that it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right.
3. The proposal is contrary to Policy TSM5 of Planning Policy Statement 16 Tourism in that the design and layout could provide permanent residential accommodation in the countryside and as such would have a detrimental impact on the rural character of the area and represent an unsustainable form of development in the countryside.

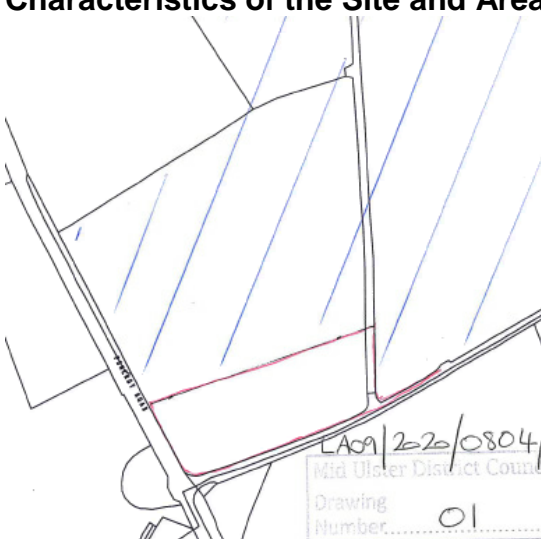
4. The proposal is contrary to Policy TSM 7 of PPS16 Tourism and PPS2 Planning and Nature Conservation in that insufficient information has been provided to demonstrate that the proposal will not have a detrimental impact on natural heritage features of importance, including Lough Neagh SPA/Ramsar/ASSI.

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0804/O	Target Date:
Proposal: Proposed two storey dwelling & domestic garage	Location: Lands 350m South of 293 Pomeroy Road Lurganeden Pomeroy
Applicant Name and Address: Mr Ben Sinnamon 18 Torrent Glen Main Street Castlecaulfield Dungannon	Agent name and Address: McKeown & Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Characteristics of the Site and Area:  <p>The application site is located outside the development limits of any settlement defined in the Cookstown Area Plan 2010. The application comprises a rectangular portion of a large agricultural field, the topography of which is relatively flat and at a similar level to the public road. The area is rural in character with low development pressure with the predominant form of development being single dwellings and agricultural buildings. The settlement of Pomeroy lies approximately 3.2km northwest of the site.</p>	

The site is currently accessed via an agricultural field on to Lurganeden Lane, however the field also has frontage on Pomeroy Road. A concrete laneway which appears to be used for agricultural purposes runs along the eastern boundary. The eastern and southern boundary are defined by an established low hedge, approximately 1 metre high. The western boundary is well defined by mature trees and the northern boundary is currently undefined.

Description of Proposal

Proposed two storey dwelling & domestic garage

Deferred Consideration:

This application was deferred at Planning Committee in December 2020 for the following reasons;

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

It was subsequently deferred for a virtual office meeting with the Area Planning Manager and was held on 12th December 2020. It was agreed the site would be revisited and re-assessment made by the senior planner.

Following the meeting supporting information was submitted by the agent in an attempt to overcome the reasons for refusal.

It is noted from a further site visit that the site is located remote from the existing farm grouping and there appear to be a number of potential sites on the farm that would better meet the policy criteria of CTY10. The agent advised this was the preferred site by the applicant.

A letter was submitted from 'Ready Egg Products' showing they would be willing to support new poultry houses and a letter from M.Kees Farms supporting the applicant if they diversified into pig rearing. However there are no applications submitted on this basis, so therefore they cannot be seen as verifiable plans to expand the farm as per the policy criteria.

The applicant submitted flock books to show the rate for growth of their sheep farming business over the last 3 years, and they have identified there will be more breeding Ewes. However, there is no question the farm business is currently active and established, but we can only assess the farm business as it stands currently and not take into account future plans. A letter from Countrywide Services indicates financial support funding for farm activities. This again is for any future farm expansion.

Supporting information has also been submitted in terms of this proposal promoting 'Sustainable development in the Countryside'. They go on to say the applicant and his brother attended Loughery college and are experienced farmers, as is their father. It is stated the principle farm business supports Ben's father and mother and brother and his family. Ben (the applicant) is moving back home to establish himself on the farmland on the application site for the purpose of developing a standalone cattle and poultry business. He wants to make this a sustainable business in its own right. It is stated by the agent that to locate the dwelling on the principle farm would jeopardise the applicant's future and the whole family's farm business. This is not a test set out in CTY10, the criteria that is required to be met for a farm dwelling is clear. In my opinion, the argument presented would not justify an exception of prevailing policy.

The applicant's father has submitted a letter stating that on receipt of any planning approval he will immediately subdivide the farm holding into two separate lots for his two sons. As things stand the family farm is one lot and so one son would have to wait 6 years before he can apply on his own farm business merit. This would be an exception to what is currently established in policy CTY10 and the case presented does not, in my opinion merit an approval on this basis. The agent is correct that the second son could then apply in the requisite number of years and obtain for a farm dwelling at that time for himself if all criteria is met.

The main issue with this site is that the proposal is not located in proximity to established farm buildings.

The agent has argued that the application site and the existing farm holding on Lurganeden Road are separated by the existence of dense forestation and landscaping at both locations so any impact to the landscape would be negligible. He argues if the application site were to be approved it would not be seen as being detached from the farm group as the existing farm holding is not open to public views.

Paragraph 5.41 states dwellings should be positioned sensitively with an established group of buildings on the farm to help minimise impact on the character and appearance of the landscape. The application site is separated from the farm holding by two public roads and a densely forested portion of land, therefore the visual linkage is non-existent, not only due to the amount of screening but by physical distance. I accept that the existing farm holding is set back from the public road, however I do not consider it has no public views from any vantage point. I am in agreement with the original case officer's opinion and I do not consider this is acceptable justification for not siting with the existing farm buildings. The farm business has existing farm buildings; however the proposal seeks permission for a farm dwelling in a green field with no farm buildings in proximity to aid integration. The justification for positioning of farm dwellings with established farm buildings under CTY10 is to minimise impact on the character and appearance of the

surrounding landscape of the proposal site. Whilst it is considered the proposal site is well integrated and could accommodate a dwelling without detrimentally impacting rural character, the proposal fails to meet with the requirements of criterion c and therefore is contrary to CTY 10. No demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building groups have been presented. In this instance, I do not consider there are any overriding reasons or material considerations which outweigh the policy criteria of CTY10.



The agent mentions approval LA09/2016/1054/O for a farm dwelling Opposite No 296 Pomeroy Road as a comparable nearby approval. The report stated, " With respect to (c) it is noted that the application site is located across the road from the existing farm however, due to the nature of the site it will still be visually linked", and a siting condition was added to ensure this. However each case is assessed on its own merits and in the current application there is no visual linkage due to the distance and vegetation between the site and the farm buildings.

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. There is existing, established vegetation along the east, west and southern boundaries of the proposal site. However the site comprises a cut out of a larger agricultural field with no backdrop to assist integration or provide enclosure. Policy CTY13 states a new building will be unacceptable in the case of a proposed dwelling on a farm where it is not visually linked or sited to cluster with an established group of buildings on a farm. Therefore, I consider the proposal is contrary to Policy CTY 13.

Following the re-assessment of the proposal and taking into account the supporting information, the proposal is recommended for refusal, as it does not comply with CTY10 and CTY 13 of Planning Policy Statement 21 as previously.

Reasons for Refusal:

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

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0804/O	Target Date: 21/10/20
Proposal: Proposed two storey dwelling & domestic garage	Location: Lands 350m South of 293 Pomeroy Road Lurganeden Pomeroy
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Ben Sinnamon 18 Torrent Glen Main Street Castlecaulfield	Agent Name and Address: McKeown & Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY10 (c) and CTY 13. No objections received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Advice
Statutory	DAERA	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 application site is located outside the development limits of any settlement defined in the Cookstown Area Plan 2010. The application comprises a rectangular portion of a large agricultural field, the topography of which is relatively flat and at a similar level to the public road. The area is rural in character with low development pressure with the predominant form of development being single dwellings and agricultural buildings. The settlement of Pomeroy lies approximately 3.2km northwest of the site.

The site is currently accessed via an agricultural field on to Lurganeden Lane, however the field also has frontage on Pomeroy Road. A concrete laneway which appears to be used for agricultural purposes runs along the eastern boundary. The eastern and southern boundary are defined by an established low hedge, approximately 1 metre high. The western boundary is well defined by mature trees and the northern boundary is currently undefined.

Description of Proposal

This is an outline planning application for a two storey dwelling and domestic garage to be located on lands 350m South of 293 Pomeroy Road, Lurganeden, Pomeroy.

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

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

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

Representations

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

History on Site

No Relevant Planning History.

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining all planning applications. 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. There is no conflict between the SPPS and the relevant planning policy to consider this planning application.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY 1 outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. The current proposal falls under one of these instances, the development of a dwelling on a farm in accordance with Policy CTY10 – Dwellings on Farms.

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

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed the business ID has been in existence for more than 6 years and claims have been made on the lands. I am content the farm holding has been established for at least 6 years and is currently active.

With respect to (b) there are no records indicating that any dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c), the proposal is not located in proximity to established farm buildings. It should be noted that the farm holding northeast of the application site is not in the applicants ownership or part of his farm business. Following an inspection of the farm maps it was identified that an established group of farm buildings are located approximately 0.6km west of the application site as the crow flies, located on the Lurganeden Road. The agent submitted a supplementary report providing justification for the proposed siting; this report contained sensitive information therefore was not uploaded on to the planning portal. The supplementary report was considered however did not provide site-specific justification for the proposed siting to warrant an exception under Policy CTY10. I relayed this to the agent and he responded relying on Paragraph 5.41 of PPS21 and in particular the below sentence –

If however, the existing building group is well landscaped, or where a site adjacent to the building group is well landscaped planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation.

The agent has argued that the application site and the existing farm holding on Lurganeden Road are separated by the existence of dense forestation and landscaping at both locations so any impact to the landscape would be negligible. He argues if the

application site were to be approved it would not be seen as being detached from the farm group as the existing farm holding is not open to public views.

Paragraph 5.41 states dwellings should be positioned sensitively with an established group of buildings on the farm to help minimise impact on the character and appearance of the landscape. The application site is separated from the farm holding by two public roads and a densely forested portion of land, therefore the visual linkage is non-existent, not only due to the amount of screening but by physical distance. I accept that the existing farm holding is set back from the public road, however I do not consider it has no public views from any vantage point. Therefore, I do not consider this is acceptable justification for not siting with the existing farm buildings. In my opinion, the arguments presented would not warrant an exception to prevailing policy. The farm business has existing farm buildings; however the proposal seeks permission for a farm dwelling in a green field with no farm buildings in proximity to aid integration. The justification for positioning of farm dwellings with established farm buildings under CTY10 is to minimise impact on the character and appearance of the surrounding landscape of the proposal site. Whilst it is considered the proposal site is well integrated and could accommodate a dwelling without detrimentally impacting rural character, the proposal fails to meet with the requirements of criterion c and therefore is contrary to CTY 10. No demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building groups have been presented. In this instance, I do not consider there are any overriding reasons or material considerations which outweigh the policy criteria of CTY10.

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. There is existing, established vegetation along the east, west and southern boundaries of the proposal site. However the site comprises a cut out of a larger agricultural field with no backdrop to assist integration or provide enclosure. Policy CTY13 states a new building will be unacceptable in the case of a proposed dwelling on a farm where it is not visually linked or sited to cluster with an established group of buildings on a farm. Therefore, I consider the proposal is contrary to Policy CTY 13.

In terms of policy CTY14, planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposal seeks planning permission for a two storey dwelling. Given the established, mature trees and vegetation present along the Pomeroy Road, there are no long-term critical views of the site. As the topography of the land is relatively flat and the site is well screened, I consider a two storey dwelling could be accommodated without appearing unduly prominent in this rural landscape. It is considered that the site and the surrounding environment is capable of absorbing a dwelling without significant impact on rural character and will not result in a suburban style build-up of development, therefore the proposal complies with Policy CTY14.

Planning Policy Statement 3: Access, Movement and Parking - It is considered the proposal complies with PPS 3 in that will not prejudice road safety or significantly inconvenience the flow of traffic. The application site will require a new vehicular access onto the minor Road, Lurganeden Lane. DfI Roads have been consulted and have offered no objections, subject to conditions.

Additional considerations

It was identified the proposal site is in proximity to an IPRI site. NIEA were consulted and offered no objections, providing standing advice and informatives should the application be approved. No built heritage assets or interests of significance have been identified on site or nearby.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal, as it does not comply with CTY10 and CTY 13 of Planning Policy Statement 21.

Reasons for Refusal:

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0864/F	Target Date: <add date>
Proposal: Proposed car parking and block of semi detached dwellings	Location: Lands approximately 50m West of 39 Charlemont Street Moy
Applicant Name and Address: Hemel Ltd Eurospar 45 Charlemont Street Moy	Agent name and Address: Colm Donaghy Chartered Architects 43 Dungannon Street Moy BT71 7SH
Summary of Issues: None	
Summary of Consultee Responses: DFI Roads – access to dwellings to remain private, support the provision of additional parking for listed building Environmental Health – no details about how the waste water will be dealt with NI Water – no capacity in the Moy WWTW DFI Rivers – proposals to reduce the ground levels in the site to be enforced by Council, if levels reduced houses not in the flood plain, car parking is in the flood plain and is a matter for Council to determine if this is an exception to FLD1, will not comment in the emergency evacuation plan.	
Characteristics of the Site and Area: The application site is a 0.16 hectare vacant plot of land located approx. 50 metres West of number 39 Charlemont Street, Moy, County Tyrone. It lies within the development limits of the village of Moy as designated in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). It lies just outside the designated Conservation Area.	

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

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

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

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

Description of Proposal

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

Deferred Consideration:

This application was before the committee in January 2021 with a recommendation to refuse as the development was considered to be located with a flood plain. The application was deferred for a meeting with the Planning Manger and at the meeting on 20 January 2021 the applicant advised they would address issues relating to the flooding and waste water from the houses.

It has been identified that part of the site was raised when utilities were taken through it. A revised flood risk and drainage assessment (FRDA) has been submitted which proposes to reduce the levels back to the previously modelled levels associated with DFI Rivers LiDAR Dataset. This area relates to the car parking and accepts that it will be subject to flooding. The FRDA states the car parking is associated with transport infrastructure and is one of the exceptions to FLD1. I do not agree that it is transport infrastructure, the proposal is for additional car parking in association with the EURO Spar and the Granary Building, a listed building that has been refurbished and brought back into use. While not one of the exceptions set out in FLD1 for undefended areas in floodplains, I do have some sympathy for the applicants. The Granary Building is a listed building that was at risk for a number of years. The applicants have carried out extensive works to restore the building for reuse. Car parking around the site and the adjacent EURO Spar can be at a premium and there are no alternative locations outside the floodplain that would feasibly accommodate additional parking that would be of use to these properties. I consider the site specific nature of the development and the site specific need for it would allow the members to make an exception to the policy here. I also feel it is relevant to consider the applicants FRDA which has identified a need for a Flood Evacuation Management Plan (FEMP) in conjunction with the adjacent EURO Spar. The purpose of the FEMP is to ensure when there is a possibility of flooding that measures can be put in place to limit the potential for any damage to vehicles or personnel in the car park which will in turn limit pollution or environmental effects. I consider it is necessary to request that a copy of the

FEMP is forwarded to the Council for its records, prior to the commencement of any of the work to provide the car park. DFI Rivers have considered the indicative design shown in Appendix D of the FRDA and while they agree that a design is feasible this is subject to agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006. DFI Rivers have considered it necessary to attach a condition requiring the submission of further information to demonstrate that exceedance of the 1:100 year flood event can safely managed so as not to create flood risk to the development or to elsewhere because of this development.

The proposal also includes the replacement of the existing workshop building on the site with a pair of 2 storey, 2 bedroom dwellings. The FRDA has identified that once the ground levels have been restored to the DFI Dataset this area will not be in the flood plain and not subject to FLD1 Policy. I consider it is reasonable to attach a condition that levels are permanently reduced so they are no higher than those shown on the cross sections on the drawings, prior to the commencement of any works for the erection of the dwellings proposed.

The proposed dwellings will require some method of disposing of the waste water from them. The applicant has advised these can be either connected to the public sewer, in agreement with NI Water, or through on site treatment facilities. I consider it is appropriate that prior to the commencement of any development the developer shall provide the Council with either an agreement from NI Water for the connection to their network or a consent to discharge from NIEA showing on site facilities outside of any flooding area for our agreement.

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.

Taking into account the above, I am recommending that this application is approved with the conditions attached.

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 if any development hereby permitted a copy of the signed and agreed Flood Evacuation Management Plan (FEMP) shall be submitted to the Council for its records.

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

3. Prior to the commencement of any development hereby permitted the ground levels of the site shall be permanently reduce to be no higher than those levels as indicated in

blue and annotated original level on drawing number 03 bearing the stamp dated 15 JUN 2021.

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

4. Prior to the commencement of the erection of the dwellings hereby approved the developer shall submit to the Council either:
 - a) a letter from NI Water confirming they have agreed to the connection of the dwellings to the public foul sewer or:
 - b) a copy of a consent to discharge issued by NIEA Water Management Unit including details of the type and specification of a Waste Water Treatment facility and its location outside of any floodplain, to serve the approved dwellings for the Councils agreement. No works shall commence until the Council has issued its agreement

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

5. All levels within the site shall be in strict accordance with the details shown as the original levels on drawing No 03 bearing the stamp dated 15 JUN 2021 and there shall be no develop which would result in any levels exceeding those.

Reason: To ensure the proposal does not result in flooding.

6. Prior to the commencement of any approved development the applicant submit shall to the Council details to show how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006, in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere.

Reason: To ensure the proposal does not result in flooding.

Signature(s)

Date:



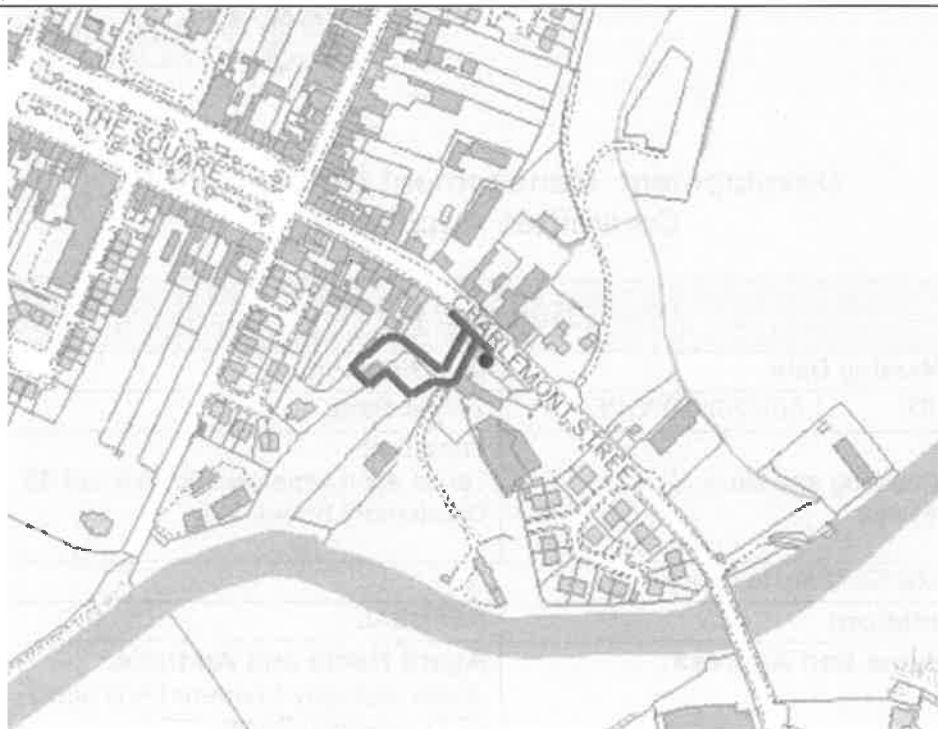
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Objections

None

Characteristics of the Site and Area

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

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



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



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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

History

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



- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan 2010 (DSTAP)
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 7 - Quality Residential Environments.
- PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- PPS 15 - Planning and Flood risk.
- Creating Places

SPPS - Strategic Planning Policy Statement for Northern Ireland

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

The SPPS gives specific provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policy will be applied, primarily PPS 7, Quality Residential Environments.

DSTAP 2010

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

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

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

associated with the adopted plan. It does not present any change in policy direction from that contained within PPS 7.

PPS 3 - Access, Movement and Parking

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

PPS 7 - Quality Residential Environments

PPS 7 is a material planning policy for this type of development. All proposals for residential development will be expected to conform to a number of criteria laid out in Policy QD 1 of PPS 7. I will deal with these as they appear in the policy.

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

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. The site is not in an area of archaeological importance and there are no Listed Buildings nearby. There are no TPO trees or important landscape features within the site to be retained or protected.

Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area, approximately 45m² of private rear amenity space per dwelling is being provided which is in keeping with the Creating Place Standards (Minimum of 40m²). Public open space is available within the Town which can be utilised by residents and can be accessed by car or foot. No planting is proposed along site boundaries however it is my opinion that this is not necessary in this urban location.

Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development - The site is within the development limits of The Moy and there are existing neighbourhood facilities already available in the locality (eg) parks, churches, shops etc

A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and

convenient access to public transport and incorporates traffic calming measures - As the site is within an urban settlement there is an existing movement pattern (eg) foot paths and bus routes. The level of traffic travelling through the settlement would be minimal and would be travelling a low speed.

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

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

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

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

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

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

Rev PPS 15 - Planning and Flood Risk

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

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

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

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

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

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

Other Consultations

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

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

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

Conclusion

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

Recommendation - Refusal

Neighbour Notification Checked	Yes
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Refusal Reasons

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

Signature(s)

Date:

ANNEX	
Date Valid	20th July 2020
Date First Advertised	4th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27a ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27b ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27c ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27d ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 29a ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 31 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 35 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 39 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 1,25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 2,25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 3,25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 4,25 Charlemont Street,Moy,Tyrone,BT71 7SL	
Date of Last Neighbour Notification	13th August 2020
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2020/0486/RM

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

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

Decision:

Decision Date:

Ref ID: LA09/2020/0170/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA09/2016/0697/O

Proposal: Residential Development

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

Decision: PG

Decision Date: 16.05.2017

Ref ID: LA09/2016/0699/LBC

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

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

Decision: CG

Decision Date: 17.05.2017

Ref ID: LA09/2018/1007/F

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

Address: Eurospar 45 Charlemont Street, Moy,

Decision: PG

Decision Date: 13.11.2018

Ref ID: LA09/2016/0654/F

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

Address: Eurospar, 45 Charlemont Street, Moy,

Decision: PG

Decision Date: 23.05.2017

Ref ID: LA09/2018/1596/NMC

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

Address: Eurospar, 45 Charlemont Street, Moy,

Decision: CG
Decision Date:

Ref ID: LA09/2016/0714/F

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

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

Decision: PG

Decision Date: 16.05.2017

Ref ID: LA09/2017/1398/LBC

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

Address: 39-41 Charlemont Street, Moy,

Decision: CG

Decision Date: 19.02.2018

Ref ID: LA09/2020/0780/O

Proposal: Proposed furniture storage/warehouse facility

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

Decision:

Decision Date:

Ref ID: LA09/2020/0863/F

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

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

Decision:

Decision Date:

Ref ID: LA09/2020/0864/F

Proposal: Proposed car parking and block of semi detached dwellings

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

Decision:

Decision Date:

Ref ID: M/2009/0901/F

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

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

Decision:

Decision Date: 13.06.2011

Ref ID: M/2002/1285/Q

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

Address: 39 Charlemont Street, Moy

Decision:

Decision Date:

Ref ID: M/1990/0662

Proposal: Redevelopment of vacant site to form new shop unit

Address: ADJACENT TO NO 41 CHARLEMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/1992/0158

Proposal: Site for Dwelling

Address: REAR OF NO 27 CHARLEMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/1997/6002

Proposal: Housing Development Charlemont Street Moy

Address: Charlemont Street Moy

Decision:

Decision Date:

Ref ID: M/2015/0096/PREAPP

Proposal: Redevelopment of Lands at Charlemont Street, Moy

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

Decision:

Decision Date:

Ref ID: LA09/2015/0620/F

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

Address: 25 Charlemont Street, Moy,

Decision: PG

Decision Date: 12.01.2017

Drawing Numbers and Title

Drawing No. 01

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0888O	Target Date: <add date>
Proposal: Site for 1 no dwelling & garage under CTY8 (re-advertised and neighbour notified due to amended address)	Location: Drummurrer Lane 90m NE of 20 Annaghnaboe Road Coalisland
Applicant Name and Address: Mr Paul Henry 24 Lurgaboy Lane Coalisland BT71 6JX	Agent name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
Summary of Issues: If this constitutes a gap site in Policy CTY8 of PPS21, no lawful development to the south east of the site to provide the necessary buildings for infill development.	
Summary of Consultee Responses: DFI Roads – safe access requires sight lines of 2.4m x 55.0m and forward sight distance of 55.0m, this is achievable with removal of hedges DETI Geological Survey of Northern Ireland (GSNI) - proposed site is not in an area of known abandoned mines.	
Characteristics of the Site and Area: The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010, approx. 1km east of Annaghmore village. The site comprises the western half of a small, relatively flat semi-circular shaped roadside field located adjacent Drummurrer Lane, approx. 100m northeast off its junction with the Annaghnaboe Rd. Note current application LA09/2020/0888/O comprises same proposal for a dwelling in the other half of the host field.	

The host field nestles between nos. 11 Drummurrer Lane, a 1 ½ storey dwelling accessed off and fronting onto Drummurrer Lane and a large gravelled yard running to the northwest side and rear of no. 20 Annaghnaboe Road, a single storey dwelling accessed off and fronting onto the Annaghnaboe Road.

It is noted a single storey garage ancillary to and located to the southwest side of no. 11 Drummurrer Lane, has had a change of use to a dwelling and is now known as no. 9 Drummurrer Lane.

Access to the yard is off the Annaghnaboe Rd just northwest of no. 20's access. A large shed sits within this yard immediately to the rear of no. 20 and fronting northwest towards Drummurrer Lane. The shed appears to be in association with a bouncy castle business. Foundations of a dwelling, 2no. of mobiles, and a portacabin also sit within this yard to the northwest side of no. 20. The lawfulness of the shed, mobiles and portacabin are under investigation by Planning's Enforcement Team.

There are 2 further dwellings running along Drummurrer Lane to immediate northeast of no. 11 Drummurrer Lane, these are nos. 11a and 15 Drummurrer Lane, two single storey dwellings.

Views into the site are screened by a mix of high hedgerows and trees bounding the host field. The only undefined boundary of the site is the northeast boundary, which opens unto the eastern half of the host field.

The area surrounding the site is rural in nature comprising largely agricultural lands. It has come under considerable development pressure in recent years with a number of largely bungalow dwellings running along the roadside of Drummurrer Lane to the northeast of the site. And a number of 2 storey dwellings set back on larger plots running along the Annaghnaboe Rd to the northwest/west of the site.

Description of Proposal

Infill site for 1 no dwelling & garage under CTY8

Deferred Consideration:

This application was before the committee in April 2021 with a recommendation to refuse, it was deferred for a meeting with the Planning Manager. At the meeting in 13 May 2021 it was explained that CTY8 requires the sites to have a frontage to the same road, lawful development on them to be able to meet the policy exception.

Policy CTY8 – Ribbon Development is primarily to prevent the creation of or extension to ribbon development. The policy does allow for up to a maximum of 2 houses in what is commonly referred to as 'a gap site'. This proposed site is one of 2 applications in this field which is located close to the junction of Drummurrer Lane and Annaghnaboe Road, Coalisland. (Fig 1)



Fig 1 sites and the immediate area

To the south west of the application field is a site for a dwelling that was approved by references M/2006/0832/O and M/2007/0630/RM, this required development to commence by 11 October 2011. Aerial photographs for 31 August 2010 do not show these, the next available photos are 7 June 2013 and the foundations are clearly visible and there appears to be an access and clear sight lines to the frontage suggesting the sight lines had been put in place. (Fig 2)



Fig 2 – aerial photograph of the adjacent site taken 7 June 2013

A number of temporary buildings are located here, with one along the boundary with Drummurrer Lane. These buildings do not have the benefit of planning permission. That said, given the development on the Annaghnaaboe Road, a dwelling on the approved site would, in my opinion likely be acceptable as an infill in its own right. At present the buildings on the site do not have any lawful status and the approved dwelling is not a substantial building.

To the north east of the application field, there is a string of development along this side of Drummurr Lane, the boundary treatments of the dwelling and buildings immediately adjacent to the site are beginning to mature here. There is a small paddock area to the front of these buildings that appears to be used for keeping small animals and it is in front of an agricultural type building. Other development further north has open frontages with ranch type fencing and is more apparent.

The existing site frontage onto Drummurr Lane is a mature hedge which gives a sense of separation between the existing string of development to the north and the development on Annaghnaaboe Road to the southwest. This does have the appearance of a visual break in the development here in what is a built up area. That said there is nothing to prevent the owner from cutting down the hedges here and I consider if this was done there would be a very different view of the site in its surroundings. The agent has indicated that he can sensitively access the proposed sites with a paired access and keep the vegetation so that any new dwellings here would be well integrated. (Fig 3)

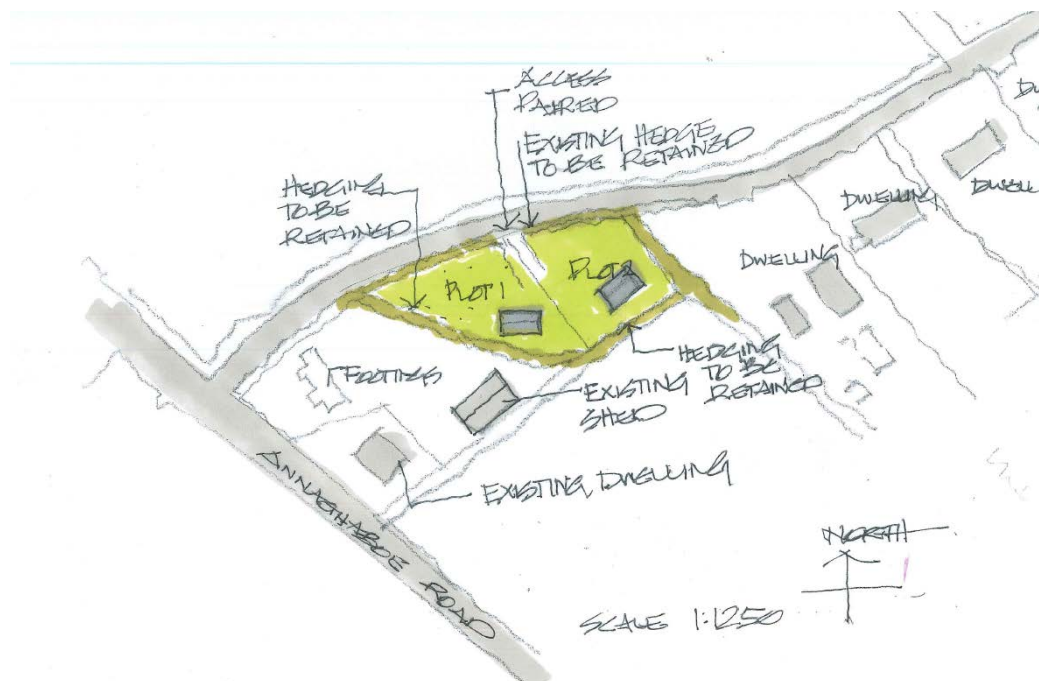


Fig 3 – indicative layout for 2 infill dwellings

I note this proposal which does not have any indication of how the hedges will be impacted by the provision of the sight lines need by DFI Roads, however, I welcome the potential to retain the vegetation and I consider this can be protected with an appropriate condition and new landscaping can be provided to the rear of any new sight lines. While there is no lawful building built to the south west of the site, I am aware of Minister Attwood's Statement on 16 July 2013 into the Review of PPS21. In the statement the Minister made it clear that he wanted officials to take account of extant permission when assessing proposals for infill development. In this case, there is not only a planning permission on the site to the south west, but development has been commenced in accordance with a previous permission. I consider, taking account of the Ministers clear guidance on how to assess Policy CTY8, the extant site will mean this site is one within a substantially built up frontage and is part of a gap that could, taking account of the plot sizes and character of the adjacent development, accommodate up to a maximum of 2 dwellings. I consider it is appropriate to condition the retention of the boundary vegetation

and limit the height of any dwelling to a 6.0m ridge to be in keeping with the surrounding development.

I recommend this application is approved for the reasons above with the conditions set out below.

Conditions:

1. Approval of the details of the siting, design and external appearance of the buildings, site levels, 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.

2. 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.

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

Reason: To ensure resident's privacy is not adversely affected.

4. The underbuilding of the proposed dwelling shall not exceed 0.35m above the existing ground level.

Reason: To ensure that the development is in character with the surrounding area.

5. The proposed dwelling shall have a ridge height of not more than 6.0 metres above the finished floor level.

Reason: To ensure that the development is in character with the surrounding area.

6. Prior to the commencement of any development hereby approved the vehicular access, paired with the adjoining site in this field including visibility splays of 2.4m x 55.0m and forward sight distance of 55.0m as indicated on the attached RS1 form shall be provided in accordance with details to be submitted and approved at Reserved Matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the 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.

7. The existing natural screenings of the site 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: To safeguard the amenities of neighbouring occupiers and in the interests of biodiversity.

8. All hard and soft landscape works shall be carried out in accordance with the plans as may be approved at Reserved Matters stage and the appropriate British Standard or other recognised Codes of Practice. The works shall include planting of a native species hedge along the new site boundaries and to the rear of any visibility splays. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or plant 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.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0888/O	Target Date:
Proposal: Site for 1 no dwelling & garage under CTY8	Location: Drummurrer Lane 90m NE of 20 Annaghnaboe Road Coalisland
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr Paul Henry 24 Lurgaboy Lane Coalisland BT71 6JX	Agent Name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DETI - Geological Survey (NI)	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

Description of Proposal

This is a full planning application for a dwelling and garage to be located on lands at Drummurrer Lane 90m NE of 20 Annaghnaboe Road Coalisland.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Characteristics of the Site and Area

The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010, approx. 1km east of Annaghmore village.

The site comprises the eastern half of a small, relatively flat semi-circular shaped roadside field located adjacent Drummurrer Lane, approx. 100m northeast off its junction with the Annaghnaaboe Rd. Note current application LA09/2020/0890/O comprises same proposal for a dwelling in the other half of the host field (see 'Planning History' further below).

The host field nestles between nos. 11 Drummurrer Lane, a 1 ½ storey dwelling accessed off and fronting onto Drummurrer Lane and a large gravelled yard running to the northwest side and rear of no. 20 Annaghnaaboe Road, a single storey dwelling accessed off and fronting onto the Annaghnaaboe Road.

It is noted a single storey garage ancillary to and located to the southwest side of no. 11 Drummurrer Lane, has had a change of use to a dwelling and is now known as no. 9 Drummurrer Lane (see 'Enforcement History' further below).

Access to the aforementioned gravelled yard is off the Annaghnaaboe Rd just northwest of no. 20's access. A large shed sits within this yard immediately to the rear of no. 20 and fronting northwest towards Drummurrer Lane. The shed appears to be in association with a bouncy castle business. Foundations of a dwelling, 2no. of mobiles, and a portacabin also sit within this yard to the northwest side of no. 20. The lawfulness of the shed, mobiles and portacabin are under investigation by Planning's Enforcement Team (see 'Enforcement History' further below).

There are 2 further dwellings running along Drummurrer Lane to immediate northeast of no. 11 Drummurrer Lane, these are nos. 11a and 15 Drummurrer Lane, two single storey dwellings.

Views into the site are screened by a mix of high hedgerows and trees bounding the host field. The only undefined boundary of the site is the southwest boundary, which opens unto the western half of the host field.

The area surrounding the site is rural in nature comprising largely agricultural lands. It has come under considerable development pressure in recent years with a number of largely bungalow dwellings running along the roadside of Drummurrer Lane to the northeast of the site. And a number of 2 storey dwellings set back on larger plots running along the Annaghnaaboe Rd to the northwest/west of the site.

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
Dunannon and South Tyrone 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
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

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

Representations

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

History

On site

- M/2003/0959/O – Proposed Dwelling – 150m SW of Drummurer Lane Coalisland – Withdrawn 26th March 2004

The above application was the current site's host field.

- LA09/2020/0890/O – Infill site for 1 no dwelling & garage under CTY8 – Drummurer Lane 60m North of 20 Annaghnaboe Road Coalisland – on going.

Adjacent site

- M/2006/0832/O – dwelling – Adjacent to 20 Annaghaboe Rd Coalisland – Granted 11th October 2006
- M/2007/0630/RM – Proposed dwelling with attached garage – Adjacent to 20 Annaghaboe Rd Coalisland – Granted 27th November 2007

The above applications relate to the a site approved (foundations) in gravelled yard to northwest side of no. 20 Annaghnaboe Rd.

- M/2009/0286/F – Proposed domestic garage & store – To the rear of 11 Drummurer Lane Coalisland – Granted August 2009
- M/2014/0116/O – Proposed site for dwelling (infill site at junction to create a cluster) – Adjacent to and SE of 18 Annaghnaboe Road Coalisland – Granted 28th May 2014
- M/2014/0543/RM – proposed dwelling and domestic garage – Adjacent to 18 Annaghaboe Road Coalisland – Granted 6th January 2015

The above 2 applications relate to no. 18b Annaghnaboe Rd a relatively new dwelling located at the opposite side of the road to the west of the site and to the inside (north) of the Drummurer Lane and Annaghnaboe Rd junction. This dwelling was granted under infill policy.

Enforcement History

- LA09/2020/0152/CA – Alleged change of use of garage / store to a dwelling – Case closed 21st January 2021 as immune from enforcement action
- LA09/2020/0153/CA – Alleged unauthorised buildings on site, including replacement shed, two mobiles and a portacabin - Ongoing

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and have no objection subject to standard conditions and informatives, subject to which I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. DETI Geological Survey of Northern Ireland (GSNI) were consulted as the site was located within an area of constraint on abandoned mines – GSNI responded that having assessed the above planning proposal in view of stability issues relating to abandoned mine workings. A search of their “Shafts and Adits Database” indicates that the proposed site is not in an area of known abandoned mines.

Key Policy Considerations/Assessment

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – 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. These are listed in Policy CTY1 of PPS21.

One instance, and that which the applicant has applied under, is the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

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.

Bearing in mind the above, the agent submitted a supporting statement with this application outlining with the aid of a concept sketch, how he considers the site / host field complies with the tests of Policies CTY 8, 13, and 14 of PPS 21 and respectfully requests planning permission for a traditional 1 ½ storey dwelling and garage. I have summarised the principle points in support of this application below:

- a) The site / host field is not located within an otherwise substantial and continuously built up frontage of buildings along Drummurrer Lane as defined by Policy CTY8 of PPS21. Whilst a dwelling on site will have a frontage to Drummurrer Lane it would

not be 'book ended' by development to the SW given the absence of any lawful development which shares a frontage with Drummurrer lane.



Fig 1: Concept Sketch

- b) The gap / host field located between Nos. 11 Drummurrer Lane and 20 Annaghnaaboe Road measures approx. 100m and is sufficient only to accommodate a maximum of two dwellings in a manner that reflects the existing buildings along the frontage. This application is seeking consent for one dwelling on a plot some 50m wide i.e. one half of the total gap. Application LA09/2020/0890/O seeks consent for one dwelling on similar plot to the other half of total gap.
- c) The size, scale, siting and plot size of the proposal would respect the existing development pattern. The applicant proposes a traditionally designed 1½ storey dwelling and detached garage, that would fit in well with the development pattern in the immediate vicinity of the site. The site benefits from screening in either direction together with a backdrop of mature hedging that will allow such a dwelling to integrate well onto the site with minimal impact on the surrounding rural environment thereby making this infill development more acceptable. The proposed site and layout being put forward also follows the guidance as set out on Page 76 of 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' which relates to gap sites and infill principles.

- d) A dwelling on this site fronting onto Drummurrer Lane will integrate on this site to comply with policy CTY13 of PPS21 as the site / host field benefits from being well enclosed by existing vegetation and its location within an existing and continuously built up frontage. It whilst a new hedgerow and planting will define the new boundary to the west and supplementary planting can be provided within the curtilage to promote enhanced biodiversity.

Having assessed the site, taking into account the information in support of this application as detailed above, I do not consider the site meets with the requirements of Policy CTY8.

The reason being the site / host field is not in my opinion located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along Drummurrer Lane, without accompanying development to the rear.

Whilst I am content the site / host field is bound by at least 4 buildings running along and fronting onto Drummurrer Lane to the northeast (nos. 9, 11, 11a & 15 Drummurrer Lane, as detailed in Characteristics of the Site and Area) as previously mentioned I am not content it is bound to its southeast by buildings with a frontage onto Drummurrer Lane.

The site is bound to its southeast by a gravelled yard. The gravelled yard contains only the foundations of a dwelling approved under M/2006/0832/O and M/2007/0630/RM respectively, which cannot be considered for the purposes of policy as a building until substantially complete to eaves level. Whilst it also contains 2 no. of mobiles and a large shed located to the northwest side and immediate rear of no. 20 Annaghabe Rd, respectively, I am not content these are lawful and can be considered for the purposes of Policy CTY 8. The mobiles and large shed are currently the subject of investigation by Planning's Enforcement Team.

My own checks of orthos show the mobiles would not appear to have been in place more than 5 years and are therefore not immune to enforcement action. Furthermore, any approval for such development would normally only be forthcoming on a temporary basis under the provisions of PPS21.

In relation to the large shed, owing to gaps in historical orthos available I could not confirm whether it has been erected for more than 5 years or not. That said even if the shed was found by the Enforcement Team to have been erected for more than 5 years and immune from enforcement action, I still would not consider it to have a frontage onto Drummurrer Lane. This is owing to its location to the rear of no. 20 Annaghabe Rd, set back and screened from Drummurrer Lane, on a well enclosed yard. There are only glimpses of the shed from Drummurrer Lane, through mature vegetation defining the northwest boundary of the yard.

Additional considerations

I would agree with the agent the host field is sufficient only to accommodate a maximum of two dwellings in a manner that reflects the existing buildings along the Drummurrer Road frontage to its northeast. Whilst the site has the capacity to integrate a 1 ½ storey dwelling and ancillary garage of an appropriate size, scale and design with minimal the development would still extend a ribbon of development along the lane leading a further

erosion of what is left of the areas rural. I believe a suitably designed scheme would not have had any unreasonable impact on existing or potential neighbouring properties (LA09/2020/0890/O) in terms of overlooking or overshadowing due again to the existing vegetation bounding the host field, alongside the separation distances which could have been retained.

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 heritage features of significance on site.

NI Flood Maps have been checked and whilst they indicate a small amount of surface water flooding along the back boundary of the site this is minimal and the site could still developed for a dwelling outside the identified area.

Recommendation: Refuse

The site / host field is not in my opinion located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along Drummurrer Lane, without accompanying development to the rear. It will result in the extension of ribbon development leading to the further erosion of rural character.

Neighbour Notification Checked	Yes
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Summary of Recommendation	Refuse
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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 and CTY14 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 Drummurrer Lane further eroding the rural character of this area.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0890/O	Target Date: <add date>
Proposal: Infill site for 1 no dwelling & garage under CTY8 (re-advertised and neighbour notified due to amended address)	Location: Drummurrer Lane 60m NE of 20 Annaghnaboe Road Coalisland
Applicant Name and Address: Mr Paul Henry 24 Lurgaboy Lane Coalisland BT71 6JX	Agent name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
Summary of Issues: If this constitutes a gap site in Policy CTY8 of PPS21, no lawful development to the south east of the site to provide the necessary buildings for infill development.	
Summary of Consultee Responses: DFI Roads – safe access requires sight lines of 2.4m x 55.0m and forward sight distance of 55.0m, this is achievable with removal of hedges DETI Geological Survey of Northern Ireland (GSNI) - proposed site is not in an area of known abandoned mines.	
Characteristics of the Site and Area: The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010, approx. 1km east of Annaghnaboe village. The site comprises the western half of a small, relatively flat semi-circular shaped roadside field located adjacent Drummurrer Lane, approx. 100m northeast off its junction with the Annaghnaboe Rd. Note current application LA09/2020/0888/O comprises same proposal for a dwelling in the other half of the host field.	

The host field nestles between nos. 11 Drummurrer Lane, a 1 ½ storey dwelling accessed off and fronting onto Drummurrer Lane and a large gravelled yard running to the northwest side and rear of no. 20 Annaghnaboe Road, a single storey dwelling accessed off and fronting onto the Annaghnaboe Road.

It is noted a single storey garage ancillary to and located to the southwest side of no. 11 Drummurrer Lane, has had a change of use to a dwelling and is now known as no. 9 Drummurrer Lane.

Access to the yard is off the Annaghnaboe Rd just northwest of no. 20's access. A large shed sits within this yard immediately to the rear of no. 20 and fronting northwest towards Drummurrer Lane. The shed appears to be in association with a bouncy castle business. Foundations of a dwelling, 2no. of mobiles, and a portacabin also sit within this yard to the northwest side of no. 20. The lawfulness of the shed, mobiles and portacabin are under investigation by Planning's Enforcement Team.

There are 2 further dwellings running along Drummurrer Lane to immediate northeast of no. 11 Drummurrer Lane, these are nos. 11a and 15 Drummurrer Lane, two single storey dwellings.

Views into the site are screened by a mix of high hedgerows and trees bounding the host field. The only undefined boundary of the site is the northeast boundary, which opens unto the eastern half of the host field.

The area surrounding the site is rural in nature comprising largely agricultural lands. It has come under considerable development pressure in recent years with a number of largely bungalow dwellings running along the roadside of Drummurrer Lane to the northeast of the site. And a number of 2 storey dwellings set back on larger plots running along the Annaghnaboe Rd to the northwest/west of the site.

Description of Proposal

Infill site for 1 no dwelling & garage under CTY8

Deferred Consideration:

This application was before the committee in April 2021 with a recommendation to refuse, it was deferred for a meeting with the Planning Manager. At the meeting in 13 May 2021 it was explained that CTY8 requires the sites to have a frontage to the same road, lawful development on them to be able to meet the policy exception.

Policy CTY8 – Ribbon Development is primarily to prevent the creation of or extension to ribbon development. The policy does allow for up to a maximum of 2 houses in what is commonly referred to as 'a gap site'. This proposed site is one of 2 applications in this field which is located close to the junction of Drummurrer Lane and Annaghnaboe Road, Coalisland. (Fig 1)



Fig 1 sites and the immediate area

To the south west of the application field is a site for a dwelling that was approved by references M/2006/0832/O and M/2007/0630/RM, this required development to commence by 11 October 2011. Aerial photographs for 31 August 2010 do not show these, the next available photos are 7 June 2013 and the foundations are clearly visible and there appears to be an access and clear sight lines to the frontage suggesting the sight lines had been put in place. (Fig 2)



Fig 2 – aerial photograph of the adjacent site taken 7 June 2013

A number of temporary buildings are located here, with one along the boundary with Drummurrer Lane. These buildings do not have the benefit of planning permission. That said, given the development on the Annaghnaaboe Road, a dwelling on the approved site would, in my opinion likely be acceptable as an infill in its own right. At present the buildings on the site do not have any lawful status and the approved dwelling is not a substantial building.

To the north east of the application field, there is a string of development along this side of Drummurr Lane, the boundary treatments of the dwelling and buildings immediately adjacent to the site are beginning to mature here. There is a small paddock area to the front of these buildings that appears to be used for keeping small animals and it is in front of an agricultural type building. Other development further north has open frontages with ranch type fencing and is more apparent.

The existing site frontage onto Drummurr Lane is a mature hedge which gives a sense of separation between the existing string of development to the north and the development on Annaghnaaboe Road to the southwest. This does have the appearance of a visual break in the development here in what is a built up area. That said there is nothing to prevent the owner from cutting down the hedges here and I consider if this was done there would be a very different view of the site in its surroundings. The agent has indicated that he can sensitively access the proposed sites with a paired access and keep the vegetation so that any new dwellings here would be well integrated. (Fig 3)

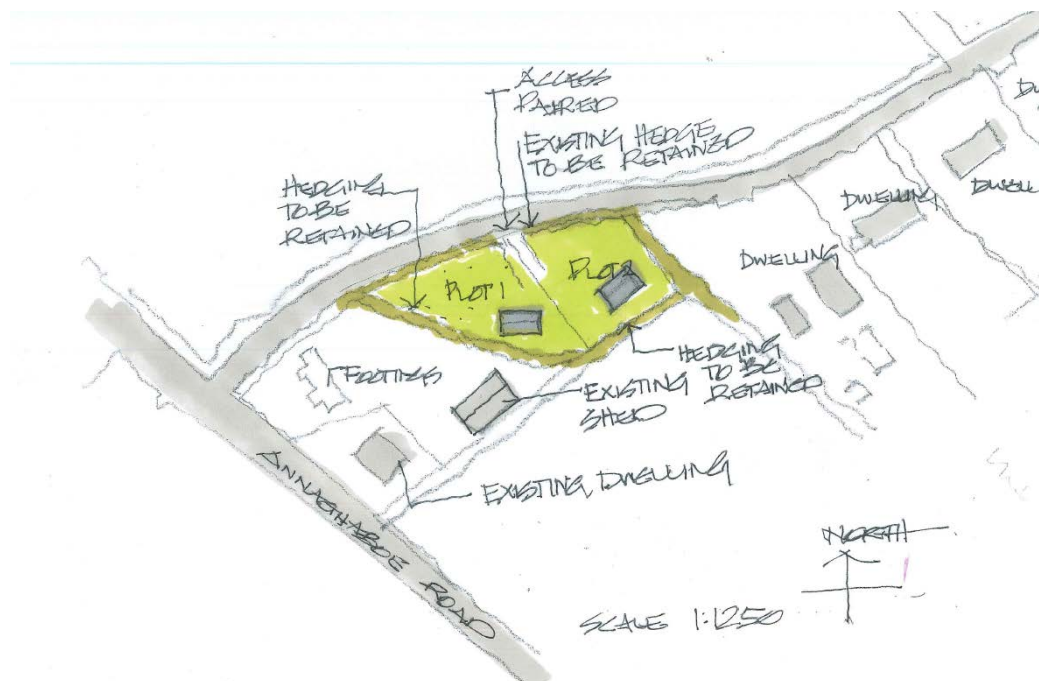


Fig 3 – indicative layout for 2 infill dwellings

I note this proposal which does not have any indication of how the hedges will be impacted by the provision of the sight lines need by DFI Roads, however, I welcome the potential to retain the vegetation and I consider this can be protected with an appropriate condition and new landscaping can be provided to the rear of any new sight lines. While there is no lawful building built to the south west of the site, I am aware of Minister Attwood's Statement on 16 July 2013 into the Review of PPS21. In the statement the Minister made it clear that he wanted officials to take account of extant permission when assessing proposals for infill development. In this case, there is not only a planning permission on the site to the south west, but development has been commenced in accordance with a previous permission. I consider, taking account of the Ministers clear guidance on how to assess Policy CTY8, the extant site will mean this site is one within a substantially built up frontage and is part of a gap that could, taking account of the plot sizes and character of the adjacent development, accommodate up to a maximum of 2 dwellings. I consider it is appropriate to condition the retention of the boundary vegetation

and limit the height of any dwelling to a 6.0m ridge to be in keeping with the surrounding development.

I recommend this application is approved for the reasons above with the conditions set out below.

Conditions:

1. Approval of the details of the siting, design and external appearance of the buildings, site levels, 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.

2. 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.

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

Reason: To ensure resident's privacy is not adversely affected.

4. The underbuilding of the proposed dwelling shall not exceed 0.35m above the existing ground level.

Reason: To ensure that the development is in character with the surrounding area.

5. The proposed dwelling shall have a ridge height of not more than 6.0 metres above the finished floor level.

Reason: To ensure that the development is in character with the surrounding area.

6. Prior to the commencement of any development hereby approved the vehicular access, paired with the adjoining site in this field including visibility splays of 2.4m x 55.0m and forward sight distance of 55.0m as indicated on the attached RS1 form shall be provided in accordance with details to be submitted and approved at Reserved Matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the 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.

7. The existing natural screenings of the site 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: To safeguard the amenities of neighbouring occupiers and in the interests of biodiversity.

8. All hard and soft landscape works shall be carried out in accordance with the plans as may be approved at Reserved Matters stage and the appropriate British Standard or other recognised Codes of Practice. The works shall include planting of a native species hedge along the new site boundaries and to the rear of any visibility splays. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or plant 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.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

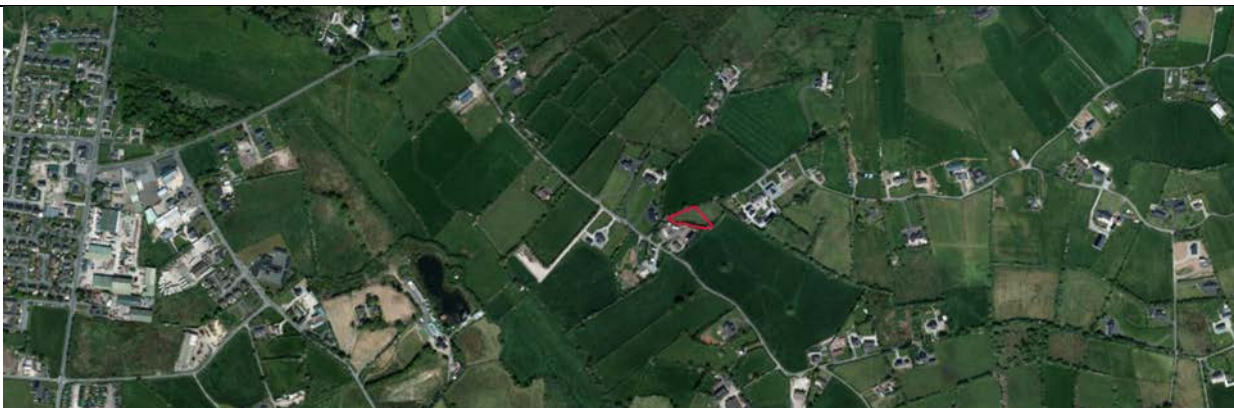
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0890/O	Target Date:
Proposal: Infill site for 1 no dwelling & garage under CTY8	Location: Drummurrer Lane 60m North of 20 Annaghnaboe Road Coalisland
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr Paul Henry 24 Lurgaboy Lane Coalisland BT71 6JX	Agent Name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DETI - Geological Survey (NI)	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

Description of Proposal

This is a full planning application for a dwelling to be located on lands at Drummurrer Lane 60m North of 20 Annaghnaboe Road Coalisland.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Characteristics of the Site and Area

The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010, approx. 1km east of Annaghmore village.

The site comprises the western half of a small, relatively flat semi-circular shaped roadside field located adjacent Drummurrer Lane, approx. 100m northeast off its junction with the Annaghnaboe Rd. Note current application LA09/2020/0888/O comprises same proposal for a dwelling in the other half of the host field.

The host field nestles between nos. 11 Drummurrer Lane, a 1 ½ storey dwelling accessed off and fronting onto Drummurrer Lane and a large gravelled yard running to the northwest side and rear of no. 20 Annaghnaboe Road, a single storey dwelling accessed off and fronting onto the Annaghnaboe Road.

It is noted a single storey garage ancillary to and located to the southwest side of no. 11 Drummurrer Lane, has had a change of use to a dwelling and is now known as no. 9 Drummurrer Lane (see 'Enforcement History' further below).

Access to the yard is off the Annaghnaboe Rd just northwest of no. 20's access. A large shed sits within this yard immediately to the rear of no. 20 and fronting northwest towards Drummurrer Lane. The shed appears to be in association with a bouncy castle business. Foundations of a dwelling, 2no. of mobiles, and a portacabin also sit within this yard to the northwest side of no. 20. The lawfulness of the shed, mobiles and portacabin are under investigation by Planning's Enforcement Team (see 'Enforcement History' further below).

There are 2 further dwellings running along Drummurrer Lane to immediate northeast of no. 11 Drummurrer Lane, these are nos. 11a and 15 Drummurrer Lane, two single storey dwellings.

Views into the site are screened by a mix of high hedgerows and trees bounding the host field. The only undefined boundary of the site is the northeast boundary, which opens unto the eastern half of the host field.

The area surrounding the site is rural in nature comprising largely agricultural lands. It has come under considerable development pressure in recent years with a number of largely bungalow dwellings running along the roadside of Drummurrer Lane to the northeast of the site. And a number of 2 storey dwellings set back on larger plots running along the Annaghnaboe Rd to the northwest/west of the site.

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

Dunannon and South Tyrone 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

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

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

Representations

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

History

On site

- M/2003/0959/O – Proposed Dwelling – 150m SW of Drummurer Lane Coalisland – Withdrawn 26th March 2004

The above application was the current site's host field.

- LA09/2020/0888/O – Site for 1 no dwelling & garage under CTY8 – Drummurrer Lane 90m NE of 20 Annaghnaaboe Road Coalisland – on going

Adjacent site

- M/2006/0832/O – dwelling – Adjacent to 20 Annaghnaaboe Rd Coalisland – Granted 11th October 2006
- M/2007/0630/RM – Proposed dwelling with attached garage – Adjacent to 20 Annaghnaaboe Rd Coalisland – Granted 27th November 2007

The above applications relate to the a site approved (foundations) in gravelled yard to northwest side of no. 20 Annaghnaaboe Rd.

- M/2009/0286/F – Proposed domestic garage & store – To the rear of 11 Drummurrer Lane Coalisland – Granted August 2009
- M/2014/0116/O – Proposed site for dwelling (infill site at junction to create a cluster) – Adjacent to and SE of 18 Annaghnaaboe Road Coalisland – Granted 28th May 2014

- M/2014/0543/RM – proposed dwelling and domestic garage – Adjacent to 18 Annaghoboe Road Coalisland – Granted 6th January 2015

The above 2 applications relate to no. 18b Annaghoboe Rd a relatively new dwelling located at the opposite side of the road to the west of the site and to the inside (north) of the Drummurr Lane and Annaghoboe Rd junction. This dwelling was granted under infill policy.

Enforcement History

- LA09/2020/0152/CA – Alleged change of use of garage / store to a dwelling – Case closed 21st January 2021 as immune from enforcement action
- LA09/2020/0153/CA – Alleged unauthorised buildings on site, including replacement shed, two mobiles and a portacabin - Ongoing

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and have no objection subject to standard conditions and informatives, subject to which I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. DETI Geological Survey of Northern Ireland (GSNI) were consulted as the site was located within an area of constraint on abandoned mines – GSNI responded that having assessed the above planning proposal in view of stability issues relating to abandoned mine workings. A search of their “Shafts and Adits Database” indicates that the proposed site is not in an area of known abandoned mines.

Key Policy Considerations/Assessment

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – 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. These are listed in Policy CTY1 of PPS21.

One instance, and that which the applicant has applied under, is the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

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.

Bearing in mind the above, the agent submitted a supporting statement with this application outlining with the aid of a concept sketch, how he considers the site / host field complies with the tests of Policies CTY 8, 13, and 14 of PPS 21 and respectfully requests planning permission for a traditional 1 ½ storey dwelling and garage. I have summarised the principle points in support of this application below:

- a) The site / host field is not located within an otherwise substantial and continuously built up frontage of buildings along Drummurrer Lane as defined by Policy CTY8 of PPS21. Whilst a dwelling on site will have a frontage to Drummurrer Lane it would not be 'book ended' by development to the SW given the absence of any lawful development which shares a frontage with Drummurrer lane.



Fig 1: Concept Sketch

- b) The gap / host field located between Nos. 11 Drummurrer Lane and 20 Annaghnaaboe Road measures approx. 100m and is sufficient only to accommodate a maximum of two dwellings in a manner that reflects the existing buildings along the frontage. This application is seeking consent for one dwelling on a plot some 50m wide i.e. one half of the total gap. Application LA09/2020/0888/O seeks consent for one dwelling on similar plot to the other half of total gap.

- c) The size, scale, siting and plot size the of the proposal would respect the existing development pattern. The applicant proposes a traditionally designed 1½ storey dwelling and detached garage, that would fit in well with the development pattern in the immediate vicinity of the site. The site benefits from screening in either direction together with a backdrop of mature hedging that will allow such a dwelling to integrate well onto the site with minimal impact on the surrounding rural environment thereby making this infill development more acceptable. The proposed site and layout being put forward also follows the guidance as set out on Page 76 of 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' which relates to gap sites and infill principles.
- d) A dwelling on this site fronting onto Drummurrer Lane will integrate on this site to comply with policy CTY13 as the site / host field benefits from being well enclosed by existing vegetation and its location within an existing and continuously built up frontage. It whilst a new hedgerow and planting will define the new boundary to the west and supplementary planting can be provided within the curtilage to promote enhanced biodiversity.

Having assessed the site, taking into account the information in support of this application as detailed above, I do not consider the site meets with the requirements of Policy CTY8.

The reason being the site / host field is not in my opinion located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along Drummurrer Lane, without accompanying development to the rear.

Whilst I am content the site / host field is bound by at least 4 buildings running along and fronting onto Drummurrer Lane to the northeast (nos. 9, 11, 11a & 15 Drummurrer Lane, as detailed in Characteristics of the Site and Area) I am not content it is not bound to its southeast by buildings with a frontage onto Drummurrer Lane.

The site is bound to its southeast by a gravelled yard. The gravelled yard contains only the foundations of a dwelling approved under M/2006/0832/O and M/2007/0630/RM respectively, which cannot be considered for the purposes of policy as building until substantially complete to eaves level. Whilst it also contains 2no. of mobiles and a large shed located to the northwest aside and immediate rear of no. 20 Annaghboe Rd, respectively, I am not content these are lawful and can be considered for the purposes of Policy CTY 8. The mobiles and large shed are currently the subject of investigation by Planning's Enforcement Team.

My own checks of orthos show the mobiles would not appear to have been in place more than 5 years and are therefore not immune to enforcement action. Furthermore, any approval for such development would normally only be forthcoming on a temporary basis under the provisions of PPS21.

In relation to the large shed, owing to gaps in historical orthos available I could not confirm whether it has been erected for more than 5 years or not. That said even if the shed was found by the Enforcement Team to have been erected for more than 5 years and immune from enforcement action, I still would not consider it to have a frontage onto

Drummurrer Lane. This is owing to its location to the rear of no. 20 Annaghboe Rd, set back and screened from Drummurrer Lane, on a well enclosed yard. There are only glimpses of the shed from Drummurrer Lane, through mature vegetation defining the northwest boundary of the yard.

Additional considerations

I would agree with the agent the host field is sufficient only to accommodate a maximum of two dwellings in a manner that reflects the existing buildings along the Drummurrer Road frontage to its northeast. Additionally, I believe a suitably designed scheme would not have had any unreasonable impact on existing or potential neighbouring properties (LA09/2020/0888/O) in terms of overlooking or overshadowing due again to the existing vegetation bounding the host field, alongside the separation distances which could have been retained.

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 heritage features of significance on site.

NI Flood Maps have been checked and whilst they indicate a small amount of surface water flooding along the back boundary of the site this is minimal and the site could still developed for a dwelling outside the identified area.

Recommendation: Refuse

The site / host field is not in my opinion located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along Drummurrer Lane, without accompanying development to the rear. When read in conjunction with the adjacent application M/2020/0888/O it will result in the extension of ribbon development leading to the further erosion of rural character.

Neighbour Notification Checked	Yes
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Summary of Recommendation	Refuse
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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 and CTY14 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 Drummurrer Lane leading to a further erosion of the areas rural character.

Signature(s)

Date:

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Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1140/O	Target Date: <add date>
Proposal: An infill dwelling and detached garage (farm case submitted)	Location: Between 104 Ballygawley Road and an agricultural building 100m North East of 104 Ballygawley Road, Glenadush
Applicant Name and Address: Bernard Mc Aleer 7 Glenree Avenue Dungannon	Agent name and Address: Blackbird Architecture Ltd 4 Glenree Avenue Dungannon BT71 6XG
Summary of Issues: Dwelling on a farm, number of buildings and length of time.	
Summary of Consultee Responses: DFI Roads – Access in accordance with the RS1 form which require visibility splays of 2.4m by 90.0 m in both directions and a forward sight distance of 90.0m. DEARA – Farm has been established for over 6 years, no recent claims and claims associated with another business, business ID issued in 2019 but member has been The business number associated with planning application LA09/2020/1140/O was created on 12/06/2019 and was given a category 3 status. The member named in the business had an old Client reference number registered with DAERA that was created on 6/07/2011.	
Characteristics of the Site and Area: This site is located in the SE corner of a larger agricultural field, and is access via an existing gravel access which runs along the SW boundary of the field. The NE and NW boundaries of the site are not clearly defined, the boundary to the west to the access lane is defined by a mature tree lined hedgerow approx. 4-5m high while the SE boundary is defined by a 2m high maintained hawthorn hedge.	

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

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

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

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

Description of Proposal

This is an outline planning application for an infill dwelling and detached garage (farm case submitted)

Deferred Consideration:

Members are advised this application was deferred at the planning committee on 11th January 2021 for a meeting with the Planning Manager to discuss the application and explore the case. At the meeting on 20 January 2021 it was made clear this does not meet the criteria for an infill opportunity under Policy CYTY8, it was noted that planning permission had been granted for an agricultural building on this land and information was requested on the farming case for consideration against Policy CTY10.

Committee members will be well aware of the requirement of Policy CTY10 when considering dwellings on a farm. There are 3 criteria the policy says must be met and also there is an exception within the policy where there is no site beside existing buildings on the farm.

a) The farm business must be currently active and established for at least 6 years.

In support of this the applicant submitted a P1C – Dwelling on a Farm application form and advised the farm business was allocated on 13 June 2019. Additional information was also provided to set out what the applicant has been doing with the land and how long they have had the land.

DEARA have advised the business number associated with this planning application was created on 12/06/2019 and was given a category 3 status. The member named in the business had an old Client reference number registered with DAERA that was created on 6/07/2011, this client reference number was created for the purposes of land identification when DARD required proof of ownership of land before they would allocate a field number on their system.

I undertook a site inspection on 2 September 2021 and noted there were 8 sheep in the field as can be seen in fig 1 and 2 below, I consider this illustrates that Mr McAleer is a farmer and the farm is currently active.



Fig 1 view of application site from in front on Old Ballygawley Road



Fig 2 view of application site from in front and west on Old Ballygawley Road

Further information submitted indicates the applicant gained control of the land in 2007. In 2010, 2011 and 2012 Mr Cush rented the land and sowed potatoes. Mr Cush has passed away so this information cannot be verified by Mr Cush, however there are aerial photographs which OSNI have flown on 31 August 2010 (fig 3) and google streetview

photographs from April 2011 (fig 4) that support the applicants version of events that crops were being grown at those times.



Fig 3 - OSNI aerial photograph of the land flown 31/08/20



Fig 4 – Google streetview image captured April 2011

The applicant advises they employed Mr Cush to sow out the land in grass seed in 2012 and from then until 2019 it was taken by Mrs Davidson who advises she only had to put her animals on the land and cut the silage as Mr McAleer carried out all other works to maintain the hedges, fences and drains in the field. An aerial photograph from OSNI flown on 7 June 2013 shows there has been some work done to the land as it is bare earth with clearly visible marks of machinery having been on the land (fig 5). Had this been sown in 2012 as advised then it should have been in grass, however it is evident that at this time work had been done to the land.

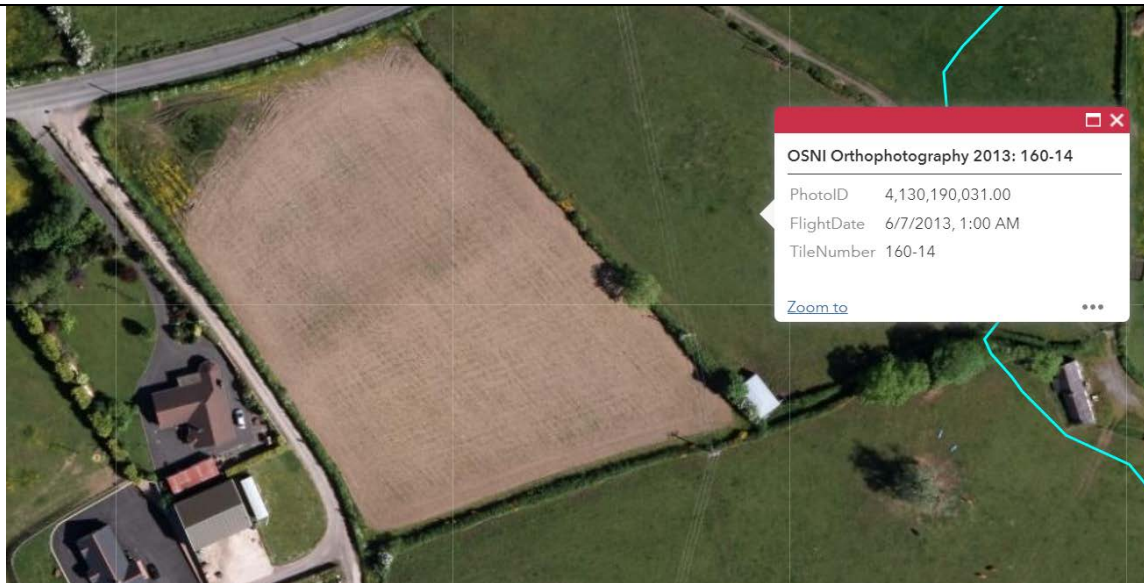


Fig 5 – OSNI aerial photograph of the land on 7 June 2013

Additional information provided in support of the application states:

- 1) the applicant engaged 3 different contractors between 2014 and 2020 to carry out works for the maintenance of the hedgerows. Invoices have been submitted which the applicant advises were written up recently from the contractors records and these are from:
 - S O'Neill for hedge cutting in July and October 2014,
 - K Quinn for hedge cutting in July and October 2015 and
 - D Dobson for hedge cutting in July and October 2016, 2017, 2018, 2019 and 2020
- 2) the applicant engaged Sean Rafferty to carry out works to the drains and fences in 2007-2008
- 3) Mr Ciaran O'Donnell carried out major works to the drains in 2017 where directional drilling was carried out and photographs are provided to show this. I consider the photographs are from the north west corner of this field as it is clear in the photographs there are trees and electricity poles in the south east corner that are still on site today. This can be seen below in the photograph provided by the applicant and in the google streetview image from June 2015 (Fig 7).



Fig 7 photograph of drainage work being undertaken and google streetview map, not trees and electric pole in middle of the pictures.

4) Mrs Davidson has advised that she took the land between 2012 and 2019 and claimed single farm payment on it. She also advised that Mr McAleer maintained the ground and she put her animals on it and took silage off it.

Members will be aware the policy refers to the farm business having to be active and established. Farming activity can take many different forms, the SPPS refers to Regulation (EU) No 1307/2013 for the definition of agricultural activity (see appendix 2). In this case it is clear Mr McAleer has been investing in the land and obtaining a return for that investment, and this is the common understanding of what a business is. There is no dispute that the land has been used for agricultural activities as it has been shown that it was used for growing potatoes and keeping animals on it, which, in my view, falls under the definition of agricultural activities and as it has been ongoing since before 2015 (6 years ago) then I consider this is an established agricultural business.

In light of the above information, I am content that this is an active and established farm business and criteria a of CTY10 has been met.

b) no dwellings or development opportunities have been sold off ... within 10 years of the date of the application....

I have checked the land identified as being in Mr McAleers ownership here and there have not been any sites or dwellings sold off the farm in the 10 years before the application was submitted. I am content that criteria b of CTY10 has been met.

c) new buildings should be sited to visually link or cluster with an established group of buildings on the farm and where practicable access should be from existing lanes.

It is quite clear there is no established group of buildings on this farm, Mr McAleer received planning permission for the farm building located in the south east corner of the field on 3rd October 2019. Members could refuse the application on the basis that it does not cluster or visually link with a group of buildings on the farm. That said, the policy provides an exception that states an alternative site away from a group of buildings will be acceptable where it meets the requirement of Policies CTY13(a-f), CTY14 and CTY16. As there is no group of buildings associated with this farm I consider it appropriate to assess the proposal under this exception in the policy.

The previous case officer report has considered the potential for a dwelling and garage to integrate on this site and has raised concerns about the potential visual impact of this. I agree that a dwelling would be visible on the site, but only when viewed from the public road immediately in front of the site and for approximately 200 metres on approach from Dungannon, as the vegetation to the west completely screens the site from view until the

end of the laneway, identified in fig 6 with the red arrow.



Fig 6 – view from the west, access to the site identified by red arrow

The photograph below (fig 7) shows the view from the west, a dwelling as proposed (siting shown with the blue arrow) could break the skyline here, as it does not benefit from screening or clustering with the existing farm building (red arrow) or the other development to the west (black arrow). A dwelling here could be prominent in the landscape, when seen from this critical view.



Fig 6, siting proposed in blue, existing agricultural building in red and other buildings in black

This application is for outline planning permission and as such the members can consider if there are any conditions that would make this development acceptable. If there are no conditions that could make it acceptable then the development should be refused.

Conditions can be attached that deal with the size, scale, design and location of a dwelling on the site as well as landscaping conditions that can require new planting to be provided and allow existing planting to be retained at a certain height.

It is clear there are long established boundaries on the south and west of the identified site as well as within the applicants control to the north and east boundaries of the field. These can be conditioned to grow on to a height of 3 metres to assist the integration of any dwelling. Additional landscaping can be conditioned along the side of the lane and the

curtilage of the proposed dwelling which will, in my opinion, also assist in the integration of a dwelling on the site, but is not solely relied upon to provide the screening.

Coupled with the above conditions I consider it would be appropriate to control the ridge height of any dwelling and reduce the ground levels to ensure the rising ground and hedges to the rear (south) can provide a suitable backdrop. In my assessment of the site, I consider siting the dwelling as proposed in the indicative site plan with the finished floor levels the same as the existing ground level at the NE curtilage of the proposed site and a ridge height of 5.5m above the finished floor levels would ensure that a dwelling here is not prominent in the landscape. I consider it would also be appropriate to limit the ridge height of any garage to 4m above finished floor levels and these should be the same as the dwelling.

Rural character is a visual assessment that takes into account the existing development and character of the surrounding area. This site is located beside a number of other dwellings and buildings. These are well screened from public view and set back from the public road. The workers cottage opposite the site has little in the way of vegetation around it and is the most obvious development in view. As can be seen in Fig 6 a dwelling in this site would not be critically viewed with other development as to give the impression that the area has reached a critical stage in terms of its character. As one moves along the Old Ballygawley Road from the east to the west the existing development is well screened and set back from the road, in my opinion, a dwelling of a suitably scale and design would also, in a short space of time be well screened and would not detract from the rural character. On approach from the west to the east, any one travelling along the road will not be aware on the dwelling until they are passed it. I do not consider a dwelling here would adversely impact on the rural character of the area.

The application form has indicated that any development here will be served by a septic tank. These can be a number of different types that could be acceptable here and the consent to discharge is a matter that is dealt with by the Environment Agency.

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.

Objections

There have been a number of objections to the proposed development, when it was proposed as infill dwelling and when the details of the farming case were presented, these are summarised in Appendix 1 and a number of the issues raised have been addressed in the above considerations.

Urban sprawl relates to the spreading of settlements into the surrounding countryside in an unplanned fashion. In this case the site is well away from any settlements and would not result in urban sprawl.

The proposed development is for a dwelling, noise from cattle trucks coming and going to the site would be in relation to the agricultural activity and not this dwelling.

The objector has raised issues in relation to Human Rights, these may only be considered in respect to the proposal for a dwelling that is being considered. Article 1 of Protocol 1 of the European Convention on Human Rights which covers the protection of property and the peaceful enjoyment of possessions. The Human Rights Act 1998 and the Convention refer to both Article 1 of the First Protocol, which provides for the protection of property and peaceful enjoyment of possessions and Article 8 of the Convention. These are qualified rights and the legislation clearly envisages that a balance be struck between the interests of individuals and those of society as a whole. The proposed dwelling can be located a suitable distance away from any other existing dwellings to ensure their right to enjoy their property is not adversely impacted. The final location of the dwelling will be subject to further consideration and as such anyone who has an interest may make further representations at that time. The European Convention, Article 6 also enshrines the right to a fair hearing. This application will be decided by the planning committee and any interested party may address the planning committee, provided they follow the published protocol. Therefore, it is my view there are no Human Rights grounds for refusal of this application.

In view of the above, it is my recommendation to the members that this proposal meets with the exception in CTY10 and that planning permission is granted with the conditions specified.

APPENDIX 1

Objections/representations received raise the following points:

dated 29/10/2020 - objection

planners should apply guidance for development in the countryside

dated 10/11/2020 – objection

application form completion:

- not proposed for dwelling on farm,
- there were previous applications refused on this site for Mrs Gillen

a laneway has been created was supposed to be grass path

Photos:

- sight lines to right not in place
- not infill as it is a small gap site, buildings are not on the road frontage, does not have appearance of built up area, building 4 not a building, just cow shelter

dated 10/11/2021 - representation

no objections provided no impact on 102 or 104

dated 18/11/2020 - objection

photos provided, map provided and neighbour notification letter provided

- vegetation removed
- not a gap site as accompanying development to the rear
- not a farmer

- M/2010/0554/O – application for 2 dwellings

dated 21/12/2020 – objection

Photos of cattle building provided

-same site previously refused for Mrs Gillen

- same site refused for 2 dwellings for applicant – (contrary to CTY1; CTY2a no focal point, no dev on 2 sides and no suitable degree of enclosure; CTY6 no special circumstances; CTY7 as no essential need for business; CTY13 as not suitable degree of enclosure; CTY14 – build up and does not respect character of the area)

dated 28/12/2020 - representation

no planning issues raised in this representation

dated 3/5/2021 - objection

- only farming since 12/6/2019, no reason to deviate from regulations
- agree with planning officer, any dwelling would be unsatisfactory as not able to integrate and would not be in character as required by CTY13 and CTY14

dated 3/5/2021 - objection

- not supported by PPS21 paras 3.1, 3.2 CTY12 section 5.00, CTY13 section 5.57, CTY15 and CTY16

dated 3rd May 2021 - objection

- not for a farmer

dated 4/5/2021 - objection

includes extracts from previous report to planning committee recommending refusal

- only farming since 12/6/2019, no reason to deviate from regulations
- agree with planning officer, any dwelling would be unsatisfactory as not able to integrate and would not be in character as required by CTY13 and CTY14

date received by Planning Office 4 May 2021 - objection

- has not been farming for 6 years in sense of true farmer
- lacks integration and erodes rural character and would create urban sprawl

date received by Planning Office 5 May 2021 - objection

- not infill
- noise from cattle trucks entering and leaving the site
- loss of privacy

dated 12 May 2021 - representation

-support for the application, refers to previous support letter as not being uploaded,

- owns the lane and others only have a right of way

- the applicant assists with maintenance of the lane and hedges

- previous letter advises:

- Mr McAleer has been farming the land since he purchased it, repairing fencing and drains on his land and on the writers land

- the development will not impact the rural area and will not transform it into a suburban development

date received by Planning Office 19 May 2021- rebuttal of information submitted in support of farming case

Sean Rafferty letter Appendix I Drainage Works

- Mr McAleer did not own the land in 2007, land registry documents attached,
- query flooding issue as not declared on P1 form

Ciaran O'Donnell letter Appendix Major Drainage Works

- Mr McAleer did not own the land in 2017, land registry documents attached,
- query flooding issue as not declared on P1 form,
- photos not of the site as no buildings shown
- billheads not acceptable proof, no departmental proof

Blackbird Letter dated 1 December 2017

- applicant has stated he is not active and established as a farmer, does not claim single farm payment

Ann McNulty letter Appendix L – Letter of Support

- objector claims they own the lane as it was to his parents small farm
- query flooding issue as not declared on P1 form
- land farmed by Mrs Davidson until 2019

Shirley Davidson/David Davidson letter Appendix M Conacre letter

- Mr McAleer did not own the land in some of the years, passed to another owner on 12 June 215, land registry documents enclosed
- Mrs Davidson was the sole farmer of the land

dated 24th May 2021 – objection

- the area has been the subject of a number of planning applications over the years
- development impacting on human rights
- the proposal is not an infill site, no frontage to road and accompanying development to the rear
- not an active farmer, previous application for shed states this and did not show that it farming was active for 6 years
- shed approved as an exception to planning policy as was not an active farmer
- only one building on the farm cannot cluster with buildings on the farm
- new laneway provided to the site, did not use existing as preferred by planning
- do not consider having 3 sheep constitutes being a farmer
- DEARA Legislation states active farmer is one who can claim for Basic Payment Scheme (BPS) Cat 3 farmers cannot
- to allow this would allow others to do the same thing

dated 15/6/2021 - objection

- application form, enclosed, clearly indicates this is not for a dwelling on a farm

dated 24/6/2021 – objection

- need to consider the viability of the farm
- brief history of the land: site has been refused planning for dwelling, was sold at the height of the market, around 2008, site put up for sale approx. 4 years ago and only attracted lower bids, owner applied for other development since

- proposal is contrary to CTY1, CTY2a, CTY6, CTY8, CTY13, CTY14, CTY12
- farmer never bought cattle

APPENDIX 2

Extract from Regulation (EU) No 1307/2013

c)

"agricultural activity" means:

- (i) production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes,
- (ii) maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries, based on criteria established by Member States on the basis of a framework established by the Commission, or
- (iii) carrying out a minimum activity, defined by Member States, on agricultural areas naturally kept in a state suitable for grazing or cultivation;

Conditions/Reasons for Refusal:

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 curtilage of the proposed dwelling, except for the access, shall be limited to the area identified 'proposed new boundary hedge' on the approved plan No. 02 which was date stamp received 21st September 2021.

Reason: To ensure that the development integrates into the landscape.

4. The dwelling hereby permitted shall have a ridge height not more than 5.0m above the finished floor level and the garage hereby approved shall not have a ridge height exceeding 4.0m above the finished floor level.

Reason: In the interests of visual amenity and to protect rural character.

5. The finished floor levels of the dwelling and garage hereby permitted shall not exceed the level of the existing ground level at point A as annotated on drawing number 01 bearing the stamp dated 21 SEP 2020.

Reason: So that the building integrates into the surrounding countryside.

6. 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.

7. 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. The north west, northeast and south east boundaries of the area identified in red and blue on drawing No 01 bearing the stamp dated 21 SEP 2020 shall be allowed to grow up to a height of at least 3 meters and shall be retained at that height. All new curtilage boundaries including both sides of any proposed access laneway 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.

8. 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.

9. 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 90.0m in both directions and a forward sight distance of 90.0m. 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.

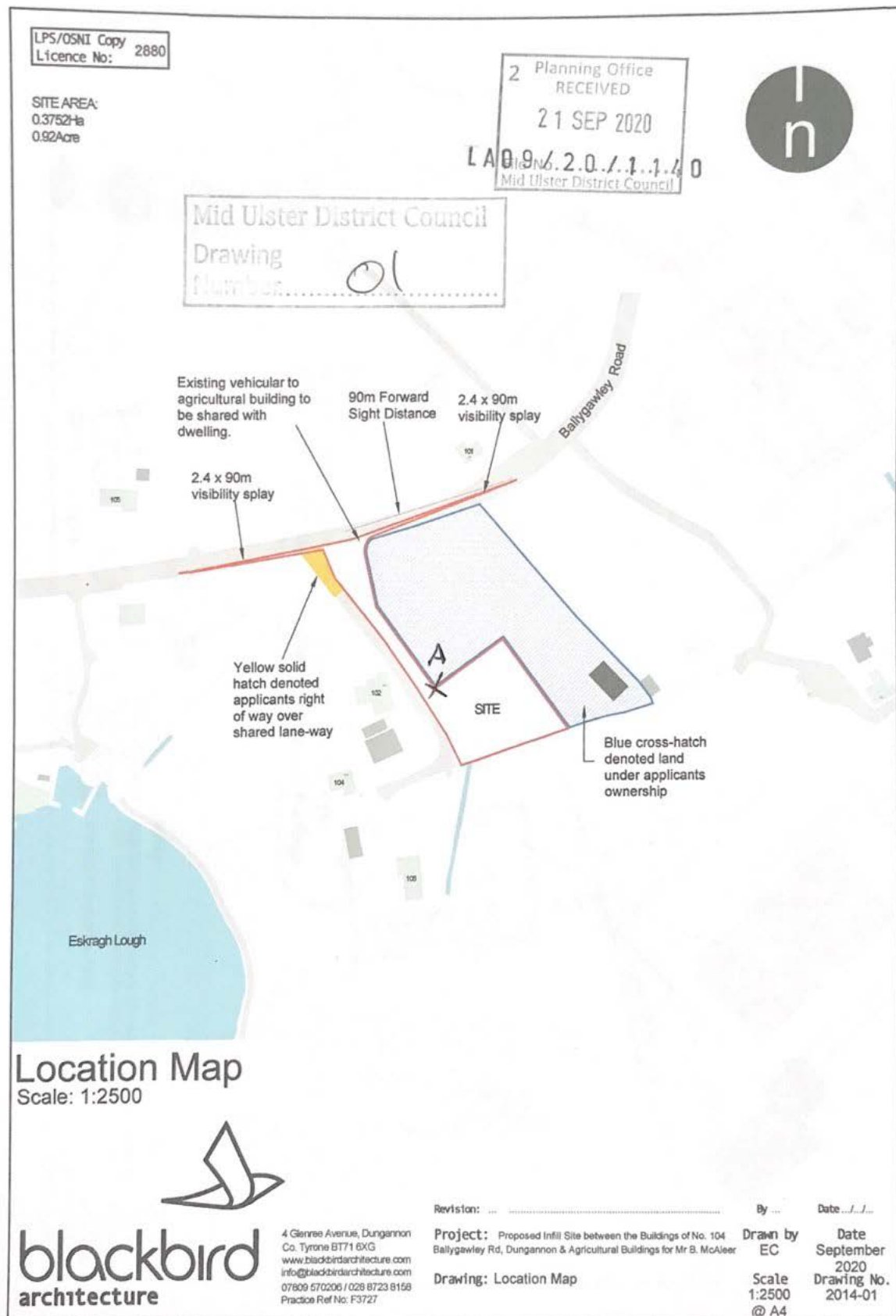
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

4. The design of the proposal will be assessed at RM stage to ensure there will be no detrimental impacts on neighbouring residential amenity through over looking, over shadowing or over dominance.

Signature(s)

Date:

Location map with point A identified





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1140/O	Target Date: 01/01/2020
Proposal: An infill dwelling and detached garage	Location: Between 104 Ballygawley Road and an agricultural building 100m North East of 104 Ballygawley Road Glenadush
Referral Route: Objections, recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Mr Bernard Mc Aleer 7 Glenree Avenue Dungannon	Agent Name and Address: Blackbird Architecture Ltd 4 Glenree Avenue Dungannon BT71 6XG
Executive Summary: Contrary to CTY1, 8, 13 and 14 of PPS21. The site does not meet the criteria for a gap site, is prominent, lacks integration and will further erode rural character.	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

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

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

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

Another objection received from Joe McNulty is summarised as follows;

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

I will consider these objections later in my report.

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

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

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

Description of proposal

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

Characteristics of Site and Area

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

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

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

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

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

Planning Assessment of Policy and Other Material Considerations

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

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

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

Dungannon and South Tyrone Area Plan 2010:

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010.

Key Planning Policy

SPPS

PPS21 Sustainable Development in the Countryside

PPS3 Access, Movement and Parking

Design Guidance: Building on Tradition

Relevant Planning History

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

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

1. The proposal is contrary to Policy CTY 12 of Planning Policy Statement 21, sustainable development in the countryside in that it has not been demonstrated that the farm business has been established for a period of at least 6 years and that the development, if permitted, would result in a detrimental impact on the amenity of nearby residential dwellings by reason of noise, odour and flies due to its close proximity. The decision was never appealed.

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

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and / or is not located at a cross-roads; the proposed site is not bounded on at least two sides

with other development in the cluster and does not provide a suitable degree of enclosure; the dwellings would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.

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

4.The proposal is contrary to Policies CTY1 and CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

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

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

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

Representations

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

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

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

Another objection received from Joe McNulty is summarised as follows;

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

I will consider these objections later in my report.

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

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

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

Consideration

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

Planning Policy Statement 21 Sustainable Development in the Countryside

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

Policy CTY 8 Ribbon Development allows for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

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

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

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

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

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

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

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

In terms of policy CTY13 and 14, it is my view that a dwelling of any size or scale cannot satisfactorily integrate onto this site. The site is elevated from the public road, any dwelling will break the skyline and there is no backdrop when viewed from the public road. There is insufficient vegetation to assist with integration. Plus a dwelling will read with other dwellings and development in the area which will lead to a further erosion of rural character.

Previously on the site under M/2010/0554/O for 2 dwellings, it was considered by the then Department under the same policy PPS21, that development on this site would be contrary to;

- Policy CTY13 of Planning Policy Statement 21 in that the proposed buildings would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape.

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

This decision or reasons for refusal were never appealed by the applicant and I am of the same view that the proposal would be contrary to CTY13 and 14.

PPS3 Access, Movement and Parking

DfI Roads were consulted on the proposed vehicular access to this site and they raise no objections to the proposal subject to sight splays of 2.4m by 90m in both directions and a forward sight distance of 90m with no blind spots where the access is on the inside of a bend.

Other considerations

The site is not subject to flooding. No land contamination issues have been identified. The site is not located within a protected area, nor is it close to built heritage or archaeological interests.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission is refused for the following reasons;

Refusal Reasons

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

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The proposal would not respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and as a result would have a detrimental impact on the character of this area of countryside.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	21st September 2020
Date First Advertised	6th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 101 Ballygawley Road,Dungannon,Tyrone,BT70 1TA The Owner/Occupier, 102 Ballygawley Road Dungannon Tyrone Brian Quinn 102 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Joe McNulty 104 Ballygawley Road, Dungannon, Tyrone, BT70 1TA Joe McNulty 104 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA The Owner/Occupier, 104 Ballygawley Road,Dungannon,Tyrone,BT70 1TA The Owner/Occupier, 105 Ballygawley Road,Dungannon,Tyrone,BT70 1TA The Owner/Occupier, 106 Ballygawley Road,Dungannon,Tyrone,BT70 1TA Brian Donoghue Carraig Na Moil, Glendadush, 105 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Eamonn Cushnahan Email Address	
Date of Last Neighbour Notification	10th December 2020
Date of EIA Determination	No need to screen as not schedule 1 or 2 development, nor is the site located within a sensitive area
ES Requested	No



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1157/0	Target Date:
Proposal: Proposed site for 2 storey dwelling and domestic garage	Location: 90m South East of 46 Airfield Road Toomebridge
Applicant Name and Address: Centrum NI Farms Ltd 80 Hospital Road Magherafelt	Agent name and Address: CMI 38b Airfield Road The Creagh Toomebridge
Characteristics of the Site and Area: The site is located at 90m South East of 46 Airfield Road, Toomebridge	
Description of Proposal 2 storey dwelling and garage – outline application	
Deferred Consideration: This application was presented as a refusal to Planning Committee in May 2021, as the proposal was contrary to FLD1 of PPS15 - Planning & Flood Risk. Subsequently it was deferred to allow for the submission of a Flood Risk assessment to address the issues raised by DFI Rivers. This was the only issue to be overcome, all other planning policy criteria had been met for the farm dwelling. A drainage and flood risk assessment was submitted on 25 May 2021 and DFI Rivers were re-consulted and replied on 2nd July 2021. Their response was forwarded to the agent in order to address a number of points in relation to the Q100 level and mitigation.	

Following discussion, the agent has addressed the points satisfactorily by providing a drawing showing the area to be excavated and infill is being kept no higher than the predicted Q100 level and the material to be used will be permeable. This will ensure the creation of the access will not cause flooding.

Approval is now being recommended with conditions.

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.

Conditions:

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of visual amenity.

6. The access/drive shall be constructed as detailed in stamped approved plan 05 dated 22 September 2021.

Reason: To mitigate flooding issues.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1157/O	Target Date: 06/01/21
Proposal: Proposed site for 2 storey dwelling and domestic garage	Location: 90m South East of 46 Airfield Road Toomebridge
Referral Route: Recommended refusal – contrary to PPS15 Policy FLD1	
Recommendation:	Refusal
Applicant Name and Address: Centrum NI Farms Ltd 80 Hospital Road Magherafelt	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge
Executive Summary: The proposal has been considered against prevailing policy and all material considerations below. No letters of representation have been received. It is considered the proposal is contrary to Policy FLD1 of PPS15 as it is not considered an exception or of overriding regional or sub-regional economic importance.	
Signature(s): 	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice
Statutory	DAERA	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 proposal is located in the open countryside, outside any settlement limits as defined in the Magherafelt Area Plan 2015. The application site comprises a portion of a large agricultural field on the minor Airfield Road, leading from the Aughrim Road in a southerly direction along the line of the Moyola River and joining onto the Creagh Road to the east. The immediate surrounding landscape is rural, characterised by agricultural fields interspersed with detached dwellings and farm holdings. The settlement limit of Ballymaguigan is located approximately 0.6km southwest of the proposal site, as the crow flies. The site is currently accessed via an existing agricultural gate. The topography of the site is relatively flat. It was noted on the date of the site inspection that

post and wire fencing and new trees/hedging appears to have been planted along the boundaries of the proposal site. Moyola River is located in close proximity to the west of the site with a presence of dispersed trees along the riverbank.

Description of Proposal

This is an outline application for a 2-storey dwelling and domestic garage located 90m South East of 46 Airfield Road, Toomebridge.

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

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Magherafelt Area Plan 2015
Planning Policy Statement 3: Access, Movement and Parking
Planning Policy Statement 15: Planning and Flood Risk (Revised)
Planning Policy Statement 21: Sustainable Development in the Countryside

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

Representations

Press advertisement 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

LA09/2017/1241/O – Proposed site for 2 storey dwelling and domestic garage (Based on Policy CTY2- new dwelling in existing clusters) - 30m North of 38 Airfield Road, Toomebridge – Permission Refused 08/01/19

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining all planning applications. The

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed, visually integrate into the surrounding landscape and not harm the rural character of the area. Whilst it was noted on the date of the site inspection that some planting and fencing had been carried out along the boundaries, I had some initial concerns that the proposal site lacked established natural boundaries to ensure suitable integration. Particularly given there will be public views of the site when travelling in both directions along the Airfield Road. However, it is noted the topography of the site is relatively flat and the proposed development would be set back approximately 100 metres from the public road. Having considered this application at an internal meeting, group consensus was that the site and its surrounding environment is suitable for absorbing a dwelling without suburban build up or detrimental impact to rural character. The established trees to the west provide a suitable backdrop to ensure the dwelling will not appear overly prominent. It is considered a suitably designed dwelling in accordance with the requirements of Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside Guidance should integrate on to this site in accordance with Policy CTY13 whilst not detrimentally impacting on the rural character of the area in accordance with CTY14

Planning Policy Statement 3: Access, Movement and Parking - DfI Roads have been consulted and have no objections subject to conditions attached to any forthcoming approval. Therefore it is considered the proposal complies with PPS 3 in that will not prejudice road safety or significantly inconvenience the flow of traffic.

Planning Policy Statement 15: Planning and Flood Risk (Revised) – It was identified that the proposal site appears to lie within the 1% AEP fluvial flood plain. DfI Rivers were consulted and have advised any development intended within the 1% AEP Flood Plain will require Planning Authority to deem the application to be an exception or overriding regional importance before they will appraise a flood risk assessment.

Following this response, the agent submitted additional information to argue the proposal site is not within the 1% AEP flood plain including site levels provided on Drawing 02 Rev 1. DfI Rivers were consulted on this additional information submitted and subsequently advised that whilst the Drawings indicate that the indicative siting of the dwelling is located on elevated ground out of the floodplain, the red line boundary of the site, including the access lane is still located in the floodplain. In accordance with the Revised PPS 15 - FLD 1, any development intended within the 1% AEP flood plain will require Planning Authority to deem the application to be an exception or overriding regional importance, before DfI Rivers will appraise a Flood Risk Assessment (FRA). Having considered the exceptions provided in Policy FLD1, it was agreed with the Principal Planner that the proposal did not meet any of the exceptions tests, including "minor development", and is not of overriding regional importance. This was relayed to the agent on 04/02/21 and the agent discussed this with the Principle Planner on 09/02/21. The agent argued that there is an existing laneway access to the site, however this is at odds with what was observed on the date of the site inspection. Whilst I noted new planting and post and wire fencing along the site boundaries, no existing formalised laneway was observed on the date of the site visit. It was relayed that the proposal was not considered an exception as per FLD1 therefore we would not be inviting a FRA any Rivers Agency may not consider any submitted FRA, however the agent advised on this

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. There is no conflict between the SPPS and the relevant planning policy to consider this planning application.

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. Policy CTY 10 Dwelling on a Farm 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
- c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and an associated farm map. DAERA have confirmed the business ID has been in existence for more than 6 years and prior to 2020 the proposal site was associated with another farm business. The agent has provided further information including evidence of an Environmental Farming Scheme application dated September 2020 and Single Farm Payment application dated May 2020. As well as this, the agent has provided a list of farm activities carried out between 2019 and 2020 and notification of cattle movement herd forms from September 2020. On the basis of the information provided, I am content the farm holding has been established for at least 6 years and is currently active.

With respect to (b) I have carried out a check of the land associated with the farm maps provided, as well as a search of the Farm Business ID provided and there are no records indicating that any dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c) there are no established buildings on the site for the proposed dwelling to cluster with or to provide visual linkage as required under CTY10. I have reviewed the farm map provided and the field subject to this application is the only field associated with the farm business, therefore there are no farm buildings on the farm holding. The proposal site is a cut out of a larger field and is open to public views. However, the proposed dwelling will be sited in the north-western corner with established trees west along the river bank which will provide some form of backdrop and assist with integration. It is established practice by Mid Ulster District Council Planning Committee to permit a new building on an active and established farm business if there are no established group of buildings anywhere on the farm. On this basis, it is considered the application complies with CTY 10 (C).

phone call that he would be submitting a FRA. To date no further information or FRA has been submitted to address Policy FLD1. Whilst the applicant has demonstrated the indicated siting of the proposed dwelling indicated on Drawing 01 lies outside the floodplain, the application has failed to demonstrate the remainder of the site, including the access, is outside the 1% AEP flood plain. It is not considered the proposal meets an exception tests or is of overriding regional importance, therefore it fails Policy FLD1.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal as it has not been demonstrated that the entirety of the site lies outside the 1% AEP flood plain and as it is not considered to meet the exception tests or of overriding regional importance, it is contrary to Policy FLD 1.

Reasons for Refusal:

1. This proposal is contrary to Policy FLD 1 of Planning Policy Statement 15, Planning and Flood Risk, in that the site lies within the 1% AEP flood plain and is not considered an exception to this policy nor has it been demonstrated that the proposal is of overriding regional importance.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1308/F	Target Date: <add date>
Proposal: Proposed 2No. detached dwellings under PPS21 CTY8	Location: Lands between 8 and 12 Findrum Road Ballygawley
Applicant Name and Address: Jonathan Kirkland 9a Findrum Road Ballygawley	Agent name and Address: ACA Architecture Ltd Cottage Studios Gortrush Great Northern Road Omagh BT78 5EJ
Summary of Issues: Whether or not this site is an infill for opportunity as set out in the exception in Policy CTY8 of PPS21.	
Summary of Consultee Responses: DFI Roads – access to be provided in accordance with the proposed drawings and sight lines and forward sight lines to be provided.	
Characteristics of the Site and Area: This application site is located on land between No 8 and 11 Findrum Road. It sits approximately 80 metres from the most northern western part of the development limit of Ballygawley village, but is in the rural countryside as defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). The proximity to the settlement limits is not very apparent on the ground as this site is accessed off the A5 Protected Route, however its immediate environs appear quite developed. The site is a rectangular plot which occupies a roadside portion of a triangular shaped field. It is relatively flat with the land outside of the application site falling in a northerly direction. The southern boundary which runs alongside the Findrum Road comprises hedgerow for a small part, 2 ivy covered trees with the majority of this boundary being open, comprising post and wire fencing. A telegraph pole sits close to the north eastern corner of the site as the power lines traverse the site to a pole located on the roadside verge beside the visibility splays. The eastern boundary is hedgerow and marks the curtilage of a large storey and a half dwelling at No 12	

Findrum Road. The northern boundary of the site is undefined and the western boundary is hedgerow with some trees.

Description of Proposal

This application seeks planning permission for 2 detached dwellings under PPS21 CTY8 on lands between 8 and 12 Findrum Road, Ballygawley.

Each dwelling is two storey with a single storey conservatory on the western gable. They each have a footprint of 122 metres squared and a ridge height of 8.4 metres FGL. One dwelling will have a single storey flat roofed porch and one has 2 front projections so each is slightly different. They are proposed to be finished with flat black roof tiles, cream coloured rendered walls with cream coloured window frames. A paired access in the centre of the site allows access to each dwelling.

Deferred Consideration:

This application was before the committee on 4th May 2021 with a recommendation to refuse, at that meeting it was deferred for a meeting with the Planning Manager. A virtual meeting was held on 13 May 2021, at the meeting it was clarified that consideration of a gap in the frontage for the purposes of CTY8 relates to built development and the existing size of frontages/plot sizes. The application was for 2 houses the same and the applicant indicated a willingness to amend the designs so they do not look the same. These amendments were received on 15 September 2021 and neighbours were notified about these on 1st October 2021.

Policy CTY8 – Ribbon Development is primarily to prevent the creation of or extension to ribbon development. The policy does allow for up to a maximum of 2 houses in what is commonly referred to as ‘a gap site’. This proposed site is located on the north side of Findrum Road, a minor road that links Whitebridge Road to the A5 Ballygawley –Omagh Road. On approach to the site from the A5, there is a 2 storey dwelling and garage, large buildings associated with Lewis and Robinson Engineering Ltd – ROBLEW and a detached dormer dwelling as seen in the aerial photograph below, fig 1.



Fig 1, application site and surrounding development

The ROBLEW site has a long planning history, it was approved as an engineering workshop under M/1978/0881 in the west part of the site, and an extension to the workshop was approved under M/1985/0615, still in the west part of the site. The planning history map indicates that application M/1994/0618, for the erection of a materials store, is for the building to the east part of the group and this also would appear to have extended the site curtilage to the east to meet the boundary with the application site. An access is apparent through this part of the site and there is a yard area to the rear that was not part of the original site and was included within the M/1994/0618 site area. From this information I am of the view the ROBLEW site extends from the dwelling in the west to the boundary with the application site and this is the frontage for the purposes of assessing CTY8.

The ROBLEW site has a large frontage at 105m, the dwelling to the east has a 40m frontage and the dwelling to the west 64m. On the opposite side of the road there are 2 dwellings that have frontages of 32m and 46m. The application site has a frontage of 72m which has been divided equally between the two proposed dwellings, giving 36m for each. Taking account of the range of plot sizes, with some smaller than the proposed, I do not consider these would be out of character with the area in terms of the plot size. The map does not

It is proposed to site the dwellings in the front of the site in line, this is generally in line with the dwelling to the east. The dwellings will have a finished floor level approx. 1m below road level. The existing dwelling to the east sits above the level of the road and the cross section through the dwellings indicate the proposed dwellings ridge lines will be broadly in line with the ridge of the existing dwelling.

The map does not reflect the horizontal alignment of the road, which has a crest to the east of the ROBLEW buildings and the existing vegetation along the frontage of the ROBLEW site. The impression on the ground is not of a ribbon of development along this side of the road, however the proposal does meet with the literal assessment of the policy. It is important to note the development on the opposite side of the road which is strung out for comparable distance and as such I do not consider the proposed would be out of character in the area.

Taking all the above into account, I consider the proposed site is a gap site and the proposed dwellings will respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. There will be ample separation distance between the existing and the proposed development so as not to result in unacceptable overlooking or overshadowing.

Objections have been received that raise the following issues:

The proposed development is more suited to a town
Previously refused on road safety grounds for one dwelling
Septic tank soakaway through the site
Site will need to be backfilled as steeply falling
Increased traffic on the road
Previously advised no further houses would be allowed on the road

The proposed dwellings have been assessed against the current policy and I consider they meet with the policy, the previous application was not assessed against the current policy and while it may not have been acceptable then, I consider that it meets the current policies. DFI Roads have been consulted and they have not raised any concerns about the proposed development accessing onto this part of the public road network. The proposed dwellings will be sited approx. 1 metre below the level of the road and are generally close to the existing ground levels so are not proposing any significant amounts of land raising. The septic tank for No 12 is located close to the boundary with the application site and the septic tank for one of the proposed dwelling is located close to it. This may require the septic tank and soakaway to be moved within the applicant lands, however this can be dealt with during the consent to discharge application to NIEA. The proposed dwelling is unlikely to be affected by issues from the existing septic tank as it is over 15m from the dwelling.

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.

Taking into account all of the above I consider the proposal meets with the policy in CTY 8 and I recommend that planning permission is granted.

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 55.0m shall be provided as shown on drawing no 02/1 bearing the stamp dated 15 SEP 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 along the west and east boundaries 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 02/1 bearing the stamp dated 15 SEP 2021 and the appropriate British Standard or other recognised Codes of Practice. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or plant 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

Informatives

1. 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 Mid Ulster District Council or other statutory authority.

2. 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 Infrastructure for which separate permissions and arrangements are required.

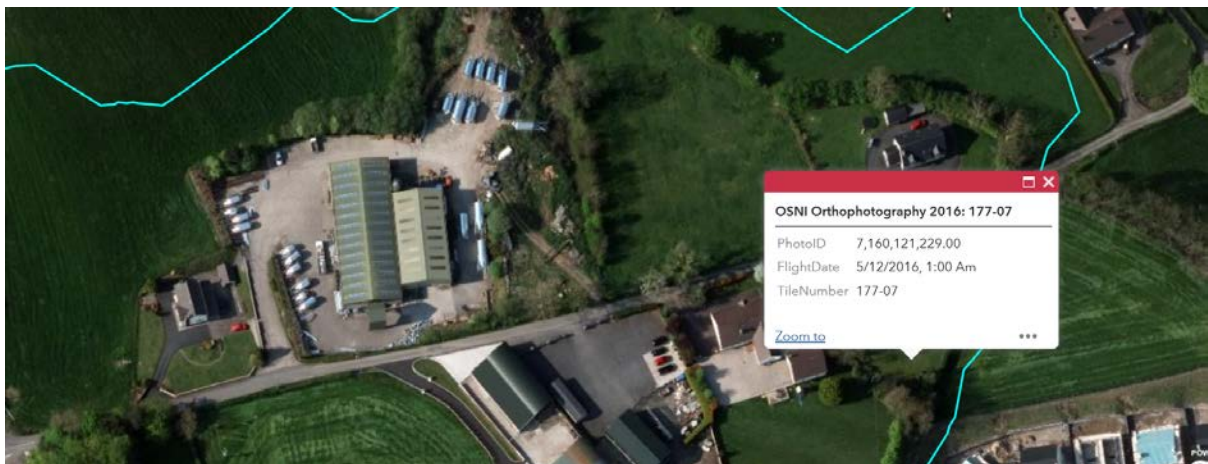
3. It is the responsibility of the developer to ensure that Surface water does not flow from the site onto the public road. The existing roadside drainage is accommodated and no water flows from the public road onto the site. The developer should note that this planning approval does not give consent to discharge water into a DfI Roads NI drainage system.

4. Notwithstanding the terms and conditions of the Mid Ulster District Council's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Moygashel Depot, Main Street, Moygashel, BT71 7QR. A monetary deposit will be required to cover works on the public road.

Signature(s)

Date:

Appendix 1 – Historical Ortho Photographs









Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1308/F	Target Date:
Proposal: Proposed 2No. detached dwellings under PPS21 CTY8	Location: Lands between 8 and 12 Findrum Road Ballygawley
Referral Route: 2 letters of objection received. Contrary to CTY 1, CTY 8 and CTY 14 of PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Jonathan Kirkland 9a Findrum Road Ballygawley	Agent Name and Address: ACA Architecture Ltd Cottage Studios Gortrush Great Northern Road Omagh BT78 5EJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

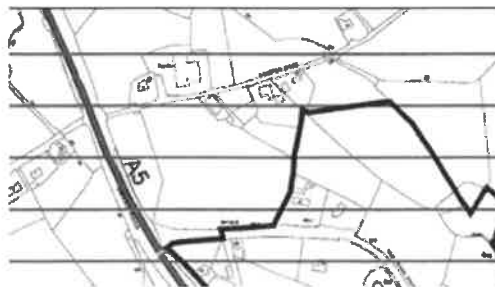
Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site is located on land between No 8 and 11 Findrum Road. It sits approximately 80 metres from the most northern western part of the development limit of Ballygawley village, but is in the rural countryside as defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). The proximity to the settlement limits is not very apparent on the ground as this site is accessed off the A5 Protected Route, however its immediate environs appear quite developed.



The site is a rectangular plot which occupies a roadside portion of a triangular shaped field. It is relatively flat with the land outside of the application site falling in a northerly direction. The southern boundary which runs alongside the Findrum Road comprises hedgerow for a small part, 2 ivy covered trees with the majority of this boundary being open, comprising post and wire fencing. A telegraph pole sits close to the north eastern corner of the site as the power lines traverse the site to a pole located on the roadside verge beside the visibility splays. The eastern boundary is hedgerow and marks the curtilage of a large storey and a half dwelling at No 12 Findrum Road. The northern boundary of the site is undefined and the western boundary is hedgerow with some trees.

Planning History

In April 2004, planning application M/2003/1469/O for a dwelling and garage on this site was withdrawn. It was initially recommended for refusal and taken to Council where it was then deferred and again refusal was recommended, before the application was withdrawn.

Description of Proposal

This application seeks planning permission for 2 detached dwellings under PPS21 CTY8 on lands between 8 and 12 Findrum Road, Ballygawley.

Each dwelling is two storey with a single storey conservatory on the western gable. They each have a footprint of 122 metres squared and a ridge height of 8.4 metres FGL. The finishes are flat black roof tiles, grey rendered walls with a cream coloured window frames. A paired access in the centre of the site allows access to each dwelling.

Planning Assessment of Policy and Other Material Considerations

Representations and Consultations

DfI Roads were consulted and have no objection to this application subject to the provision of visibility splays of 2.4 metres by 60 metres in both directions and Forward Sight Distance. This would require the hedge/fence line to be removed back as the splays are not currently available.

In line with the Council's statutory duty, 4 neighbouring residents were notified about this application and it was advertised in the local press.

There were 2 objections submitted from neighbouring properties identifying a number of concerns about this proposal.

- Their septic tank soakway is on the application site
- Much backfilling of land will be required due to the existing topography
- Would create a built-up town appearance in the countryside
- Two additional accesses added onto this country road when considered with the existing accesses in close proximity to the site would jeopardise the safety of road users.
- Previously a single dwelling was being refused on this site, so how can two dwellings now be acceptable.

All of the issues raised have been taken into consideration.

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations.

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

The Mid Ulster District Council Local Development Plan 2030 ? Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received have been subject to a Counter Representation period. In light of this the Draft Plan cannot currently be given any determining weight.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have much impact on this proposal, as PPS 21 is retained and it is this policy which this application will be assessed under. Section 6.73 of the SPPS relates to development which is considered acceptable in the countryside and that 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 CTY1 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.

CTY1 ? Development in the Countryside in PPS 21 states planning permission will be granted for an individual dwelling house in the countryside if it meets all the criteria set out with policy CTY3, for a replacement dwelling in addition to policies CTY13 and CTY14.

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

The applicant has submitted this application as an infill site for 2 dwellings therefore it will be assessed against policy CTY 8. It is considered this proposed site does not meet the policy tests in CTY 8 as it is my opinion the gap site which includes this application site and that adjacent parcel of land to the west could accommodate more than 2 dwellings and it is not a substantial and continuous built up frontage.

When turning onto the Findrum Road from the A3 Protected Route to Omagh, the land rises with the road. A 2 storey dwelling is located on the left at No 4 Findrum Road, this faces onto the A3 while its accesses off the Findrum Road. Running along the rear of this dwelling is a concreted laneway which allows access to the RobLew Silos site. The main buildings on this site face the A3 with their gables closest to the Findrum Road, where a large silo is located. There is a parcel of land which sits east of the RobLew site and west of the application site. This plot of land has a frontage of approximately 27 metres and the roadside boundary is a treed hedgerow with it undefined and open close to where it meets the application site.

This plot is separated from the main RobLew Silos site by a treed hedgerow. On this plot a mud track adjacent to the western boundary of this application site appears to allow access to a storage yard area some 65 metres back from and north of the road. This storage area is

currently utilised for storing the large of silos and its main access is from the main entrance to RobLew.

This intervening land is also currently utilised for the storage of round bales and a poly tunnel type structure is located parallel to the western boundary. This structure is approximately 29 metres in length and 8 metres wide, sited some 13 metres from the roadside. The applicant has informed me this particular poly tunnel is utilised for tug-of-war training. When passing this site recently sometime after my site visit, it was noted there has been more temporary structures placed on this parcel of land between the application site and RobLews. A small greenhouse type structure now sits close to the side of the existing tunnel and what appears to be some kind of metal storage unit to the front of the poly tunnel.

This application site is next with a frontage of 72 metres and No 12 a storey and a half dwelling sits to the east.



The poly tunnel structure is temporary as are the other 2 recent additions to this plot, they can be easily removed and transferred to a different location as they do not have any concrete foundations. Orthophotographical pictures only show the appearance of this tunnel in the October 2019 and do not think this should be considered as a 'building' to create an infill site. In my opinion development on this application site would result in an urban character and would create a ribbon of development, as well as an infill opportunity on the plot between this site and that of RobLew Silos. I am not convinced there is a continuous built up frontage along this stretch of the Findrum Road which could create an infill opportunity. The intervening plot combined with the application site covers a frontage of over 100 metres and could be capable of accommodating more than 2 dwellings and thus fails to meet criteria of CTY 8.

The proposal is also contrary to Policy CTY 14, Rural Character of PPS 21. The addition of two additional dwellings, located on this particular application site in my view will have a detrimental impact on the rural character as it would create a ribbon of development on land which I consider to represent a significant visual break in the landscape. In my view CTY 14 of PPS21 is not met. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and RAMSAR sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Neighbour Notification Checked	Yes
Summary of Recommendation: On the basis of this assessment, the proposal does not comply with the policy requirements of the SPPS and fails to meet the criterion set out in CTY 1 in PPS21 and therefore it is recommended that permission is refused. It fails CTY 14 and it is evident that the gap which includes this application site and another plot of land could accommodate more than 2 dwellings, thereby failing the requirements of Policy CTY8.	
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 there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and if permitted, would result in the creation of ribbon development. 3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would create a ribbon of development, therefore resulting in a detrimental change to the rural character of the countryside.	
Signature(s) Date:	

ANNEX	
Date Valid	21st October 2020
Date First Advertised	3rd November 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) Alan & Pamela Clements 11 Findrum Road, Ballygawley, Co Tyrone, BT70 2JL The Owner/Occupier, 11 Findrum Road, Ballygawley, Tyrone, BT70 2JL2 Eric Campbell 12 FINDRUM RD BALLYGAWLEY The Owner/Occupier, 12 Findrum Road, Ballygawley The Owner/Occupier, 8 Findrum Road, Ballygawley The Owner/Occupier, 9 Findrum Road, Ballygawley	
Date of Last Neighbour Notification	20th November 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1308/F Proposal: Proposed 2No. detached dwellings under PPS21 CTY8 Address: Lands between 8 and 12 Findrum Road, Ballygawley, Decision: Decision Date: Ref ID: M/1994/0618 Proposal: Erection of Materials Store Address: ADJACENT TO 6 FINDRUM ROAD BALLYGAWLEY Decision: Decision Date: Ref ID: M/2003/1469/O Proposal: Erection of dwelling and garage Address: Lands 30m North West of 11 Findrum Road Ballygawley Decision: Decision Date: 07.04.2004	

Ref ID: M/1999/0485

Proposal: Site for chalet bungalow

Address: SITE OPPOSITE 11 FINDRUM ROAD BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/2004/0337/F

Proposal: proposed dwelling and domestic garage

Address: site opposite 11 Findrum Road, Ballygawley

Decision:

Decision Date: 03.06.2004

Ref ID: M/2002/0532/O

Proposal: Renewal of application M/1999/0485: Site for chalet bungalow.

Address: Site opposite 11 Findrum Road, Ballygawley

Decision:

Decision Date: 01.08.2002

Summary of Consultee Responses

DfI Roads have no objection to this application subject to the provision of visibility splays of 2.4 metres by 60 metres in both directions and Forward Sight Distance.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Elevations and Floor Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1371/F	Target Date: <add date>
Proposal: Replace cycle/footpath approved under M/2004/0778/F to a 2m wide footpath	Location: Shanmoy Downs Eglish Dungannon
Applicant Name and Address: T G Developers Ltd 4 Stiloga Road Eglish Dungannon	Agent name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Summary of Issues: DFI Roads had concerns about the loss of the cyclepath	
Summary of Consultee Responses: DFI Roads – Roads have requested private streets drawings showing the cyclepath removed, awaiting sign off however agreement has been reached on acceptability.	
Characteristics of the Site and Area: The site is located in the settlement limits of Eglish as depicted by the Dungannon and South Tyrone area Plan 2010 and more specifically within the Shanmoy Downs development which is currently under construction. The red line of the site begins at the Entrance to Shanmoy on the Eglish Road. It runs alongside the existing road right to the western rear corner of the site. The eastern part of the site work has began and a number of dwellings have been completed including the roadway, however the rear eastern portion has not commenced.	

Description of Proposal

The proposal seeks full planning permission for replacing approved cycle path with a 2metre wide footpath within the entire development.

Deferred Consideration:

This application was before the committee in April 2021 with a recommendation to refuse due to DFI Roads concerns about the loss of the cycle path. The application was deferred to explore the concerns with DFI Roads.

DFI Roads have been asked to reconsider their request to keep the cyclepath and have been advised the proposed development road terminates where the river Oonagh and St Patricks GFC grounds meet. The GFC Grounds sit at a higher level than the adjacent field and this severely limits the potential for any connections for cycle paths. The development provides a footpath link to the Killyliss Road from Eglis Road along the side of the chapel carpark.

DFI Roads have now requested private streets drawings which show the cyclepath removed and have agreed these in principle with some minor changes. These drawings were received and forwarded to DFI for their sign off.

In light of DFI Roads no longer raising objections to the proposal I recommend the application is approved.

Conditions:

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

Reason: This is a retrospective application.

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

PSD01 – DFI Roads have determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 3/1 stamp date 8 OCT 2021.

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

Informatives

The decision notice relating to this planning application should be read in conjunction with the conditions / informatives associated with previous approvals Application Reference M/2015/0085/F & M/2004/0778/F and all other approvals for this site.

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

The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department/Dfi to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

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

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

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

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1371/F	Target Date:
Proposal: Replace cycle/footpath approved under M/2004/0778/F to a 2m wide footpath	Location: Shanmoy Downs Eglish Dungannon
Referral Route: Contrary to Policy	
Recommendation:	REFUSE
Applicant Name and Address: T G Developers Ltd 4 Stiloga Road Eglish Dungannon	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

No objections received

Characteristics of the Site and Area

The site is located in the settlement limits of Eglish as depicted by the Dungannon and South Tyrone area Plan 2010 and more specifically within the Shanmoy Downs development which is currently under construction.

The red line of the site begins at the Entrance to Shanmoy on the Eglish Road. It runs alongside the existing road right to the western rear corner of the site. The eastern part of the site work has begun and a number of dwellings have been completed including the roadway, however the rear eastern portion has not commenced.



As can be seen below at the time of site visit the road way is in place albeit without the finished surface and the footpath is visible due to the kerbing in place and the pathway has been stoned.



Description of Proposal

The proposal seeks full planning permission for replacing approved cycle path with a 2metre wide footpath within the entire development.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Dungannon and South Tyrone Area Plan 2010- The land is not zoned and remains as white land within the settlement limits of Eglish as depicted by the area plan. All applications within settlement limits are assessed against SETT1 and I consider if the proposal meets with the other regional policies it will also meet with the criteria in SETT1.

Key Planning Policy

Strategic Planning Policy Statement (SPPS)

PPS 3 - Access Movement and Parking.

PPS 7 - Quality Residential development.

Planning History

M/2004/0778/F - Approval for residential development of 47 dwellings - 16.09.2010

3rd party representation

No objections have been received.

Policy provisions of SPPS do not impact on the provisions of PPS 3 or PPS 7, which are the key consideration until such times as a new area plan for Mid Ulster is introduced.

PPS3 - Access Movement and Parking and in particular Policy AMP 8 - Cycle provision is relevant in this application. It states that where appropriate safe and convenient Cycle paths should be provided with links to existing cycle networks. In this case at the time of site visit there are no existing networks to be linked too. AMP 8 states that's the need for cyclists must be taken into account for developments comprising shopping, leisure, or educational or community uses, however, PPS7 addresses the provision of Cycle paths in association with residential development.

In this particular instance DFI Roads - Development Control requests that the cycleway as previously approved is retained. The reasoning for this is to future proof the delivery of a connecting cycleway in accordance with promoting the Ministers Active Travel Plan. So whilst on site it may appear that there are no existing networks to connect too, there are plans in place to create a whole new cycle network upon which this will link into. DFI Roads are recommending refusal of this planning application and as such have provided council with refusal reasons.

PPS 7 - Policy QD1 requires that 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.

I have assessed the following:

-It is my opinion that the loss of cycle path will have little significant detrimental impact on the amenity, character or biodiversity of an area as it is replaced with a similar nature of development albeit a smaller 2 metre wide footpath;

-in this case, an area of cycle path is to be replaced by a 2 metre wide footpath, however, the actual benefits of the cycle path remains unclear. It would appear that the cycle path would only be used by the people living in the development and its actual benefits would be minimal. In addition the developer is not planning to do away with the cycle path in totality, but rather replace with a 2 metre wide footpath which is more appropriate given the nature of the development. In this case I do not feel the need for a cycle path from the roadside to the rear of the site is necessary and a 2 metre wide footpath is more appropriate and meets the needs of the development. However, it must be noted that DfI Roads have stated that it is necessary to future proof the delivery of a connecting cycleway in accordance with promoting the Ministers Active Travel Plan and this material consideration must be given determining weight.

Other Considerations

Some of the site is subject to flooding, however it is the portion at the road front where development has already commenced in accordance with previous permissions. I do not consider his proposal will cause or be at greater risk of flooding. DfI Roads were consulted on this proposal and have no objections subject to conditions and informatives. This proposal will not have a detrimental impact on natural or built heritage in this area.

In light of all of the above it is my opinion that it is not acceptable to replace the existing cycle path with a standard foot path and therefore I consider it should be recommended for Refusal.

Neighbour Notification Checked

Yes

Refusal Reasons

1.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 8: in that it would, if permitted, result in the loss of a cycle path necessary to future proof the delivery of a connecting cycleway in accordance with promoting the Ministers Active Travel Plan.

Signature(s)

Date:

ANNEX	
Date Valid	3rd November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 141 Eglish Road,Dungannon,Tyrone,BT70 1LB The Owner/Occupier, St Patrick'S Rc Church,Killyliss Road,Dungannon,Tyrone,BT70 1LE	
Date of Last Neighbour Notification	30th November 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1371/F Proposal: Replace cycle/footpath approved under M/2004/0778/F to a 2m wide footpath Address: Shanmoy Downs, Eglish, Dungannon, Decision: Decision Date: Ref ID: LA09/2020/1073/F Proposal: Amendment of site layout as previously approved under M/2015/0085/F & M/2004/0778/F to relocate two houses, amend part road layout and access pathway link to Killyliss Road. Address: Shanmoy Downs, Eglish, Dungannon, Decision: Decision Date: Ref ID: M/2015/0085/F Proposal: Proposed No. 3 Detached Dwellings Address: 35m north of 141 Eglish Road, Eglish, Dungannon, Decision: PG Decision Date: 17.10.2017 Ref ID: LA09/2018/1559/F Proposal: Proposed change of house types as approved in M/2004/0778/F, from 5 No. detached on sites 2, 7, 8, 25 and 26 to 4 pair of semi-detached houses and foul water treatment plant to service additional houses. Address: 120m North West of 141 Eglish Road, Eglish, Dungannon, Decision:	

Decision Date:

Ref ID: M/1980/0370

Proposal: IMPROVEMENTS TO DWELLING

Address: STILLAGO

Decision:

Decision Date:

Ref ID: M/1995/0017

Proposal: Extension and alterations to dwelling

Address: 141 EGLISH ROAD EGLISH DUNGANNON

Decision:

Decision Date:

Ref ID: M/2004/0778/F

Proposal: Proposed residential development of 47 dwellings

Address: Opposite 114 Killyliss Rd, Eglish

Decision:

Decision Date: 12.10.2010

Ref ID: M/1981/0386

Proposal: PRIVATE HOUSING DEVELOPMENT

Address: EGLISH, DUNGANNON

Decision:

Decision Date:

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

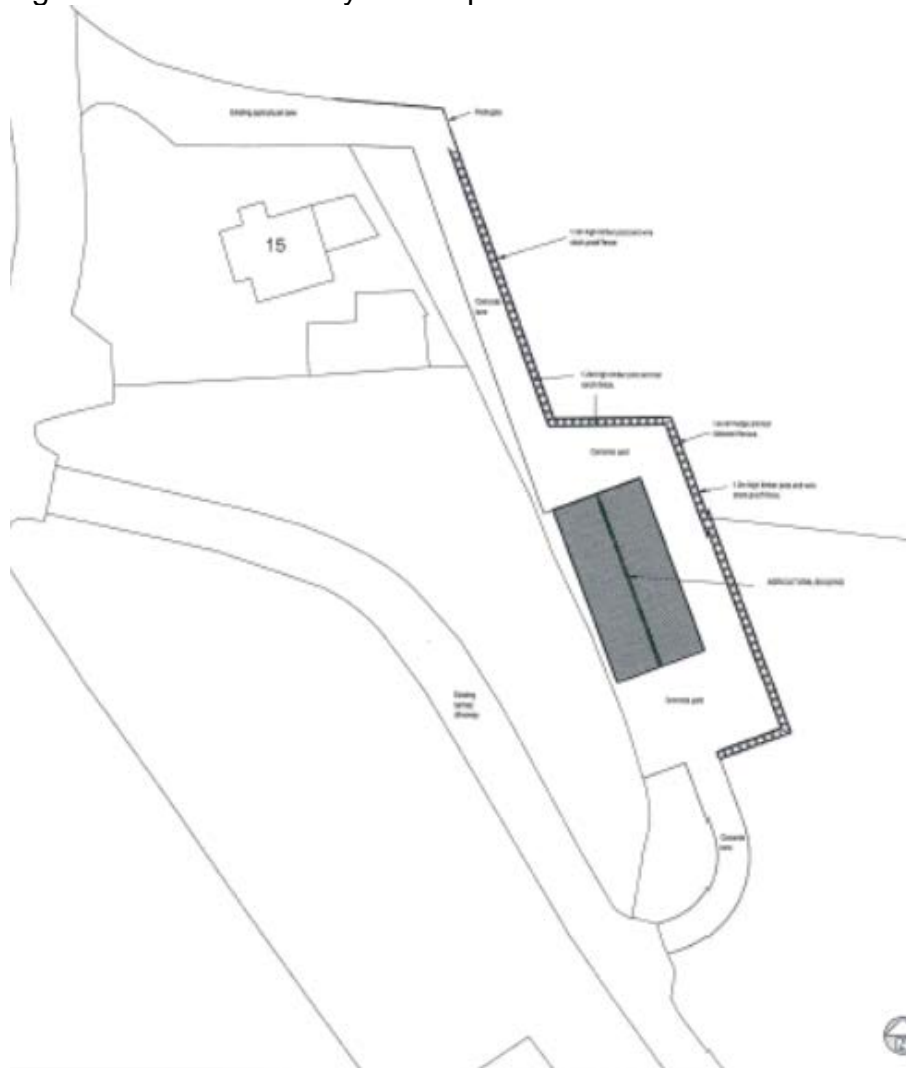
Date of Notification to Department:

Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2021/0096/F	Target Date:
Proposal: Retention of existing agricultural shed for machinery and feed stuff	Location: On lands to the East of 15 Tamlaghtmore Road Cookstown
Applicant Name and Address: Mr and Mrs Hutchinson 13 Tamlaghtmore Road Cookstown	Agent name and Address: Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ
Characteristics of the Site and Area: The proposal is located in the open countryside, outside any settlement limits as defined in the Cookstown Area Plan 2010. The application site is located immediately SE of the detached dwelling No.15 Tamlaghtmore Road, this dwelling is outside the applicants ownership. This is a retrospective planning application therefore the agricultural shed subject to this application is currently in place on the site. The shed is finished to a high standard with a concrete laneway and yard surrounding the subject building. There are two existing vehicular access points onto the Tamlaghtmore Road within the red line of the application site, the southern access point forms part of the driveway of No.13 Tamlaghtmore Road. The topography of the site is relatively flat, however the land to the south is at a lower ground level and there is a gentle incline when travelling north along this portion of Tamlaghtmore Road. Post and wire fencing with some recent planting define the eastern boundary of the site. The proposal is enclosed and screened from public views by existing mature vegetation to the western boundary. The surrounding area is rural in character with a low development pressure typified by large agricultural fields, dispersed single dwellings and farm groups with associated agricultural outbuildings.	
Description of Proposal This is a retrospective application seeking full planning permission for the retention of an existing agricultural shed for machinery and feed stuff on lands to the East of 15 Tamlaghtmore Road, Cookstown.	



This application was presented as a refusal to Planning Committee in July 2021 and a virtual office meeting was held with the Area Planning Manager on 22 July 2021. The refusal reason is listed below:

Following the office meeting, the agent submitted a supporting statement to be considered and the senior planner re-visited the site in order to carry out a re-assessment.

In terms of integration, if the shed were to be located adjacent to the farm buildings it would be more prominent than where it is now located due to the landform. This location allows for ease of access to the farm shed for feed and animal shelter, and provides

added security as it is located in a secure gated area on the applicants land off the existing laneway. The shed is essential for the efficient running of the farm.

At the site visit there was a visual linkage between the shed and the group of farm buildings on the laneway. The shed is acceptable in terms of size, scale and design at this location.

No objections have been received and the neighbour at No. 15 has written in with his support for the application.

An approval with conditions is therefore recommended.

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

Conditions-

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

Reason: This is a retrospective application.

2. Boundary treatment should be carried out, as indicated on approved plan 02 date stamped 25 Jan 2021 and any proposed planted shown on the same plan should be carried on during the first available planting season.

Reason: To provide adequate screening and integration at this rural location.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0096/F	Target Date:
Proposal: Retention of existing agricultural shed for machinery and feed stuff	Location: On lands to the East of 15 Tamlaghtmore Road Cookstown
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr and Mrs Hutchinson 13 Tamlaghtmore Road Cookstown	Agent Name and Address: Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ
Executive Summary: The proposal has been considered against prevailing policy and all material considerations below. No letters of representation have been received. It is considered the proposal fails to meet the exceptions test within Policy CTY12 of PPS21 in that the proposal is not sited with existing farm sheds on the farm holding and acceptable justification has not been provided for the alternative siting.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health	Substantive Response
Statutory	DAERA	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 proposal is located in the open countryside, outside any settlement limits as defined in the Cookstown Area Plan 2010. The application site is located immediately SE of the detached dwelling No.15 Tamlaghtmore Road, this dwelling is outside the applicant's ownership. This is a retrospective planning application therefore the agricultural shed subject to this application is currently in place on the site. The shed is finished to a high standard with a concrete laneway and yard surrounding the subject building. There are two existing vehicular access points onto the Tamlaghtmore Road within the red line of the application site, the southern access point forms part of the driveway of No.13 Tamlaghtmore Road. The topography of the site is relatively flat, however the land to the south is at a lower ground level and there is a gentle incline when travelling north along

this portion of Tamlaghtmore Road. Post and wire fencing with some recent planting define the eastern boundary of the site. The proposal is enclosed and screened from public views by existing mature vegetation to the western boundary. The surrounding area is rural in character with a low development pressure typified by large agricultural fields, dispersed single dwellings and farm groups with associated agricultural outbuildings.

Description of Proposal

This is a retrospective application seeking full planning permission for the retention of an existing agricultural shed for machinery and feed stuff on lands to the East of 15 Tamlaghtmore Road, Cookstown.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 12 Agricultural and Forestry Development.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside

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

Representations

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

History on Site

No relevant planning history.

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining all planning applications. The

the locality successfully without detrimental impact. The established trees to the west provide integration and the existing dwelling of No.15 partially screens the proposal from public view there the building does not appear overly prominent. It is considered the site and its surrounding environment can accommodate the farm shed without suburban build up or detrimental impact to rural character.

Planning Policy Statement 3: Access, Movement and Parking - DfI Roads have been consulted and have offered no objections however have advised that both access points have restricted sightlines. DfI Roads have suggested an informative advising on the substandard access should Council consider the access to be non-intensification of vehicular movements of the existing farm operation. Having discussed Roads response with the Principle Planner, it is agreed that given it has been successfully been demonstrated that the farm business is established and active and the shed is sought to store the applicant/farmers farm machinery and is sited beside the applicants agricultural fields which are well maintained, this would not represent an intensification of access. Should members consider that the planning permission should be granted, it is considered necessary to attach an informative as suggested by DfI Roads.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The agent's supporting statement acknowledges that the proposal does not neatly meet the relevant policy tests, however argues in the round approval should be granted as the proposal meets the needs of the farm. This will be a matter for consideration by members however it has been considered that the proposal fails to fully comply with the policy provisions of Policy CTY12 of PPS21 and as such it is recommended planning permission is refused.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that the alternative site away from existing farm buildings is essential for the efficient functioning of the farm business or that there are demonstrable health and safety reasons.

Signature(s)

Date:

the design and materials to be used are sympathetic to the locality and adjacent buildings; and

The design and materials are typical of an agricultural shed and are considered acceptable to its rural setting.

the proposal is sited beside existing farm buildings.

The proposed shed is not sited beside the existing buildings on the applicants farm holding and is located approx. 220m SE of the farmyard.

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

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

The applicants supporting information argues that the subject shed was necessary to allow the applicant to safely store farm machinery and feedstuffs and that the existing farm yard was ruled out because it is remote from the farmhouse. The agent has argued that as the existing farmyard is not overlooked by a dwelling it is vulnerable to theft and generally inconvenient. Furthermore, the agent has argued that the existing farmyard occupies a prominent position in the surrounding countryside, whereas the application site is well integrated and sited with a group of buildings.

The group of buildings (No.15 and associated garage) which the subject building is sited beside are outside the farm holding, and the applicant's control, therefore cannot be relied upon. Whilst it is noted that the existing farm holding is located at a higher ground level and is more prominent than the application site, this does not mean an additional agricultural building at the existing farmyard could not successfully integrate. It is considered a farm building replacing an existing derelict farm building on the farm yard or a new agricultural building located to cluster with existing farm sheds on an established farm holding could successfully integrate into the landscape and would not significantly impact on rural character. The agent's arguments regarding convenience and security have been considered at internal group with the Principle Planner. Whilst it is accepted that the applicant would prefer the shed to be located closer to his property, the policy explicitly states that the exceptions are where it is essential for the existing function of the business; or where there are demonstrable health and safety reasons. It was considered at the group meeting that neither of these circumstances have been adequately demonstrated. The existing farm holding is located on the same stretch of road than the farm dwelling approximately 280 metres from the applicant's driveway therefore arguments on security from rural crime and usefulness are not accepted to comply with the exceptions test.

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed, visually integrate into the surrounding landscape and not harm the rural character of the area. It is considered the design and materials of the shed are traditional to typical farm buildings in the immediate and wider locality and are acceptable in that respect. The siting is acceptable and integrates into

No built or natural heritage interests have been identified on or in close proximity of the site have been identified which may to be impacted by this proposal.

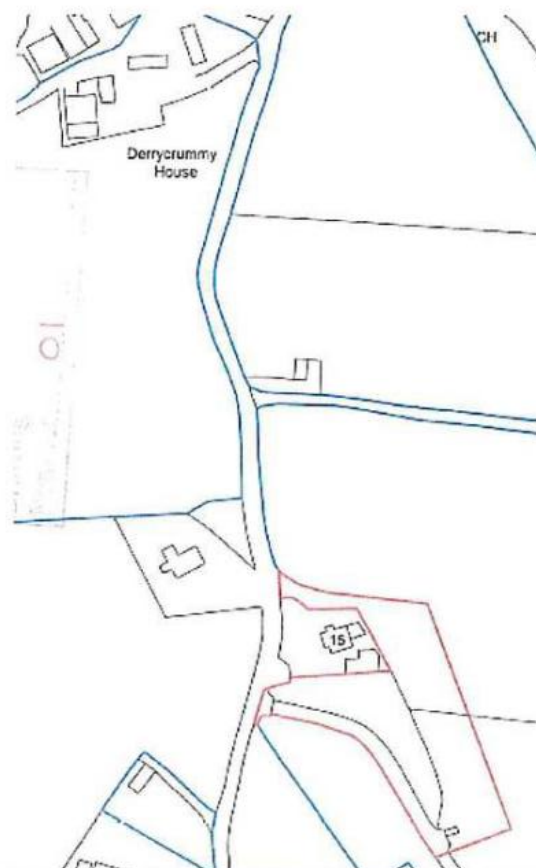
it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

The closest third party occupied dwelling is located approximately 50 metres SE of the site. Environmental Health were consulted and have advised subject to the condition that the shed will be used for storage purposes only they would have no objections. In light of Environmental Health response I am content that the proposal will not result in detrimental impact on residential amenity and consider it reasonable and necessary to attach a condition restricting the use of the shed to storage only, should Members consider planning permission should be granted.

In cases where a new building is proposed, as is the case here, applicants will also need to provide sufficient information to confirm all of the following:

the applicant has no buildings on the holding that can be used;

The agent has provided a supporting statement which advises the existing farm holding is located north of the application site. This farmyard is known as 'Derrycrummy House' and is approximately 220metres from the site. The agent has argued the four buildings at this farm holding are in a poor state of repair and some are in a state of partial dereliction. Whilst no other evidence has been provided to demonstrate these buildings could not be used or adapted for the required purpose, I have no reason to disrepute this assertion therefore I am content based on the information provided that there are no existing buildings on the holding which can be used.



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. There is no conflict between the SPPS and the relevant planning policy to consider this planning application.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY 12 Agricultural and Forestry Development states that planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies all the stated criteria. Therefore it is necessary to first consider if the farm business is both active and if it has been established for more than the required period of 6 years. DAERA have confirmed that the farm business stated on the P1C has been established for more than 6 years, however the farm business does not claim payments. Following this the agent has provided further information including a significant number of receipts and invoices ranging from 2016 to present. Based on the information provided, I am content that, the farm business is both active and established for the required time. It is now necessary to assess the proposal against each of the policy tests as follows:-

The proposed development is necessary for the businesses efficient use;

The agent has provided a Supporting Statement which details the agricultural shed is necessary for the safe storage of farm machinery and feedstuffs including hay. The agent has argued that the farm shed is necessary to protect from theft and that the existing sheds on the holding are in a state of disrepair and therefore are unsuitable. Having considered the information provided, I am content the shed is necessary for the efficient use of the agricultural holding.

in terms of character and scale it is appropriate to its location;

The surrounding area is rural in character. This shed is typical of an agricultural building in terms of its design, size, scale and materials and considered appropriate to its location.

it visually integrates into the local landscape and additional landscaping is provided as necessary;

It is considered the proposed agricultural shed by its nature (including design, size, scale and materials) integrates onto the site and into the surrounding landscape without detriment to the character of this rural area. The shed is sited to the rear of No.15 Tamlaghtmore Road. It is considered the proposal visually integrates into the local landscape given the existing built form and established vegetation enclosing the application site.

it will not have an adverse impact on the natural or built heritage; and

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 October 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present

Councillor Black, Chair

Councillors Bell, Brown, Clarke, Colvin, Corry, Cuthbertson, Glasgow*, Hughes*, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn*, Robinson

Officers in Attendance

Mr Bowman, Head of Development Management
Ms Donnelly, Council Solicitor
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Mr McClean**, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Mr McKeown*, Senior Planning Officer
Mr McGinley, ICT Support
Ms Grogan, Democratic Services Officer

Others in Attendance

Councillor Gildernew***
Councillor Molloy***

LA09/2021/0352/F Declan McKenna
LA09/2019/0733/O Orin Quigg
LA09/2019/0763/O Chris Cassidy***
LA09/2020/0881/O Carol Gourley
LA09/2020/1119/O Chris Cassidy***
LA09/2020/1225/O Martin Kearney
LA09/2021/0495/O Mark Nelson
LA09/2021/0495/O Councillor Glasgow*

* 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 pm.

P130/21 Apologies

The Service Director of Planning.

P131/21 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

The Chair reminded members of a number of items on the agenda tonight which related to Mid Ulster District Council as applicant in the event of them wishing to declare an interest:

Agenda Item 4.10 – LA09/2020/1497/F - 20 x 30m 3G multi use games area (MUGA) at the Presbyterian Church with ancillary works including floodlighting infrastructure (no Lighting) and fencing; upgrading of the existing carpark, new footpath, link with raised kerb to the school and the MUGA and new railings and gates along Edendoit Road frontage at land adjacent to 1 Edendoit Road, Pomeroy, Dungannon for Mid Ulster District Council.

Agenda Item 4.13 – LA09/2020/1643/F – Walking trails within Pomeroy Forest, on the site of the existing trails and a sensory garden to the S of the vacant site of the previously abandoned new forestry building at 56 Pomeroy Road Tanderagee Road, Pomeroy, for Mid Ulster District Council.

Agenda Item 4.19 – LA09/2021/0645/A - 4 signs 100mm x 200mm x100mm above ground level at Ballyronan Road roundabout, Magherafelt for Mid Ulster District Council.

Agenda Item 4.20 – LA09/2021/0646/A - 4 signs 100mm x 200mm x100mm above ground level at Ballyronan Road roundabout, Magherafelt for Mid Ulster District Council.

Agenda Item 4.21 - LA09/2021/0647/A 4 signs 100mm x 200mm x100mm above ground level at Aughrim Road, roundabout, Magherafelt for Mid Ulster District Council.

Agenda Item 4.23 – LA09/2021/0749/F - Change of use from existing part forest and provision of carpark (110m SW of 25 Brackagh Road, Iniscarn Road, Iniscarn, Desertmartin) and provision of play park within the existing forest (275m SW of 25 Brackagh Road, Iniscarn Road, Iniscarn, Desertmartin). Upgrade of existing forest trails and ancillary trail signage / waymarker posts - Iniscarn Forest, Iniscarn Road, Desertmartin for Mid Ulster District Council.

All members in attendance declared an interest in the above items relating to Mid Ulster District Council as a named applicant.

Councillor S McPeake declared an interest in Agenda Item 5.8 – LA09/2021/1093/F – Agricultural general purpose storage shed adjacent to 68 Lurgylea Road, Dungannon for James Gerard McElroy.

Councillor Glasgow declared an interest in Agenda Item 5.17 – LA09/2021/0495/O – Infill dwelling at site NW of 7a Killycurragh Road, Orritor, Cookstown (with access via Craigs Road) for Mr Maurice Freeburn.

Councillor Bell declared an interest in Agenda Item 5.13 – LA09/2020/1394/O – Dwelling on a farm between 112 & 118 Ardboe Road, Moortown, Cookstown for Ruairi Donnelly and Aimee O'Neill.

P132/21 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 Chair advised that as there was a lot on the agenda tonight, there was another date in the diary for Tuesday 26 October should it be required for any items in an overspill. He stated that this would become evident as the meeting progressed and a decision being made at that point if so required. He advised that any applicants/agents listening in which may have their applications deferred would have an opportunity to present at the overflow meeting if required.

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 from tonight's meeting schedule for an office meeting –

Agenda Item 4.7 – LA09/2020/1046/F – Retention and relocation of partially constructed Farm Shed for farm machinery storage and animal shelter and amendments to approved under LA09/2017/0977/F at 40m NE of 28A Toomag, Galbally for Noel McElduff.

Agenda Item 4.8 – LA09/2020/1098/F – Retention of existing structure to outdoor drinks area at Regans Bar, 19 Hall Street, Maghera for Bernard Regan.

Agenda Item 4.9 – LA09/2020/1322/O – Dwelling adjacent to 59 Drumaspil Road, Drumcrow, Dungannon for Eamonn Donnelly.

Agenda Item 4.12 – LA09/2020/1590/F – Farm building to incorporate stables, farm office, central heating plant room, agricultural storage and farm machinery garage, creation of farm laneway & alterations to public road access at 50m SE of 21 Tandragee Road, Pomeroy for Mr Kyle Smyth.

Agenda Item 4.15 – LA09/2021/0273/O – Site for dwelling and garage at Land at Tullaghmore Road, Roughan Road Cross Roads opposite and 30m S of 57 Tullaghmore Road, Dungannon for Joanne Badger & Jamie Allen.

Agenda Item 4.16 – LA09/2021/0317/O – Infill dwelling and garage between 23 and 27a Macknagh Lane, Upperlands, Maghera for Mr Paddy McEldowney.

Agenda Item 4.17 – LA09/2021/0352/F – Stable and store at lands approx. 55m W of 303 Battleford Road, Dungannon for Mr Patrick McKenna.

Agenda Item 4.18 – LA09/2021/0443/O – Dwelling & garage in gap site 30m W of 154 Battery Road, Cookstown for Shauna Quinn.

Agenda Item 4.25 – LA09/2021/0874/O – Dwelling and garage 30m NE of 122 Creagh Road, Anahorish, Castledawson for Mr Malachy Gribbin.

Agenda Item 4.26 – LA09/2021/0910/O – Dwelling in an infill site at land 200m SW of 211 Ardboe Road, Moortown for Patrick Quinn.

The following items to be withdrawn from tonight's schedule:

Agenda Item 5.4 – LA09/2020/0841/O – Site for a dwelling and domestic garage at approx. 45m W of 59 Lurgaboy Lane, Dungannon for Darren McKenna (withdrawn)

Agenda Item 5.7 – LA09/2020/1027/F – Infill site for 2 dwellings and garages between 11B and 11E Hillside Road, Upperlands for Danny McMaster (withdrawn)

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That the above planning applications be deferred for an office meeting. Also two aforementioned applications be withdrawn from tonight's planning schedule.

Matters for Decision

P133/21 Planning Applications for Determination

LA09/2019/0387/F Retention of dwellings (not constructed in accordance with I/2005/0596/F) and minor additional levels to rear garden at 19 & 21 Lucy Street, Pomeroy for Laurence McDonald

Members considered previously circulated report on planning application LA09/2019/0387/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2019/0387/F be approved subject to conditions as per the officer's report.

LA09/2020/0007/O Residential development with open space, landscaping, new road infrastructure and associated site works including the demolition of farm outbuildings at and adjacent to 185 Ballyronan Road, Ballyronan Magherafelt for Sylvia Watt

Members considered previously circulated report on planning application LA09/2020/0007/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0007/O be approved subject to conditions as per the officer's report.

LA09/2020/0480/F Erection of 3 additional commercial units and associated car parking (Amended Plan) at existing yard at 3A Desertmartin Road, Tobermore for Asphalt Burner Services

Members considered previously circulated report on planning application LA09/2020/0480/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0480/F be approved subject to conditions as per the officer's report.

LA09/2020/0521/F Residential Development of 30 Semi-Detached & 7 Detached Dwellings with associated access, Roads, Footway, Landscaping & Parking at Site Between Nos 6 & 8a Drumearn Road and to the rear of Nos 1, 1a & 1b Killycurragh Road Orritor Cookstown for Gallion Development (NI) Ltd

Members considered previously circulated report on planning application LA09/2020/0521/F which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/0521/F be approved subject to conditions as per the officer's report.

LA09/2020/0739/F Site for 2 detached dwellings and garages at 25m W of 76 Gortgonis Road Coalisland for Mr Conor Tennyson

Members considered previously circulated report on planning application LA09/2020/0739/F which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor Colvin and

Resolved That planning application LA09/2020/0739/F be approved subject to conditions as per the officer's report.

LA09/2020/0759/F Housing development consisting of 8 dwellings with associated access, roads, landscaping and provision of temporary treatment plant (Amended Plan) at lands adjacent to 121 Ruskey Road, The Loup, for Mr McVey

Members considered previously circulated report on planning application LA09/2020/0759/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/0759/F be approved subject to conditions as per the officer's report.

LA09/2020/1046/F Retention and relocation of partially constructed Farm Shed for Farm machinery storage, and animal shelter and amendments to approved under LA09/2017/0977/F at 40m NE of 28A Toomog, Galbally for Noel Mc Elduff

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2020/1098/F Retention of existing structure to outdoor drinks area at Regans Bar, 19 Hall Street, Maghera for Bernard Regan

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/1322/O Dwelling adjacent to 59 Drumaspil Road, Drumcrow Dungannon for Eamonn Donnelly

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/1497/F 20 x 30m 3G multi use games area (MUGA) at the Presbyterian Church with ancillary works including floodlighting infrastructure (no Lighting) and fencing; upgrading of the existing carpark, new footpath, link with raised kerb to the school and the MUGA and new railings and gates along Edendoit Road frontage at land adjacent to 1 Edendoit Road, Pomeroy, Dungannon for Mid Ulster District Council

Members considered previously circulated report on planning application LA09/2020/1497/F which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/1497/F be approved subject to conditions as per the officer's report.

Councillor Mallaghan declared an interest in the above application as he sits on the project board for Connecting Pomeroy.

LA09/2020/1570/O Site for dwelling and garage at 20m SW of 128 Lisaclare Road Lisaclare, Dungannon for Joe Quinn

The Head of Development Management said that members were probably aware that no speaking or deferral requests had been sought in relation to the above application and after looking into the background of the application he felt there may be some

personal circumstances which probably haven't been properly teased out yet so far. He advised members that he wouldn't be adverse to a deferring the application for an office meeting if members were in agreement.

Proposed by Councillor McFlynn
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/1570/O be deferred for office meeting.

LA09/2020/1590/O Farm building to incorporate stables, farm office, central heating plant room, agricultural storage and farm machinery garage, creation of farm laneway & alterations to public road access at 50m SE of 21 Tandragee Road, Pomeroy for Mr Kyle Smyth

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2020/1643/F Walking trails within Pomeroy forest, on the site of the existing trails, and a sensory garden to the S of the vacant site of the previously abandoned new forestry building at 56 Pomeroy Road Tanderagee Road, Pomeroy, for Mid Ulster District Council

Councillor Hughes declared an interest in the above application as a member of Connecting Pomeroy group.

Councillor Mallaghan declared an interest in the above application as a member of Connecting Pomeroy group.

Members considered previously circulated report on planning application LA09/2020/1643/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Corry and

Resolved That planning application LA09/2020/1643/F be approved subject to conditions as per the officer's report.

LA09/2021/0095/O Infill dwelling and garage 35m NE of 8 Drumconready Road, Maghera, for Joe Heron

Members considered previously circulated report on planning application LA09/2021/0095/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/0095/O be approved subject to conditions as per the officer's report.

LA09/2021/0273/O Site for dwelling and garage at Land at Tullaghmore Road Roughan Road Cross Roads opposite and 30m S of 57 Tullaghmore Road Dungannon for Joanne Badger & Jamie Allen

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2021/0317/O Infill dwelling and garage between 23 and 27a Macknagh Lane, Upperlands, Maghera for Mr Paddy Mc Eldowney

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2021/0352/F Stable and store at lands approx. 55m W of 303 Battleford Road Dungannon for Mr Patrick McKenna

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2021/0443/O Dwelling & garage in gap site 30m W of 154 Battery Road Cookstown for Shauna Quinn

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2021/0645/A 4 signs 100mm x 200mm x100mm above ground level at Moneymore Road roundabout, Magherafelt for Mid Ulster District Council

Members considered previously circulated report on planning application LA09/2021/0645/A which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0645/A be approved subject to conditions as per the officer's report.

LA09/2021/0646/A 4 signs 100mm x 200mm x100mm above ground level at Ballyronan Road roundabout, Magherafelt for Mid Ulster District Council

Members considered previously circulated report on planning application LA09/2021/0646/A which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0646/A be approved subject to conditions as per the officer's report.

LA09/2021/0647/A 4 signs 100mm x 200mm x100mm above ground level at Aughrim Road, roundabout, Magherafelt for Mid Ulster District Council

Members considered previously circulated report on planning application LA09/2021/0647/A which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0647/A be approved subject to conditions as per the officer's report.

LA09/2021/0678/O Dwelling at land adjacent to and SE of 39 Brookend Road Ardboe for Seamus McGuckin

Mr Marrion (SPO) presented a report on planning application LA09/2021/0678/O advising that it was recommended for refusal.

Proposed by Councillor Colvin
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/0678/O be refused.

LA09/2021/0749/F Change of use from existing part forest and provision of car park (110m SW of 25 Brackagh Road, Iniscarn Road, Iniscarn, Desertmartin) and provision of play park within the existing forest (275m SW of 25 Brackagh Road, Iniscarn Road, Iniscarn, Desertmartin). Upgrade of existing forest trails and ancillary trail signage / waymarker posts - Iniscarn Forest, Iniscarn Road, Desertmartin for Mid Ulster District Council

Members considered previously circulated report on planning application LA09/2021/0749/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2021/0749/F be approved subject to conditions as per the officer's report.

LA09/2021/0831/F Application to vary condition 14 of LA09/2019/0665/F to facilitate early occupation of the completed new school building prior to the completion of all site works which will include in curtilage turning/drop off areas at Holy Trinity College 9-29 Chapel Street Cookstown for St Patrick's Educational Trust Limited

Members considered previously circulated report on planning application LA09/2021/0831/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0831/F be approved subject to conditions as per the officer's report.

LA09/2021/0874/O Dwelling and garage 30m NE of 122 Creagh Road, Anahorish, Castledawson for Mr Malachy Gribbin

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2021/0910/O Dwelling in an infill site at land 200m SW of 211 Ardboe Road Moortown for Patrick Quinn

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2019/0733/O Infill dwelling at 156m SW of 30 Mulnavoo Road, Draperstown for Cormac McCormick

Members considered previously circulated report on planning application LA09/2019/0733/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Corry and

Resolved That planning application LA09/2019/0733/O be approved.

LA09/2019/0763/O Dwelling and garage for a Lough Neagh fisherman at 29m S of 6 Annaghmore Road, Cookstown for Sean Quinn

Mr Marrion (SPO) presented a report on planning application LA09/2019/0763/O advising that it was recommended for refusal.

The Chair advised that a request to speak in favour of the application and invited Mr Cassidy to address the committee.

Mr Cassidy advised that all his life, eel fishing has been Mr Quinn's livelihood, and indeed, the livelihood of his parents and grandparents before him. He has a full eel licence to fish the lough and a copy of this had been sent into Council. Mr Quinn rises at 4am every single morning to lift the fishing lines laid the day before.

Mr Cassidy stated that the Councils Local Development Plan 2030 was launched on 22nd February 2019, Part J of the policy for dwellings within the plan relates to a dwelling for the holder of a commercial fishing licence, which the applicant has, with the application being submitted in June 2019, 4 months after the plans release.

It was anticipated the plan would proceed fairly quickly and this application could have been approved but due to technical errors and objections it was still awaiting release. These errors and objections have clearly prejudiced Mr Quinn who under the draft plan was fully entitled to a house.

He said that he could see no reason why this application cannot be parked until the release when it will almost certainly gain approval and asked that members consider this avenue.

Councillor S McPeake sought clarification on whether the agent suggested parking this application until the outcome of the Local Development Plan and if this was the case then he would propose to do so as to refuse it now could result in negative connotations. He agreed with the agent that there could be more complications in terms of the timeframe and felt that it was a fair suggestion that it be kept alive until the outcome of the Local Development Plan was published and a sensible suggestion.

The Head of Development Management said that it would be practical for members to exercise some caution in relation to this application. He said that this could result in banking applications where there was a reliance on policy which was probably a considerable period away yet. He said that it seemed equally reasonable that this application could be resubmitted at such times when there was a policy finalised and in place which could be implemented immediately. He stated that he would be cautious about building a backlog of applications, held pending an outcome of the plan and was also aware of the delays relating to it. He advised members that this application had a fair wind since 2019 and had failed on other policy and no current policy in PPS21 and aren't really any other exceptions of CTY1 where this application can find a safe home. He asked members to be mindful of starting to bank up applications pending outcome of the plan, then this could result in a significant amount of cases.

Councillor S McPeake said that he was not so sure where this lay within the draft plan as this was a completely new policy proposal that was being discussed and felt that by looking back at our plan there were tweaks here and there and for him personally, he didn't see any big sways of new applications coming in which would probably merit holding back. He felt that this was a unique policy change that was being discussed and not tweaking around the edges of the margins as if this was the case then this could encourage lots of new applications coming forward.

Councillor Colvin said that whilst he could understand the arguments, he felt there wasn't the scope legally or under the Council's procedures to actually defer and in his opinion that was what the Planning Officer's was alluding to. In his experience of Building Control a decision had to be made and our plan was unlikely to be ratified by the Department for quite some time and these things have to be taken into consideration.

The Chair stated that he had sympathy for both sides of this but felt if the application was to be refused, it doesn't prevent the applicant from applying again when the policy exists to actually determine the application.

Proposed by Councillor McPeake

Seconded by Councillor Bell

To defer the application until the Local Development Plan was in place.

Councillor Colvin sought clarification on how long the application was going to be deferred for and also requested a legal opinion on whether it was appropriate to do it. He said that he would be supportive of deferring the application for one month until legal opinion was sought.

The Chair enquired if Councillor Colvin was against the notion of what was suggested, to defer this application indefinitely until such times that a policy exists to mark it against.

Councillor Colvin advised that he would have to vote against that suggestion.

Proposed by Councillor Colvin

To defer the application for one month until legal opinion was sought.

The Council Solicitor advised that if the Council deferrals were set out in the planning procedures to consider an application and for further information, further negotiation or a site visit and before deferring the application, advice from the Planning Manager should be sought. She said that a deferral may be the case for a short basis to require further information and not for an indefinite period.

The Chair following up on Councillor Colvin's point advised if the committee was moving in the direction of deferring this until such times the policy came into force to be able to examine it against and asked if this could not fit into the definition of the reasons for deferral.

The Council Solicitor advised that this would need to be investigated to see if there was a way to indefinitely defer it and a justification for that. She said that she would be more content to defer the application for one month to consider this.

Councillor Brown referred to Councillor Colvin's comments and said that he would be of the same opinion. He said that two years down the line no-one knows what's going to happen once it goes to the Department in Belfast and they may come back and say that there may be changes made. He advised if this application was put on hold and a housing application was received and refused, then then agents could come along saying '*but under the new policy this would allow this to be in*' and the next thing the Council would be creating a rod to break our own backs. He said that he would be happy to second Councillor Colvin's proposal and doesn't mind if it was a deferral for one month pending what the Council Solicitor has said as long it wasn't a long drawn out process.

Councillor McFlynn sought clarification on what would happen if the site was refused and if the applicant could reapply again for the same site down the line. She enquired if the applicant/agent would be prepared to withdraw it until such times the Local Development Plan was active and then reapply.

The Head of Development Management confirmed that the applicant/agent could reapply on the same site and advised that there had already been a previous refusal on this.

Mr Marrion confirmed that there was a previous refusal which was appealed to the Planning Appeals Commission.

The Head of Development Management advised that legislation does prevent repeat applications or subsequent within a certain time period, but nothing in theory to stop a future application. He stated that this could be withdrawn but this needed to be before members made a decision. He said that members needed to be aware that there could be a flood of applications being received once there was a message out in the public domain that the Council was prepared to bank these applications long term and this could raise some difficult procedural matters for officers to manage.

The Chair said he took on board both arguments and asked if Councillor S McPeake after hearing what he heard still wished to leave his proposal as it was or potentially defer the application for one month to allow this to be considered further and a potential agreement around that.

Councillor S McPeake confirmed that he would be happy to defer the application for one month for further clarification on legal issues.

Proposed by Councillor Colvin
Seconded by Councillor Brown and

Resolved That planning application LA09/2019/0763/O be deferred for one month until clarification is sought on legal issues.

LA09/2019/1183/F Retention of Building for Communal Site Canteen, Locker Room & First Aid Facilities, adjacent to 18 Cookstown Road, Dungannon for Barry O'Neill

Mr Marrion (SPO) presented a report on planning application LA09/2019/1183/F advising that it was recommended for refusal.

Councillor McKinney said that he was aware that the main sticking point was the access but to use it for a communal site canteen, locker room and first aid facilities was not going to make any additional access because no-one was going to go in there an extra 10 times in the day and only servicing people on the site. He said that he doesn't see the crucial point of access as anyone which was on the site was going to access the site anyway and no additional access for day to day running for communal site canteen, locker room and first aid facilities or whatever. He felt that it was a little harsh to indicate that the access was the main sticking point as development was there for food etc. and not going to add to the traffic flow in his opinion.

The Chair stated that from Councillor McKinney's comments he was saying that it wasn't going to intensify the use of the site in essence.

In response to a query, Mr Marrion (SPO) advised that officers had tried to explore with the agent whether or not there was intensification of the access. The agent was to provide surveys showing the amount of traffic using the access and making a case that this wasn't intensifying the use which they weren't able to do and nothing further submitted to Planning Department.

Mr Marrion (SPO) reminded members that there was enforcement on this site and if this application was to be approved, it would be approved with conditions which would limit the use of the site and may result in further enforcement action taken down the line.

Proposed by Councillor Mallaghan
Seconded by Councillor Robinson and

Resolved That planning application LA09/2019/1183/F be refused.

LA09/2020/0841/F Site for a dwelling and domestic garage at approx. 45m W of 59 Lurgaboy Lane, Dungannon for Darren McKenna

Agreed that application be withdrawn from the schedule earlier in the meeting.

LA09/2020/0881/O Dwelling & garage at approx.140m NW of 57 Tullyodonnell Road, Rock for Mr Enda Mallon

Ms McCullagh (SPO) presented a report on planning application LA09/2020/0881/O advising that it was recommended for refusal.

The Chair advised that a request to speak in support of the application had been received and invited Ms Gourley to address the committee.

Ms Gourley said she wished to raise a few points which were raised in the case officer's report. She stated what was critical tonight was that there was no weight given to the previous approval of the site under the old rural planning strategy and during the deferred office meeting Dr Boomer agreed that extent of approval was not implemented was a material consideration and given considerable weight. She said that she was disappointed that it had come back again and the report still doesn't mention that it was still a material factor and critically wise does acknowledge that it was within a different policy context, the same integration and rural character tests apply same as previous. The situation on the ground hasn't changed and to any degree to warrant a dismissal on those grounds as evident of page 4 of the case officer's report, the site was well back from the road, benefits from mature stand of trees which was clear to see on the location plan which would sit on the proposed house effectively screening it from view. The farm lane up to the site is surrounded by a mature hedgerow with intermittent trees and did acknowledge the ancillary work up to the site that the main laneway would have to be widened, but the critical hedgerow which provided the screening doesn't have to be removed or displaced as this can easily happen in the winter months and won't affect the growth of the hedgerow as it can be moved to the side a few metres.

In relation to the visual linkage and clustering, Ms Gourley advised that the policy allowed for an alternative site where there were justifiable reasons that a site at the main farm group wasn't available. She said that this was a small 50 acre holding, $\frac{3}{4}$ of which were contracted over to Moy Park for organic farming and thousands of chickens roam freely around 5 out of the 7 fields the applicant owns and for biodiversity security reasons it isn't an option to develop a family home in any of the 5 fields associated with Moy Park, which leaves 2 fields (fields 4 and 5 on map), with field 5 looking ideal given that a house could be developed in all size of a farm grip, but this was the applicant's most largest and valuable field for crop rotation. She said that cutting into this field would affect crop harvest and the applicant's single farm payment claim which was needed each year to sustain the farm business and keep it afloat. Field 5 is also open to the elements as it lacks mature boundaries for enclosure and rises steeply from the road in comparison to the selected site, in the corner of field 4 was well screened and had previously obtained approval and due to the mature trees within the site this corner of the field wasn't suitable for crop growing or eligible for inclusion for the single farm payment claim. She advised that an alternative site was selected within walking distance of the largest chicken house for surveillance and convenience purposes and said that a common sense approach was required in decision making and that policy wasn't to be slavishly followed as other factors alongside policy in reaching a formed decision.

In conclusion Ms Gourley advised that there was a need to have a site that worked for the applicant and to work for the farm business and not to disrupt the everyday running and management of the business enterprise.

The Head of Development Management advised that he was aware that there was an old historical permission on this site and assumed that it was for an old replacement dwelling.

Ms Gourley confirmed that full planning permission was approved for a replacement dwelling which belonged to the applicant's deceased brother. This was approved due to it being well integrated and no rural character issues.

The Head of Development Plan felt that there was no fall-back position here and said that the difficulty here now was that officers were just not looking at an integration test but how the applicant/agent link the side of the cluster. He said that this was a curious and referred to page 4 of the case officer's report which indicates although it has overflow it doesn't look to be far away, which may be a result of topography.

He referred to the agent's comment regarding walking distance but said ideally the policy was a bit more precise and appreciated what was said about how close it was and referred to what CTY10 said in terms of visual linkage and distance, particularly the statement *"it must be visually linked with those buildings with little appreciation of any physical separation that may exist between them"*

In response from Head of Development Plan's query, Ms Gourley advised that the distance was 70 metres. She advised that this was the distance from the site itself to the chicken house to the north of the farm grouping. She advised that this site was for the applicant's son which works alongside his father and owns the chicken house.

As the applicant's son operates and running of the chicken house this would be the main source of surveillance i.e. check chickens at night and other things which may arise at short notice and require immediate attention for successful running of the business and within walking distance.

Ms Gourley updated members on biodiversity and health and safety at the site due to chickens running freely in some of the fields and not appropriate to have alternative sites due to the close proximity of the young family.

Councillor Mallaghan said he would like to address a few things on this particular application and given what he heard from the agent and read within the report. He said that he was looking at this application from some experience as a Poultry farmer himself and there was a need to look at this site and in the event of the farmer wishing to expand the site as some of the time when things are progress well and a decision taken to erect another house. He referred to page 4 of the officer's report and enquired where the farmer was going to put up his next poultry house and by looking at this it was going to be right down in field 5 as there was a need to have the chickens to range out each side particularly in an organic set up like this.

He said that he wished to raise the other issue which wasn't quite policy related and more of a common sense issue. If the farmer was doing this the other way about and applying for a poultry house, he would have to ensure that the house was 150m away from another residential property, but in this case we were expecting this young family to build their new house right on the farm, right next to cattle houses and poultry houses. He said that with an operation like this there was going to be at least 4 to 5 articulated trucks using the lane every week. He said that although policy states to build as close to a cluster as possible, he felt in these circumstances exceptions could be made and where poultry was concerned, there was a need to bring on board other considerations due to the high risk relating to avian influenza and ILT which can be brought onto a farm by vehicles which was very hard to manage particular where there was a shared access.

Councillor Mallaghan felt that there was enough grounds in what he had heard to make the exceptions and would make the proposal to recommend an approval for this application.

Councillor Clarke said that by listening to the agent and viewing the overhead information, felt that the proposed site was the best site as the Tullyodonnell Road runs across the bottom as far as he could see, which seemed to be a laneway up to the farmyard and this road seemed to be the safest. He referred to the vegetation into the entrance of the site on the overhead map, but he could see no vegetation around the other proposed sites and these looked exposed, particularly field 5. He felt that the main part of the Tullyodonnell Road where the main entrance would be with the farm buildings being behind the proposed site and would be happy to second Councillor Mallaghan's proposal to approve the application.

The Chair felt that there were a lot of issues raised in particular to clustering and topography of the land and various other issues of the site and enquired if it would be of any value conducting a site meeting for members. He said that he was aware of a

proposal being made already but this was a suggestion which may help members to move this along and come to a positive outcome.

Councillor Brown said that it was his understanding that this was an outline application and from what he had heard from the agent and other Councillors was quite happy to agree with them. He felt that the site identified was the best site rather taking away prime ground to build a house. He said that there was a laneway with vegetation and felt there was no need for a site visit against this application and the proposal which was made by Councillor Mallaghan and seconded by Councillor Clarke was sufficient and the right approach. He said that in his opinion it meets the criteria and there were other applications brought forward in the past for farm dwellings with a considerably further distance away and as the agent indicated it was 70 metres from the site to the nearest building which was the main place of work.

He said that the site which was identified meets the requirements and would be happy to support Councillor Mallaghan's proposal to approve the application.

Councillor McFlynn said that by listening to what the agent and case officer the main issue here should be safety for a young family. She said that this was a small country road with Lorries coming and going and safety of the family must be taken into consideration. She referred to site outlined in red and felt that this was well curtailed and had a hedgerow all around it and in her opinion the site needs to be well enough away from the main area of the farm, but close enough so the young family can continue their business and would be happy enough to agree with other members to go ahead and approve the site.

The Head of Development Management said that it was perfectly reasonable for members to consider health and safety in relation to this particular type of operation in terms of poultry farming and wasn't the first time it has been heard. In terms of visual linkage and if this had been a flat landscape and was somewhat disadvantaged because of the topography and was interested to hear what was stated earlier about not being able to visually link the farm grouping from the approach on the laneway or even see it. He felt that members should take into consideration the lack of visual connection with the farm grouping when considering also.

He said that he would have a slight concern regarding the amended location plan on page 332 of the overall report. He said that this had pulled the site back towards the northern boundary and the clump of trees seemed to be drawn on and enquired from the agent if there was an intention to develop behind those and retain the frontage vegetation there as this would not leave a lot of room.

Ms Gourley agreed that this was the case and would be happy to keep the periphery trees and would be happy to go with the Head of Development Management suggestion that the house type being a bungalow.

The Head of Development Management referred to Councillor Mallaghan's comments regarding policy and stated that there were two clear exceptions to a site away from the farm; health & safety relating to biosecurity risk and verifiable plans to expand on the farm which was secured permissions for additional poultry contracts. He said that members could consider in relation to health & safety risks as presented and attach

some weight to the previous permission or by it a very different policy context and was up to members to decide.

Councillor Glasgow said that when he was reading the report the main issue for him was the biosecurity as Moy Park operate a 24 hour operation and not the case of lorries operating from 9am to 5pm and more the case of coming and going in the middle of the night and no-one wants that when raising a young family on a farm. As said by previous speakers, a common sense approach needed to avail on this one and would have no issue supporting the proposal made for approval and the right avenue to go down as biosecurity weighs up why this exception must be made for this application.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/0881/O be approved with appropriate conditions.

LA09/2020/0899/O Site for a dwelling & domestic garage at approx. 15m N of 69 Anneeter Road, Coagh, Cookstown for Mr Charles Mallon

Members considered previously circulated report on planning application LA09/2020/0899/O which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2020/0899/O be approved subject to conditions as per the officer's report.

LA09/2020/1027/F Infill site for 2 dwellings and garages between 11B and 11E Hillside Road, Upperlands for Mr Danny Mc Master

Agreed that application be withdrawn from the schedule earlier in the meeting.

LA09/2020/1093/F Agricultural general purpose storage shed adjacent to 68 Lurgylea Road, Dungannon, for James Gerard McElroy

Members considered previously circulated report on planning application LA09/2020/1093/F which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/1093/F be approved subject to conditions as per the officer's report.

LA09/2020/1119/O Domestic dwelling and garage in a cluster at 10m W of 44 Ballyscullion Road, Bellaghy, for Mr Brian Milne

Ms McCullagh (SPO) presented a report on planning application LA09/2020/1119/O advising that it was recommended for refusal.

The Chair advised that that a request to speak in favour of the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy advised that the existing cluster of development spans both sides of the road and extends from number 47 Ballyscullion Road to number 54 Ballyscullion Road. It comprises 12 houses and a number of outbuildings. The Council consider there to be a cluster of development here, as can be seen from the block plan it is bounded by two sides by other houses, site rounds of development at this location, with the sticking point appearing to be a focal point.

A focal point is considered as giving a place a 'sense of identity' and somewhere that is well known to the local community with a sense of presence, and so keeping within the spirit of the policy and he would consider there to be a number of focal points here.

Firstly the cottages that surround the site, these buildings were formally cottages which the workers from Ballyscullion house would have lived. The cottages are on the edge of the estate and are known locally as Ballyscullion Cottages. The listed boundary wall and listed gardens run adjacent to these cottages.

Secondly the cluster is a short distance from the main Bellaghy GAA grounds and what is known as the third pitch.

Thirdly to the north of our site at number 54a and within the cluster is a joinery business. This is a long established business having been here for over 40 years. The business pays business rates on the property and confirmation of this information has been given to Council today.

Mr Cassidy felt that the proposal meets the requirements of Policy 2a and can be said to comply with the overall thrust of the policy which is to round off and consolidate an existing cluster of development without changing the overall character of an area.

Mr Cassidy said that this being the case he would ask members to reconsider the decision.

The Head of Development Management said that by looking at this the main reason for refusal was the focal point and this was confirmed by the case officer.

In response to the Head of Development Management query, Mr Cassidy advised that the cottages were linked up to Ballyscullion House and this was where the workers would have lived at and known locally as Ballyscullion Cottages as previously stated meets 5 out of the 6 criteria and the bit which was left was the sticking point. He said that it was well documented that Planning Appeals were actually of the opinion that policy meets 5 out of the 6 criteria, the focal point isn't the sticking point and in the round if there was no focal point and beats everything else then they were happy to accept it.

The Head of Development Management said that he accepted this and indeed the committee had made a number of decisions which weren't met and as long as the policy was met in the spirit of the policy.

He said that the other issue was the use of the pitches and seemed fairly well removed here and was aware of the club house not being included as it was within the settlement. He said that it was awkwardly placed between three focal points where were relatively weak and would strongly suggest if members were in agreement to conduct a site visit to see what the reality was here, whether it was a cluster and what identity the joinery works have as it was only raised today and no chance to fully consider this.

Councillor Colvin said that he wasn't entirely clear and was listening to the arguments from the agent and agreed with the Head of Development Management that there was a need to have a look at this to see exactly what it was.

Proposed by Councillor Colvin

To hold a site visit before a decision was made on this application.

The Chair said that this may be a very wise move especially as the information only was received today.

Councillor Bell said that he would tend to disagree with the view that Wolfe Tones GAC ground which was approximately 150 - 200 yards down the road wasn't a focal point and a perfect example in his view of a focal point. He said that this was a community hub and the heartbeat of Bellaghy and you couldn't get any better of a focal point than the pitch and did acknowledge that it wasn't right beside the site but had seen other ones which the focal point was further away from the site which was approved. He said that he was very disappointed that the pitch was being considered as a focal point. He said that within the policy and had alluded to it a number of times, that it wasn't written in stone that a focal point was 200 metres, 300 metres, 400 metres away and sought clarity on that.

The Chair said that he took into consideration what Councillor Bell was saying about the distance and his understanding was that the focal point had to be within the cluster in which it was considered but asked the Head of Development Management to provide more clarity.

The Head of Development Management said just to clarify that he wasn't dismissing the pitch as a focal point and agreed it would be, but the circumstances here were different and read out to members a statement from the policy CTY2a – *“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”* and although it meets all these tests but the key one is that the cluster is associated with the focal point. He said that he was aware that Ballyscullion Road turns away from Bellaghy and quite highly vegetated on the roadside and feels significantly removed when travelling along the shoreline and he would struggle to have association with the pitch at that point but did acknowledge that it was a cluster in its own right, but just significantly weak on the focal point in his view.

Councillor McKinney said that he would be happy to second Councillor Colvin's proposal to conduct a site visit as he knows the road well and felt that the pitch was a bit far away.

The Chair said that it seemed a sensible way forward and asked members if they would be prepared to defer the application for one month for a site visit.

Councillor S McPeake said that by looking at one of the ordnance survey maps it seemed clear that it was rounding off perfectly for a cluster. He said that he also knew the road well as his mother was reared there and the cluster of houses was always recognised at that location and only made sense as these were homes for workers on the nearby estates. He said that this was a cluster in its own right and would be very supportive of it as it was only a few lengths away from the pitch and deserved merit.

The Chair said that the argument was strong amongst members and to hold a site meeting would be beneficial to explore in more detail and have an appreciation of that.

Proposed by Councillor Colvin
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/1119/O be deferred for one month for site meeting.

**LA09/2020/1217/F 2 dwellings with domestic garage (amended scheme)
immediately adjacent to 12 Station Road, Moneymore for
Cherrybrook Developments Ltd**

Members considered previously circulated report on planning application LA09/2020/1217/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1217/F be approved subject to conditions as per the officer's report.

**LA09/2020/1225/O Infill dwelling at land adjacent to 214 Hillhead,
Castledawson for Jim McPherson**

Ms McCullagh (SPO) presented a report on planning application LA09/2020/1225/O advising that it was recommended for refusal.

The Chair advised that a request to speak in favour of the application had been received and invited Mr Kearney to address the committee.

Mr Kearney said that the main principle of this was does this site change the rural character of the area and would challenge any of the members which drive along the site and coming out of the Moyola Forest after a mile that the string of buildings including the new buildings started and now the near building to the side of the site which has been replaced does not create a very strong infill. He said that the site

wasn't potentially at risk and lies within a designated flood plain by NI Water and identify that would flood within the 100 year flood risk, so the sites as a result of the area long just this section of road up to the single house with the grip on the farm all lay within the floodplain with result that all the sites have been turned on their sides. Sites normally in the area would approximately 60m deep x 30m wide and this was now changed to 30m deep x 60m wide and advised that this was a very unique site and believes that the Council should consider its uniqueness. He said that a quick study was carried out on the size of the site for the potential joined site for a dwelling and it was established that a dwelling and a site within 0.6 acre site by any recommendation was not a large site and the remaining disputed land which was of Council concern left 0.18 acres which would not be suitable for a dwelling in the area because of the floodplain and also because of the slope of the land it would be situated on.

He asked a common sense approach be followed within the Mid Ulster area for a unique site that had very unique characteristics including very rare sites which lay adjacent to flood plains and are of this characteristic.

Councillor Colvin left the meeting at 8.24 pm and returned at 8.25 pm.

Councillor McKinney left the meeting at 8.24 pm and returned at 8.26 pm.

Councillor Bell left the meeting at 8.24 pm and returned at 8.27 pm.

The Head of Development Management said when making decisions on sites there was a need to take into consideration plot sizes and taking a fair assessment of what the average plot size would be and the sizes vary very significantly here. Clearly one of the impediments would be the flood risks as it does squeeze the sites towards the road which wasn't debateable and more of a fact. He questioned the house designs and whether it was feasible to have garages to the side and other house designs could have been designed which could elevate the problem. He said that he was aware of Mr Kennedy's site and the agent had touched on it here and felt that this should merit a site visit. He asked members to be thoughtful of the fact if this application was allowed the other (highlighted in orange) could realistically and feasibly be applied for two dwellings and may be extremely difficult to resist as this would revert back to plot sizes again.

Councillor S McPeake said that he knew the site very well as he lives just 200-300 yards up the road from it and travels on the road every day. He agreed that it was very unique as the river comes out right behind the sites and was aware of Mr Kennedy's being laboriously designed to work within the constraints of the river which came right up to his back door which was also the case for the sites adjacent to it. He concurred with the agent regarding the design of the dwellings being on their side as there was no depth from the roadway to the Moyola River.

He said that he would be very supportive of this application as it wouldn't change the characteristics of that strength of roadway as it was already built up and another one or two dwellings at that location wouldn't change it any way materially.

Councillor Brown concurred with what Councillor S McPeake comments and said that there could be an opportunity to get two dwellings fitted into that space and felt it wouldn't be totally out of character and said that he would be happy to second Councillor S McPeake's proposal for approval if he made one or if there was a need for a site visit he would be happy to second that also.

The Chair sought clarification on what the proposal was regarding this application.

Proposed by Councillor S McPeake
Councillor by Councillor Brown

To approve the application given the uniqueness of the site.

The Head of Development Management asked members to be careful as there could be a difficulty in making a decision for further development of the other site (highlighted in orange) which wasn't yet before the committee for consideration.

Councillor Colvin said that he would also have concerns regarding these very long gap sites as it could be envisaged to be taken to the extreme of half mile long where people put houses in them. He said that members had gone out on a site visit very recently were looking at one which was very long and was really stretching the definition of a gap in his view and whilst he didn't know this area he would defer it to the knowledge to the people like Councillor S McPeake who does live there. He said that he would be concerned about the limits of gap sites and agreed with the Planning Officer that members had to be mindful of that forward.

The Chair said that he didn't have an issue in principle but felt that seeing it on site in terms of understanding all the facts around it, but advised that a proposal was on the table which was being seconded and sought members thoughts on how they wished to progress this application.

Councillor Colvin said that he wished to abstain from this as he preferred to leave it open in future to challenge sites where they were too long and didn't want to be bound by precedent.

The Council Solicitor said that it would be important for members tonight to be mindful in regards to the option to defer back for a site inspection if there was the opinion that perhaps this could lead to other considerations in the future for similar planning applications. She asked that careful consideration be given as this may set a precedent going forward.

The Chair advised if the application was to be approved tonight there was no going back for a deferral as the decision had been taken.

Councillor Colvin said that after listening to legal advice, he felt that it would be important to go and look at the site before a decision was made to satisfy ourselves. He said that although the committee likes to help people out in any way we can there was still an onus on us to take into consideration similar situations which could occur and bind ourselves.

Proposed by Councillor Colvin
Seconded by Councillor McFlynn

To conduct a site visit.

Councillor Bell said that he would be supportive of Councillor S McPeake and Councillor Brown's proposal to approve the application.

The Chair put Councillor S McPeake's proposal to approve the application to the vote:

For	7
Against	8

The Chair put Councillor Colvin's proposal for a site visit to the vote:

For	15
Against	0

Councillor Colvin's proposal was carried.

Resolved That planning application LA09/2020/1225/O be deferred for a site visit.

**LA09/2020/1317/O Site for dwelling and garage at lands between 17-19a
Drumrot Road, Moneymore for Miss Z McClintock**

Ms McCullagh (SPO) presented a report on planning application LA09/2020/1317/O advising that it was recommended for refusal.

Proposed by Councillor Colvin
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/1317/O be refused.

**LA09/2020/1394/O Dwelling on a farm between 112 & 118 Ardboe Road,
Moortown, Cookstown for Ruairi Donnelly and Aimee Oneill**

Members considered previously circulated report on planning application LA09/2020/1394/O which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1394/O be approved subject to conditions as per the officer's report.

**LA09/2021/0103/F Dwelling under I/2006/0905/RM, 20m W of 24 Annahavil
Road, Dungannon for Miss Lyn Somerville**

Members considered previously circulated report on planning application LA09/2021/0103/F which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/0103F be approved subject to conditions as per the officer's report.

LA09/2021/0331/O Site for dwelling at approx. 30m SE of 43 Ardagh Road, Coagh, for Mr Pat Mc Guckin

Members considered previously circulated report on planning application LA09/2021/0331/O which had a recommendation for approval.

Councillor Bell declared an interest LA09/2021/0331/O.

Proposed by Councillor Clarke
Seconded by Councillor D McPeake

Resolved That planning application LA09/2021/0331/O be approved subject to conditions as per the officer's report.

LA09/2021/0333/O Site for dwelling at approx. 20m NW of 90 Ballinderry Bridge Road, Coagh for Mr Pat Mc Guckin

Councillor Bell declared an interest LA09/2021/0333/O.

Members considered previously circulated report on planning application LA09/2021/0333/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0333/O be approved subject to conditions as per the officer's report.

LA09/2021/0495/O Infill dwelling at site NW of 7a Killycurragh Road Orritor, Cookstown (with access via Craigs Road) for Mr Maurice Freeburn

Ms McCullagh (SPO) presented a report on planning application LA09/2021/0495/O advising that it was recommended for refusal.

The Chair advised that a request to speak in support of the application had been received and invited Mr Nelson to address the committee.

Mr Nelson referred to the overview of proposal and stated that this was an outline application for a new infill dwelling under Planning Policy Statement 21, Policy CTY 8.

He referred to the reasons for refusal:

- (a) The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- (b) The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development; it does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point or located at a cross-roads; it is not bounded on at least two sides with other development; and it cannot be absorbed into an existing cluster through rounding off.
- (c) 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.
- (d) The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would result in a detrimental change to the rural character of the countryside, in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings.
- (e) The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside.

Mr Nelson outlined his response to the above reasons for refusal:

(1) Development is not bounded on at least two sides with other development

The Professional Planning Report states that during the case officer's site inspection, development of adjacent approved sites had not yet commenced and they did not note any construction started. These are noted as buildings 2, 3 & 4 on the Site Location Plan (Appendix A). This application was relying on buildings 1, 2 & 3 as a minimum to form a line of at least 3 buildings to satisfy the criteria for an infill dwelling. However, building 1 was only present during the case officer's site visit as development had not started on the remainder of the recently planning approved buildings. While the Professional Planning Report was correct at the time of writing, development has now in fact started on site for buildings 2 & 3 (refer to Appendix A) during the latter weeks of May 2021, which are progressing well on-site and have reached roof level (refer to Appendix B for photo). This application was using these buildings to satisfy the requirements for an infill dwelling, and now that development has now started, a line of at least 3 'buildings' now exist.

(2) Existing structure (building 1) to North is not considered a building

The Professional Planning Report states that 'Immediately north of the application site is a small square metal structure which appears to be used for storage. This structure does not appear to have the benefit of planning permission however imagery does appear to indicate it has existed in place for more than five years. Given the nature, small scale and finish of this structure, I am not satisfied this would constitute a building which could be used to bookend a gap site'. This is noted as building 1 on the Site Location Plan (Appendix A) / (refer to Appendix B for photo). In regard to infill

dwellings, Policy CTY 8 permits the development of a small gap site within a substantial built-up frontage and defines a substantial built-up frontage as 'a line of 3 or more buildings along a road frontage'. It does not elaborate on what size or type a building should be. Indeed, the interpretation of a building under Statutory Rule of NI 2015 No 70 - The Planning (General Permitted Development) Order (NI) 2015 is as follows: a 'building' does not include plant or machinery or a structure or erection of the nature of plant or machinery and for the purposes of the Schedule does not include any gate, fence, wall or other means of enclosure but includes any structure or erection and any part of a building as so defined' (refer to Appendix C). It is therefore apparent that under planning legislation, this structure is a building, and if considered so, all reasons for refusal can surely be overcome.

(3) Planning history of similar infill sites outside the settlement limits of Orritor

This outline application has a lot in common with the below applications, which have all recently been approved just outside the development limits of Orritor as 'rounding off' of development. Building 4 (LA09/2019/1245/O) was initially recommended for refusal as an infill dwelling as it was using buildings within the development limits of Orritor. However, it was ultimately approved as a 'rounding off' of development. Buildings 2 & 3 (LA09/2020/0824/O) located to the west of building 4 were considered as an exception to policy and also approved as a 'rounding off' of development based on the previously mentioned application, even though development of the previously mentioned application had not commenced. I therefore feel that this outline application has a lot in common with the above applications and sets a strong precedent for also considering the proposal as 'rounding off' of development. I also believe that a suitably located and dimensioned dwelling, while not meeting the strict letter of the clustering policy, would respect the general thrust of and spirit of the clustering policy given the number of houses around it, its enclosure by built development and location within the village of Orritor.

Councillor Clarke left the meeting at 8.47 pm and returned at 8.50 pm.

The Chair thanked for Mr Nelson for his presentation and asked for any members comments.

Councillor Glasgow said that he knew the site quite well and for anyone growing up in Orritor they would have been aware of this building for years upon years. He said at the end of the day this all comes down to this new guidance we were looking at the minute and how it was going to determine what direction was to be taken in the future. He felt it was a case of whether we disregard the true purpose for what these buildings were truly used for and had served a purpose within that field whether that be providing shelter for any form of animal and there was a need to be realistic as we were a rural Council and these type of buildings were well seen and used throughout the countryside of Mid Ulster. He said that he had seen smaller situations when you look at the structure of the buildings which were previously approved where it was merely 4 posts hammered into the ground and a piece of tin erected around the sides and roof to provide shelter for young calves or sheep and shouldn't be writing this off as just a building as it was a building in its own merit as it continues to serve its purpose. He said that the agent had alluded that another house was going to tip the balance, which Councillor Glasgow disagreed with as Orritor was well beyond that and

was going to integrate quite well into Craigs Road and had the advantage of being tucked back and not visible in his opinion as it was a road that benefited greatly from great vegetation from the Killycurragh side coming back onto the Craigs Road.

He said that was why he declared an interest in the above application as he knows the road well and felt that this building shouldn't be written off as it continues to serve a purpose as a building.

The Head of Development Management referred to the Planning Advice Note (PAN) and said that this plan was submitted before that as a matter of fact and even with the relevant information and the PAN it would still leave the application extremely vulnerable and contrary to policy. He said even if building one was accepted as a lawful building, enquired from the agent where the line of three buildings were along the road frontage for the infill and felt that some of the houses doesn't have frontage onto Craigs Road and was struggling to understand that.

Mr Nelson advised that CTY8 Policy – 5.34 states *“Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings”* and his interpretation of that was that there was a visual link between three buildings and ultimately all facing onto the Craigs Road frontage.

The Head of Development Management said that the visual linkage would still need to relate to a particular frontage and his view that this linked onto the road to the south not Craigs Road. He advised that building one had no planning permission and did not give weight to this and asked members to be mindful of that when assessing infill here.

Councillor Cuthbertson said if the applicant had gone down the road looking for a CLUD would have this had any more bearing on this application before being submitted to planning.

The Head of Development Management said that the CLUD was a way of identifying a lawfulness of a building and still wasn't convinced if this was accepted that as it was unknown how static it was by way of foundations. He felt this building was done to bookend a line of development for the purpose of infill and in his opinion it was doing very little and could be the case of extending and affecting the settlement of Orritor on a northerly way now. He reminded members that the 2 houses (on dotted lines) were approved as an exception to policy and not as an infill as the settlement ran down where the junction was and approved as an acceptance of rounding off.

Councillor Brown stated that he didn't know the area and asked if there was any merit in arranging a site meeting to see where it fitted in with policy amongst other things that the agent highlighted.

The Head of Development Management advised that it would be beneficial to see this type of application on the ground and had no issue with arranging a site meeting if members were in agreement.

Proposed by Councillor Brown
Seconded by Councillor Colvin and

Resolved That planning application LA09/2021/0495/O be deferred for a site meeting.

P134/21 Response to DAERA on Draft Cycle River Basin Management Plan

Mr McKeown (SPO) presented previously circulated report to inform members that the Department for Agriculture, Environment and Rural Affairs have invited comments on their draft 3rd Cycle River Basin Management Plan (RBMP). This report and attached letter sets out the Council's considered response to same.

Councillor Colvin left the meeting at 8.58 pm and returned at 9 pm.

Councillor Robinson left the meeting at 8.58 pm and returned at 9.01 pm.

Councillor McFlynn left the meeting at 9 pm and returned at 9.03 pm.

Proposed by Councillor S McPeake
Seconded by Councillor Clarke and

Resolved To agree the contents of the report and the attached letter which will be issued to DAERA in response to their consultation on the draft 3rd Cycle River Basin Management Plan.

P135/21 Correspondence from Dalradian Gold

The Head of Development Management presented previously circulated report in relation to Dalradian Gold writing to Council to dispute some of the comments made by members at the Committee and to invite the Planning Committee and members to visit their site operations.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved That it be agreed that

- 1) The Planning Manager accepts the invitation from Dalradian Gold on behalf of Officers.
- 2) That it be appropriate for any members to attend if they so wish.

Councillor Cuthbertson left the meeting at 9.04 pm.

**P136/21 DfC, HED Public Consultation on Conservation Principles
Guidance for the Sustainable Management of the Historic
Environment in Northern Ireland**

Mr McKeown (SPO) presented previously circulated report for members to consider Mid Ulster District Council's written representation to public consultation paper by Department for Communities, Historic Environment Division Conservation Principles Guidance for the Sustainable Management of the Historic Environment in Northern Ireland. The paper sets out their proposal for a Conservation framework for the sustainable management of the historic environment in Northern Ireland.

The purpose of this public consultation is to seek the views of all interested parties on the Department's proposal. The consultation runs for eight weeks ending at 5 pm on 8th October 2021. DfC, HED to give due consideration to all responses and a synopsis of response will be published as soon as practicable following the consultation period.

Councillor Colvin declared interest in the above application due to being a member of Historic Monuments Council.

Proposed by Councillor Brown

Seconded by Councillor Clarke and

Resolved To agree to the Written Representation (Annex A within report) and submit it as a Council's written representation to Public Consultation Paper Conservation Principles: Guidance for the sustainable management of the historic environment in Northern Ireland.

Key points to be:

- Lack of Governance, Accountability and Delivery Mechanisms
- No Government Body akin to Historic Scotland, Historic England and CaDU (Mandatory requirement to Identify, Manage, Monitor and Secure NI Heritage Assets)
- No Historic Environment NI Act and associated Regulations (Statutory Requirements)
- No Historic Environment NI Strategy (Enforcement Framework)
- No Historic Environment NI Communication Strategy (NI Heritage Networks)
- No Historic Environment NI Education and Training Strategy (Professional Accreditation/CPD)
- No Historic Environment NI Annual Report (Condition of NI Historic Environment)
- Insufficient or No Historic Environment NI Grants and Loans (Financial Investment)
- Lack linkages with draft PfG Outcome Based Priorities such as Public Health and Wellbeing; Heritage and Climate Crisis; Heritage and Economy
- Withdraw PPS23
- Proposed Pilot Programme HED Accredited Conservation Officers

Matters for Information

P137/21 Minutes of Planning Committee held on 7 September 2021

Members noted minutes of Planning Committee held on 7 September 2021.

P138/21 Receive Letter from Ulster Farmer's Union

Members noted correspondence received from Ulster Farmer's Union expressing concerns on the Planning Advice Note (PAN) Implementation of Strategic Planning Policy on the Development in the Countryside (Appendix 1).

Live broadcast ended at 9.08 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Brown
Seconded by Councillor S McPeake and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P139/21 to P142/21.

Matters for Information

P139/21	Confidential Minutes of Special Planning Committee held on 7 September 2021
P140/21	Confidential Minutes of Planning Committee held on 7 September 2021
P141/21	Enforcement Cases Opened
P142/21	Enforcement Cases Closed

P143/21 Duration of Meeting

The meeting was called for 7 pm and concluded at 9.10 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 please raise your hand in the normal way and keep raised until advised to lower
- 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.



ADDENDUM TO PLANNING COMMITTEE AGENDA

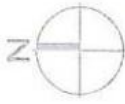
FOR PLANNING COMMITTEE MEETING ON: 5 October 2021

Additional information has been received on the following items since the agenda was issued.

Chairs Business

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.1	Incorrect plan 01a was uploaded to report. See attached correct plan 01b which was used for the re-assessment.	Members to note.
5.3	Agent submitted late request to speak. Used before	Members to note.
5.4	Application withdrawn	
5.7	Application withdrawn	

Site Location Plan



Scale = 1:1250

OS Map Reference =
077-05 SE & SW
077-05 NE & NW

Site Area = 2461 m² / 0.246ha

Rev	Amendment	By	Date
A	DFI Roads amendments	OJQ	
B	DFI Roads amendments		PH 03.10.2019
C			
D			



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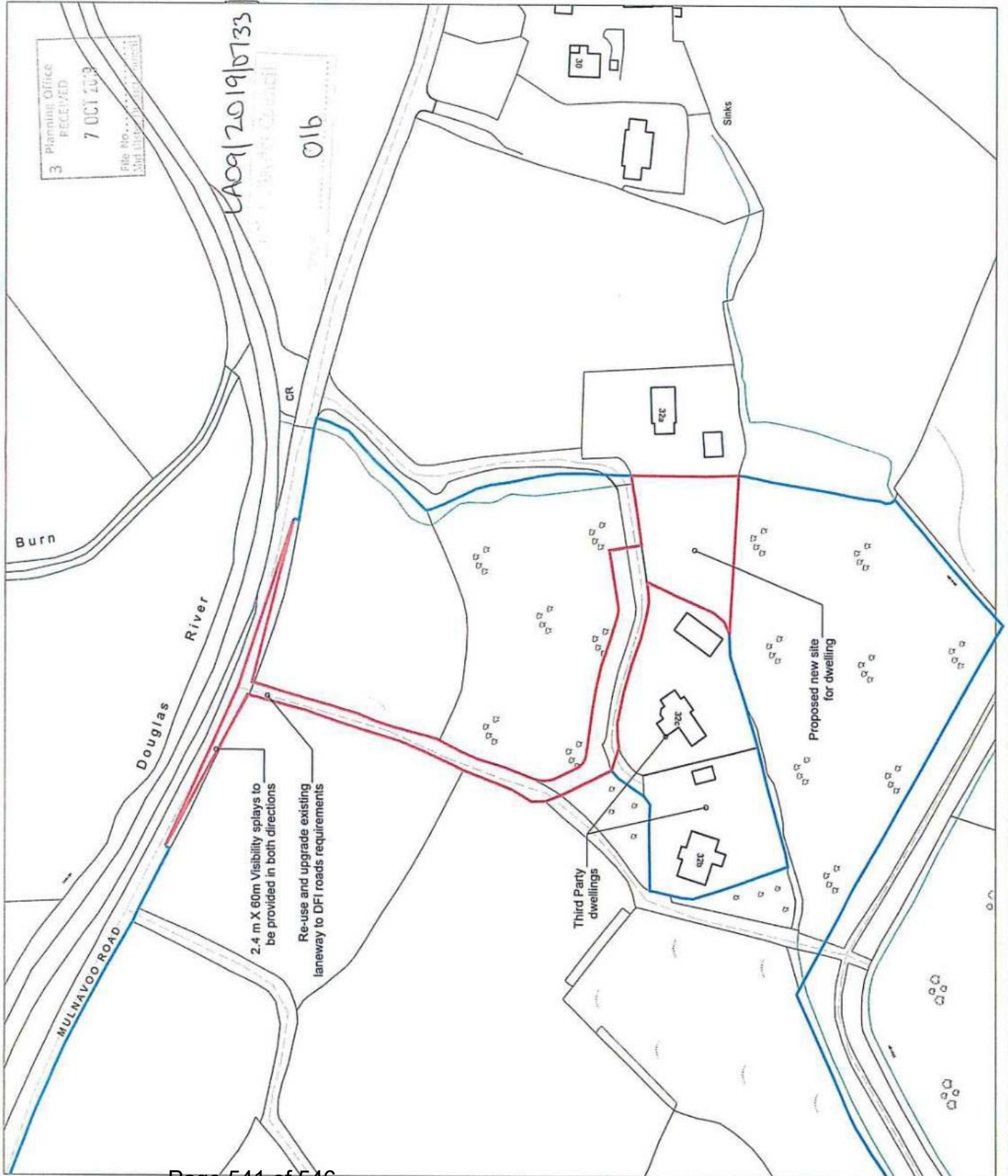
PROJECT TITLE

Outline planning application for infill
Dwelling 156 Metres South West of No.
30 Mulnavoo Road, Draperstown, Co. Derry

DRAWING TITLE

Planning Drawings
Site Location Map

PROJECT No.	DRG. No.	REVISION
791-18	PD-01	B
SCALE	DATE	DRAWN BY
1:1250 (A3)	23.08.19	OJQ
CLIENT	CHECKED BY	
C McCormick		
<input type="checkbox"/> Preliminary	<input type="checkbox"/> For Approval	<input type="checkbox"/> For Construction
<input type="checkbox"/> Information Only	<input type="checkbox"/> As Built	<input type="checkbox"/> OJQ architecture



Report on	Planning Performance
Date of Meeting	2nd November 2021
Reporting Officer	Dr Chris Boomer, Service Director
Contact Officer	Dr Chris Boomer, Service Director

Is this report restricted for confidential business?		Yes	
If 'Yes', confirm below the exempt information category relied upon		No	x
	Information relates to financial or business affairs of a person (including the council)		

1.0	Purpose of Report
1.1	To inform members of planning performance and progress against national statistics and in comparison to other Councils
2.0	Background –
2.1	Planning Statistics in relation to the number of applications received and the number of applications received and times taken to reach decisions are extracted from the planning portal and are provide to me on a monthly basis, normally one month behind by NISRA. These need further verification, but provide a useful management tool.
2.2	Regional statistics published by the Department of Infrastructure on a quarterly and annual basis provide a useful comparison across Councils. However, these are usually 3-4 months in arrears. The last available figures are up to 30 th June 2021
3.0	Main Report – Implications for Mid Ulster Council
	Current Position on applications
3.1	The preliminary figures for 1 st April to September 30 th show that the total number of applications received were 767 and 773 decisions have been determined. Ten of these decisions were major applications with an average processing time of 92.6 weeks. Over the same period 768 local applications were determined with an average processing time of 14.8 weeks, meeting the target 50% within 15 weeks
3.2	Comparative figures for April to June 2021 show 3980 applications were submitted across Northern Ireland, of which 390 (10%) were in Mid Ulster. This

	<p>makes mid ulster the 4th busiest Council area receiving far greater numbers than its neighbours, for example Antrim and Newtownabbey received 267, Derry and Strabane received 278 and Mid and East Antrim received 297. Over the same period, Mid Ulster determined 393 applications, and maintained the highest approval rate at 99.2%.</p>
3.3	<p>Five of the decisions issued were major applications (16% of NI total), the second highest number of any of the Councils and all approved. The processing times averaged at 63 weeks below the Northern Ireland average and 5th best out of the Councils. The remaining 388 were local applications and average processing time was 14.2 weeks, within the target and above the 15.8 average of all councils. Mid Ulster provided the 4th quickest decision times. Residential development represents over three quarters of our applications. Our industrial base is stronger than our neighbouring Council's and Mid Ulster received 26% of Northern Ireland's industrial applications.</p>
3.4	<p>The relative slow turn around for major applications is a concern, particularly as these represent significant investments into the District. A key reason for our delay has been slow consultee response times by DfI Road Service. I wrote to the Divisional Roads Manager expressing my concerns and asking him to prioritize a number of applications. In a response dated 14th October 2021, he attributing the poor performance to the Voluntary Redundancies in 2015-2016.</p>
3.8	<p>Whilst we have kept pace with the number of applications received over the past six months, the pandemic has left us with a backlog. Some 42% of applications have been in the system over six months and 22% remain undetermined after a year. Given I have staff from development management working on the replacement planning portal, in order to compensate and help address the back log I have redeployed development plan staff to development management, whilst we await a date for a public examination..</p> <p>Progress of Local Development Plan</p>
3.9	<p>At the end of May, the Draft Local Development Plan Strategy was submitted to DfI, in line with this year's business Plan objective. We are still awaiting word on whether the plan is to be passed to the Planning Appeals Commission for public examination. The Department has advised this is a result of the number of plans coming to them and they should be in discussions with us in due course. If I do not heard from; word that the Plan is being progressed to the Planning Appeals Commission for Public Examination, I will write to the Department seeking a full explanation.</p>
3.10	<p>We have started initial work on our Local Policies Plan by holding workshops with members on a DEA basis. The purpose of these was to identify expansion and rounding off opportunities in the villages and smaller settlements, The Local policies Plan will provide an opportunity to promote our village community plans and our capital projects and can be included in the draft plan. Therefore, it is important that our Assistant Directors link into this process as it will be an integral part of the transformation project. Unfortunately, I do not envisage the local policies plan being finalised until 2023 at the earliest.</p>

3.11	<p>Planning Portal</p> <p>The installation of our new portal and application management system is being progressed in line with the project program. The challenge should not be underestimated as this is the most complex system the council operates marrying a Geographic Information System with a record management system and providing public access via the internet. Staff are currently defining data fields, configuring the system, devising templates for standard letters and conditions and import historical data for testing. We are working towards the new system being operational for the new financial year ahead of the other regional system. When achieved this will assist in protecting us from the rising costs faced by other Councils and offer the public a better service.</p>
	<p>Other Considerations</p>
4.1	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: We have been working in budget and have taken opportunity to make significant savings by temporarily leaving vacant the Head of Development Plan and Enforcement</p> <p>Human: Social distancing and remote working on the basis of office rotas is still in operation and is likely to be for some time yet.</p> <p>Risk Management: There is a significant risks targets will not be met this year, however, by diverting staff to where most needed it is anticipated that the risks remain under control and will not have significant consequence.</p>
4.2	<p>Screening & Impact Assessments</p> <p>None for the Council</p> <p>Rural Needs Implications: None for the Council. N/A</p>
5.0	<p>Recommendation(s)</p>
5.1	<p>That the Planning notes the Service Directors report.</p>
6.0	<p>Documents Attached & References</p>
6.1	<p>Regional statistics published by the Department of Infrastructure are available on the DfI website.</p>

